



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

DELEGATED PLANNING DECISION

Report of the Interim Assistant Director – Regulatory Services

- 1 Installation of 2 No. Kiosks and a Section of Above Ground Inlet Sewer at Chapel-en-le-Frith Wastewater Treatment Works, Charley Lane, Chinley, SK23 6DY
Applicant: United Utilities
Planning Application Code No. CW1/1123/41**

1.1507.1

1. Introductory Summary

This application is seeking permission for the installation of 2 No. kiosks and a section of above ground inlet sewer at Chapel-en-le-Frith Wastewater Treatment Works. I am satisfied that the need for the installation of a Motor Control Centre (MCC) Kiosk, a Ferric Dosing Kiosk and Section of Above Ground Inlet Sewer on third-party land to reduce phosphorus concentration levels has been demonstrated. The application is considered to be in accordance with the National Planning Policy Framework (NPPF), the National Planning Policy for Waste (NPPW) and the relevant development plans and is therefore recommended for approval subject to conditions.

2. Divisions Affected

- 2.1 Whaley Bridge.

3. Purpose

- 3.1 To enable the application to be determined under the delegation procedures.

4. Information and Analysis

Site Information

- 4.1 Chapel-en-le-Frith Wastewater Treatment Works (WwTW) is operated by United Utilities. The main highway access is off Charley Lane and is located approximately 1km to the north-west of Chapel-en-le-Frith and 500m south-east of Chinley.
- 4.2 Chapel-en-le-Frith WwTW is situated in a predominantly area surrounded by rural and agricultural landscape with woodland blocks, hedgerows and scattered buildings to the north and south. Residential housing and industrial developments with sections of green space are present within Chinley, to the west and Chapel-en-le-Frith to the east. The A6, a main road, is present approximately 70m south of the site and continues east towards Chinley.
- 4.3 Chapel-en-le-Frith WwTW is situated within the Green Belt.
- 4.4 The site is an operational WwTW and is immediately surrounded by mature trees and heavy vegetation. A woodland block to the south of the site provides screening from Charley Lane and the Peak Forest Tramway Trail. A further woodland block borders the north of the site along Black Brook. Agricultural grazing land surrounds the site, with an industrial unit to the east.
- 4.5 Chapel-en-le-Frith WwTW is located within the River Goyt Catchment, with the river being situated approximately 3.5km to the west of the site. Black Brook, a main river and tributary of the River Goyt, borders the site to the north and is the watercourse to which the existing outfall for the WwTW effluent is discharged.

Relevant Planning History

- 4.6 No Relevant Planning History.

Proposed Development

- 4.7 The proposal is for the installation of a MCC Kiosk, a Ferric Dosing Kiosk and a section of above Ground Inlet Sewer.
- 4.8 The proposed MCC kiosk would be used to house an electrical control panel to power and control the on-site assets. The kiosk would be 10.16m in length, 3.64m in width and 4.30m in height and would be erected on a concrete slab. The kiosk would be of a Glass Reinforced Plastic (GRP) construction and be finished in Hollybush Green (BS4800).

- 4.9 The proposed ferric dosing kiosk would be used to house ferric dosing control facilities and transfer pumps. The kiosk would be 10m in length, 4.05m in width and 3.85m in height and would be placed on a concrete slab. The kiosk would be of a GRP construction and be finished in Hollybush Green.
- 4.10 The proposed section of above ground inlet sewer on third-party land would replace the existing 250mm diameter sewer, running parallel to the existing pipe at the same height above ground. The proposed pipework would be 500mm in diameter and would measure approximately 30m in length. The sewer would be constructed from ductile iron and be finished in black.
- 4.11 As part of the wider upgrades on site, United Utilities are also installing:
- 3 No. Inlet Pipe Manhole (Concrete) 1.80m (DIA)
 - 1 No. Inlet Pipe Manhole (Concrete) 2.10m (DIA)
 - Compactors Slab (Concrete) 2.00m (L) x 3.50m (W) x 0.300 (D)
 - Inlet Works Chamber (Concrete) 25.028m (L) x 4.40m (W) x 3.18m (D)
 - Storm Overflow Chamber (Concrete) 4.20m (L) x 2.70m (W) x 2.95m (D)
 - Inlet Flow to Full Treatment (FTFT) Pumping Station (Concrete) 3.72 (DIA) x 5.05m (D)
 - Chemical Spill Trench (Concrete/GRP) 6.57m (L) x 1.16m (W) x 0.79m (D)
 - Service Water Booster Kiosk (GRP) 2.00m (L) x 1.00m (W) x 2.438m (H)
 - 2 No. Sludge Consolidation Tanks (GRP) 5.23m DIA x 8.473m (H)
 - Storm Tank (Concrete) 18.50m (L) x 6.70m (W) x 3.60m (D)
 - Sludge Consolidation Tanks Slab (Concrete) 15.60m (L) x 8.50m (W) x 0.5m (D)
 - Flocculation Chamber (Steel) 5.219m (L) x 2.682m (W) x 3.309m (H)
 - Tertiary Treatment Dashboard Kiosk (GRP) 2.00m (L) x 3.00m (W) x 2.60m (H)
 - Tertiary Pile Cloth Filter (TPCF) Slab (Concrete) 11.60m (L) x 7.70m (W) x 0.50m (D)
 - 2 No. TPCF Units (Steel) 5.439m (L) x 2.862m (W) x 3.31m (H)
 - 2 No. Sludge Consolidation Tanks Blowers (Steel) 2.00m (L) x 1.00m (W) x 1.50m (H)
 - Section of Above Ground Inlet Sewer on UU land (Ductile Iron) approx. 50m (L) x 500mm (DIA) pipe at same height as existing sewer

