
Erection of natural gas refuelling station together with ancillary buildings with associated access, service and yard areas and landscaping within Zone B of the East Midlands Gateway Development.

**Application Reference:
19/01404/FULM**

East Midlands Gateway, Ashby Road, Castle Donington, Derbyshire.

**Date Registered:
22 July 2019
Consultation Expiry:
4 September 2019
13 Week Date:
21 October 2019
Extension of Time:
None Agreed**

**Applicants:
Gasrec**

Case Officer:
[REDACTED]

**Recommendation:
PERMIT**

1. Proposals and Background

Planning permission is sought for the erection of a natural gas refuelling station together with ancillary buildings with associated access, service and yard areas and landscaping within Zone B of the East Midlands Gateway Rail Freight Interchange, Castle Donington, Derbyshire. The application site, to which the proposal forms part, lies to the east of Castle Donington, south of Lockington and Hemington, west of Kegworth and north of East Midlands Airport and is outside the defined Limits to Development. Zone B exists centrally within the eastern area of the overall site in close proximity to the A453.

On the 12th January 2016 the Secretary of State for Transport granted a Development Consent Order (DCO) for The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (Statutory Instruments 2016 – No. 17), which comprised the following development as outlined in Schedule 1 of the DCO and which consisted of three separate Nationally Significant Infrastructure Projects (NSIPs): -

- Part 1 – NSIP 1: The Construction of a Rail Freight Interchange;
- Part 2 – NSIP 2: The Construction of a New Highway;
- Part 3 – NSIP 3: The Alterations of Existing Highways;
- Part 4 – Associated Development.

In more detail these works comprised the following:

- Provision of up to 557,414 square metres of rail-served warehousing and ancillary service buildings;
- An intermodal freight terminal accommodating up to 16 trains per day each way of up to 775 metres in length and which will include container storage and HGV parking;
- A new rail line connecting the terminal to the Castle Donington freight only branch line;
- Substantial improvements to Junctions 24 and 24A on the M1;
- A southern bypass of Kegworth to the east of the M1;
- Other new roads and alterations to existing road infrastructure;
- A bus interchange;
- Alterations to public rights of way;
- Demolition of existing structures and structural earthworks to create development plots and landscape zones; and
- Strategic landscaping and open space, including the creation of new publicly accessible open areas.

It is noted that the approval of the DCO did not grant consent for a natural gas refuelling station and consequently an application has been submitted for the proposal as it is outside the Parameters set by the DCO. The application seeks to provide a natural gas refuelling station which, in design terms, would be similar to a standard fuelling station and would comprise:

- The hard surfacing of the land;
- The provision of two canopies supported by steel columns with an underside height above ground level of 6 metres;
- The provision of 8 fuel dispensers;
- A secure fenced compound enclosure for the fuel storage tanks, pumping and other ancillary equipment;
- The provision of three vertical storage tanks for Liquid Natural Gas (LNG) with overall heights of 18.5 metres;
- The provision of 12 bottle-bank storage unit for Compressed Natural Gas (CNG) which would be stacked to heights of 3 metres;
- Provision of boundary fencing;
- Provision of soft landscaping;

Given that the overall construction of the natural gas refuelling station has long lead-in times it is proposed that the proposal would be developed in three phases so as to ensure the opportunities to utilise the fuel are provided as quickly as possible for the benefit of users. These phases would be as follows:

- Phase 1 – Provision of hardstanding, creation of the secure compound, erection of the fuelling islands and canopy and the installation of a temporary refuelling facility known as a skidded Mobile Refuelling Unit (MRU) and vertical tank in the northern part of the site.
- Phase 2 – Erection of 2 vertical fuel storage tanks and the delivery of 4 of the fuel dispensers, the MRU will remain operational at this time.
- Phase 3 – Erection of the third vertical fuel storage tank and provision of a further 2 fuel dispensers and removal of the MRU and its associated vertical tank.

Vehicular access into the site would be provided from an internal estate road within the East Midlands Gateway (EMG) development site with a ghost right hand turn lane being provided upon the internal estate road so as to assist with vehicular movements at the access.

Relevant information associated with the development can be seen on the submitted plans.

A planning statement, design and access statement, landscape and visual appraisal have been submitted in support of the application.

An application for hazardous substances consent for the natural gas refuelling station is also under consideration with the Local Planning Authority and forms the basis of a separate report (ref: 19/01456/HSC).

2. Publicity

One neighbour notified 5 August 2019.

Two site notices were displayed on the 6 August 2019.

A press notice was published in the Derby Evening Telegraph on the 14 August 2019.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

No Objections from;

Castle Donington Parish Council.
Charnwood Borough Council.
Derbyshire County Council.
East Midlands Airport Safeguarding.
Erewash Borough Council.
Highways England.
Kegworth Parish Council.
Leicestershire County Council – Highways Authority.
Leicestershire County Council – Landscape Architect.
Lockington cum Hemington Parish Council.
Long Whatton and Diseworth Parish Council.
South Derbyshire District Council.

No Objections, subject to conditions, from;

Leicestershire County Council – Lead Local Flood Authority.
NWLDC – Environmental Protection.

Third Party Representations

No third party representations have been received.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 9 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraphs 38, 44 and 47 (Decision-making);
Paragraphs 54 and 55 (Planning conditions and obligations);
Paragraphs 80, 82 and 84 (Building a strong, competitive economy);
Paragraphs 105, 106, 108, 109, 110 and 111 (Promoting sustainable transport);
Paragraph 117 (Making effective use of land);
Paragraphs 124, 126, 127 and 131 (Achieving well-designed places);
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 170, 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
Paragraphs 192, 194, 196, 199 and 200 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 – Future Housing and Economic Development Needs;
Policy S2 – Settlement Hierarchy;
Policy S3 – Countryside;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy Ec1 – Employment Provision: Permissions;
Policy Ec5 – East Midlands Airport: Safeguarding;
Policy IF4 – Transport Infrastructure and New Development;
Policy En1 – Nature Conservation;
Policy En6 – Land and Air Quality;
Policy He1 – Conservation and Enhancement of North West Leicestershire’s Historic Environment;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document – April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 66 and 72.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

National Networks National Policy Statement – December 2014.

