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

14th December 2018

Our Reference: 3231/RW
Your Reference: PP-06853471

Dear Sir/Madam,

Application for Planning Permission – Kiosks at Gargrave 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 four kiosks ("the Development"). The kiosks comprise a Ferric Dosing Kiosk, a Caustic Dosing Kiosk, a Motor Control Centre Kiosk ("MCC Kiosk") and a Potable Water Booster Kiosk ("PWB Kiosk") all located at Gargrave Waste Water Treatment Works, Skipton BD23 3RX (Easting: 394423, Northing: 453673) ("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 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 four 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 four kiosks is a MCC Kiosk scaled at 11.0 metres ("m") (length) x 4.0 m (width) x 3.5 m (height). This kiosk will 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 two kiosks are chemical dosing kiosks and will be used to house equipment, pumps, piping, with the addition of a safety shower. The Ferric Dosing Kiosk scaled at 6.1 m (length) x 2.90 m (width) x 2.99 m (height), with a minimum chemical cubic capacity of 5.0 m³ and Caustic Dosing Kiosk scaled at 4.1 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 and 25% Caustic Solution (Sodium Hydroxide - NaOH) which will be housed in the Caustic 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)			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	Tonnes	m ³	m ³
4.40	6.8	5.0	63.4	4.93	6.31	5.0

Furthermore, the Development includes a request for a 1.5 m 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 and the kiosks may need some freedom of movement 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 TPDP 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 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.

¹Department for Housing, Communities and Local Government (2018) National Planning Policy Framework, [Online] Available at: <https://www.gov.uk/government/publications/national-planning-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)

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

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 state 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.

Craven District Local Plan ("CDLP")

The Site is located within the Craven District Council ("CDC") district and the CDLP (1999)⁴ is used as the primary planning document for determining applications along with accompanying supplementary planning guidance within this area. The current CDLP is outdated, as the adoption period was until 2016. The new CDLP (2018)⁵ is still in draft form and due for submission to the government in March 2018 for Examination.

In 2007, the CDLP (1999) was reviewed by CDC and some of its policies were 'saved' which means policies form part of the statutory development for the whole of the local district. However, some of those policies that were not 'saved' have subsequently been removed and have not been revised in the draft form in the upcoming CDLP (2018). Further guidance and information in relation to the CDLP (2018) policies are found in the Publication Draft Craven Local Plan Appendices A to D (January 2018) ("CLPA")⁶.

CDLP

- **2.1 The Utility Services:** paragraph 2.1.1 confirms that services such as sewage treatment are essential and that development will only be allowed to take place if existing services are adequate or once new services are in place.

The following policies from the CDLP were some of several policies that were not saved that are relevant to the proposal:

- **UTI4: New Developments & Sewage Disposal and Water Supply**
- **ENV6 : Sites of Special Scientific Interest and National Nature Reserve**
- **ENV15: Flood Risk Area**

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 Craven District Council, (1999) Craven District Local Plan [Online] Available at: <https://www.cravencd.gov.uk/media/2098/craven-district-local-plan.pdf> (Accessed on 07/03/2018)

⁵ Craven District Council, (2018) Craven District Local Plan [Online] Available at: https://www.cravencd.gov.uk/media/2531/pub_draft_lp_jan_18.pdf (Accessed on 12/03/2018)

⁶ Craven District Council (2018) Publication Draft Craven Local Plan Appendices A to D, [Online], Available at: <https://www.cravencd.gov.uk/media/2529/appendices.pdf> (Accessed on 12/03/2018)

Draft CDLP (2018)

- **Draft Policy ENV3: Good Design** – good design should adhere to the broad design principles of being respectful to its surrounding context and in terms of scale, density and the use of high quality materials and that necessary services and infrastructure should be able to be accommodated without causing harm to retained features, or result in visual clutter.
- **Draft Policy ENV6: Flood Risk** – Developments should minimise the risk of surface water and have appropriate mitigation measures in place and should meet the standards set by the Environment Agency.
- **Draft Policy ENV8: Water Resources, Water Quality and Ground Water** – The council aim to safeguard and improve water resources and whereby the development will be served by adequate sewerage and waste water treatment infrastructure. Furthermore, the Development will reduce the risk of pollution and deterioration of water resources by anticipating any likely impact and incorporating adequate mitigation measures into the design and is in line with Water Framework Directives.

CLPA Appendix C (2018)

- **4.13: Support for the emerging Local Plan** – under paragraph 4.13 it states that the Applicant, along with United Utilities, has identified issues that are needed to be considered when delivering the local plan. In relation to the Site, it is identified that “*developments should be phased over the Plan period to ensure that adequate capacity can be provided at the receiving waste water treatment works.*”
- **4.14: Delivery of new infrastructure** – under paragraph 4.14, it states that the Applicant and United Utilities are responsible for assessing what capacity exists within their own network and identifying what is needed to support anticipated levels of new development and for delivering required new infrastructure.

5. Legislation

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

Water Industry Act 1991 (As Amended)⁷

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

MagicMap⁸ has identified that the Site is designated under the White Rose Community Forest and is within several SSSI Impact Risk Zones. However, due to the Site already being an active sewage works with permitted development rights within its boundary, it is highly unlikely that the Development will have a negative effect on the SSSIs or the White Rose Community Forest as there is already a smaller scale sampling kiosk in use at the site and no adverse effects are known have been raised to date.

⁷ Water Industry Act 1991, Available at <https://www.legislation.gov.uk/ukpga/1991/56/contents>, (Accessed on 06/03/2018)

⁸ Magicmap (2018) Interactive Map [Online], Available from <http://www.natureonthemap.naturalengland.org.uk/MagicMap.aspx> (Accessed 07/03/2018)

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

7. Flood Risk Assessment

The Site is identified to be in a Flood Zone 2 and 3a⁹, this indicated that there is a high probability of flooding and so a Flood Risk Assessment has been carried out.

8. Assessment of the Development

The Development is located at the Gargrave Waste Water Treatment Works and comprises: a Ferric Dosing Kiosk and a Caustic 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 activities; and a PWB Kiosk designed to house a potable water booster pumping station. 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 unforeseen ground conditions and any future development aspects to be 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 new CDLP (2018) and the CLPA Appendix C (2018). The Site falls under the White Rose Community Forest and SSSI Impact Risk Zone designations, no adverse effects or issues have been raised with the present smaller kiosk and, as the Development is of the same nature, it is unlikely to cause any detrimental effects. The Development does not pose any obvious detrimental effects in terms of noise or odour, however a Flood Risk Assessment is required and has been undertaken in accordance to guidance.

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 the 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;
- Flood Risk Assessment;
- Site Location;
- Site Layout (showing the development boundaries);
- Elevations and plan of Ferric Dosing Kiosk;
- Elevations and plan of Caustic Dosing Kiosk;
- Elevations and plan of PWB Kiosk; and

⁹ Gov.uk (2018) Interactive Flood Map, [Online], Available at <https://flood-map-for-planning.service.gov.uk/summary/441729/446972> (Accessed 07/03/2018)

- Elevations and plan of MCC Kiosk.

Yours faithfully,

Planning Consultant