

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
13 August 2019
A report by the Acting Executive Director - Economy and Infrastructure

Application Reference No. 2/19/9005

Application Type: Full Planning Permission

Proposal: Construction of one ferric dosing kiosk and one motor control kiosk - one to regulate the PH of the final effluent and one to control the dosing regime

Location: Aspatria WwTW, Comely Bank, Aspatria, Cumbria, CA7 2BE

Applicant: United Utilities (UU)

Date Valid: 7 June 2019

Reason for Committee Level Decision: Objection received from representee and Parish Council.

1.0 RECOMMENDATION

1.1 That planning permission be **GRANTED** subject to conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the construction of one Ferric Dosing Kiosk (FDK) and one Motor Control Kiosk (MCK), one to regulate the PH of the final effluent and one to control the dosing regime.

2.2 The MCK would measure 10m (l) x 4m (w) x 4m (h) and FDK would measure 7.5m (l) x 5.5m (w) x 4m (h) both kiosks would be constructed of GRP coloured dark recessive green (BS 4800 14c39).

2.3 The MCK is proposed on the central part of the site on an area of grassland, the MCK would be located approximately 140m from the entrance to Aspatria WwTW. The MCK would be located on a piece of grassland in front of an existing brick built building.

2.4 The FDK is proposed on a grassed area to the east of the site on an area of grassland, the kiosk would be located 86m from the entrance to Aspatria WwTW. To the rear of the FDK are existing raised infrastructure including underground and above ground tanks.

2.5 The proposed upgrade to the existing facilities is part of United Utilities Asset Management Programme 6 (AMP6). AMP6 is a major programme of works to provide new assets across the region as required by the water industry regulatory Office of Water Services (OFWAT), and the Environment Agency between 2015-2020.

Permitted Development

2.6 The works which require planning permission form a small part of a larger

scheme of works to be undertaken to upgrade Aspatria WwTW. The larger works are classed as permitted development under Part 13 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This part of the GPDO enables development to be carried out by or on behalf of sewerage undertakers within their operational land without the need for planning consent to be obtained, where the works accord with the provisions of this part of the Order. Amongst other provisions, this includes all plant and machinery, the erection of buildings under 29m³ and structures under 15m in height. Development that falls outside these parameters would require planning consent. The following installations are classed as permitted development:

- Storm return pumping station – 2.4m diameter x 3m height;
- Safety shower – 1.5m (l) x 1m (w) x 3m (h); and
- Valve slab – 3.5m (l) x 2m (w)

3.0 SITE DESCRIPTION

- 3.1 Aspatria WwTW is located to the south west of Aspatria. The site is located in the open countryside with agricultural fields to the north, east and west and the Carlisle to Barrow railway line to the south.
- 3.2 Aspatria WwTW is screened from public view points, the nearest public point is from Public Right of Way 205010 which is located approximately 300m north east of the WwTW.
- 3.3 Aspatria WwTW is accessed from Comely Bank off Arkleby Road (B5301), this connects onto the A596 at Aspatria and A595 at Moota. Comely Bank is a private access road which residents, UU and farmers have access.

4.0 SITE PLANNING HISTORY

- 4.1 There have been no previous alterations to Aspatria WwTW.

5.0 CONSULTATIONS AND REPRESENTATIONS

- 5.1 **Allerdale Planning Department:** No objection.
- 5.2 **Allerdale Environmental Health Department:** No response received.
- 5.3 **CCC Highway Authority:** No objection.
- 5.4 **CCC Lead Local Flood Authority:** No objection.
- 5.5 **Aspatria Town Council:** A noise assessment should be carried out from the first house to the construction site. Speeding have been an issue on the road leading to the site and a request is made that a suitable speed limit is applied and enforced.
- 5.6 **Natural England:** No objection based on the plans submitted as the development will not have significant adverse impacts on statutorily protected nature conservation sites or landscape.
- 5.7 **Environment Agency:** No objection.

- 5.8 **Network Rail:** The operations will be undertaken close to operational railway line.
- 5.9 **Local Member:** J Lister informed no response received.
- 5.10 One representation has been received who is concerned with regards to speeding vehicles accessing the WwTW along Comely Bank.

