

Planning Committee

17 January 2005

**Application to be determined by
the County Council**



Report of John Suckling, Head of Planning

Purpose of the report: To enable the Committee to determine an application for planning permission which has been received in accordance with the requirements of the Town and Country Planning Act 1990.

Derwentside District: Proposed new on-site structures and upgrading of access at Hustledown Sewage Treatment Works (STW), south-east of Stanley, for Northumbrian Water Ltd.

Background

- 1 Northumbrian Water (NWL) must review its current sewage treatment operations in order to comply with new European water quality objectives in 2004. Improvements are required at Hustledown Sewage Treatment Works (STW) so that discharges comply with new effluent quality standards.
- 2 The comprehensive improvements proposed at Hustledown STW include the installation of new structures, plant and machinery, underground pipework and manholes, conversion of existing structures and decommissioning and partial demolition and infilling and full demolition of existing structures on-site, and upgrading of the existing access junction. It was the applicant's original intention to widen the access track in order to accommodate the passage of new tanks and vehicles required for on-site operations. This would have resulted in the removal of 8 to 9 trees and pruning works to other trees. The applicant has subsequently reconsidered the need for the widening and the design of the scheme and withdrawn this element of the proposal following concerns raised about the effects on Stanley Wood and wildlife.
- 3 Much of the on-site development benefits from permitted development rights, (structures comprising installation of a new pumping station with pumps, pipework and valves on a reinforced concrete slab, a new tank within a building, all associated underground pipework and manholes, the conversion of the existing primary tanks into storm tanks and the decommissioning and partial demolition and infilling of 2 storm tanks and 4 humus tanks and the decommission and infilling of an existing inlet channel and the demolition of an existing storage building).
- 4 However, express permission from the County Council as waste planning authority is required for new fully and partly above ground structures described in the following section. The proposed upgrading of the access and track also requires express permission. A location plan is attached to this report.

The proposals

- 5 On-site development proposed that requires planning permission:
 - a) A new inlet channel, 16m long by 1.1m wide, mainly below ground level with approximately 60cm above ground level. The channel would be located to the north side of the site area and constructed of reinforced concrete with a steel mesh cover.
 - b) A new primary settlement tank distribution chamber, 3.6m long by 1.65m wide, mainly below ground level with 13cm above ground

level. The distribution chamber would be located to the east side of the site area adjacent to the two new primary settlement tanks and constructed of reinforced concrete with a steel mesh cover.

- c) Two new primary settlement tanks measuring 14m in diameter. The tanks would be mainly below ground level, although reprofiling of the ground level surrounding the tanks would take place to ensure that 1.1m of the tank wall would be above ground. The tanks are to be installed to the east side of the site and constructed in reinforced concrete.
- d) A new humus final distribution chamber, 3.6m long by 1.65 wide, would be mainly below ground with 13cm above ground level. The distribution chamber will be located in the centre of the site adjacent to the new humus final distribution tanks and constructed in reinforced concrete with a steel mesh cover.
- e) Two new humus final distribution tanks, 15.3m in diameter, would be mainly below ground level although reprofiling of the ground level surrounding the tanks would take place to ensure 1.1m of the tanks would be above ground level. A scraper bridge is to be mounted within the tank which would protrude 1m above the top of the tank. The distribution tanks would be located in the centre of the site area and constructed in reinforced concrete.
- f) A new final effluent pumping station would be located within 1.8m diameter pre-cast concrete rings with reinforced concrete cover protruding approximately 15cm above ground level. The pumping station would be located in the centre of the site.
- g) A new flow measurement and sample chamber, 4.5m long by 1.5m wide, would be mainly below ground level with 15cm above. The chamber would be located in the centre of the site and constructed in reinforced concrete.
- h) Two new sludge storage tanks, 8.2m in diameter with an approximate height of 3m above ground level. The tanks would be located in the north east of the site and would be constructed on-site in reinforced concrete.
- i) A new Motor Control Centre (MCC) kiosk would be located in the centre of the site, 3m in height with a floor area on a concrete base of 11m by 3.5m. The new kiosk would be constructed of glass-reinforced plastic with external colour in green (BS No. 4800 ref 12.B.29) with entry via a double door.
- j) Two chemical dosing tanks are to be manufactured off-site and erected as part of the construction in the north east of the site. These tanks originally necessitated the removal of trees adjacent to the access road to the site due to their size (4.2m in diameter and 4m high). However, the applicant now proposes to bring in tanks measuring 3.4m in diameter and 4m in height which can be brought