The Logistics Growth Review – November 2011.

Local Transport Plan (Leicestershire County Council) – April 2011.

The Community Infrastructure Levy Regulations.

5. Assessment

Principle of the Development

The application site is situated outside the defined Limits to Development where the principle of development is generally restricted to those forms of development specified within Policy S3 of the adopted Local Plan. Part (i) supports the expansion of all types of business and enterprise in rural areas with part (s) supporting the provision of employment land in accordance with the provisions of Policy Ec2. Development under parts (i) and (s) of Policy S3 would also need to adhere to criteria (i) to (vi) of this Policy.

The Parameters Plan granted under the DCO identified Zone B as an area for container storage, parking and associated welfare facilities with a total of 1 or 2 buildings being permitted within this area (combined floor space of 938 metres and heights of 10 metres) and containers being stacked to a height of 10 metres. The proposal would cover an area of 1.3 hectares, which would represent a very small proportion of the overall area covered by Zone B, and in the main the infrastructure to be provided would be below 10 metres (including the canopies, fuel dispensers and storage compound) with the only infrastructure above 10 metres being the three vertical storage tanks for Liquid Natural Gas (LNG) which have heights of 18.5 metres.

Whilst it is accepted that a natural gas refuelling station was not a form of development considered when the Secretary of State granted a Development Consent Order (DCO) for the provision of a Strategic Rail Freight Interchange (SRFI) it is considered that the proposal would be physically, as well as visually, integrated with the development which would be undertaken on the site, as outlined in the *'Proposals and Background'* section of this report, and would be considered an ancillary facility to the overall development permitted by the DCO. It is also noted that such a facility exists at the Daventry International Rail Freight Terminal (DIRFT).

Overall, it is considered that the proposal would be considered acceptable in principle and consequently the main matters for consideration relate to whether the provision of the natural gas refuelling station would have an adverse impact on the landscape and whether any greater impacts to airport safeguarding or highway safety would arise. Secondary matters would relate to design and the impacts on residential amenity, landscaping, heritage assets and flood risk.

Landscape and Visual Impacts

An assessment of the visual impacts of the consented development on the landscape was undertaken by the Examining Authority (ExA) who provided a recommendation to the Secretary of State (SoS) for Transport on the SRFI. The ExA concluded the following:

“Although of a significant size and scale, the built development within the SRFI site would largely be screened from external views due to the landform changes and the mounding with associated landscape planting. In their joint LIR, LCC and NWLDC consider that it would be inevitable that development of this scale would give rise to a significant landscape and visual impact at the local level. This would particularly be the case until the proposed landscaping had matured, and it would then assist in screening the majority of the built development.”

There also would be substantial areas of grassland pasture and open space both preserved and created. Several of the photomontages show how prominent the existing two main areas of woodland at The Dumps and King Street Plantation are, and therefore their retention as proposed, coupled with significant additional planting, are important elements of mitigation. When set in the context of the major built landscape development in the locality we do not consider that the wider landscape impacts would be significantly detrimental. We therefore concur with the conclusions in the ES on this matter.”

As outlined above a natural gas refuelling station did not form part of the development considered by the ExA, and subsequently the SoS, in their determination of the Development Consent Order (DCO). As a result of this a Landscape and Visual Appraisal (LVA) has been submitted in support of this application which has concluded the following:

“The LVA has considered the landscape and visual implications and effects of the proposed Natural Gas Refuelling Station. This has included appraising the implications of the proposed fuel stores/tanks up to a maximum approximately of 18.5 metres, as part of the proposals.

The LVA has considered the proposals in relation to the assessed landscape and visual effects for the EMG development, as detailed in the EMG SRFI Environmental Statement (ES). As detailed in the ES, the overall EMG development would result in some significant landscape and visual effects, including direct effects upon the site landscape and upon some views from surrounding settlements and other receptors.

The Gasrec site is small and occupies a reasonably well contained position within the wider EMG site. The proposed Natural Gas Refuelling Station is to be sited predominately within Zone B, as defined by the EMG development parameters and close to the proposed rail terminal (Zone C) in the eastern part of the EMG site.

The proposal will not extend the visual influence of the EMG development over the surrounding landscape and will not result in any material change to the landscape effects, as previously assessed and described in the ES for the consented EMG development.

As with the landscape effects, the proposal, including the fuel stores/tanks will not result in any material change to the visual effects previously assessed and described in the ES for the consented EMG development. Where views towards the Gasrec proposal will be possible, it will be other buildings and features within the EMG development that will remain the main visible components. The proposed Natural Gas Refuelling Station will form a relatively small component part in any of the views and will be seen within a new major development/infrastructure context with large scale buildings to the south and the Rail Terminal to the east.

Views towards the proposal will be effectively concealed to the west and north-west and from beyond the EMG site to the south. Further visual filtering and screening of the scheme and the nearby Rail Terminal could be delivered if desirable, through reinforcing the recent surrounding planting, particularly on the eastern side of the terminal. This would entail increasing the density and size of the native trees and thicket planting on the higher mounding slopes running alongside the A453, A50 and Junction 24.

Overall, the proposal Natural Gas Refuelling Station will result in no material changes to the landscape and visual effects as previously assessed and described in the ES for the consented EMG development. There are however, potential opportunities to improve the level and effectiveness of the visual screening of the site and the nearby Rail Terminal through additional perimeter planting to the east alongside the A453, should there remain any visual concerns.”