- Internal Access Road and Hardstanding (Concrete/Stone) at ground level
- 4.12 These works are considered by United Utilities to be permitted development in accordance with Class B (d) (development by or on behalf of sewerage undertakers) Part 13 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (as amended).
- 4.13 A temporary construction compound would also be established within the operational site area of the WwTW. This is considered by United Utilities to be permitted development in accordance with Part 4 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (as amended).

Consultations

Local Member

- 4.14 Councillor George has been informed of the proposals.

High Peak Borough Council - Planning

- 4.15 High Peak Borough Council has no objections.

High Peak Borough Council – Environmental Health Officer

- 4.16 The Environmental Health Officer has been consulted and has no objection, subject to a condition regarding contamination.

Chapel-en-le-Frith Parish Council

- 4.17 Chapel-en-le-Frith Parish Council has no objections to the proposal.

Chinley, Buxworth and Brownside Parish Council

- 4.18 Chinley, Buxworth and Brownside Parish Council has been informed of the proposals.

Environment Agency

- 4.19 The Environment Agency has no objections to the proposal.

Derbyshire Wildlife Trust (On behalf of the Council under the Service Level Agreement)

- 4.20 Derbyshire Wildlife Trust has no objection to the proposed development, subject to a condition specifying that the development will take place in accordance with the approved Environmental Control Plan.

The Council's Tree Officer

- 4.21 The Council's Tree Officer has no objections to the proposal but made the following observation:

'Several trees will be lost and replaced as a result of the proposed development. In this case it would not be practical to re-route pipe to avoid tree roots and the applicant has identified remedial planting.'

The Council's Landscape Officer

- 4.22 The Council's Landscape Officer has no objection towards the proposal, subject to a condition stating that the existing pipe above ground between Point A and Point B as annotated on Drawing '80061939-01-C2V-CHAPE-97-DR-I-00010' shall be removed from the site within 26 weeks of being decommissioned.

Jacobs (on behalf of the Council's Ecologist)

- 4.23 Jacobs has no objection to the proposed development, subject to a condition specifying that the development would take place in accordance with the Environmental Control Plan.

Highways

- 4.24 Highways has noted that the proposed development would not have a detrimental impact on the highway network and therefore has no objections towards the proposals.

Lead Local Flood Authority

- 4.25 The Lead Local Flood Authority (LLFA) has been informed of the proposals.

Council's Public Rights of Way Officer

- 4.26 The Council's Public Rights of Way Officer has been consulted and has made the following observations:

'I confirm Chapel-en-le-Frith Public Footpath 137 and FP 140 and FP 124 run adjacent to the proposed site as shown on your PRow plan.'

The Rights of Way Section has no objection to the proposals as it appears that the routes will be ultimately unaffected by the proposed works.

With respect to all footpaths, the general guidance continues to apply:

The footpath must remain open, unobstructed and on its legal alignment.

There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.

Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.

There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way section.

Although there is currently an ongoing diversion claim on FP 124, this is on a section outside of the location of the proposals and does not affect this planning application or potential temporary closure.'

Publicity

- 4.27 The application has been advertised by site notices and a press notice in the Derbyshire Times on 28 December 2023 with a request for comments by 19 January 2024. No comments have been received in response to this publicity.