to the site without the need to remove trees. These tanks would be constructed of glass-reinforced plastic and buff coloured (the natural manufactured colour for polypropylene).

- k) A new kiosk to control chemical dosing would be located adjacent to the chemical dosing tanks and would be 3m in height with a floor area on a concrete base of 6.5m by 4m. The new kiosk would be constructed of glass-reinforced plastic with external colour in green (BS No.4800 ref 12.B.29) with entry via a set of double doors.
 - l) Five other kiosks are to be installed on-site. Each would be 1.2m in height with a floor area on a concrete base of 0.7m by 0.3m. These new kiosks would be constructed of glass-reinforced plastic. The primary ferric dosing point cabinets and secondary ferric dosing point cabinets would be reddish brown (06 E 05 to BS No. 4800) in colour in accordance with Health and Safety regulations. Caustic dosing point cabinets would be violet (22 C 37 to BS No.4800) in colour again in accordance with Health and Safety regulations. The new primary ferric dosing point cabinet and new caustic dosing point cabinets would be located close to the existing inlet channel, and a further primary ferric dosing point cabinet close to the new inlet channel, whilst a new primary caustic dosing point cabinet is proposed close to the new primary tanks distribution chamber. A new secondary ferric dosing point cabinet would be located close to the new secondary tanks collection chamber.
- 6 The access junction with the B6532 is proposed to be modified to include a kerbed entrance with drop kerbs at the footway crossing. It was originally proposed to widen the existing access by 0.5m on the south side and 1-1.5m on the north side which, necessitated the removal of 8 or possibly 9 trees that align the access track. However, in response to concerns raised over the impact of the works on trees, wildlife and fauna in this Ancient Woodland, the applicant has re-considered the design of the works and type and size of vehicles to be used during construction and operation in order to remove the need to widen the access track. It is now proposed that the existing access track leading from the entrance will not be widened to allow transportation of the chemical dosing tanks which are manufactured off site. As there would be no widening of the access track no trees would now be lost and only pruning works would be required.
- 7 The construction period for the development work is approximately five months.

Planning considerations

- 8 Planning policies are contained in the adopted County Durham Structure Plan (March 1999) [CSP], the County Durham Waste Local Plan: Revised Deposit Draft, as modified (September 2004) [WLP] and the Derwentside District Local Plan (1997) [DLP]. The key policies relevant to this proposal are noted in the Appendix.

- 9 CSP Policy 87 and WLP Policy W44 recognise the potential need to upgrade or extend existing sewage works to comply with new standards. Proposals for new sewage treatment works would be determined against Policy W44. The proposed improvements at Hustledown STW are required to improve the quality of treatment of sewage and waste water and achieve better discharge standards. The STW is long established, serving Stanley, but distant from residential properties. The present proposals do not significantly change any visual impact of the existing Works, and provide for essential on-going waste treatment requirements. The proposals therefore do not conflict with these planning policies.

Residential amenity

- 10 Hustledown STW is located south-east of Stanley, east of the B6532. The nearest group of dwellings at Woodside Gardens lies some 230m south-west. The proposed improvements, in themselves, are unlikely to have an increased effect on residential amenity, and indeed are needed to help control treatment efficiently to meet current and future intended standards. The scheme therefore accords with WLP Policies W3, W4, and W28 intended to protect amenity.