Based on the proposed finished levels the three vertical storage tanks, being the tallest infrastructure to be provided on the site, would be 70.1 Above Ordnance Datum (AOD) which would result in them

being 11.6 metres higher than the overall height of the rail terminal office set to the immediate north (as permitted under application reference 19/00779/FULM), 7 metres higher than the gantry cranes within the rail terminal set to the immediate east and 12.57 metres higher than the top of the landscaping bund formed at the boundary of the site with the A453 (also set to the east). The overall height of the tanks, however, would be significantly lower than the warehouse units constructed to the south of the site (by around 20 metres), 6.5 metres lower than the average height of trees within the King Street Plantation set to the south-west and 12 metres lower than the height of land at the boundary of East Midlands Airport (also set to the south).

It is also the case that any building or storage containers provided within Zone B in accordance with the terms of the Parameters Plan, permitted as part of the DCO, could have overall heights of 68.5 AOD and would likely have a more substantial mass thereby having a greater visual impact than the proposed vertical storage tanks.

Taking into account the scale of development within the EMG site as a whole, as well as the height of the landscaping which would be established on the bunds, it is considered that the overall visual impact of the proposed development, in particular the vertical storage tanks, would not be so adverse that a reason to refuse the application could be substantiated. This is considered to be the case given that the warehouse units themselves would remain the main visual influence within the EMG site as well as the presence of other urban influences in the area including the Ratcliffe-on-Soar Power Station and air traffic control tower at East Midlands Airport.

Overall, therefore, the proposal would be compliant with criteria (i) and (iv) of Policy S3 of the adopted Local Plan.

Design and the Impact on the Character and Appearance of the Area

The need for good design in new development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

It is considered that the proposed natural gas refuelling station would be functional in design and broadly consistent with the appearance of a standard petrol filling station with the only significant elements of the development above ground level being the canopies, with overall heights of 6.85 metres, and the vertical storage tanks (individual heights of 18.5 metres).

Prior to the submission of the application it was suggested that the design of the canopies could be more contemporary (i.e. by being curved) and whilst this approach has not been followed, the canopies remaining of a standard design, is not a sufficient reason in itself to resist the development given the industrial context in which the development would be viewed and the fact that the canopies would not be substantially prominent from outside the confines of the site due to the landscaping which would be introduced to the wider boundaries of the land covered by the East Midlands Gateway (EMG). On this basis their implications to the character and appearance of the area would not be significantly adverse.

With regards to the vertical storage tanks they would also be functional in appearance, albeit it is accepted that there is unlikely to be any alternative approach to design for such a feature, and would be coloured white (RAL 9016). It is considered that given their heights the vertical storage tanks would be a more prominent feature from outside the confines the site but it is acknowledged that within the immediate area there are other examples of tall cylindrical structures such as the air traffic control tower at East Midlands Airport and the cooling towers and chimney at Ratcliffe-on-Soar Power Station. It is also the case that the vertical storage tanks would not be a defining feature of development at the EMG given that the warehouse units provided around the site of the proposal would be of a greater scale and mass and consequently have a more substantial visual presence. Overall the vertical storage tanks would be of an acceptable design and would not impact adversely on the character and appearance of the immediate, or wider, area.

On the basis of the above the design and appearance of the natural gas refuelling station and its associated infrastructure would be acceptable and would accord with the aims of Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124, 127 and 131 of the NPPF.

Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, as well as a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs 192, 193, 194, 196 and 200 of the NPPF.

In terms of heritage assets the information submitted in support of the DCO application identified that there were 402 listed buildings within a five kilometre radius of the site, including those within the settlements of Castle Donington, Hemington, Lockington and Kegworth, with the most notable being the Grade I listed St Nicholas' Church in Lockington and the Grade II listed The Nunnery in Hemington. The Conservation Areas of Castle Donington, Hemington and Lockington also exist within the vicinity of the site. Therefore the impact of the development on the fabric and setting of these heritage assets should be given special regard as required by the 1990 Act.

In concluding on the impacts of the development on heritage assets the ExA stated the following: -

“Overall, we consider that the proposed development would not give rise to substantial harm to the setting of the conservation areas or listed buildings that lie within the vicinity of the application site for the following reasons:

- *A substantial amount of mitigation is proposed through the creation of development plateaus that are generally at a lower level than the surrounding areas, with associated landscape planting and earthwork bunds; this would largely screen any views of the proposed development from the nearby settlements;*
- *The nearest of any of the proposed warehouse buildings would be some distance from the boundaries of the Lockington, Hemington and Castle Donington Conservation Areas; we consider that these distances, combined with the proposed landform changes and landscape planting would be sufficient to ensure that any impacts on the settings of the Castle Donington, Hemington or Lockington Conservation Areas or the setting of any listed buildings within any of these or other nearby settlements, would not be significantly detrimental; and*
- *The Castle Donington Conservation Area (CDCA) is primarily within the central part of the settlement, and as such there is already other built development located between the boundary of the conservation area and the proposed development; in our view, the existing built development around the CDCA would serve to mask views into and out of the CDCA with regard to the SRFI site.”*

Although the proposed natural gas refuelling station was not part of the development permitted under the DCO it is considered to be an associated form of development to that which would be undertaken on the site.

A separation distance of in excess of 430 metres would exist between the proposed natural gas refuelling station and the nearest heritage asset (the Grade II listed Hall Farmhouse on Church Street, Lockington) with a substantial landscaped bund and the offices at the rail terminal being present between the application site and this heritage asset.