Planning Considerations

- 4.28 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the National Planning Policy Framework (NPPF) (2024), Derbyshire Waste Local Plan (DDWLP) (2005), the High Peak Local Plan (HPLP) (2016) and the Chapel-en-le-Frith Parish Neighbourhood Plan (CPNP) (2015). The associated Planning Practice Guidance (PPG), the National Planning Policy for Waste (NPPW) (October 2014) and Waste Management Plan for England (WMPE) January 2021 are also material considerations.
- 4.29 The key planning considerations for this application are:
- Principle and Need for the Development
 - Green Belt
 - Design and Visual Impacts
 - Pollution and related nuisances
 - Highways
 - Flood Risk
 - Ecology, Trees and Biodiversity

- Public Rights of Way

Principle and Need for the Development

- 4.30 Paragraph 89 of the NPPF states that planning decisions should *'recognise that sites to meet local business and community needs in rural area may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.'*
- 4.31 Policy W1b of the DDWLP implies that waste development will only be permitted if the waste would help cater the needs of the local area as a part of an integrated approach to waste management.
- 4.32 Policy W5 of the DDWLP infers that proposals that promote efficient wastewater management will be supported.
- 4.33 In accordance with Policy S2 of the HPLP, the site and Chapel-en-le-Frith WwTW are located outside of established settlement boundaries. Policy S2 indicates that development outside of settlement boundaries will be strictly limited to that which has an essential need to be in the countryside.
- 4.34 Policy EQ3 of the HPLP states that outside of settlement boundaries, development should be controlled in order to protect the landscape character and distinctiveness and appearance and integrity of the historic and cultural environment whilst facilitating sustainable rural community needs and economic development. The policy supports the redevelopment of previously developed sites it does not have an adverse impact on the character and appearance of the rural area and requires that the developments are of a design quality that protects the landscape setting.
- 4.35 The proposed kiosks would be installed within the operational boundary of the existing Chapel-en-le-Frith WwTW but outside of settlement development limits as defined by the HPLP (Policy S2). Whilst the proposed section of above ground inlet sewer would be outside of the operational area of the site, it would replace an existing pipe that connects the site to the wider utility network and would be in keeping with the site and the countryside.

- 4.36 Policy CF3 of the HPLP indicates that proposals that enhance the provision of essential public services and infrastructure contribute to ensuring sustainable development will be supported.
- 4.37 The proposal would help United Utilities implement Asset Management Programme 7 (AMP7) improvements project which would help them meet the requirements of the water industry regulator OFWAT (Office of Water Services).
- 4.38 The proposals involve the installation of wastewater equipment necessary to deliver the Environment Agency (EA) Water Industry National Environmental Programme and to meet phosphorus, ammonia and Biological Oxygen Demand final effluent consent standards to achieve Water Framework Directive (WFD) 'good' status for the River Goyt.
- 4.39 The proposed development is also required to prevent future flooding of sewer manholes in Charley Lane which have caused a number of complaints to the Environment Agency in recent years.
- 4.40 Through the need to improve water quality and reduce flood risk on an existing WwTW, I am satisfied that a clear justification for the development exists. Subject to the development not having any significant impact on the countryside, as is detailed below, the principle and need of the development is established in accordance with policies S2, EQ3 and CF3 of the HPLP, policies W1b and W5 of the DDWLP and the NPPF.

Green Belt

- 4.41 The Site and Chapel-en-le-Frith WwTW is wholly within the North West Derbyshire Green Belt.
- 4.42 Policy S2 of the HPLP indicates that the Green Belt will be protected from development that is considered to be inappropriate and decisions will be made in accordance with national planning policy.
- 4.43 Policy S6 of the HPLP infers that planning decisions should promote sustainable growth in the Central Area and the Green Belt will be protected.
- 4.44 Policy EQ4 of the HPLP suggests that the Green Belt will be protected in accordance with national planning policy.

- 4.45 Paragraph 142 of the NPPF states that the Government places great importance on the role of the Green Belt in preventing urban sprawl and keeping land permanently open.
- 4.46 Paragraph 143 of the NPPF indicates that the Green Belt should prevent neighbouring towns merging into one another, assist in safeguarding the countryside from encroachment, preserve the setting and character of towns and assist in urban regeneration by encouraging the recycling of derelict land.
- 4.47 Paragraph 153 of the NPPF states that *'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*
- 4.48 Paragraph 154 of the NPPF establishes that development in the Green Belt is inappropriate unless it forms one of its listed exceptions.
- 4.49 In considering the appropriateness of the proposed pipe infrastructure, Local Plan Policy (Policy W3c of the DDWLP) identifies that sewage treatment infrastructure can comprise essential engineering operations. NPPF Paragraph 154(h)(ii) identifies engineering operations as being exempt from inappropriate development provided, they preserve openness and not conflict with the purposes of including land within the Green Belt.
- 4.50 The proposed section of above ground inlet sewer is considered to represent an engineering operation. It is small within the context of the wider WwTW site and landscape, and, as such, it is considered that associated works, including the new replacement pipe, would be visually subservient. Furthermore, it is considered unlikely that the above ground inlet sewer would be visible from the majority of the identified visual receptors beyond the site and, as such, there would be no significant impact upon the openness of the Green Belt both in visual or spatial terms. For these reasons, it is considered that the proposed pipe infrastructure would not represent an inappropriate form of development in the Green Belt.
- 4.51 The two proposed kiosks are considered to represent building operations and do not fall under any direct exception under Paragraph 154 of the NPPF.