6.0 PLANNING POLICY

6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process.

6.2 The [Cumbria Minerals and Waste Local Plan 2015-2030](#) was formally adopted on 6 September 2017. The key policies relevant to the determination of this planning application are considered to be:

- Policy DC1 - Traffic and Transport
- Policy DC2 - General Criteria
- Policy DC3 - Noise
- Policy DC5 - Dust
- Policy DC16 - Biodiversity and Geodiversity
- Policy DC18 - Landscape and Visual Impact
- Policy DC19 - Flood Risk
- Policy DC20 - The Water Environment
- Policy DC22 - Restoration and Aftercare

6.3 [Allerdale Local Plan Part 1: Strategic and Development Management Policies 2014-2029](#) (ALP Part 1) - adopted July 2014;

Policy S1 Presumption in Favour of Sustainable Development

Policy S2 Sustainable Development Principles

Policy D4 Design Principles

Policy DM14 Standards of Good Design

The saved policies of the [Allerdale Local Plan 1996-2006](#) - adopted November 1999.

Saved Settlement limits

6.4 [The National Planning Policy Framework](#) (NPPF) was published in March 2012. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014. Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF and/or PPG are considered to be relevant to the determination of this application:

Paragraph 102 requires transport issues to be considered at an early stage.

Paragraph 108 in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effective mitigated to an acceptable degree.

Paragraph 170 planning policies should contribute to and enhance the local and natural environment.

Paragraph 175 when determining planning applications local planning authorities should apply the following principles development whose primary objective is to conserve or enhance biodiversity should be supported.

7.0 PLANNING ASSESSMENT

7.1 Aspatria WwTW has been screened under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as not being EIA development.

7.2 I consider the key planning issues relevant to the proposed schemes are ; is there an need for the upgrading of the existing WwTW; would the proposed kiosks have an impact on the landscape and visual character of the area; would the proposed operations have any highway/transport impacts; would the proposal impact on the biodiversity of the area; what environmental impacts would the proposal create and concerns raised by Parish Council and local resident :

Is there a need for the upgrading of the existing WwTW?

7.3 The upgrading of Aspatria WwTW is required to comply with United Utilities AMP6 which is a major programme of works to provide new assets across the region as required by the water industry regulatory Office of Water Services (OFWAT), and the Environment Agency between 2015-2020. The AMP has been operational since 1999 and provides progressive upgrades to the Victoria sewerage systems since this time. AMP6 is a £250 million pound investment by UU.

Would the proposed kiosks have an impact on the Landscape and Visual character of the area?

7.4 Cumbria MWLP Policy DC18 requires proposals for development should be compatible with the distinctive characteristics and features of Cumbria's landscapes should ensure that development proposals avoid significant adverse visual impacts and consider the effects on: locally distinctive natural or built features; scale in relation to landscape features; public access and community value of the landscape; historic patterns and attributes; and openness and remoteness.

7.5 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, whilst protecting and enhancing valued landscapes, site of biodiversity and geology values and soils.

7.6 Aspatria WwTW lies in Cumbria Landscape Character Area 5a ridge and valley which the landscape is mainly carboniferous rocks overlain by extensive glacial

till and riverine sand and gravels deposited in the glacial outwash plain. The glacial till forms some low subtle drumlins and the sand and gravel forms some low eskers. These help shape the ridges and valley landscape, ridges and valleys vary in height between 50-130m AOD. Aspatria WwTW lies approximately 48m AOD the valley in which Aspatria WwTW sits rises to 87m AOD to the north and 150m AOD to the south. Due to the contours of the landscape and existing landscape screening Aspatria WwTW is not visible from B5301.