Although, as outlined in the 'Landscape and Visual Impacts' section of this report above, the vertical

storage tanks would have a height which would exceed that of the rail terminal office their overall height would not be significantly greater than the height of a building, or the height of stacked containers, which could be provided within Zone B in accordance with the terms of the DCO. It is also the case that the height of the vertical storage tanks would be lower than the warehouse units provided to the south of the site. On this basis it is considered that there would be no greater harm to the significance of the setting of the nearby heritage assets, over and above that assessed as acceptable in the consideration of the DCO. This is considered to be the case given that the vertical storage tanks element of the natural gas refuelling station would not be viewed in isolation from other built forms in views into and out of the setting of this heritage asset, some of which would be of a more significant scale.

Given the conclusions of the ExA it is determined that any impact would be less than substantial and in raising no objections to the proposed SRFI in their assessment the ExA have determined that the public benefits of the development would outweigh the harm caused to the historic environment in the context of Paragraph 196 of the NPPF. It is considered that a similar conclusion would be reached in respect of this application given the public benefits associated with the proposal including the encouragement of the use of fuel resource which lowers Nitrogen Oxide, Carbon Dioxide and particulate emissions which would be of significant benefit to air quality.

Overall the development would accord with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194, 196 and 200 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety

As part of the consideration of the application Highways England (HE) and the County Highways Authority (CHA) have been consulted and no objections have been raised.

In accordance with the terms of the DCO it was necessary to undertake significant road improvements in order to mitigate against the impacts on the highway network as a result of the development. These road improvements have subsequently been carried out and are now complete.

The proposed natural gas refuelling station did not form part of the DCO and consequently a transport statement (TS) has been submitted in support of the application to outline the impact this additional development would have on the highway network, including the strategic highway network. The TS states the following:

“The station at EMG is proposed to be delivered to the operators at EMG and will not be sign posted from the surrounding strategic highway network, signage will be within EMG only. As such the proposal will not create significant additional trips to the EMG site, but instead forms part of the movements already generated by EMG.”

The CHA outline that a maximum of 500 HGVs per day could use the refuelling facility, equating to 1000 two-way trips, and that only operators under contract with Gasrec would be able to use the facility given the need to utilise a key-fob or fuel card in order to operate a pump.

With regards to the assessment it is outlined within the TS that 25% of the movements to the facility would be new movements (i.e. those not previously considered as part of the DCO) and that 75% would be those already utilising the site (i.e. those previously considered as part of the DCO) with the refuelling station being operational 24 hours a day. The peak time for movements would be between 7am and 8am, where a total of 67 two-way trips would be undertaken, however given that 75% of these movements would already be associated with the site there would only be an additional 17 two-way trips associated with the proposal. On the basis of this quantum of movements the CHA consider that the impacts on the highway network would not be unacceptable or severe with HE also determining that the impact on the strategic highway network would not be severe.

The movements at the site access onto the A453 would also be acceptable with vehicles associated with the facility being able to manoeuvre within the site so as to exit in a forward direction.

Subject to the imposition of relevant conditions the proposal would accord with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF.

Given the nature of the proposal there is no requirement for off-street parking facilities to be provided and as such there is no conflict with Policy IF7 of the adopted Local Plan or Paragraph 105 of the NPPF.

Residential Amenities

The nearest residential receptors to the site are those on Church Lane, Lockington which are over 600 metres to the north-west of the site.

It is considered that the granting of the DCO has established that the development granted under the Order has an acceptable impact on the amenities of neighbouring residents. Whilst a natural gas refuelling station was not part of the development considered under the DCO it is considered that the proposed development would be linked with the development undertaken under the DCO and would not be of a scale which would be out of context with the scale of development undertaken on the wider site. Taking into account the separation distance involved to the nearest residential receptor, as well as the presence of a landscaped bund and scale of development which would be provided adjacent to the natural gas refuelling station, it is considered that the proposal would not result in any unacceptable overbearing, overshadowing or overlooking impacts to the amenities of neighbouring properties which would justify a refusal of the application.

The Council's Environmental Protection Team have also raised no objections to the development and consequently there would be no additional noise, smell or dust impacts over and above those assessed to be acceptable when the DCO was granted, particularly given the natural gas refuelling station is further from the boundaries of the DCO than other development to be undertaken on the overall site. The proposed lighting scheme is also considered to be acceptable and would be conditioned accordingly on any permission granted.

On the basis that any permission is granted so as to adhere to the Requirements (planning conditions) outlined in the DCO it is considered that the proposal would accord with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

Ecology

In the assessment of the DCO the ExA concluded that ecological species would not be adversely impacted on as a result of the development with relevant Requirements securing ecological and biodiversity enhancements. Whilst a natural gas refuelling station was not part of the development considered under the DCO it would be undertaken on land which forms part of the area assessed under the DCO and at present is a plateau awaiting development which has no ecological constraints. On this basis it is considered that the implications to ecological species would be no greater than those previously deemed acceptable as part of the DCO and therefore no adverse impacts would arise. On this basis the proposal would accord with Policy En1 of the adopted Local Plan, Paragraph 175 of the NPPF and Circular 06/05.

Landscaping

As part of the consideration of the application a soft landscaping scheme has been submitted and following consideration of this information East Midlands Airport Safeguarding (EMAS) required an amendment to this scheme given the use of shrubs which had the potential to attract large populations of birds to the site given the berries which would be produced.

The soft landscaping scheme has consequently been amended to ensure that shrubs that produce no berries are introduced and this is acceptable to EMAS. It is considered that the soft landscaping

to be introduced, which includes tree planting, would be acceptable.

The submitted plan has outlined that hard surfacing within the site would comprise concrete with tarmacadam being used on the highway. It is considered that the use of such materials would be consistent with that associated with fuelling stations and is required to withstand the weight of large vehicles which would utilise the facility. Given the low level of the hard landscaping there would be no significant visual impact.

Subject to the imposition of conditions to secure the landscaping it is considered that the proposal would accord with Policies D1 and En1 of the adopted Local Plan.