4.52 Paragraph 155, however, identifies that other certain forms of development in the Green Belt should not be regarded as inappropriate where:

- a. 'The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework ; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157'*

4.53 Annex 2 of the NPPF defines the Grey Belt as '*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143*'.

4.54 In accordance the with Paragraph 143 of the NPPF, given the location of the proposed kiosks, within the operational WwTW, their development would not contribute towards the unrestricted sprawl of large built-up areas or in the merging neighbouring towns, it is therefore considered that the kiosks would be sited on 'Grey Belt' land as defined within the NPPF.

4.55 Considering the need for the kiosks, as outlined above, and in view of their location, they are considered to adequately demonstrate an unmet need and would be sustainably placed be within 'Grey Belt,' where they *would not fundamentally undermine the purposes (taken together) of the remaining Green Belt* in accordance with NPPF paragraphs 155 (a-c).

4.56 In accordance with Paragraph 155, the proposed kiosks represent an appropriate form of development on 'Grey Belt' set within the wider Green Belt.

4.57 The proposed kiosks and a section of above ground inlet sewer pipe are required to function with and upgrade the existing WwTW and would serve a local need so they cannot be located elsewhere, outside of the Green Belt and in accordance with NPPF paragraphs 154 and 155 are not seen to represent inappropriate forms of development in the Green Belt.

- 4.58 I am satisfied that the proposed development would have no material impact on the openness and would not represent inappropriate development in the Green Belt in accordance with Policy W3c of the DDWLP, policies S2, S6, and EQ4 of the HPBLP and guidance within the NPPF.

Design and Visual Impacts

- 4.59 Paragraph 135 of the NPPF infers that development should be visually attractive and should be effectively landscaped. Paragraph 135 also states that that development should be sympathetic to the surrounding built environment and wider landscape setting.
- 4.60 Appendix B of the NPPW infers that planning decisions should consider locational criteria which includes the impact on landscape and visual impacts.
- 4.61 Policy W7 of the DDWLP indicates that any proposed development should not detract from the character and distinctiveness of its surroundings.
- 4.62 Policy EQ2 of the HPLP infers that the planning decisions should protect, enhance and restore landscape character where possible.
- 4.63 Policy EQ6 of the HPLP states that proposals '*should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.*'
- 4.64 The proposed Motor Control Kiosk and Ferric Dosing Kiosk would both be finished in Hollybush Green (BS 4800 Shade 14-C-39) which is considered to be visually recessive.
- 4.65 The proposed kiosks would be sited immediately adjacent to and integrate with the existing operational structures. As such, they would be seen in the context of the existing assets and the proposed structures would be visually subservient.
- 4.66 The proposed section of above ground inlet sewer on third-party land would replace the existing 250mm diameter sewer, running parallel to the existing pipe at the same height above ground. The new pipework would be 500mm in diameter and constructed from ductile iron.
- 4.67 A Land Re-instatement Plan has been produced which shows the habitat creation proposed to compensate the small loss of broadleaved woodland which is adjacent to Charley Lane. The plan notes that the

existing trees closest to the Black Brook would be retained and a mixed native scrub would be planted in this area with a Woodland Mixture (EW1).

- 4.68 An Arboricultural Implication Study has been submitted in support of this application which confirms that trees would be felled as part of this development. Despite this, native species of trees and scrub would be planted towards the south and eastern areas of the wider site that would compensate the loss of trees.
- 4.69 The Council's Tree Officer has noted that whilst trees would be lost as a result of the development, the proposed remedial replacement tree planting screening the site from Charley Lane as shown on the Landscape Reinstatement Plan, would be sufficient.
- 4.70 The Landscape Reinstatement Plan indicates that native trees and scrubs would be planted directly north of Charley Lane and would cover an area of 1172 m². To the south-east of the site, approximately 978m² of land directly north of Charley Lane would be planted with a woodland wildflower mix.
- 4.71 The Council's Landscape Officer has noted that the proposed planting would be relatively dense and assist in screening the site and therefore has no objections towards the proposal subject to the existing sewer pipe being decommissioned and removed from site in accordance with Condition 5, as listed in the recommendations section of this report.
- 4.72 Whilst the replacement pipe would be larger than the existing pipe, it would be well screened by the proposed landscape planting and appear in keeping in the context of the adjoining site and, subject to the removal of the existing pipe section, there would no detrimental visual or design impacts. I am therefore satisfied that, subject to condition to secure the landscape planting, the proposed development would not result in a significant visual or amenity impact and that the functional design would be in-keeping with the wider site subject to the development being carried out in accordance with the Landscape Reinstatement Plan, Tree Removal, Retention and Protection Plan and the Environmental Control Plan. I therefore consider the proposed development complies with policies EQ2 and EQ6 of the HPLP, Policy W7 of the DDWLP, the NPPW and the NPPF.