Landscape

- 11 The new generally low level structures to be constructed within the existing STW would not significantly change the character or appearance of the existing extensive Works complex that has low visual impact by virtue of the topography and surrounding woodland. There is to be no removal of trees in Stanley Wood which is designated Ancient Woodland, (protected in Policy EN10 of the DLP), a Site of Nature Conservation Importance and contributor to the Great North Forest. CSP Policy 67C, WLP Policy W13 and DLP Policies EN10 and EN12 seek to conserve the nature conservation interest of regionally or locally identified sites. Development having potential to affect such sites adversely should not be permitted, unless it can be demonstrated that any damage is reduced to an essential minimum and there are reasons for the proposal which clearly outweigh the need to safeguard the important intrinsic qualities of the site.
- 12 CSP Policy 69 and WLP Policy W13C seek to protect Ancient Woodland from development that would result in any loss of quality or damage. The applicant accepted the need to mitigate the effect on the woodland and has amended the proposals to remove the necessity for any tree loss, and to safeguard the other trees in the vicinity. Should planning permission be granted conditions can be attached to ensure satisfactory monitoring of the state of trees that have been pruned for a period of five years, so that essential remedial works can be carried out in the event of any of the trees failing.
- 13 With the above mitigation measures, the quality and special character of the designated woodland can be safeguarded and, in my opinion,

the amended proposals do not conflict with CSP Policies 67C and 69, WLP Policies W13 and W13C and DLP Policies EN10 and EN12.

Ecology

- 14 As there are records of bat sightings in the vicinity of the site, the applicant has carried out a bat survey. The results suggest that Stanley Wood is a high risk site for roosting and foraging bats, and there is potential that bats will be disturbed by pruning works, though no definite roost sites were found.
- 15 CSP Policy 67D seeks to protect protected species and local nature conservation features from development that may significantly damage their habitat or nature conservation value. WLP Policy W13B states that planning permission will not be granted for development having an adverse impact on protected species. Where an overriding need is identified, conditions or legal agreements should be imposed to secure mitigation. The application proposals have now been amended to minimise and mitigate the potential for disturbance. Precautionary mitigation measures include adopting appropriate working practices for pruning trees where there is a prospect of roosting bats. However, as the timescale for the proposed works coincides with the bat hibernation period, the applicant, as a precautionary measure, has proposed that a qualified bat expert will be present on site when the pruning is to take place. Should any bats be found in the trees, the works would cease and the applicants would seek English Nature's advice.
- 16 In their consultation response English Nature recommends specific working methods be provided for by condition, should planning permission be granted. In response to a suggestion from English Nature, the applicant has agreed to provide a range of bat boxes within the woodland and/or STW site. Conditions would also be placed on any permission to ensure that works are either carried out outside of the normal bird breeding period or, if this period is unavoidable, before any works are carried out trees would be surveyed for the presence of nesting birds and appropriate action taken as necessary.
- 17 With the mitigation measures proposed, controlled by conditions, should permission be granted, the amended proposals are unlikely to have a significant adverse impact on bats, nesting birds or their habitat. The proposal therefore would not conflict with CSP Policy 67D and WLP Policy W13B.

Recreational amenity

- 18 A public right of way (Footpath No 38 Stanley) shares much of the length of the access track to the site. DLP Policy T03 identifies this footpath (Stanley Burn) as a path to be developed for greater recreational use. The applicant intends to maintain public access along the footpath during construction works and to maintain the public right of way following the completion of the works, and has agreed to erect a 1.5m high rustic fence along the southern edge of the track adjacent to

the Stanley Burn for the safety of path users. Since the path will remain open, there is unlikely to be significant short or longer term adverse impact upon its recreational potential, or the local path network. With these arrangements and protection for the public right of way the proposal will accord with WLP Policy W19.