Airport Safeguarding

It was concluded by the ExA in their assessment of the DCO that *“the effects of the proposed development on civil aviation have been properly assessed in line with paragraph 5.59 of the NSPNN. The applicant and EMA have agreed that the protection of the airport authority is appropriately secured in the draft DCO...We conclude therefore that the proposed development would not significantly impede or compromise the safe operation of the EMA, in compliance with paragraph 5.63 of the NPSNN.”* Relevant Requirements were then incorporated into the DCO to ensure that the finer details of the development were agreed with East Midlands Airport Safeguarding.

As part of the consideration of the application East Midlands Airport Safeguarding (EMAS) raised an objection to the application due to two of the species of shrubs to be provided as part of a soft landscaping scheme being of a type which have the potential to attract large groups of birds given the berries they produce. As such there was conflict with aerodrome Safeguarding given that incidents of bird strike may increase.

Amendments have consequently been made to the landscaping scheme to amend the shrub planting to species which would be acceptable to EMAS and consequently they have no objections to the application subject to the soft landscaping scheme being conditioned. EMAS have also requested that notes to the applicant are imposed to make them aware of the requirement for a crane permit from EMAS and that access to the site for East Midlands Airport (EMA) Fire Operatives is provided so that they can undertake a risk assessment.

Subject to the imposition of the conditions and notes to applicant the proposal would not impact adversely on the operational safety of the airport and as such the development would accord with Policy Ec5 of the adopted Local Plan.

Development and Flood Risk

The proposed natural gas refuelling station would fall within Zone B of the Parameters Plan approved as part of the DCO. Zone B lies within Flood Zone 1, and is therefore at the lowest risk of flooding, and is not within an area impacted by surface water flooding as defined by the Environment Agency's Surface Water Flood Maps.

The Lead Local Flood Authority (LLFA) have been consulted on the application and have raised no objections to the application given that surface water drainage matters across the site have been considered when Requirement 17 of the DCO was discharged and that the proposal would tie into the system which was approved. Consequently subject to the permission being conditioned so as to ensure the development is undertaken in accordance with the surface water drainage strategy associated with the site it would accord with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 163 of the NPPF.

No foul drainage would be connected with the proposal and consequently no conflict with Paragraph 180 of the NPPF would arise.

Other Matters

The majority of terms within the Development Consent Obligation (DCOb), the equivalent of a Section 106 agreement, have been complied with and, in the main, are relevant to the warehouses to be constructed. The terms of the DCOb which would be relevant to the proposal would include the involvement of the applicant in the Community Liaison Group. It was determined in the consideration of application reference 19/00779/FULM that the terms of the DCOb which would be applicable to the proposal could be secured via the imposition of a condition on any permission granted and consequently this approach has been followed in line with Paragraphs 54 and 55 of the NPPF.

Conclusion

Whilst the application site is outside the Limits to Development, and did not form part of the Development Consent Order (DCO), it is considered that the proposal would be physically, as well as visually, integrated with the development permitted under the DCO and would be an ancillary facility to the overall development. On this basis the proposal would be considered acceptable in principle in accordance with Policy S3 of the adopted Local Plan. It is also considered that the proposed natural gas refuelling station would not lead to detriment to residential amenities, the landscape, the visual amenities of the wider environment, heritage assets, highway safety, airport safety, ecology or landscaping, nor would the development further exacerbate any localised flooding impact. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the aforementioned policies referred to above.

It is therefore recommended that the application be permitted.

RECOMMENDATION – PERMIT, subject to conditions;

1. The development shall be begun before the expiration of five years from the date of this permission.

Reason – to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The proposed development shall be carried out strictly in accordance with the following drawing numbers: -
 - 3899-02 A100 Revision P2 (Site Location Plan), received by the Local Authority on the 22nd July 2019;
 - 3899 C126 Revision P6 (Natural Gas Refuelling Station – Option 6 Layout), received by the Local Authority on the 22nd July 2019;
 - 3899 C127 Revision P6 (Natural Gas Refuelling Station – Option 6 Layout), received by the Local Authority on the 22nd July 2019;
 - 3899 C128 Revision P5 (Natural Gas Refuelling Station – Phase 1), received by the Local Authority on the 22nd July 2019;
 - 3899 C129 Revision P3 (Natural Gas Refuelling Station – Phase 2), received by the Local Authority on the 22nd July 2019;
 - 3899 C132 Revision P2 (External Materials), received by the Local Authority on the 15th October 2019;
 - EMG-BWB-HML-GRC-DR-C-0100 S4 Revision P1 (Ghost Island Junction General Arrangements), received by the Local Authority on the 22nd July 2019;
 - EMG-BWB-HML-GRC-DR-C-0110 S4 Revision P1 (Ghost Island Junction Vehicle Tracking), received by the Local Authority on the 22nd July 2019;
 - EMG-BWB-HDG-GRC-DR-C-0500 S4 Revision P3 (Proposed Drainage Strategy), received by the Local Authority on the 22nd July 2019;
 - EMG-BWB-HGT-GRC-DR-C-0600 S4 Revision P1 (Proposed Finished Levels), received by the Local Authority on the 22nd July 2019;

- EMG-BWB-HGT-GRC-DR-C-0601 S4 Revision P1 (Proposed Cut/Fill Strategy), received by the Local Authority on the 22nd July 2019;
- 8928-L-01 Revision A (Landscape Proposals), received by the Local Authority on the 10th September 2019;
- CPW-190501-E-EXT-00-01 Revision P3 (Proposed External Lighting Layout Phases 1 and 2), received by the Local Authority on the 22nd July 2019;
- CPW-190501-E-EXT-00-02 Revision P3 (Proposed External Lighting Layout Phase 3), received by the Local Authority on the 22nd July 2019;

unless otherwise required by another condition of this permission.