Pollution and Related Nuisances

- 4.73 Paragraph 187 of the NPPF indicates that planning decisions should not contribute to high levels of pollution.

- 4.74 Appendix B of the NPPW infers that planning decisions should consider locational criteria which includes the impact the development would have on locational criteria such as water quality, air emissions, odours noise pollution, light pollution and vibration.
- 4.75 Policy W6 of the DDWLP infers that waste development will be acceptable whereby there would be no material harm caused by pollution or contamination.
- 4.76 Policy EQ10 of the HPLP indicates that planning decisions should *'protect people and the environment from unsafe, unhealthy and polluted environments'*.
- 4.77 The purpose of the development to deliver the Environment Agency Water Industry National Environmental Programme and to meet phosphorus, ammonia and Biological Oxygen Demand final effluent consent standards to achieve Water Framework Directive (WFD) 'good' status for the River Goyt.
- 4.78 The Environment Agency has been consulted and has no comments to make.
- 4.79 The High Peak Borough Council's Environmental Health Officer has no objections subject to conditions regarding contamination remediation and implementing good practice during the construction phase.
- 4.80 I am satisfied that the proposed development would improve the quality of water that is discharged out of Chapel-en-le-Frith WwTW and there would be no adverse impacts concerning pollution that would arise as a result of the proposed development. I therefore consider the proposed development complies with Policy EQ10 of the HPLP, Policy W6 of the DDWLP, the NPPW and the NPPF subject to the conditions listed in the recommendations section of this report.

Flood Risk

- 4.81 The application site is situated within Flood Zone 1, however, it does border the black brook which is partially within Flood Zones 2 and 3.
- 4.82 Paragraph 178 of the NPPF indicates that flood risk should not increase the risk of flood elsewhere as a result of a development.
- 4.83 Appendix B of the NPPW infers that planning decisions should consider locational criteria which includes protecting water quality and managing flood risk.

- 4.84 Policy W9 of the DDWLP suggests that waste development will only be permitted whereby other land uses would not be affected by the proposal.
- 4.85 Policy EQ11 of the of the HPLP suggests that development will be supported in areas that '*avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere*'.
- 4.86 The Lead Local Flood Team and the Environment Agency have been consulted and they have no comments to make on the proposal given the scale and location of the proposed works.
- 4.87 I am satisfied that the proposed development would not result in increasing flood risk on site or elsewhere. I therefore consider the proposed development complies with Policy EQ11 of the HPLP, Policy W9 of the DDWLP, Appendix B of the NPPW and the NPPF.

Ecology, Trees and Biodiversity

- 4.88 Paragraph 136 of the NPPF notes that trees make an important contribution to the character and quality of the built environment.
- 4.89 Paragraph 187 of the NPPF indicates that planning decisions should '*recognise the intrinsic character and beauty of the countryside*' and provide net gains for biodiversity.
- 4.90 Appendix B of the NPPW infers that planning decisions should consider locational criteria which includes nature conservation.
- 4.91 Policy W5 of the DDWLP suggests that development will only be permitted whereby identified interests of environmental importance would not be materially harmed by the identified interests.
- 4.92 Policy EQ5 of the HPLP notes that planning decisions should conserve and enhance biodiversity where possible.
- 4.93 Policy EQ9 of the HPLP notes that planning decisions should protect existing trees, woodlands and hedgerows.
- 4.94 Policy C2 of the CPNDP indicates that proposals that would result in a significant net loss in biodiversity will not be supported.
- 4.95 The planning application was submitted prior to 12 February 2024 and so is not subject to mandatory Biodiversity Net Gain by the Environment Act 2021, however, Paragraph 192 of the NPPF infers that developments should secure measurable net gains for biodiversity.