- 7.7 Aspatria WwTW is located approximately 370m from the nearest residential property and 300m from the nearest Public Right of Way (205010). Views from the nearest residential property and public right of way are limited due to the existing landscaping contours and mature hedgerows. The Carlisle to Barrow railway line adjoins the Aspatria WwTW views from passing trains would be limited due to the existing landscaping.
- 7.8 At the entrance gates to Aspatria WwTW the land drops away making the WwTW at a lower level to the entrance road. The landscape in the immediate area raises from Aspatria WwTW quite significantly to the ridge line.
- 7.9 The proposed MCC and FDK have an overall height of 4m in comparison to the existing infrastructure on site these kiosks would be no higher. In terms of design these are typical GRP in a dark green colour, thereby blending in with the existing infrastructure on site. In terms of other infrastructure in the surrounding landscape this comprises of wind turbines, factory units and industrial chimney stacks, pylons and telegraph poles.
- 7.10 In terms of additional impacts on the surrounding landscape and visual appearance of the area the proposed kiosks would not have any visual impact outside the site or on the surrounding area as there are already existing larger infrastructure within the WwTW, there is existing mature landscape screening which screens Aspatria WwTW and the site is sat at a much lower level than the surround land.
- 7.11 I consider that the MCC and FDK kiosks would not have any landscape and visual impact on the surrounding landscape. I consider the proposal complies with Cumbria MWLP Policy DC18 – Landscape and Visual Impact and NPPF paragraph 170.

Would the proposed operations have any highway/traffic impacts?

- 7.12 Cumbria MWLP Policy DC1 Traffic and Transport requires proposals for minerals and waste development to be located where they are well related to the strategic route network and minimise operational minerals and waste road miles, where practicable.
- 7.13 NPPF Paragraph 102 requires transport issues should be considered at the earliest stage, so that the potential impacts of development on the transport networks can be addressed. Paragraph 108 requires consideration of impacts of development on the highway network.
- 7.14 Access to Aspatria WwTW is from Arkelby Road (B5301) which connects onto A596 at Aspatria and A595 at Moota. From the B5301 this is a private access road which extends 370m this provides access to residents of Comely Bank, farmers and UU operatives.

- 7.15 Construction activities would be undertaken over a period of 8 months. Vehicle movements during the construction operations would on average be:
- 6 cars/vans (12 movements) each day associated with the movement of site personnel;
 - 3-5 vehicles (6-10 movements) per day associated with concrete pours, waste removal and delivery of cabins and equipment;
- 7.16 Whilst traffic and transport activities are classed as minimal and would be for a temporary period of time of 8 months to Aspatria WwTW. During construction activities there will still be impacts to the residents of Comely Bank, which are on the private access road to Aspatria WwTW of construction personnel and traffic accessing the WwTW. There is no pavement along Comely Bank which serves around 13 properties, with cars being parked on Comely Bank directly outside gateways. Concern has been raised by the Parish Council and local resident with regards to dangers of construction traffic on the private road by speeding and lack of awareness of drivers. A Construction Management Plan is proposed which would include details to be submitted with regards to speed and awareness of users of the access road.
- 7.17 I consider that the traffic and transport movements can be adequately controlled by appropriately worded condition controlling HGV's and other traffic associated with Aspatria WwTW along the access track as part of the Construction Management Plan. CCC Highways have raised no objection to the proposed works. Subject to the implementation of the condition I consider the traffic and transport movements comply with Cumbria MWLP Policy DC1 and NPPF Para 108.

How would the proposal impact on biodiversity in the area?

- 7.18 Cumbria MWLP Policy DC16 requires proposals for minerals and waste developments, including ones for ROMP applications and time extensions, will be required to identify, where appropriate any potential impacts on important biodiversity and geological conservation assets, as defined in the Strategic Policies, and on any functional ecological and green infrastructure networks.
- 7.19 NPPF paragraph 175 requires consideration when determining planning applications local planning authorities should apply the following principles development whose primary objective is to conserve or enhance biodiversity should be supported.
- 7.20 Aspatria WwTW is not located close to any European Protected Site. However, the nearest European Protected Sites are Salta Moss Site of Special Scientific Interest (SSSI) approximately 6.5km north west and Clints Quarry SSSI located 4.7km south of Aspatria WwTW. The larger European protected site of Solway Firth SSSI, Special Area of Conservation (SAC) and RAMSAR is 7.7km north. Due to the topography of the area these European Protected Areas cannot be seen from Aspatria WwTW.
- 7.21 There is a woodland area immediately south of Aspatria WwTW, this woodland has a pond and is considered to be a Habitat of Principal Importance under Section 41 of the NERC Act (2006). The woodland and pond is separated from the site by the Carlisle to Barrow railway line.

