

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0234-26 **Applicant:** Roadgas Ltd
Proposal: Proposed LNG Refuelling Station
Location: Land Off West Marsh Road Spalding
Terminal Date: 4th August 2026

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework December 2024**

The Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	6

CASE OFFICER ASSESSMENT

Proposal

This application seeks Hazardous Substances Consent for the presence of a maximum aggregate quantity of 34 tonnes of liquefied natural gas (LNG) on the land at any one time. LNG constitutes natural gas, including liquefied natural gas, falling within Part 2, entry 18 of Schedule 1 to the Planning (Hazardous Substances) Regulations 2015.

The LNG would be held within a single above-ground static vertical storage tank. The application states that the tank would measure approximately 3 metres in diameter and 18.338 metres to its top. It would have a total physical capacity of approximately 79.43 cubic metres, equivalent to 33.7 tonnes of LNG, with a stated maximum working fill of 90%, equivalent to approximately 71.49 cubic metres or 30.3 tonnes.

LNG would be delivered in dedicated road tankers, ordinarily carrying approximately 21 tonnes, with deliveries anticipated up to twice per week. It would be transferred from the tanker at the identified off-loading point, stored within the static tank and subsequently dispensed into vehicles through the associated pumping system, pipework and two LNG dispensers. The dispensers do not themselves store any significant quantity of LNG.

The application does not propose the use of moveable storage containers or non-vessel storage. For the purposes of the hazardous substances application, the substance is identified as being present for 'storage and transfer only' and would not be involved in a manufacturing, treatment or other industrial process.

This application relates solely to the presence, maximum quantity, manner of keeping and location of the hazardous substance. It does not grant planning permission for the construction or operation of the proposed LNG refuelling station, including its tank, dispensers, control equipment, access arrangements or other apparatus. Those matters are being considered separately under planning application H16-0233-26, which remains pending.

Site Description

The site lies within an identified Main Employment Area under Policy 7 of the South East Lincolnshire Local Plan 2011-2036. Surrounding land is predominantly commercial and industrial in character, including the Bakkavor premises to the south. The River Welland lies to the east of West Marsh Road.

The employment allocation and established industrial context are relevant to the consideration of the current and likely future use of the land surrounding the site. No conflict with the development plan has been identified arising specifically from the controlled presence of LNG. The detailed acceptability of the proposed refuelling station as a land use, including its operational, highway, design and environmental effects, falls to be determined through planning application H16-0233-26, but in loose terms whilst the proposed use is Sui Generis, it is a complementary use to the wider employment area.

History

H16-0233-26 - Proposed LNG Refuelling Station. Pending

Consultation Responses

Anglian Water

No comments to make

IDB

Thank you for your consultation on this hazardous substance application. Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this

application.

Highways & Suds

There are no details in respect of vehicle movements that will be associated with the proposal. A Simple Transport Statement is required - it shall detail the current vehicle movements in/out of the access/site compared to those envisaged with the proposal. It should also detail the different types/sizes of vehicles accessing the site daily. A section of the statement should also cover the construction period - the number of vehicles and the different types/sizes of vehicles. Staff information is also required.

National Gas Transmission

Regarding planning application H16-0234-26: Land west of West Marsh Road there are no National Gas assets affected in this area.

County Fire Officer

ACCESS Access to buildings for fire appliances and fire fighters must meet with the requirements specified in the Building Regulations (as amended) Part B5. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Lincolnshire Fire and Rescue requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations (as amended) Part B5. This weight limit would also apply to any private/shared access roads in order to achieve the above item.

WATER SUPPLY Lincolnshire Fire and Rescue recommends that fire hydrants are installed in number and location at the developer's expense, as follows, otherwise we would object to this development: Fire Hydrant Placement Regulations: the Building Regulations require that there must be a fire hydrant located within 90 metres of any building so that firefighters have access to a water source in case of a fire. On a residential site we will need one hydrant at least every 180 metres - with no property further than 90 meters from the nearest hydrant.

ENVIRONMENTAL Firefighting water run-off may endanger water supplies or the environment. Consideration should be given to supplying a by-pass system to divert run-off for safe disposal.

HSE

Raises no objection to the proposed storage of 34 tonnes of liquefied natural gas (LNG). HSE concluded that the risks to the surrounding population are sufficiently low that there are no significant safety grounds for refusing Hazardous Substances Consent, assuming all relevant health and safety legislation is complied with. HSE recommended a condition requiring the hazardous substances to be stored only in accordance with the submitted application details and approved plans. It also advised that a consultation zone will be established around the site for future land-use planning purposes and requested notification of the Authority's decision.