- 4.96 An Ecological Assessment Report has been submitted in support of this application; the report concludes that the development would not result in any adverse significant impacts on any ecological features arising from the proposed development.
- 4.97 A Biodiversity Net Gain Metric has been submitted in support of this application and clarifies that the proposed development would have a 14.2% net gain in biodiversity which would be delivered on site.
- 4.98 An Environmental Control Plan has been submitted in support of this application. The plan confirms how protected species and habitats would be safeguarded throughout the duration of the proposed construction works.
- 4.99 Jacobs (on behalf of the Council's Ecologist) has clarified that it has no objection towards the proposals, subject to a condition outlining that the development will be undertaken in accordance with the submitted Environmental Control Plan and the Landscape Reinstatement Plan.
- 4.100 Derbyshire Wildlife Trust has clarified that it has no objection towards the proposals, subject to a condition outlining that the development will be undertaken in accordance with the submitted Environmental Control Plan.
- 4.101 I am satisfied that the proposed development would not result in any unacceptable significant impacts on Ecology, Trees and Biodiversity on site or elsewhere subject to the development being carried out in accordance with the Biodiversity Net Gain Metric, Ecological Assessment Report, Landscape Reinstatement Plan, Tree Removal, Retention and Protection Plan, Arboricultural Implication Study and the Environmental Control Plan. I therefore consider the proposed development complies with Policy C2 of the CPNDP, policies EQ5 and EQ9 of the HPLP, Policy W5 of the DDWLP, Appendix B of the NPPW and the NPPF

Highways

- 4.102 Paragraph 115 of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.
- 4.103 Appendix B of the NPPW infers that planning decisions should consider locational criteria including traffic and access.

- 4.104 Policy W8 of the DDWLP states that waste development will only be permitted whereby the access arrangements and traffic generated as a result of a proposed development would not be detrimental to road safety.
- 4.105 Policy CF6 of the HPLP infers that development should be safely accessed in a sustainable manner.
- 4.106 Highways has been consulted and has confirmed that the proposed works would not have a detrimental impact upon the highway network.
- 4.107 I am satisfied that the development would be acceptable in terms of highway safety impacts, and I am satisfied that the development would accord with the requirements of the Policy CF6 of the HPLP, Policy W8 of the DDWLP, Appendix B of the NPPW and the NPPF.

Public Rights of Ways

- 4.108 Paragraph 105 of the NPPF infers that planning decisions should protect and enhance public rights of way.
- 4.109 Policy S6 of the HPLP states that '*will seek to promote the sustainable growth of the Central Area such that it reflects the historic character of the settlements*' by protecting the Peak Forest Tramway.
- 4.110 Policy C3 of the CPNDP infers that footpaths and rights of way should be protected and enhanced where possible.
- 4.111 There are three public footpaths which are in close proximity to the site. Chapel-en-le-Frith Footpath No.124 is situated to the immediate east of the site, Chapel-en-le-Frith Footpath No.137 is situated to the immediate west of the site and Chapel-en-le-Frith Footpath No.140 is situated to the immediate north-west of the site.
- 4.112 Chapel-en-le-Frith Footpath 137 forms part of the Peak Forest Tramway Trail. Chapel-en-le-Frith Footpath No.140 runs over the existing historic bridge on United Utilities owned land. The footpath would need to be temporarily closed for safety reasons during the construction phase of the proposed above ground inlet sewer.
- 4.113 The Public Rights of Way Officer has been consulted and has confirmed that there would be no permanent impacts to any of the public rights of ways.
- 4.114 I therefore consider the proposal to be acceptable in terms of rights of way and I am satisfied that the development would accord with the

requirements of Policy C3 of the CPNP, Policy S6 of the HPLP and the NPPF.

Conclusion

4.115 I am satisfied that a clear justification for the development to improve water quality and reduce flood risk on an existing WwTW has been demonstrated. Whilst the development would be wholly within the Green Belt and outside of established settlement boundaries, I am satisfied that the development would not be considered to be inappropriate development.

4.116 I am satisfied that the proposed development would not result in unacceptable or significant adverse impacts on the environment or local amenity and would accord with all relevant local plan policies of the CPNP, the HPLP, DDWLP, the NPPW and the NPPF. Therefore, the application is recommended for approval, subject to the recommended conditions.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 Application Form dated 17 November 2023.

