

From: William J Hill/HP/NorthLincs
To: Planning/PL/NorthLincs@NorthLincs

Date: 10 February, 2010 09:48AM
Subject: Fw: Able UK - foul drainage

2009.0600

-----Forwarded by William J Hill/HP/NorthLincs on 10/02/2010 09:45AM -----

To: "William J Hill" <William.Hill@northlincs.gov.uk>
 From: "Richardson, Laura" <LauraM.richardson@environment-agency.gov.uk>
 Date: 09/02/2010 02:28PM
 cc: <rcram@ableuk.com>, "Morris, Debbie" <debbie.morris@environment-agency.gov.uk>, "Winn, Philip" <philip.winn@environment-agency.gov.uk>
 Subject: Able UK - foul drainage

Hello Bill,

I have looked at Richards comments, Points 1, 2 and 3 are all asking for your Authorities position on whether you require further information. Richard is well aware of our position.

Point 4 refers to the impact of a discharge into the Humber. I think it would be a mistake to get into the detail of this before we have the 'in principle' issues about connection to the mains sewer sorted out.

I would be grateful if you could confirm your position. I have again attached our previous letter which provides the reasons behind our objection. I would be happy to discuss this with you further.

Kind regards

Laura

From: William J Hill [mailto:William.Hill@northlincs.gov.uk]
Sent: 03 February 2010 16:15
To: Richardson, Laura
Subject: Fw: RE: Able UK - foul drainage

Laura.

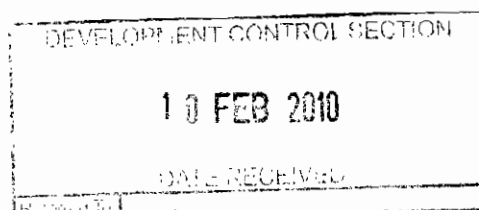
Sorry i missed you this afternoon, here are Able's comments to your latest e mail, I would like a response from you please.

Bill

-----Forwarded by William J Hill/HP/NorthLincs on 03/02/2010 04:10PM -----

To: "William J Hill" <William.Hill@northlincs.gov.uk>
 From: "Richard Cram" <rcram@ableuk.com>
 Date: 03/02/2010 02:09PM
 cc: "Richardson, Laura" <LauraM.richardson@environment-agency.gov.uk>
 Subject: RE: Able UK - foul drainage

William,



I have annotated my comments below.

Kind regards

RICHARD CRAM
Design Manager

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From: William J Hill [mailto:William.Hill@northlincs.gov.uk]
Sent: 03 February 2010 09:07
To: rcram@ableuk .com
Subject: Fw: Able UK - foul drainage

Richard.

More comments please.

Bill.

-----Forwarded by William J Hill/HP/NorthLincs on 03/02/2010 09:01AM -----

To: "William J Hill" <William.Hill@northlincs.gov.uk>
From: "Richardson, Laura" <LauraM.richardson@environment-agency.gov.uk>
Date: 02/02/2010 10:12AM
cc: "Newby, Jake" <jacob.newby@environment-agency.gov.uk>
Subject: Able UK - foul drainage

Bill,

I consider the main points of Richard's e-mail to be (please correct me if I'm wrong), that:

1. There is not capacity in the existing sewer irrespective of whether its in a sewered area or not, and to connect to the public sewer will be costly and long term;
2. The LPA has to decide whether the Anglian Water report is sufficient evidence to satisfy them that connection to the public sewer is not feasible;
3. The EA can come back to the issue post planning in regards to the unreasonableness of connection to the public sewer; and
4. Whatever happens, all the treated effluent is going to end up in the Humber estuary and it is doubtful that the water quality will be compromised.

Our response:

1. We accept that Anglian Water have confirmed that there is not capacity in the public sewer. However, in their report they provided options which would allow the effluent from the development to be treated by them. These options and the costs need to be fully explored. No evidence has been provided which demonstrates that the cost the developer will incur is unreasonable. Circular 03/99 makes it clear that the first presumption should be connection to the mains. The applicant is proposing Package Treatment Plants. Surely planning permission can not be granted for Package Treatment Plants without any **evidence** that they can not connect to mains?

This is the core issue - is the Developers Report by Anglian Water sufficient to inform a planning decision? AW has advised that a supplementary report providing information on budget costs and an outline programme will cost £20,000 and take 3 months to produce. If further evidence is required then we will need to commission this from AW – no other party will be able to undertake this work.