National Grid

Please contact NGED if you require assistance regarding the 11kv UG cable underground on the East and south boundary edge of the development

Historic Places Team

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain

your request

Environmental Protection

No comments regarding land contamination or environmental protection

Environment Agency

Thank you for consulting us on the above application, on 30 March 2026. Environment Agency position We have no objection to this Hazardous Substance Consent application to hold 34 tonnes of Part 2, 18 substance. The storage of Liquefied Natural Gas is not an activity listed in the Environmental Permitting (England and Wales) Regulations 2016. The proposed quantity of Liquefied Natural Gas is below the 50 Tonne threshold required to bring the Establishment into the Control of Major Accident Hazard Regulations in Schedule 1 Part 2 of those regulations. Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact the advisor identified below.

Planning Considerations

The assessment of this Hazardous Substances Consent application considers the following matters:

- Statutory Framework and Scope of the Application
- Current and Contemplated Use of the Land
- Existing and Permitted Development within the Consultation Area
- Risk to the Surrounding Population
- Quantity of LNG
- Environmental Risk
- Fire and Rescue Matters
- Highway Safety
- Other Consultation Matters
- Conditions

Statutory Framework and Scope of the Application

The Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015 provide a separate system of control over the presence of specified hazardous substances. The controlled quantity applicable to natural gas, including LNG, is 15 tonnes. As the application seeks consent for the presence of up to 34 tonnes, Hazardous Substances Consent is therefore required.

Section 9(2) of the Planning (Hazardous Substances) Act 1990 requires the Hazardous Substances Authority to have regard to all material considerations and, in particular:

- the current or contemplated use of the application land;
- the way in which land in the vicinity is being used or is likely to be used;
- any planning permission, permission in principle, infrastructure consent or development consent granted for land in the vicinity;
- the provisions of the development plan; and
- the advice of the safety regulator.

The following matters are topics relevant to the HSE assessment:

Current and Contemplated Use of the Land

The application site presently comprises previously developed land laid principally to hardstanding. Its proposed use is as an LNG refuelling station, for which planning application H16-0233-26 is pending.

The grant of Hazardous Substances Consent would not authorise that development. If the associated planning permission is not granted, or the development cannot otherwise lawfully be

carried out, the Hazardous Substances Consent would not itself provide authority to construct or operate the station.

Existing and Permitted Development within the Consultation Area

HSE has advised that its assessment may not have taken account of developments within the proposed consultation area which have planning permission but have not yet been constructed, or existing development which was not shown on the mapping accompanying the application.

A review of the Council's planning records and available mapping has not identified any such development within the proposed consultation area that would require the application to be referred back to HSE.

If any relevant permitted or existing development is identified before determination, HSE will be consulted again and provided with sufficient information about the nature and likely population of that development.

Risk to the Surrounding Population

HSE has assessed the risks to the current surrounding population arising from the maximum quantity of LNG for which consent is sought. Its assessment is confined to the hazardous substance identified in the application and '...assumes compliance with the Health and Safety at Work etc. Act 1974 and all other relevant statutory provisions'.

On that basis, HSE has concluded that the risks to the surrounding population are sufficiently small that there are no significant reasons on safety grounds for refusing Hazardous Substances Consent.

The application identifies a range of safety and mitigation measures, including gas, flame and leak detection; emergency stop controls; impact protection; CCTV and remote monitoring; emergency procedures; and regular inspection and maintenance. HSE has considered the submitted particulars and has recommended that any consent be conditioned to ensure the hazardous substance is kept and used only in accordance with those particulars and in the locations shown on the submitted plans.

HSE has also established a consultation area around the proposed establishment. If consent is granted, HSE will need to be consulted on relevant future development within that area.

Significant weight is given to the advice of HSE as the statutory safety regulator and the body possessing the necessary specialist expertise to assess the off-site risks to people.

Quantity of LNG

The maximum quantity permitted by the consent would be 34 tonnes at any one time across the application land. This is an 'aggregate limit' and is not an entitlement to hold 34 tonnes within the static storage vessel in addition to LNG present elsewhere on the land.

The temporary presence of LNG within a delivery tanker must also be taken into account where the tanker is present on land which requires Hazardous Substances Consent. The operator will therefore be required to manage the existing tank inventory and delivery arrangements so that the combined amount of LNG present on the land does not exceed 34 tonnes at any time.

