



**United Utilities Water Limited
Planning, Landscape and Ecology**
1st Floor, Thirlmere House
Lingley Mere Business Park
Lingley Green Avenue
Warrington
WA5 3LP

Planning.liaison@uuplc.co.uk

By email only

Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
BB7 2RA

Your ref: 3/2019/0999
Our ref: DC/19/4792
Date: 09-OCT-20

Dear Mr Kilmartin

Location: Land off Henthorn Road, Clitheroe, BB7 3BY

Proposal: Erection of up to 160 dwellings with public open space, landscaping and sustainable drainage

United Utilities Water Limited [United Utilities] wishes to make the following comments in relation to the planning application (ref. 3/2019/0999) on land at Henthorn Road, Clitheroe for:

“Outline planning application for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road. All matters reserved except for means of access”

The application was submitted on 4th November 2019 by Gladman Developments Ltd [the Applicant]. It is currently being considered by the Council and has not yet been determined. On the 10th of December 2019 United Utilities wrote to the Council in response to the consultation on the application raising concerns about the relationship between the proposed development and Clitheroe Waste Water Treatment Works [WwTW]. In that response (enclosed) we requested that the applicant provides an Odour Impact Assessment [OIA] to allow the consideration of the effects of WwTW on the amenity afforded future occupants of the development. In this regard we requested that the OIA included an assessment of effects using:

- Regulatory approved odour modelling software;
- That the modelling methodology, inputs and assessment criteria are agreed prior to the production/release of any report; and,
- That the finding should be supported by the results of field sniff tests conducted in adherence to Institute of Air Quality Management [IAQM] guidelines.

This assessment was not covered by the Air Quality Assessment [AQA] prepared by Wardell Armstrong provided with the application submission (ref GM10325/002/v0.1). In other respects United Utilities also made additional comments on the application which can be summarised as follows:

- That United Utilities were broadly happy with the drainage proposals subject to the imposition of appropriate conditions to require the details to be submitted and approved in due course;

- That the water supply may need to be reinforced to accommodate the development but that this was not an impediment to development; and,
- That a water main and public sewer cross the site and these would need to be respected by the development and appropriate easements provided, and construction methodology adopted, to safeguard this infrastructure.

Following receipt of the request for additional information the applicant has submitted an OIA prepared by Wardell Armstong dated August 2020 (ref. GM10325/004/v0.1). This letter is in direct response to the OIA and should be read alongside the original letter in respect of United Utilities other comments.

United Utilities has reviewed the submitted OIA internally and has also sought the advice of an independent expert. It is this last activity that has resulted in the delay in the submission of our response, and we are grateful for the forbearance of the Council and applicant in this regard. I set out our comments in this regard below.

However, in summary, United Utilities has fundamental concerns about the impact of odour from the existing Clitheroe WwTW on the amenity of future residents on part of the proposed development. This letter sets out the planning issues raised by the application proposals, and the grounds upon which United Utilities object to the application. It is considered that solely on the grounds of odour (and irrespective of any other matter being considered by the Council) the proposed development should be refused, or the development proposals amended so as to significantly reduce the part of the site proposed to be developed.

Background

The site lies immediately to the North of the Clitheroe WwTW. Clitheroe WwTW is owned and operated by United Utilities, the United Kingdom's largest listed water company. It manages 78,000 kilometres of wastewater pipes which take sewage from 7.3 million people for treatment at nearly 600 WwTWs. Clitheroe WwTW was established on this site following the acquisition of the land in 1893 and has been in operation since that time. It provides primary and secondary treatment of sewage from Clitheroe and its environs. The facilities on site comprise of:

- Preliminary Treatment 3 inlet screens, 1 detritor;
- Primary Settlement 2 tanks;
- Secondary Treatment - activated sludge process (2 lanes);
- Final Settlement - 4 tanks;
- Storm Storage 5 tanks; and
- Sludge Storage (4 tanks).

Relevant Planning Policy Context

National Planning Policy Framework (2019)

At a national level, a revised National Planning Policy Framework [the Framework] was published in February 2019, setting out the Government's economic, environmental and social planning policies for England. The Framework is a material consideration in the determination of the planning application.

In particular, paragraph 170 states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. 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; and”

Paragraph 180 goes on to explain that:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”

Paragraph 183 is clear that:

*“The focus of planning policies and decisions should be on **whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).** Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”*

The Development Plan

The adopted Development Plan comprises the:

- The Ribble Valley Core Strategy 2008-2028, A Local Plan for Ribble Valley [RVCS];
- The Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, (2009); and the
- Joint Lancashire Minerals and Waste Local Plan; and Site Allocation and Development Management Policies.

Policy DMG1 (General Considerations) of the RVCS states that:

“In determining planning applications, all development must ...

AMENITY

(1) Not adversely affect the amenities of the surrounding area ...

(4) Consider Air Quality and mitigate adverse impacts where possible”

Assessment of the Proposed Development

The application form (ref. PP-08246162) submitted with the application confirms that the application is submitted in outline with all matters reserved. This is reiterated in the description of development.

The Design & Access statement rev B [DaS] explains that a Development Framework Plan sets the parameters of the proposed development. This plan is shown at Figure 13 of the DaS. This plan proposes that development (i.e. residential dwellings) could be located around 15m north of the existing Public Right of Way no. 3-1-FP 17. This is around 155m north (as the crow flies) from the Clitheroe WwTW. It is this plan that United Utilities have used to assess the potential effects of the proposed development, and has likewise formed the basis of the applicant's assessment in their OIA.

