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North Yorkshire County Council
County Hall
Northallerton
North Yorkshire
DL7 8AD

13th December 2018

Our Reference: 3230/RW
Your Reference: PP-06853438

Dear Sir/Madam,

Application for Planning Permission –Kiosks at Middleton Tyas Waste Water Treatment works

1. Introduction

Yorkshire Water ("the Applicant") has commissioned Arcus Consulting Services Ltd ("Arcus") to act as the Agent to submit an application for planning permission for three kiosks ("the Development"). The kiosks comprise a Ferric Dosing Kiosk, a Motor Control Centre Kiosk ("MCC Kiosk") and a Potable Water Booster Kiosk ("PWB Kiosk") all located at Middleton Tyas Waste Water Treatment Works, Cow Lane, Richmond, DL10 6RQ, UK (Easting: 423370, Northing: 506210) ("the Site").

2. Reason for the Application

The National Environment Programme, from the Environment Agency has dictated that all water companies in England and Wales must reduce phosphorous in waste water by March 2020. The Development is one of sixteen sites that are part of the Yorkshire Water Tight Phosphorus Delivery Programme ("TPDP") which is a significant contributor towards the Applicant's commitment to protect and improve the water environment measured by length ("km") of river improved. The programme comprises sixteen wastewater treatment sites which are required to achieve 0.5 – 1.0 mg/l phosphorus consent by 31st March 2020. Delivery of this programme will improve 196.2 km of river length. The proposed solution is based on conventional removal techniques which centre on chemical precipitation to remove phosphorus from the sewage via primary and secondary sludge and replacing existing sampling points in order to facilitate successful sampling.

Developments at waste water treatment works are generally defined as permitted development under Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015. Part 13 B, states that statutory sewerage undertakers have Permitted Development Rights ("PDR") for developments that are not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus. Therefore, the wider upgrades to equipment and plant within the sewage

works are permitted development, however, due to the proposed kiosk housings being larger than is permitted under the regulations a planning application is required.

3. Design and Elements of the Development

The Development comprises of three Glass Reinforced Plastic ("GRP") kiosks that would be green in colour (colour reference: BS4800 14-C-39), described as Holly green/ Holly bush green. The use of GRP materials will mean that the maintenance requirements will be reasonably low and the appearance of the Development will not deteriorate over time. The Development will be designed in terms of scale and density in order to accommodate all the facilities required.

One of the three kiosks is a MCC Kiosk and scaled at 11.00 metres ("m") (length) x 4.00 m (width) x 3.50 m (height). This kiosk would be used to house a control panel for operational activities of the Site, such as viewing the activity status and controlling the alarm and alert systems.

The second kiosk is a PWB Kiosk scaled at 3.60 m (length) x 1.90 m (width) x 2.44 m (height). This kiosk would be used to house a potable water booster pump station required to supply essential health and safety equipment. Internally there would be a pair of duty-standby pumps and a 1 cubic metre ("m³") potable water storage tank which is intended to supply clean water to new safety showers, eyebaths and other safety equipment.

The remaining kiosk is a Ferric Dosing Kiosk which would be used to house equipment, pumps, piping. The Ferric Dosing Kiosk scaled at 6.10 m (length) x 2.90 m (width) x 2.99 m (height), with a minimum chemical cubic capacity of 5.0 m³.

As part of the Development, a limited amount of hazardous substance would be required as per the TPDP. The chemicals comprise of 12.5% Ferric Sulphate (as Fe₂(SO₄)₃), which will be housed in the Ferric Dosing Kiosk. The following table states the chemical quantities.