6.2 Planning Supporting Statement dated 21 July 2023.

6.3 Climate Change Statement (undated).

6.4 Initial Conceptual Site Model dated 9 September 2022.

6.5 Initial Conceptual Site Model Appendix D dated 9 September 2022.

6.6 Initial Conceptual Site Model Appendix E dated 9 September 2022.

6.7 Biodiversity Net Gain Metric (undated).

6.8 Ecological Assessment Report dated 11 April 2024.

6.9 Ecological Assessment Report Walkover Survey Results dated 11 April 2024.

6.10 Environmental Control Plan dated 3 January 2023.

- 6.11 Arboricultural Implication Study dated July 2023.
- 6.12 Tree Constraints Plan dated 27 October 2023.
- 6.13 Tree Removal, Retention and Protection Plan dated 27 October 2023.
- 6.14 Site Location Plan dated 17 July 2023.
- 6.15 Site Layout Plan dated 17 July 2023.
- 6.16 Ferric Dosing Kiosk Plan & Elevations dated 17 July 2023.
- 6.17 MCC Kiosk Plan & Elevations dated 17 July 2023.
- 6.18 Above Ground Inlet Sewer within 3rd Party and Plan dated 17 July 2023.
- 6.19 Public Rights of Way Plan dated 20 July 2023.
- 6.20 Landscape and Biodiversity Proposals Plan dated 2 November 2023.
- 6.21 Gas Protection Measures Miscellaneous Details Plan dated 19 June 2023.
- 6.22 Kiosk Gas Protection Measures Plan dated 19 June 2023.
- 6.23 Landscape Reinstatement Plan dated 6 December 2024.
- 6.24 Above Ground Pipework for Removal Plan (undated).

7. Appendices

- 7.1 Appendix 1- Implications.
- 7.2 Appendix 2- Site Location Plan.

8. Recommendation

Planning permission is **granted** subject to the following conditions under the powers delegated by the Council:

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

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) The development shall take place in accordance with the details contained in the Application Form dated 17 November 2023, Planning Supporting Statement dated 21 July 2023, Climate Change Statement (undated), Initial Conceptual Site Model dated 9 September 2022, Initial Conceptual Site Model Appendix D dated 9 September 2022, Initial Conceptual Site Model Appendix E dated 9 September 2022, Biodiversity Net Gain Metric (undated), Ecological Assessment Report dated 11 April 2024, Ecological Assessment Report Walkover Survey Results dated 11 April 2024, Environmental Control Plan dated 3 January 2023, Arboricultural Implication Study dated July 2023 and the following plans:

- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00001 P02 entitled 'Tree Constraints Plan' dated 27 October 2023
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00002 entitled 'Tree Removal, Retention and Protection Plan'
- Drawing no. 0061939-01-C2V-CHAPE-97-DR-I-00004 P03 entitled 'Site Location Plan'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00005 P03 entitled 'Site Layout Plan'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00006 P03 entitled 'Ferric Dosing Kiosk Plans and Elevations'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00007 P03 entitled 'MCC Kiosk Plan and Elevations'
- Drawing no. 0061939-01-C2V-CHAPE-97-DR-I-00008 P02 entitled 'Above Ground Inlet Sewer Within Party Land'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00009 P02 entitled 'Public Right of Way Plan'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00003 P04 entitled 'Landscape and Biodiversity Proposals Plan'
- Drawing no. 80061939-01-C2V-CHAPE-99-DR-C-00002 P01 entitled 'Gas Protection Measures Miscellaneous Details'
- Drawing no. 80061939-01-C2V-CHAPE-99-DR-C-00003 entitled 'Kiosk Gas Protection Measures'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00010 P01.2 entitled 'Above Ground Pipework for Removal'
- Drawing no. 80061939-01-C2V-CHAPE-99-DR-L-00001 C04 entitled 'Landscape Reinstatement Plan'

Reason: To enable the Waste Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) If during development any contamination or evidence of likely contamination is identified that has not previously been identified or

considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Waste Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Waste Planning Authority.

Reason: In the interests of local amenity.

- 4) The development shall take place in accordance with the Environmental Control Plan dated 3 January 2023.

Reason: In the interests of the environment, amenity and biodiversity.

- 5) The existing pipe above ground between Point A and Point B, as annotated on Drawing '80061939-01-C2V-CHAPE-97-DR-I-00010 P01.2', shall be removed from the site within 26 weeks of being decommissioned.

Reason: In the interests of visual amenity.

- 6) Bird Boxes and Bat Boxes shall be installed at a height of between 3m-6m above ground level and maintained from thereafter in accordance with the Landscape Reinstatement Plan dated 27 January 2025.

Reason: In the interests of visual amenity.

- 7) Within the first planting season following the first use of the development, hereby approved, all tree planting shall be implemented in full and maintained in accordance with the approved Landscape Reinstatement Plan (Drawing no: 80061939-01-C2V-CHAPE-99-DR-L-00001 C04).

If within a period of five years from the date of initial planting, any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity and habitat enhancement.

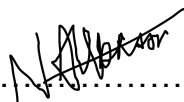
Informative:

This development is situated within 250m of a historical landfill site.