Reason – for the avoidance of doubt and to determine the scope of the permission.

3. Within 90 days of the permanent natural gas refuelling station (that shown on drawing numbers 3899 C126 Revision P6 and 3899 C127 Revision P6 received by the Local Authority on the 22nd July 2019) being brought into use the temporary skid station and its associated infrastructure (as shown on drawing numbers 3899 C128 Revision P5 and 3899 C129 P3 received by the Local Authority on the 22nd July 2019) shall be removed from the site. The above applies unless an alternative timeframe for the removal of the temporary skid station and its associated infrastructure is first submitted to and approved in writing by the Local Planning Authority.

Reason – the retention of the temporary skid station and its associated infrastructure is not acceptable on a permanent basis and to ensure the development takes the form envisaged by the Local Planning Authority in the interests of the visual amenities of the landscape and wider area in accordance with Policy D1 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF (2019).

4. No development shall commence in respect of the construction of the natural gas refuelling station, hereby permitted, until a Construction Environmental Management Plan (CEMP) for the development has first been submitted to and approved in writing by the Local Planning Authority. The CEMP must be produced in accordance with the principles set out in the Construction Management Plan (Document 6.10) covering the East Midlands Gateway Rail Freight Interchange and Highways Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016. The CEMP must include: -
 - (a) Details of the methods to control noise arising from construction activities including-
 - (i) Proposals for the monitoring of construction noise;
 - (ii) Proposals for the introduction of mitigation measures or alternative working practices where the measurements exceed acceptable limits; and
 - (iii) Proposals for hours of construction and deliveries to and from the site.
 - (b) Details of a dust management plan setting out the methods to be used to control dust and other emissions including smoke from the site;
 - (c) Details of all temporary fencing, temporary buildings, compound areas and parking areas including arrangements for their removal following completion of construction;
 - (d) Details of areas to be used for the storage of plant and construction materials;
 - (e) Details of construction waste management including controlled wastes in accordance with the Site Waste Management Framework Plan (Document 6.11) covering the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016;
 - (f) Details of the facilities to be provided for the storage of fuel, oil and other chemicals, including measures to prevent pollution;
 - (g) When a phase of the authorised development directly affects a watercourse or flood plain a construction working method statement for such elements to cover all works in, over

- under or within 8 metres of the top of the bank or either watercourse or their floodplains;
- (h) Details of lighting arrangements for construction purposes;
- (i) Measures to ensure that construction vehicles do not deposit mud and any other deleterious material on the public highway;
- (j) A scheme for the routing of construction heavy goods vehicles accessing the site;
- (k) Details of temporary mitigation measures to protect biodiversity interests within the site during the construction phases;
- (l) Advisory signage at public access points advising of possible hazards including the potential for sudden noise;
- (m) Details of any temporary surface water management system;
- (n) Details of temporary stopping up of public rights of way and streets;
- (o) A traffic management plan; and
- (p) Details of existing and proposed landscaping which need to be protected during construction.

The construction of the natural gas refuelling station, hereby permitted, shall than be carried out in accordance with the approved CEMP unless any subsequent variation to the CEMP is first submitted to and approved in writing by the Local Planning Authority.

Reason – in the interests of the preservation of neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 11 of the DCO.

5. Construction works associated with the provision of the natural gas refuelling station and associated development, hereby permitted, must not take place other than between 07:30 and 19:00 hours on weekdays and 08:30 and 13:00 hours on Saturdays, excluding public holidays. The above applies unless alternative hours are first submitted to and agreed in writing by the Local Planning Authority. Outside the above periods the following works will be permitted:

- (a) Pre-planned construction works to highway or rail infrastructure requiring possessions where first notified to the Local Planning Authority and local residents;
- (b) Emergency works; and
- (c) Works which do not cause noise that is audible at the boundary of the Order Limits.

(2) Regardless of the above no piling operations are to take place after 18:00 hours unless otherwise agreed in writing by the Local Planning Authority.

(3) Any emergency works carried out under sub-paragraph (b) of the above must be notified to the Local Planning Authority within 72 hours of their commencement.

Reason – in the interests of the preservation of neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 20 of the DCO.

6. For normal daytime construction works, associated with the construction of the natural gas refuelling station and associated development, hereby permitted, carried out on weekdays, between 07:30 and 19:00 and on Saturdays between 08:00 and 13:00, the noise level measured at a noise sensitive receptor must not exceed $L_{eq\ 12\ hour}$ 65 dB(A) wherever practicable. Where this is not practicable prior approval under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(a) must be obtained. The sensitivity receptor used must be as defined in Document 5.2 (Environmental Statement) Chapter 9, Table 9.24 Figure B1 covering the East Midlands Gateway Rail Freight Interchange and Highways Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016.

(2) An assessment of construction and demolition noise must be undertaken in accordance with British Standard 5228:2009 – “Code of Practice for Noise and vibration control on construction and open sites” (Part 1 – Noise) at a noise sensitive receptor. Noise levels must be measured weekly during the stages of construction including ground works, piling and road construction stages unless complaints are received in which case the procedures in condition 18 must be followed.

(3) Subject to health and safety requirements, broadband reversing alarms must be employed on mobile plant.

Reason – in the interests of the preservation of neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 21 of the DCO.

7. The colour finish to the vertical storage tanks, hereby permitted, shall be in strict accordance with the details shown on drawing numbers 3899 C127 Revision P6, 3899 C128 Revision P5 and 3899 C129 Revision P3, all received by the Local Authority on the 22nd July 2019, with it being ensured that the construction materials of the vertical storage tanks are non-reflective. The above applies unless an alternative colour finish to the vertical storage tanks is first submitted to and approved in writing by the Local Planning Authority. The vertical storage tanks, hereby permitted, shall then be finished in accordance with any alternative colour scheme subsequently approved.