Traffic and access considerations

- 19 Access to the STW would continue via the track that leads from the improved entrance from the B6532. The construction works would generate between 8-10 vehicle movements per week, which is the normal number required for maintenance. The Head of Highway Management Services has no highway objection to the proposal. The proposal accords with CSP Policy 43 and WLP Policy W26.

Consultations and views received

- 20 Derwentside District Council has no objection to the amended application.
- 21 The Environment Agency has no objection to the proposed development, but comments that the developer should consider the possibility of the presence or future presence of gas and be satisfied with any gas precaution measures that may be necessary.

Comment: The applicant has been made aware of this comment.

- 22 South Stanley Wood Group has objections to the proposed development as they consider that an alternative access should have been considered and they are concerned about impacts on wildlife and people using the woodland, the effects of the permanent increase in traffic through the woodland, an increase in pollution and noise from the increase in traffic, effects on Stanley Burn and potential increases in odour from the sewage works.

Comment: The applicant carried out a study on the creation of alternative routes to access the site but all were deemed less suitable than use of the existing route in terms of safety and environmental impact. In response to concerns about impacts on wildlife the applicant has amended the application so that no trees are lost. Proposed vehicle movements will remain at existing levels. The upgrade is essential to improve environmental standards imposed by new European and UK legislation. The works will produce a cleaner effluent which discharges into the Burn and are unlikely to increase odour from treatment processes.

- 23 South Stanley Partnership has not commented on the proposals (consulted on 23/11/04 and 17/12/04).
- 24 South Stanley Green Corridor has not commented on the proposals (consulted on 23/11/04 and 17/12/04).

- 25 Groundwork West Durham has not commented on the proposals (consulted on 23/11/04 and 17/12/04).
- 26 Craghead Partnership has not commented on the proposals (consulted on 23/11/04 and 17/12/04).
- 27 The proposal has been advertised on site and in the press. Since the application was deferred at November Planning Committee one representation has been received from the chair of Governors of Burnside Primary School who raised concerns about works that have already taken place, the levels of additional traffic proposed and the effects on the woodland and queried why an alternative access was not considered. Further information was supplied to the objector who has subsequently written to the Council to state that he is satisfied that the additional information addressed his concerns although he does wish to object to the proposed erection of a fence adjacent to the Burn.

Comment: The applicant has now deleted the proposed fence from the application.

Recommendation and reasons

- 28 I conclude and **recommend** that planning permission be granted for the proposed operational and access improvement, subject to appropriate conditions, for the following reasons:
- i) NWL is obliged to provide upgraded sewage treatment and effluent discharges in order to comply with new European water quality objectives. The proposals for Hustledown STW are designed to improve the operation of an existing facility providing an essential service for the community.
 - ii) The developments requiring express consent are associated with significant investment in a wider works improvement scheme. Given the location, nature, scale and integrated purpose of the new development, intended to raise operational standards for the future, the scheme will provide material benefits.
 - iii) The development aligns with relevant development plan Policies, notably CSP Policy 87 relating to waste water treatment and disposal facilities and WLP Revised Deposit Draft Policy W44 in respect of necessary improvements at sewage treatment works.
 - iv) The original proposal which involved the removal of trees has been amended in the light of potential effects. These revised proposals involve no felling of trees and only propose pruning works to be carried out when necessary which will only have a minor impact on Stanley Wood. With the minor works now proposed and the above mitigation measures the proposal does not materially conflict with CSP Policies 67C and 69 and WLP Policies W13 and W13C, intended to protect nature conservation interests and designations.

- v) Appropriate mitigation measures are to be provided to secure the protection of bats and nesting birds, reduce the potential for disturbance to an essential minimum, and provide adequate alternative habitats, in accordance with the intentions of CSP Policy 67D and WLP Policy W13B.