- 7.22 The applicant has undertaken two Ecological Appraisals the first one in May 2016 and a second in July 2018 which acknowledged the works which require planning permission would not impact on the woodland, bats, birds or other protected species. However, the larger works carried out under permitted development may have an impact and recommendations have been included for the mitigation of these impacts which include habitats, bats, birds, great crested newts, otter, badger and other small animals. Enhancements to the site include installation of wildlife boxes (bat and bird); planting within the new development to provide foraging habitat for bats; increasing the value of the site and creation of brash and log piles to create short and long term refugia for mammals, amphibians and invertebrates.
- 7.23 I consider the impacts on biodiversity have been duly considered and addressed in the two Ecological Appraisal reported. Natural England are satisfied the proposed works would not impact on any European Protected site. I therefore consider that Cumbria MWLP Policy DC16 and NPPF Paragraph 175 have been duly complied with.

What are other environmental impacts during construction operations?

- 7.24 **Noise:** noise could be an issue during construction operations. These impacts would be temporary impacts for a period of 8 months. I recommend that a condition is imposed with regards to noise from the temporary construction operations to reduce noise to sensitive receptors during construction works. I consider the imposition of this condition would comply with Cumbria MWLP Policy DC3 .
- 7.25 **Dust:** dust could arise during construction operations particularly in dry windy weather conditions. Dust suppression should be considered as part of the Construction Management Plan required for the construction activities. I consider Cumbria MWLP policy DC5 dust is complied with.
- 7.26 **Vibration:** vibration could be an issue during construction works however, due to the location of the works to the existing residential properties, it is unlikely that vibration would have an impact on the amenities of local residents. I consider Cumbria MWLP policy DC2 – General Criteria is complied with.
- 7.27 **Flood Risk:** The site lies within Flood Zone 1, however to the north of the site Flood Zone 2 adjoins the boundary. Part of the site is susceptible to surface water flooding. Consideration of adjoining Flood Zone 2 has been considered as part of the proposed scheme including the siting and location of the proposed kiosks. The proposed MCC kiosk is to house sensitive electrical equipment and would be water tight to protect the equipment. I consider Cumbria MWLP policy DC 19 – Flood Risk is complied with.
- 7.28 **Impacts on Network Rails Asset (Carlisle to Barrow Railway line):** Aspatria WwTW adjoins the boundary with Network Rails asset. The works which require planning permission would not impact on Network Rail's Asset, however, the works to be undertaken as permitted development may have an impacts on Network Rail's Asset, the applicant is required to formally notify and consult with Network Rail of the impacts under their Asset Protection Scheme.
- 7.29 I consider that the environmental impacts of the proposed construction activities have been duly considered and where necessary appropriately worded conditions would be implemented. I therefore consider that Cumbria MWLP

Policies DC2, DC3, DC5 and DC19 are duly complied with.

How can concerns of Parish Council and local resident be addressed?

- 7.30 Aspatria Parish Council have raised concerns with regards to noise during construction operations and HGV's accessing the site from Comely Bank. A local resident has also raised concern with regards to the number of HGV's accessing the site and the safety of users of Comely Bank.
- 7.31 The concerns raised by the Parish Council and representation have been addressed in paragraphs 7.10-7.15 and 7.22.

8.0 CONCLUSION

- 8.1 I consider the scheme for Aspatria WwTW is essential for UU to comply with AMP6 which is a major programme of works to provide new assets across the region as required by the water industry regulatory Office of Water Services (OFWAT), and the Environment Agency between 2015-2020. The works are essential to ensuring the town of Aspatria waste water meets with the objectives set out in the Water Framework Directive in the River Ellen.
- 8.2 The concerns raised by the Parish Council and local residents with regards to noise and safety of users on the private access road can be addressed by condition under the Construction Management Plan for the duration of the construction operations.
- 8.3 I consider the impacts on landscape and visual amenity; impacts on highways and traffic; biodiversity and environmental impacts have been duly addressed and considered within the report and where necessary can be controlled by appropriately worded conditions.
- 8.4 I therefore recommend that planning permission is granted subject to the conditions set out in Appendix 1.
- 8.5 In summary, it is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development. It is therefore recommended that this application be granted subject to conditions.