2. I completely agree with Richard on this point. We have made it explicit that we can not remove our objection until we receive further information demonstrating that water quality will not be adversely affected. This has been our position since first receiving the application, which was communicated with Richard through meetings and yourself initially through our formal response. Through discussions with Richard it is clear that he is waiting for a definitive answer from your authority on the subject of whether further information needs to be provided or whether you consider the information sufficient.

Agreed

3. Through our regulatory powers we do have an opportunity to further assess whether it is reasonable to connect to mains or not before we would consider granting a private Discharge Consent. However, this does not negate the need to go through the proper planning process. Planning Policy Statement 23 (PPS23) clearly states that this evidence should be provided upfront. Additionally, it seems pointless to grant planning permission without the knowledge that there is a sustainable solution to managing foul drainage. This could result in a planning application that could not be implemented.

Again it comes down to the evidence that you require as the LPA to make the planning decision. The proposal we have put forward for package treatment plants is a sustainable long term solution subject to appropriate management of the system.

4. This point may be true of the Humber , however, no evidence for this statement has

been provided. Additionally the outfall is likely to be to a drain before it flows to the Humber . We have no idea the effect that the combined discharges will have on the quality of this drain or its sensitivity. This is contrary to PPS23, which directs that the precautionary principle should be applied. The onus is on the applicant to do further work and not on the LPA to show demonstrable harm. We also have concerns that this may be in breach of the EIA regs, which clearly states it is mandatory for the ES to provide a description of the likely significant effects of the development on the environment , of which the water environment is one.

Impact on water quality is easiest to measure and control at the point of source (directly from the plant). EC Directive 91/271 and the Water Resources Act 1991 sets the requirements for discharges from waste water treatment plants and the package plants proposed would achieve the specified limits. Estimating the impact on the receiving watercourse (the Humber) is less precise. However I am not sure it is necessary. The Humber drains 20% of the land mass of the UK and all effluent discharged within that area must ultimately find its way to the mouth of the Humber . The effluent from the site will pulsate up and down the Humber over several tidal cycles before finally discharging into the sea. (The net rate of flow per spring tide is 5km eastwards) On a spring tide 160M m3 of water passes through the mouth of the Humber . We will not increase the effluent load on the Humber by any measurable value. (' *The Humber Estuary Environmental Background Report* ' , Shell, 1987.

On the site the foul drainage is piped from the package plant to reedbeds for tertiary treatment before being discharged into the attenuation ponds (refer to ES Section 8.2). These attenuation ponds will be flushed through with surface water run-off during each rainfall event. The total surface water run off from the completed development will be 1.5M m3/annum, and compares to an annual foul flow of 60K m3, which provides significant dilution on site following the tertiary treatment.

Requesting details up front, detailing how foul drainage will be managed for a site of this size, is consistent with planning policy. Additionally, it is consistent with how we deal with similar applications. We note the importance of this application for your authority; however the lack of any assessment to ensure that this development will not impact upon water quality, even in principle, cannot be overlooked.

See above

As previously stated we therefore require evidence from Anglian Water that they can adequately treat effluent from the development, without increasing the risk of compliance failures or pollution to the environment from their assets. Alternatively, if the developer, through consultation with Anglian Water, is able to demonstrate that they are unable to reasonably connect to the foul sewer we would further consider the proposal to use alternative means of sewage treatment.

Regards

Laura

From: William J Hill [mailto:William.Hill@northlincs.gov.uk]
Sent: 28 January 2010 10:26
To: Richardson, Laura
Subject: Fw: RE: Able UK

Laura.

These are Richard Cram's comments to your recent E mail, his approach seems reasonable to me.

Does it to you? and if not why.

See you next week.

Bill

-----Forwarded by William J Hill/HP/NorthLincs on 28/01/2010 10:21AM -----

To: "William J Hill" <William.Hill@northlincs.gov.uk>
From: "Richard Cram" <rcram@ableuk.com >
Date: 27/01/2010 05:54PM
Subject: RE: Able UK

William,

I phoned but got your answering machine.

The WCS Scoping Study recommends, inter alia, that NLC and NELC fund an outline Water Cycle Study albeit that the content weren't actually defined in the Scoping Study. I assume nothing has progressed but perhaps you can confirm this.