Reason – to ensure the development takes the form envisaged by the Local Planning Authority in the interests of the visual amenities of the landscape and wider area as well as aviation safety, in accordance with Policies D1 and Ec5 of the adopted Local Plan and Paragraphs 12 and 127 of the NPPF (2019), and in order to accord with Requirements 6 and 7 of the DCO.

8. Prior to the provision of the canopies (including their associated supports) details of the external materials and colour finish to be used in the construction of the canopies and their associated supports shall first be submitted to and approved in writing by the Local Authority, it should be ensured that the construction materials are non-reflective. The canopies shall then be provided in strict accordance with the approved details.

Reason – to ensure the development takes the form envisaged by the Local Planning Authority in the interests of the visual amenities of the landscape and wider area as well as aviation safety, in accordance with Policies D1 and Ec5 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF (2019), and in order to accord with Requirements 6 and 7 of the DCO.

9. Within the first planting and seeding season following the first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the soft landscaping scheme shown on drawing number 8928-L-01 Revision A, received by the Local Authority on the 10th September 2019, shall be provided in full. The above applies unless an alternative soft landscaping scheme and/or timetable for its implementation is first submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall then be implemented in accordance with any details and/or timetable for provision subsequently approved.

Reason – to ensure a satisfactory soft landscaping scheme is provided within a reasonable period and in the interests of visual amenity, in accordance with Policies D1 and En1 of the adopted Local Plan, and in order to accord with Requirement 8 of the DCO.

10. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 10 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is first submitted to and agreed in writing with the Local Planning Authority.

Reason – to provide a reasonable period for the replacement of any trees and hedges, in accordance with Policies D1 and En3 of the adopted Local Plan, and in order to accord with Requirement 9 of the DCO.

11. Before first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the hard landscaping scheme shown on drawing number 3899 C132 Revision P2, received by the Local Authority on the 15th October 2019, shall be provided in full. The above applies unless an alternative scheme of hard landscaping and/or timetable for provision are first submitted to and approved in writing by the Local Planning Authority. The hard landscaping shall then be provided in strict accordance with any alternative scheme/timetable for implementation subsequently approved.

Reason – to ensure a satisfactory hard landscaping scheme is provided within a reasonable period and in the interests of visual amenity, in accordance with Policies D1 and En1 of the adopted Local Plan, and in order to accord with Requirements 6 and 7 of the DCO.

12. Before first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the boundary treatment scheme shown on drawing number 3899 C132 Revision P2, received by the Local Authority on the 15th October 2019, shall be provided in full. The above applies unless an alternative scheme of boundary treatments and/or timetable for provision are first submitted to and approved in writing by the Local Planning Authority. The boundary treatment scheme shall then be provided in strict accordance with any alternative scheme/timetable for implementation subsequently approved.

Reason – to preserve the amenities of the locality in the interests of highway safety and the visual amenities of the wider landscape, in accordance with Policies D1 and IF4 of the adopted Local Plan, and in order to accord with Requirements 6 and 7 of the DCO.

13. The proposed finished ground levels of the natural gas refuelling station and associated development, hereby permitted, shall be provided in strict accordance with those specified on drawing number EMG-BWB-HGT-GRC-DR-C-0600 S4 Revision P1, received by the Local Authority on the 22nd July 2019. The above applies unless alternative finished ground levels are first submitted to and approved in writing by the Local Planning Authority. Any alternative scheme agreed shall then be provided in accordance with the approved details.

Reason – to ensure the development takes the form envisaged by the Local Planning Authority in the interests of the visual amenities of the landscape, in accordance with Policy D1 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF (2019), and in order to accord with Requirement 12 of the DCO.

14. Before first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the following shall be provided: -

- The vehicular access as shown on drawing number EMG-BWB-HML-GRC-DR-C-0100 S4 Revision P1, received by the Local Authority on the 22nd July 2019;

- The turning facilities for each phase of the development as shown on drawing numbers 3899 C126 Revision P6, 3899 C128 Revision P5 and 3899 C129 Revision P5, received by the Local Authority on the 22nd July 2019;
- The surfacing of the access drive in accordance with the scheme agreed under condition 11 of this consent;
- Drainage within the site such that surface water does not drain into the private highway;

Once provided the above shall thereafter be so maintained and be available for use at all times.

Reasons – in the interests of general highway safety; to enable vehicles to enter and leave the site in a forward direction; to reduce the possibility of deleterious material being deposited in the highway (loose stones, etc.); to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users, in accordance with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF (2019).

15. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reason – to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety, in accordance with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF (2019).

16. No external lighting, with the exception of the proposed external lighting for each phase as shown on drawing numbers CPW-190501-E-EXT-00-01 Revision P3 (phase 1 and 2) and CPW-190501-E-EXT-00-02 Revision P3 (phase 3) received by the Local Authority on the 22nd July 2019, shall be installed unless details of the position and type of lighting (including illumination levels) is first submitted to and approved in writing by the Local Planning Authority. Any lighting agreed via this condition shall then be installed in accordance with the approved details and subsequently maintained. Any lighting to be installed shall be capped at the horizontal so as minimise polar throw.

Reason – to avoid a proliferation of lighting on the site in the interests of visual amenities, as well as to adequately protect the amenities of residents within the neighbouring settlements and to ensure there would be no adverse effect upon flight safety, in accordance with Policies D1, D2 and Ec5 of the adopted Local Plan and Paragraphs 124, 127 and 180 of the NPPF (2019), and in order to accord with Requirement 14 of the DCO.

17. No mechanical plant, with the exception of any shown on the approved plans, shall be installed until the precise details of such plant have first been submitted to and approved in writing by the Local Planning Authority. Once agreed the approved plant shall then be provided in accordance with the approved details, with any approved plant being installed and operated in accordance with the manufacturers' instructions at all time.