No departure

Background Information

Planning application dated 14th July 2004 accompanied by letter from Mott Macdonald to Durham County Council dated 16th July 2004 and statement in support of planning application dated 15th July 2004. Agricultural Holdings Certificate dated 19th July accompanied by letter from Mott Macdonald to Durham County Council dated 19th July 2004. Letters from Mott Macdonald to Durham County Council dated 20th July, 26th July 2004 (accompanied by Certificate under Article 7 Certificate B), 30th July 2004, 13th August 2004. Faxes from Mott Macdonald to Durham County Council dated 25th August, 31st August 2004 (accompanied by Method statement for existing access track upgrade and tree trimming), 14th September 2004, 22nd September, 29th September, 4th October, 11th October, E-mails from Mott Macdonald to Durham County Council dated 16th September 2004 (accompanied by drawing), 30th September, 19th October, 20th October, 22nd October, 21st December. E-mail from Northumbrian Water Ltd to Durham County Council dated 25th October. Covering letter from Mott Macdonald to Durham County Council dated 3rd November 2004, with arboricultural survey, statements and Photographs. Letter from Northumbrian Water to Durham County Council dated 2nd December 2004. Consultation letters and responses and other correspondence on the application file CMA/1/20.

Plans:

- Drawing No. 206892/001 Rev P1 "Location Plan"
- Drawing No. 206892/010 Rev TEN 1 "Site Layout – General Arrangement"
- Drawing No. 206892/032 Rev P2 "Upgrade of Access Track – General Arrangement"
- Drawing No. 206892/036 Rev P3 "Site Boundary/Land Ownership Plan"
- Drawing No. 206892/060 Rev TEN 0 "Cross Sections through Proposed Site"
- Drawing No. 206892/031 Rev P1 "Extent of Tree Removal"
- Drawing No. 206892/035 Rev P2 "Standard Details"
- Drawing No. 206892/012 Rev TEN 0 "Inlet Works Details"
- Drawing No. 206892/0038 Rev TEN 0 "Primary & Humus Distribution Chambers"
- Drawing No. 206892/0040 Rev TEN 1 "Primary Tank GA"
- Drawing No. 206892/0029 Rev TEN 1 "Final Effluent Channel GA"
- Drawing No. 206892/0050 Rev TEN 0 "Humus Tank GA"
- Drawing No. 206892/0020 Rev TEN 1 "Sludge Tank GA Ground Levels"
- Drawing No. 206892/0027 Rev TEN 0 "Control Building Foundations"
- Drawing No. 206892/031 Rev P2 PRE "Hustledown STW Access Road".
- Figure No:- 01 " Site Plan Hustledown Sewage Treatment Works Access Track"
- Drawing No. 206892/031 Rev P3 STW Access Road
- Drawing No. 206892/032 Rev P3 Access road GA
- Drawing No. 206892/035 Rev P3 Access road details
- Drawing No. 206892/0015 Rev D Chemical Dosing Area

Contact: John Byers Tel: 0191 383 3408

ADOPTED COUNTY DURHAM STRUCTURE PLAN POLICIES (1999)

CSP Policy 67C

The nature conservation interest of regionally or locally identified sites will be conserved. Development which may have an adverse effect on such sites should not be permitted unless the local planning authority is satisfied that it can be demonstrated that there are reasons for the proposal which clearly outweigh the need to safeguard the intrinsic qualities of the site.

CSP Policy 67D

The county's nature conservation interest will be maintained and enhanced. Protected species and local nature conservation features should be protected from development which may significantly damage their habitat or nature conservation value. The creation of new wildlife habitats and local nature reserves will be encouraged.

CSP Policy 69

An increase in tree cover in the County will be sought where there are no significant adverse impacts on the character of the landscape, nature conservation interest or heritage features. New tree planting will be encouraged where:

- (a) It will contribute to the development of community woodlands and particularly the Great North Forest; or
- (b) It will assist in the revitalisation of locations for environmental improvement identified in Policy 70.