Human Rights

- 8.6 The proposal will have a limited impact on the visual, residential and environmental amenity of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1 of the Human Rights Act 1998) are minimal and proportionate to the wider social and economic interests of the community.
- 8.7 The Human Rights Act 1998 requires the County Council to take into consideration the rights of the public under the European Convention on Human Rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society in the interests of, amongst other things, public safety, the economic wellbeing of the country or the

protection of the rights and freedoms of others. Article 1 of Protocol 1 provides that an individual's peaceful enjoyment of his property shall not be interfered with save as necessary in the public interest and subject to conditions provided for by law. For any interference with these rights to be justified the interference needs to be proportionate to the aims that are sought to be realised. The County Council has a duty to consider the policies of the development plan and to protect the amenities of residents as set out in those policies.

Angela Jones
Acting Executive Director - Economy and Infrastructure

Contact: Mrs Jayne Petersen

Electoral Division Identification: Aspatria ED

Development Control and Regulation Committee – 13 August 2019

Appendix 1 - PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form – dated 10 May 2019
 - b. Planning Application Supporting Statement – dated April 2019 (Document No: 80042067-01-C2V-ASPAT-99-RP-I-00001)
 - c. Preliminary Ecological Appraisal – dated May 2016
 - d. Preliminary Ecological Appraisal – dated July 2018
 - e. Technical Memorandum : Great Crested Newt Desk-based Review and Reasonable Avoidance Measures (RAMS) – date 22 March 2019
 - f. Plans numbered and named:
 - i) Location Plan - 80042067-01-C2V-ASPAT-99-DR-I-00001
 - ii) Site Layout Plan - 0042067-01-C2V-ASPAT-99-DR-I-00002
 - iii) Ferric Kiosk Plan - 80042067-01-C2V-ASPAT-99-DR-I-00004
 - iv) MCC Kiosk Plan - 80042067-01-C2V-ASPAT-99-DR-I-00003
 - g. The details or schemes approved in accordance with the conditions attached to this permission.

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

Notification of Commencement of Development

3. Notification of the date of commencement of the development shall be made in writing to the Waste Planning Authority within 7 days of such commencement.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission.

Construction Management Plan

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The Plan shall include details of the following:
 - a) Contractors compound/parking provision including a plan reserving adequate land for the parking of vehicles engaged in construction

- operations, including vehicular access;
- b) The location and design of wheel cleaning facilities including the provision for cleaning of the site entrances and adjacent highway to prevent debris from the site being deposited by vehicle wheels upon the public highway;
- c) Management of traffic within and accessing the site and access road including speed limit; awareness of other users on the access road; warning signage for all users of access track and notification of deliveries to residents of Comely Bank;
- d) Means of receiving construction material;
- e) Identification of potential sources and measures to control;
 - i. Noise
 - ii. Dust
 - iii. vibration
- f) The storage of fuels and soils during construction phase, including spill kit;
- g) A scheme for recycling/disposing of waste resulting from construction works;
- h) Details of temporary lighting during construction;
- i) Details of temporary construction/warning signage;
- j) Provision for facilities of manoeuvring, loading and unloading of vehicles;
- k) Construction vehicle routing.

The construction phase of the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To ensure the construction is carried out in accordance with the approved scheme.

Hours of Operation

5. No construction works relating to the development hereby approved shall be undertaken except between the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 12:00 Saturdays and not at all on Sundays and Bank/Public Holidays.

Reason: In the interests of preserving the amenity of neighbouring residents.

Noise Assessment

6. The rating levels for cumulative noise from all plant and machinery during the operational life of the site shall not exceed 5dB above the existing LA90 background levels and 10 dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014).

Reason: To protect the amenities of local residents from noise pollution and to conform with Policy DC3 of the CMWLP.

Highway and Transportation

7. The access road from the site to the public highway shall be kept clean and maintained in a good standard of repair for the period of construction works.

Reason: To ensure that no material from the access road is carried onto the public highway in the interest of highway safety.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