Table 1 Chemical Quantities

Total ferric storage if combined ferric storage required for 14 days		Expected minimum ferric storage tank size	Caustic storage required m ³ (14 days) and Dose Rate			Expected minimum caustic storage tank size
Fe ₂ (SO ₄) ₃ 12.5%			NaOH 25%			
m ³	Tonnes	m ³	Peak pump rate l/hr	m ³	Tonnes	m ³
1.40	2.20	5.00	Not required	Not required	Not required	Not required

Furthermore, the Development includes a request for 1.5 m a micro-siting allowance around the proposed kiosks. This is requested as the site is an operational water treatment site and the surrounding development proposed as part of the TPDP programme will be permitted development. The kiosks may need some freedom of movement to allow micro-siting to allow for unforeseen ground condition or to accommodate minor revisions to the wider permitted development scheme. The micro-siting allowance makes no difference to the assessment of the kiosk locations or their acceptability in planning terms.

4. Relevant Planning Documents and Policies

Under section 38 (6) of the Planning and Compulsory Purchase Act 2004, when determining a planning application Local Planning Authorities are required to make planning decisions in accordance with the policies of the relevant development plans unless material provisions indicate otherwise.

The following Development Plans and policies will be used to assess the acceptability of the Development. In an effort to be concise the full text is not set out within this covering letter. Full policy wording is available within the documents mentioned below.

National Planning Policy Framework ("NPPF")¹

The NPPF seeks to ensure sustainable forms of development and good design alongside the protection and enhancement of the environment. The provision of appropriate infrastructure to facilitate sustainable development runs throughout the document. Paragraph 8 (c) states that one of the overarching objectives of the planning system is *"to contribute to protecting and enhancing our natural, built and historic environment"*, including amongst other things by *"minimising waste and pollution"*.

Under the heading *"Conserving and enhancing the natural environment"*, paragraph 170 (e) states that planning decisions should contribute to and enhance the natural and local environment and *"Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans"*.

The sole purpose of the Development is to improve water quality by reducing phosphorous in waste water as part of the Yorkshire Water TDP and in accordance with the Environment Agency's National Environment Programme.

North Yorkshire Waste Local Plan ("NYWLP")²

As the North Yorkshire County Council ("NYCC") is the Waste Planning Authority for North Yorkshire, the NYCC has a duty, under the Town and Country Planning Act 1990, to prepare a Waste Local Plan. The NYWLP was adopted in 2006, and is the key document for determining waste related applications and is a framework for waste management. NYWLP was due to expire on 17 May 2009, however, the government has issued a direction allowing some policies to be extended, or 'saved', until the policies being developed in the Minerals and Waste Development Framework supersede them.

- **Policy 7/2 Waste Water Treatment Works** – this policy states that new works, or extensions to works to treat waste water and sewage sludge will be permitted provided that: the proposal is required to improve the treatment of sewage sludge and waste water or discharge standards; or is required to increase capacity; and the proposal will not have any unacceptable adverse impact on the local amenity.

The Mineral and Waste Joint Plan ("MWJP")³

¹Department for Housing, Communities and Local Government (2018) National Planning Policy Framework, [Online], Accessible on <https://www.gov.uk/government/uploads/system/publications/national-policy-framework-2> (Accessed on 07/09/2018)

² North Yorkshire County Council (2006) North Yorkshire Waste Local Plan, [Online] Available at: https://www.northyorks.gov.uk/sites/default/files/fileroot/Planning%20and%20development/Minerals%20and%20waste%20planning/Waste_local_plan.pdf (Accessed on 14/03/2018)

MWJP is scheduled to supersede the NYWLP in March 2018, however it has not yet been adopted and is still in the Examination process. Although the MWJP is not actively in force, it is a material consideration as it close to adoption. The MWJP is the joint waste plan between City of York Council, North York Moors National Park Authority and NYCC.

- **Policy W08: Managing Waste and Sewage Sludge** – proposals for new infrastructure and for the increase of capacity for the management of waste water and sewage sludge will be permitted in line with requirements identified in Asset Management Plans ("AMP") produced by waste water infrastructure providers within the Plan area. This policy goes on to state that preference will be given for the expansion of existing infrastructure rather than the development of new facilities. Section 6.89 of the MWJP goes on to states that that provision of adequate capacity for treatment of waste water is necessary in order to ensure that plans for growth, such as housing and economic development can be delivered.