Reason – in the interests of the preservation of the amenities of any users of the facility as well as neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 22 of the DCO.

18. In the event that justified complaints for noise nuisance associated with the construction and operation of the natural gas refuelling station, hereby permitted, are received by the Local Planning Authority the undertaker/operator must, unless otherwise agreed in writing by the Local Planning Authority, at its own expense, employ a consultant approved by the Local Planning Authority in writing to carry out an assessment of noise from the approved

development.

The assessment must be carried out to an appropriate methodology, which will first be submitted to and agreed in writing by the Local Planning Authority, and the results of the assessment must be submitted to the Local Planning Authority within 28 days of the assessment along with suggested remedial measures if considered necessary. The assessment must include a comparison of measured data with the maximum noise levels specified in the scheme approved under condition 18 and also include all data which was collected for the purposes of the assessment and certificates of the measuring instrument's calibration. Any remedial measures considered necessary to comply with the maximum noise levels must be implemented in accordance with a programme which will first be submitted to and agreed in writing by the Local Planning Authority.

Reason – in the interest of the preservation of the amenities of any users of the facility as well as neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 23 of the DCO.

19. Once the site is operational there shall be no external storage of any goods, materials, equipment, plant, skips or other items outside of the secure compound area, as identified on drawing numbers 3899 C126 Revision P6 and 3899 C127 Revision P6 received on the 22nd July 2019, unless an area(s) for such storage is first submitted to and agreed in writing by the Local Planning Authority.

Reason – in the interests of the visual amenities of the landscape in accordance with Policy D1 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF (2019).

20. Prior to the first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the surface water drainage proposals associated with the development shall be carried out in strict accordance with the following details:

- EMG-BWB-HDG-GRC-DR-C-0500 S4 Revision P3, received by the Local Authority on the 22nd July 2019;

The above applies unless an alternative surface water drainage solution, and/or timetable for its provision, is first submitted to and approved in writing by the Local Planning Authority. Any surface water drainage solution, or timetable for its provision, subsequently approved shall then be implemented in accordance with the approved details and/or timetable.

Reason – to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and in order to accord with Requirement 17 of the DCO.

21. Prior to the first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019) a surface water drainage maintenance strategy shall first be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage solution to be provided in accordance with condition 20 shall subsequently be monitored, maintained and managed in accordance with the approved surface water drainage maintenance strategy.

Reason – to prevent flooding by ensuring the satisfactory monitoring, maintenance and management of the surface water drainage solution in accordance with Requirement 17 of the DCO.

22. The development, hereby permitted, must be carried out in accordance with the following so

as to ensure the safety of the adjacent airport operator:

- (a) The management strategy for safeguarding East Midlands Airport which is contained in Document 6.12 of the DCO covering the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016;
- (b) Any Bird Management Plan which is submitted to and approved by the airport operator associated with the development of the natural gas refuelling station on the application site, hereby permitted.
- (c) The prior approval of the Local Planning Authority, in consultation with East Midlands Airport, must be obtained in writing by the undertaker for the installation and operation of any radio communication or radio survey equipment (including any such temporary equipment) within the application site, such approval should not be unreasonably withheld or delayed.
- (d) The prior approval of the Local Planning Authority, in consultation with East Midlands Airport, must be obtained in writing by the undertaker for the installation of any solar photovoltaic panels or apparatus within the application site, such approval should not be unreasonably withheld or delayed. Any request for such approval must be accompanied by a full solar glare assessment and detailed risk assessment.

Reason – to ensure there would be no adverse effect upon flight safety as a result of the development, in accordance with Policy Ec5 of the adopted Local Plan, and to accord with Schedule 16 of the DCO.

23. To appoint a representative for the development, hereby permitted, to participate in and update the Community Liaison Group which is operational for the East Midlands Gateway Development, as required by Paragraphs 6 and 7 of Schedule 1 of the Development Consent Obligation dated 19 June 2015 (DCOb) secured pursuant to the Development Consent Order (DCO) granted by the Secretary of State for Transport on 12 January 2016 and titled The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 SI 2016 No. 17, for the lifetime of the Community Liaison Group unless otherwise agreed in writing with the Local Planning Authority.

Reason – in the interests of the preservation of the amenities of neighbouring residents in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019).

Notes to Applicant

1. Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination phase which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. As of the 17th January 2018 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £116.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
3. The applicant's attention is drawn to the advice notes within the consultation response of East Midlands Airport Safeguarding of the 29th August 2019 (ref: 2019/79) which is available for viewing at the following link: <https://plans.nwleics.gov.uk/public-access/applicationDetails.do?activeTab=documents&keyVal=PV1TPVLRJ3Y00>.
4. In line with conditions 7 and 8 of this permission the applicant is advised that the external materials to be used in the development are non-reflective so as to ensure that glint and glare do not become an issue for the neighbouring airport operator. It is advised that you liaise with

East Midlands Airport Safeguarding (EMAS) specifying the precise external materials to be used so that they can ensure that there are no safeguarding issues.

5. The applicant is advised to try and ensure that robust dust suppression methods are provided on the site during the construction of the natural gas refuelling station so as ensure that dust clouds are kept to minimum thereby preventing an ocular hazard at East Midlands Airport and preventing dust ingestion by aircraft engines.
6. The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk.
7. The applicant's attention is drawn to the advice notes within the consultation response of Leicestershire County Council Lead Local Flood Authority (LLFA) of the 26th August 2019 (ref: 2019/1404/07/F) which is available for viewing at the following link: <https://plans.nwleics.gov.uk/public-access/applicationDetails.do?activeTab=documents&keyVal=PV1TPVLRJ3Y00>.