I have seen the other EA policy documents before. Circular 03/99 really deals with septic tanks which we are not proposing. The Circular specifies a presumption in favour of connecting to public mains but if the planning authority is satisfied that the cost/practicability is unreasonable then a package plant can be provided. (Only if it can be demonstrated that neither of these are feasible can a septic tank be used.)

EA policy 538/06 applies to sewered areas. It defines a sewered area to be within 30m of a sewer but then says that the more properties are proposed the more likely EA will expect a connection to the sewer so manages to keep an element of vagueness in defining what a sewered area is.

The fact is that there isn't capacity in the existing sewer whether or not it's a sewered area. To connect to the public sewer, we would have to fund a major upgrade to the sewage treatment works in the area. By inspection it will be costly and long term – AW have said as much.

We have provided a developers report from AW in our planning application that records that there isn't enough capacity in the sewer. The LPA has to decide whether that is sufficient evidence to satisfy them that connection to the public sewer is unreasonable. It seems to me that EA can come back to the issue post planning in any event if they are not convinced about the unreasonableness of a connection to the public sewer. They are not obligated to approve an application for consent for a package plant in the future unless they are content that connection to the public mains is unreasonable too. At that point we will have no option but to provide whatever information they need. Whatever happens, all the treated sewage is going to end up in the Humber estuary and I doubt we are going to compromise the water quality of that.

Not sure if there were any specific issues you wished me to consider, so please phone to discuss if I have missed the point at all.

Kind regards

RICHARD CRAM
Design Manager

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From: William J Hill [mailto:William.Hill@northlincs.gov.uk]
Sent: 27 January 2010 09:04
To: rcram@ableuk .com
Cc: Mike Welton; Andrew Taylor
Subject: Fw: Able UK

Richard.

Further to my suggestion that planning conditions may be the most appropriate way of dealing with drainage issues, please find attached notes/comments from the EA.

Your comments would be appreciated as a matter of urgency please.

Bill

-----Forwarded by William J Hill/HP/NorthLincs on 27/01/2010 08:57AM -----

To: <william.j.hill@northlincs.gov.uk>
From: "Richardson, Laura" <LauraM.richardson@environment-agency.gov.uk>
Date: 26/01/2010 04:16PM
Subject: Able UK

Hi Bill,

As discussed please find attached our comments on foul drainage. I would be interested to have your thoughts on the content. I have also attached the Environment Agency's Operational Instructions that I refer to and the Water Cycle Scoping Study.

Any questions please don't hesitate to contact me, or we can discuss on the 3rd Feb.

Regards

Laura

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Attachments:

dps1.rtf

North Lincolnshire Council
Development Control
PO Box 42
Scunthorpe
DN15 6XQ

Our ref: AN/2009/107755/01-L02

Your ref: PA/2009/0600

Date: 26 January 2010

Dear William Hill

PLANNING PERMISSION TO ERECT BUILDINGS AND USE LAND FOR PURPOSES WITHIN USE CLASSES A3, C1, B1, B2 AND B8 FOR PORT RELATED STORAGE AND ASSOCIATED SERVICE FACILITIES TOGETHER WITH AMENITY LANDSCAPING AND HABITAT CREATION, INCLUDING FLOOD DEFENCES, NEW RAILWAY SIDING, ESTATE ROADS, SEWAGE AND DRAINAGE FACILITIES, FLOODLIGHTING, WASTE PROCESSING FACILITY, HYDROGEN PIPELINE SPUR AND TWO 20M TELECOM MASTS LAND OFF SKITTER ROAD, EAST HALTON

I refer to your e-mail correspondence with Jake Newby dated 14 January 2010, in respect of securing a sustainable means of foul drainage for the above application.

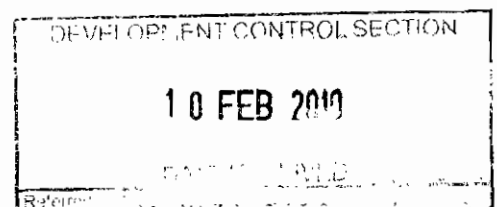
As an organisation we endeavor to enable appropriate development where the environmental impacts have been properly considered and mitigated against. As you are aware we have had numerous meetings with Able UK both before and after the formal application stage. This demonstrates our commitment to working with the developer to facilitate the planning process.

In regards to foul drainage, government policy as set out in Planning Policy Statement 23 (PPS23) notes the key role that the planning system plays in determining the location of development which may give rise to pollution, either directly or indirectly.