Wastewater treatment is an inherently odorous process and while odours are reduced as much as possible by the operators there is inevitably a residual level of odour around operational works. It is an established planning principle not to site incompatible uses close to each other. Indeed, the Framework is clear that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment [§180]. Similarly, it advises that new development should not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of air pollution. In this context air pollution includes airborne odour pollution.

It is therefore important to understand the level of odour at the Clitheroe WwTW and the impact that these odours could have on the amenity of future residents if this impact is acceptable in the context of planning policy. It was for this reason the additional information was requested in the first place by United Utilities.

United Utilities consider that odour concentrations above $3 \text{ ou}_E/\text{m}^3$ are inappropriate for residential development (based upon "moderately offensive" odours) but are mindful the Environment Agency H4 Odour Management guidance suggests a threshold of $1.5 \text{ ou}_E/\text{m}^3$ for "most offensive" odours. This includes the "sludge handling part of a sewage works". These works do take place at this site from time to time, a fact that should be borne in mind in the assessment of the application. Indeed, the Clitheroe WwTW produces approximately 498 tonnes of dry solids [TDS] per annum which gives an indication of the quantity of material generated. This equates to around 9 loads per week based upon a 30m^3 tanker.

United Utilities consider that the Wardell Armstrong OIA has followed a methodology that is consistent with guidance and with current custom and practice. For the odour modelling, the input data used for odour emission rates, meteorology and terrain are reasonable and the AERMOD dispersion model is widely used for this type of assessment. The overall approach is consistent with most similar odour assessments undertaken by other experts. On this basis United Utilities consider that the results are therefore reasonable.

The modelling shows that the risk of unacceptable odour conditions on the part of the site west of Henthorn Road is low and United Utilities would generally consider that housing would be an acceptable use in this location. However, on the remaining part of the site to the east of Henthorn Road, odour concentrations are predicted to be above $3 \text{ ou}_E/\text{m}^3$ on parts of the site and occasionally above $6 \text{ ou}_E/\text{m}^3$. United Utilities consider that these areas would be unacceptable for residential use.

United Utilities consider that the complaints data contained in the OIA provides no useful information regarding the acceptability of the proposed development site, and should not be relied upon to justify the proposed development. Principally this is because in nearly all years no existing properties are predicted to experience odour above $1.5 \text{ ou}_E/\text{m}^3$ let alone the $3 \text{ ou}_E/\text{m}^3$ threshold that United Utilities would generally use. As such no complaints would be expected as the existing housing in the area is expected to experience significantly lower levels of odour than the development site.

United Utilities consider that the sniff testing results also do not provide reassurance that the odour impacts would be acceptable. Odours were detected in the southern portion of the site during every test at levels up to “distinct”. Furthermore, testing was not carried out during worse case weather conditions and United Utilities would expect that the site will experience higher odour levels during these conditions.

The OIA prepared by Wardell Armstrong identifies significant issues with odour arising from the WwTW. It is important to note that the assessment identifies that none of the existing properties further to the north and east of the site are significantly affected by odour. The application site, and area of the proposed residential development fall within the 1.5 and 6 ou_E/m³ odour contours. None of the site is within the 10 ou_E/m³ odour contour. However, the vast majority of the site falls within the 3 ou_E/m³ odour contour for the various assessment years as shown in the summary drawing GM10325-007 Rev. A drawing provided within the assessment.

The Framework is clear that decisions should contribute to and enhance the natural and local environment by preventing new development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution (amongst other forms of pollution). The evidence submitted with the planning application by the applicant clearly shows that the future residents of the majority of the proposed houses would be adversely affected by an unacceptable level of odour. United Utilities consider that this is contrary to RVCS Policy DMG1 and paragraphs 170, 180 & 183 of the Framework.

The applicant has not put forward any mitigation to address the odour impact as part of the development proposals. In any event it is not clear what mitigation could address the odour impact apart from either:

- a Removing the residential development proposed in the 3 ou_E/m³ contour in all assessment years as identified in the OIA; or,
- b Remove the source of the odour.

In terms of this last point, the assessment of odour impacts of an existing WwTW is a material consideration in the assessment of this application. The WwTW has been in operation for a considerable period of time and represents a known constraint. It is essential infrastructure that is required in the interests of health and the environment and thus should be afforded protection through the planning system. The evidence submitted by the applicant has demonstrated that Clitheroe WwTW does not give rise to any significant adverse effect to existing residents, but will result in significant and demonstrable adverse effects to the future residents of the proposed development.

Ultimately the impacts of the odour are unacceptable on the amenity of future occupiers of the proposed development and in accordance with section 38 (6) of the Town and Country Planning Act, there are no material considerations that indicate otherwise, and planning permission should be refused.

On this basis, United Utilities OBJECTS to the proposed development and requests that the application is refused.

Please note we also draw the attention of the applicant to our wider comments in our earlier letter dated 10 December 2019 relating to drainage, water supply and our property assets and infrastructure which remain relevant. A copy of this letter and the associated enclosure is enclosed for ease of reference.

We would be grateful if we could be kept updated as the application progresses toward determination. Should you have any queries in the meantime, please do not hesitate to contact me.

Yours sincerely

Andrew Leyssens
United Utilities
Planning, Landscape and Ecology

Encs.