Because of the potential risk to human health, before development, the applicant should ascertain whether gas protection measures are required. If necessary, a gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services, plus details of the sub-floor ventilation should be submitted to Approved Building Control for approval prior to the works being carried out.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The Authority has requested clarification on the application where required, which the applicant has provided.

Signed..........Dated 30 January 2025.....

Nigel Atkinson
Interim Assistant Director – Regulatory Services

Implications

Financial

- 1.1 The correct fee of £924 has been received.

Legal

- 2.1 This is an application under Part III of the Town and Country Planning Act 1990, which falls to be determined by the County Council as Waste Planning Authority.
- 2.2 I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the delegated decision.

Human Resources

- 3.1 None.

Information Technology

- 4.1 None.

Equalities Impact

- 5.1 Not applicable.

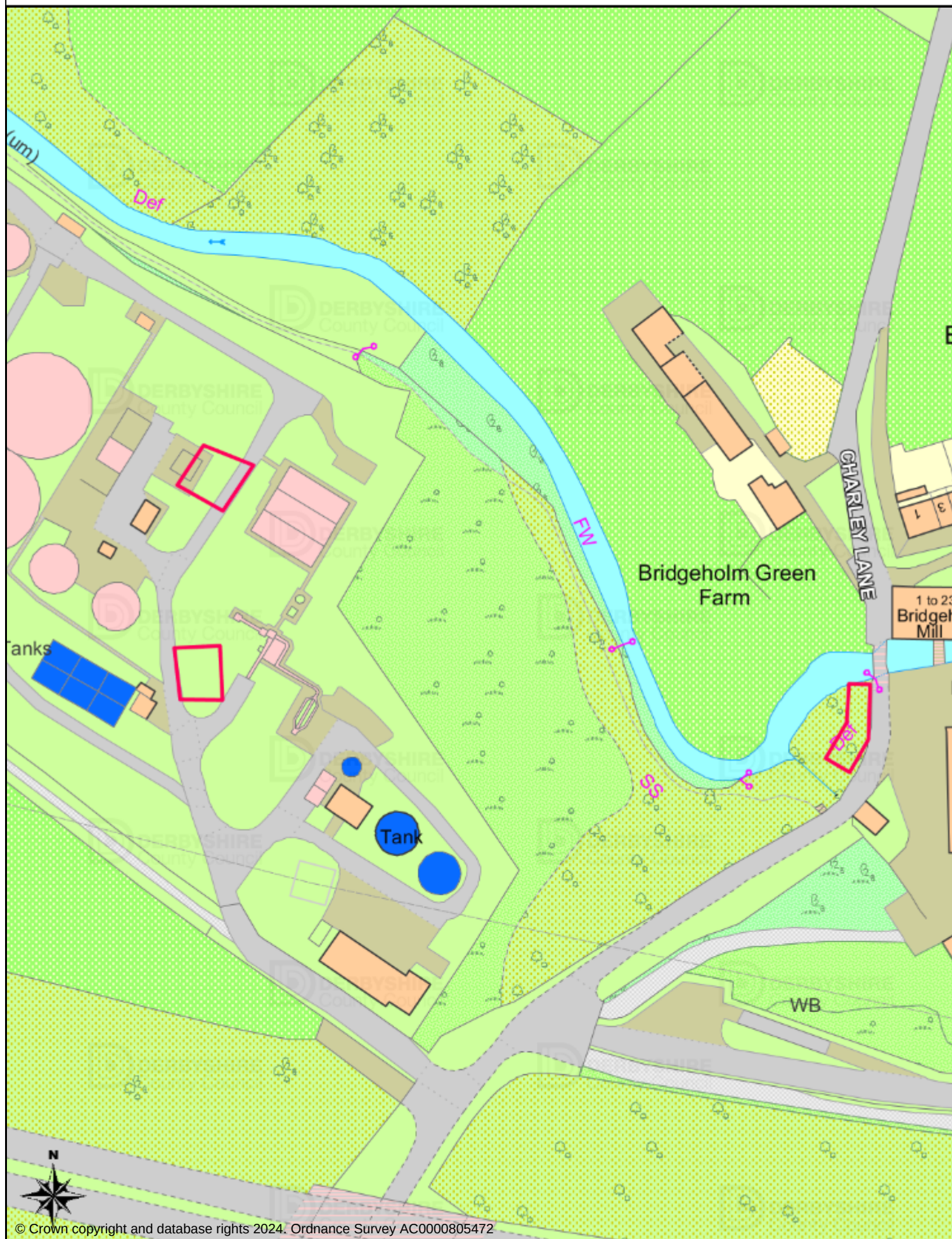
Corporate objectives and priorities for change

- 6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None.

Appendix 2 - CW1/1123/41 Site Location Plan



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