Environmental Risk

The Environment Agency raises no objection to the proposed presence of 34 tonnes of LNG. It advises that the storage of LNG is not an activity listed in the Environmental Permitting (England and Wales) Regulations 2016 and that the proposed quantity is below the 50-tonne threshold at which the establishment would fall within the lower-tier requirements of the Control of Major Accident Hazards Regulations.

The separate 50-tonne COMAH threshold does not remove the requirement for Hazardous Substances Consent, for which the relevant controlled quantity is 15 tonnes.

The Internal Drainage Board and Environmental Protection raise no objection. In the absence of objections from HSE or the Environment Agency concerning risks to people or the environment, there is no evidence that the controlled presence of LNG would create an unacceptable residual environmental risk.

Fire and Rescue Matters

Lincolnshire Fire and Rescue has provided advice concerning access for firefighting appliances, the load-bearing capacity of access roads and hardstanding, fire-hydrant provision and the management of firefighting water runoff.

These observations principally concern the physical design and construction of the associated refuelling station and should be considered under planning application H16-0233-26, the Building Regulations and other applicable safety legislation. They do not alter HSE's specialist conclusion that there is no significant safety reason for refusing Hazardous Substances Consent.

The comments concerning firefighting runoff are noted. However, the Environment Agency has separately considered the hazardous substances application and raises no objection on environmental grounds.

Highway Safety

The application form explains that LNG would be transported to the site in dedicated road tankers carrying approximately 21 tonnes, with up to two deliveries per week. This provides the information required for the hazardous substances application concerning the transport of the relevant substance to and from the land.

The Local Highway Authority has requested a Simple Transport Statement addressing customer vehicles, staff, construction traffic and the overall operation of the proposed refuelling station. Those matters relate to the land-use and highway consequences of the associated development and should be considered under planning application H16-0233-26. They do not provide grounds to withhold Hazardous Substances Consent.

Other Consultation Matters

National Gas Transmission confirms that no National Gas assets would be affected. National Grid Electricity Distribution has identified an underground 11kV cable near the eastern and southern boundaries. This is a construction and operational matter for the associated planning application and the developer's detailed implementation arrangements.

The Historic Places Team advises that the proposal is unlikely to affect significant archaeological remains. No other consultee has identified an objection relating specifically to the controlled presence of LNG.

Conditions

Section 9(4) of the Planning (Hazardous Substances) Act 1990 requires the consent to identify the land and substance concerned and to state the maximum quantity permitted to be present at any one time.

Section 10 allows conditions to regulate how and where a hazardous substance is kept or used. Conditions concerning how a substance is to be kept or used may only be imposed where recommended by the safety regulator. HSE has expressly recommended a condition tying the presence of LNG to the application particulars and submitted substance location plan.

The detailed Substance Location Plan is drawing AS030A0102/L12, dated 22 January 2026. The wider Substance Location Plan is drawing AS030A0102/L11 (showing how the substance is stored),

dated 21 January 2026. Both drawings will be conditioned in the decision in addition to conditioning the amended application form as part of the approved plans to remove any ambiguity about the application land, storage location and detailed arrangement assessed by HSE.

The highway, hydrant, access, archaeological and utility matters raised during consultation should not be imposed as conditions of this Hazardous Substances Consent. Where necessary, they should be addressed through planning application H16-0233-26 or the relevant separate regulatory regime.

Matters Outside the Scope of this Application

Hazardous Substances Consent is a separate statutory consent under the Planning (Hazardous Substances) Act 1990 and is concerned solely with whether the presence of the proposed quantity of a hazardous substance would give rise to an unacceptable risk to people or the environment. It is not a planning permission for the associated development and does not consider the wider planning merits of the proposed LNG refuelling station.

Several consultation responses raise matters relating to the design, construction and operation of the proposed development, including highway impacts, vehicle movements, access arrangements, fire appliance access, fire hydrant provision, utilities and other operational matters. These considerations relate to the associated planning application (reference H16-0233-26), where the acceptability of the development itself will be assessed against the Development Plan and other material planning considerations. Where relevant, they are also controlled through other regulatory regimes, including the Building Regulations and health and safety legislation.

Accordingly, this report focuses on the matters relevant to the Hazardous Substances Consent application, namely the acceptability of the proposed presence of up to 34 tonnes of liquefied natural gas (LNG), having particular regard to the statutory considerations set out in section 9 of the Planning (Hazardous Substances) Act 1990 and the specialist advice of the Health and Safety Executive as the statutory safety regulator.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is NOT considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such

as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is NOT considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.