Richmondshire Local Plan 2012-2028 (RLP)⁴

The Richmondshire Local Plan 2012-2028: Core Strategy was adopted in December 2014 and sets out the strategic development policies for that part of the district that lies outside the Yorkshire Dales National Park. These key documents will be used in the assessment of the Development below.

- **CP1: Planning Positively** – when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development.
- **CP3: Achieving Sustainable Development** – Support will be given for sustainable development which promotes, amongst other matters, "*the efficient use of land and infrastructure*" and "*the quality of natural resources including water*".
- **CP17: Providing and Delivering Infrastructure** – Any adverse impacts from new infrastructure should be minimised and decisions on the provision of new infrastructure should be taken on the basis of environmental sustainability as well as cost.

5. Legislation

The following section of legislation, are those that are consider to be applicable to the Development.

Water Industry Act 1991 (As Amended)⁵

Section 67 of this act enables the Secretary of State to prescribe standards for wholesomeness for water by means of stating the requirements of the purpose for which the water is suitable along with the requirements as to the substances that are to be present or absent from the water and as to the concentrations of substances and any other characteristics of water.

6. Site Designation

There are no designations identified around the Site, and the Development will also not result in any odour or noise impacts.

³ North Yorkshire County Council (2016) Minerals and Waste Joint Plan, [Online], Available at: https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Partnerships/Publication_main_plan_document_%28Nov_2016%29.pdf (Accessed on 14/03/2018)

⁴ Richmondshire District Council (2014) Richmondshire Local Plan Core Strategy, [Online], Available at: <https://www.richmondshire.gov.uk/media/9616/core-strategy-2012-28.pdf>.

⁵ Water Industry Act 1991, Available at <https://www.legislation.gov.uk/ukpga/1991/56/contents>, (Accessed on 06/03/2018)

7. Flood Risk Assessment

The Site is identified to be in a Flood Zones 1⁶, this indicated that there is a medium to high probability of flooding and so a Flood Risk Assessment is not required.

8. Assessment of the Development

The Development is located at the Middleton Tyas Waste Water Treatment Works and comprises: a Ferric Dosing Kiosk, designed to accommodate and facilitate the storage of equipment, pumps, and piping; a MCC Kiosk designed to house a control panel for operational actives; and a PWB Kiosk designed to house standby-duty pumps and a clean water storage tank. The Development is effectively a means of accommodating the requirements of the National Environment Programme, set by the Environment Agency that will come in force in March 2020.

The Development also requests for a 1.5 m micro-siting. Essentially this would provide some degree of flexibility and would be a means of accommodating any unforeseen ground conditions and future development aspects undertaken as part of the TPDP programme as permitted development.

The Development is supported under the NYWLP policy 7/2 as it improves the treatment of waste water or discharge standards and will not have any unacceptable adverse impact on the local amenity and the emerging MWJP Policy W08. Furthermore, the Development adheres to the draft policy requirements of the RLP (2014). The Development does not pose any obvious detrimental effects in terms of noise or odour. A Flood Risk Assessment is not required.

Overall, the wider sewage works and plant upgrades are generally considered to be permitted development as identified under the Town and Country Planning (General Permitted Development) Order 2015. Due to its scale, which is merely for the enclosure and protection of various equipment and piping, the Development is outwith the scope of permitted development and planning permission is required.

9. Application Submission

This planning application consists of the following submissions:

- Application Cover Letter;
- Non-Applicable Items Covering Letter;
- Site Location;
- Site Layout (showing development boundaries);
- Elevations and plan of Ferric Dosing Kiosk;
- Elevations and plan of PWB Kiosk; and
- Elevations and plan of MCC Kiosk.

Yours faithfully,

Planning Consultant

⁶ Gov.uk (2018) Interactive Flood Map, [Online], Available at <https://flood-map-for-planning.service.gov.uk/summary/441729/446972> (Accessed 07/03/2018)