Areas of Ancient Woodland should be identified in local plans and protected from development that would result in any loss or damage.

CSP Policy 87

A strategic network of treatment and disposal facilities for waste water serving all major areas of population should be provided.

**COUNTY DURHAM WASTE LOCAL PLAN REVISED DEPOSIT DRAFT,
AS MODIFIED (SEPTEMBER 2004).**

Policy W3

Proposals for new waste development will be required to demonstrate that the natural and built environment and the living conditions of local communities will be protected and where possible enhanced.

Policy W4

Proposals for new waste management facilities will be determined having regard to the following criteria:

- i) the environment and local amenity is adequately protected;
- ii) the location minimises the environmental impacts of transporting waste;
- iii) opportunities to integrate waste management facilities with other facilities or developments which will benefit from the recovery of materials or energy have been identified and taken advantage of;
- iv) opportunities have been identified to extend or develop existing waste management facilities or develop new facilities alongside existing facilities where this would bring environmental benefits;
- v) opportunities have been identified to develop new facilities where they would bring environmental benefits such as on appropriately located previously used or derelict land or former mineral workings; and
- vi) the safe and free flow of traffic on the highway networks affected by the facility shall be safeguarded.

Policy W13

Waste development likely to have an adverse effect on a Local Nature Reserve, a County Wildlife/Geological Site or a Regionally Important Geological/Geomorphological Site, will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature of the conservation value of the site.

Policy W13B

Planning permission will not be granted for waste development which would have an adverse impact on badgers, seals or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act, as amended or Schedules 2 or 4 of The Conservation (Natural Habitats, &c.) Regulations 1994, as amended. Where an overriding need for the development is demonstrated, the waste planning authority will impose conditions on the planning permission or enter into planning obligations to:

- i) facilitate the survival of individual members of the species;
- ii) reduce disturbance to a minimum
- iii) provide adequate alternative habitats to sustain at least the current levels of population of the species.

Policy W13C

Waste development which would have a significant adverse impact on areas of ancient woodland will not be permitted.

Policy W19

Waste development will be permitted where it can be demonstrated that there will be no significant adverse impact upon the recreational value of the countryside, and in particular facilities such as the local path network, country parks and picnic areas.

Adequate arrangements will be required for the continued use of public rights of way and permissive paths such as railway walks both during and after waste development, either by means of existing or diverted routes.

Policy W26

Waste development will only be permitted if:

- a) traffic estimated to be generated by the development can be accommodated safely on the highway network and the amenity of roadside communities is protected;
- b) the strategic highway network can be safely and conveniently accessed; and,
- c) the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.

Policy W28

Waste development will be required to incorporate suitable mitigation measures to ensure that any harmful impacts from the following sources are kept to an acceptable level:

- a) pollution by noise, odour, litter, vermin and birds, dust and mud;
- b) visual intrusion;
- c) traffic and transport; and
- d) subsidence and landslip.

Policy W44

Proposals for new, or extensions to existing, sewage treatment works will be permitted where they represent the Best Practical Environmental Option and where:

- a) they are required to improve the treatment of sewage and waste water; or
- b) they are required to improve discharge standards; or
- c) they are required to provide increased treatment capacity.

Prior to the development of new green field sites or extensions to existing sites priority should be given, where possible, to accommodating any additional development as infill development within the curtilage of existing STW sites. Additionally, proposals for recovery of sludge to produce beneficial end products will be encouraged where they can be located without significant adverse effects on local communities or the environment.