Similarly, Planning Policy Statement 12 states that "when it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted".

The documents submitted in support of the above application, show that the intention is for foul drainage to be discharged to a non-mains drainage system. DETR Circular 03/99 (paragraphs 3 and 4) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer.

Environment Agency
Waterside House Waterside North, Lincoln, Lincolnshire, LN2 5HA.
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Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk
Cont/d..



We note your comments that this area is considered 'unsewered'. However, the Environment Agency's operational instruction, 'Effluent Disposal in Sewered Areas 538_06' states:

"The extent of a 'sewered area' in each case depends on whether it is reasonable for a development to connect to the public sewer... The topography of the area, the size of the development and any other factors that affect how easy it will be for that development to connect to the public sewer will all have a bearing on the extent of a sewered area".

Due to the scale and nature of the proposed development, further investigation is needed to detail the cost and/or practicability of connecting to the public sewer, along with any infrastructure improvements. This information can then be used to determine the reasonableness of mains connection and therefore whether the development is in an unsewered area.

Preference is given to connection to the public sewer as Package Treatment Plants (PTP) cannot treat sewage effluent to the same standard as larger Sewage Treatment Works (STW). Additionally, there are a number of operational and maintenance issues with these systems which can lead to inadequate treatment of sewage and so, cause a polluting discharge into the receiving watercourse or ground. This is evidenced in compliance figures for private PTP compared to plants operated by Sewage Undertakers.

Only where, having taken into account cost and/or practicability, it can be shown that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

At this stage the applicant would still have to demonstrate that the means of non-mains drainage would not cause an adverse impact on the water environment, in accordance with PPS23. Also, that there would be no deterioration of the water environment, in accordance with the Water Framework Directive (2000/60/EC). This is especially important as any effluent is likely to discharge to a tributary of the Humber Estuary which is classed as a Site of Special Scientific Interest (SSSI).

Additionally, the foul drainage proposals require a Discharge Consent from the Environment Agency. Environment Agency's operational instruction, 'Effluent Disposal in Sewered Areas 769_06' states that:

"Developments discharging 'domestic' sewage will be expected to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge consent for a private sewage treatment system where it is reasonable to connect to the public foul sewer".

Accordingly, we will not issue a Discharge Consent unless it can be demonstrated that it is unreasonable to connect to mains and that a PTP will not impact upon the receiving watercourse.

We consider that to grant permission prior to determining whether provisions can be secured for the disposal and treatment of foul sewage, that will have no adverse impact on the water environment, is contrary to the precautionary principle advocated in PPS23. Whilst, we wish to facilitate development, we consider that permission should only be granted once there is an understanding that a condition could be delivered and is reasonable.

Our approach is supported by the 'South Humberside Water Cycle Scoping Study', undertaken by Halcrow Group Ltd, dated July 2008. The report concluded that a Water Cycle Study (WCS) would be a critical factor in planning and delivering growth, and that further work [in the form of an outline WCS] would be necessary to plan and deliver growth in a sustainable way, and to meet growth trajectories. The South Humber area is specifically mentioned as an area where further assessment is needed:

"Three of the four largest discharges from wastewater treatment works discharge into the Humber Estuary. These wastewater treatment works serve the major growth area in the South Humber and are the most likely to be affected by development...the impact upon changes in water quality would need to be assessed against the ecological designations of the Humber Estuary to ensure no deterioration".

For information Government Office for Yorkshire & Humber (Geoff Dibb) supported the Study's recommendation, underlining the importance of the planning and delivery aspects of the work. The funding of this report by the Environment Agency and our offered continual support to your Authority, through the next stage of the study, further demonstrates our commitment to partnership working and facilitating development which can be accommodated within environmental limits.

As there is a policy presumption to connect to public sewer the developers should pursue this option as a priority in consultation with Anglian Water.

We would be happy to withdraw our objection on foul water grounds if Anglian Water confirmed that they can adequately treat effluent from the development, without increasing the risk of compliance failures or pollution to the environment from their assets. Alternatively, if the developer, through consultation with Anglian Water, is able to demonstrate that they are unable to reasonably connect to the foul sewer we would further consider the proposal to use alternative means of sewage treatment.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Laura Richardson
Planning Liaison Officer

Direct dial 01522 785938

Direct fax 01522 512927

Direct e-mail lauram.richardson@environment-agency.gov.uk