DERWENTSIDE DISTRICT LOCAL PLAN POLICIES (JANUARY 1997)

Policy EN10

Development which would have a detrimental effect of the following areas of Ancient Woodland will not be permitted:

.....Stanley Wood..... (other areas as follows)

Policy EN12

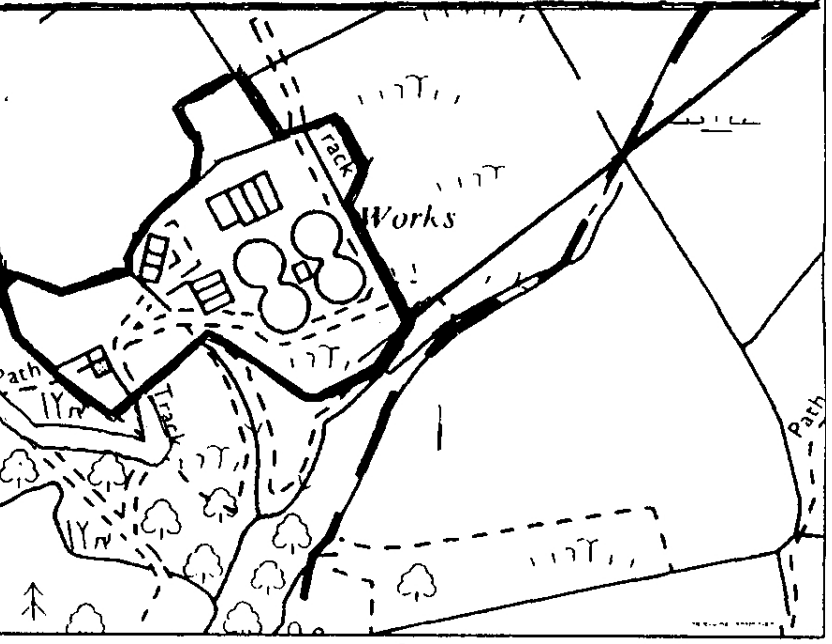
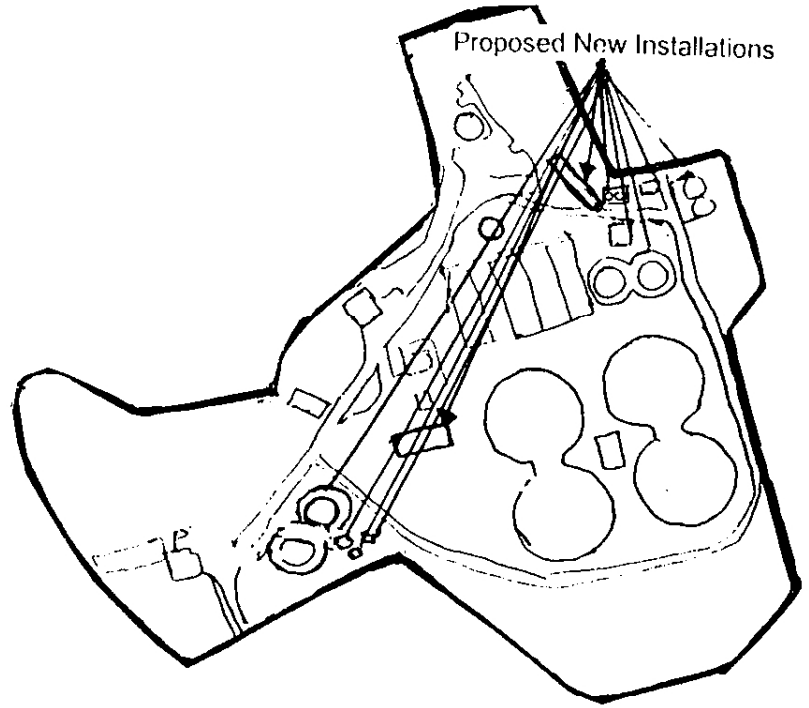
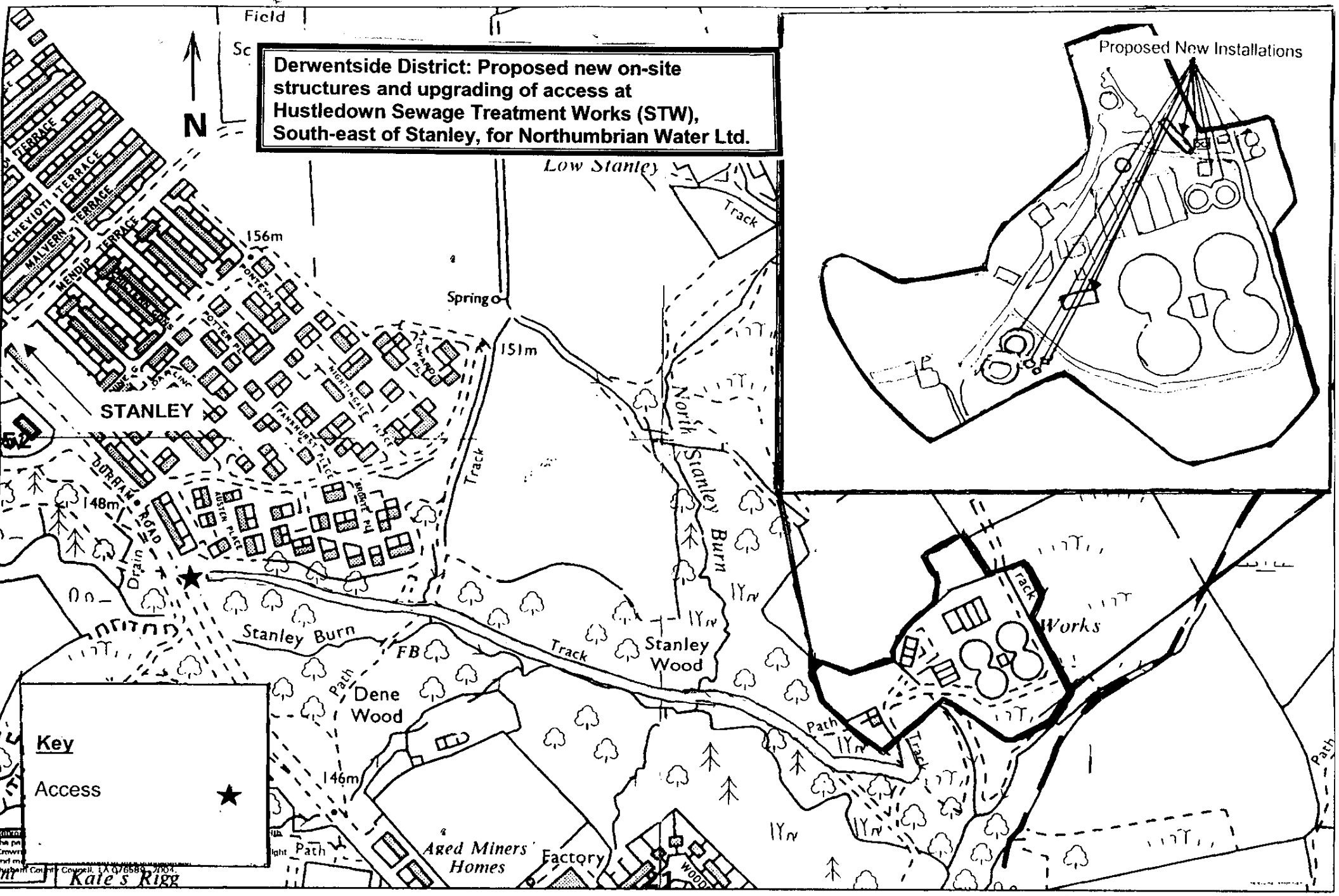
Development within the Great North Forest will only be permitted if the proposals incorporate substantial amounts of woodland planting.

Policy T03

Recreational Paths will be developed along the following routes:

.....Stanley Burn.....(other routes as follows)

Derwentside District: Proposed new on-site structures and upgrading of access at Hustledown Sewage Treatment Works (STW), South-east of Stanley, for Northumbrian Water Ltd.



Key
Access

