

Question from Simon Thackray

Re: 22/01401/MOUT

The Court of Appeal Judgment of 2 April 2025 in the case of the 'SECRETARY OF STATE FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS (Appellant) - and – (1) THE KING (on the application of PICKERING FISHERY ASSOCIATION by MARTIN SMITH) Respondents – and – (2) ENVIRONMENT AGENCY – and – OFFICE FOR ENVIRONMENTAL PROTECTION' states:

“49: It is agreed that at present the ecological potential of UCB (Upper Costa Beck) is not “good”, but “moderate”. It is also agreed that, at least in part, this has been the result of pollution by sewage spills from the Pickering Waste Water Treatment Works, and discharges from two fish farms, one of them also a watercress farm, and other facilities, including the Flamingo Land Amusement Park”.

Before the Planning Committee can safely approve this application for 110 new dwellings in Pickering, it must first secure the commitment of Yorkshire Water to carry out the necessary upgrade to its Pickering sewerage system, which Yorkshire Water has confirmed “*does not have sufficient available capacity.*” (See Yorkshire Water letter of 15 May 2025).

If the Committee approves this application, without first ensuring the completion of the necessary upgrade to the Pickering WWTW and network, it will trigger an increase in sewage pollution and deterioration of the aquatic environment of the Upper Costa Beck, and undermine the Court of Appeal decision of 2 April 2025 and the successful delivery of

“(1) Environmental Objectives (“EOs”) for Costa Beck [] firstly, to prevent deterioration in its ecological and chemical status and secondly, to enhance and restore that status so as to achieve certain standards within set timescales; (2) a Programme of Measures (“POM”) for achieving those EOs. Programme of Measures (PoM), designed to achieve the Environmental Objectives (EOs).”

Ofwat lists Pickering Waste Water Treatment Works (WWTW) non-compliant and in breach of Regulation 4(4) of the Urban Waste Water Treatment Regulations (UWWTR)". The EA EDM (Event Duration Monitoring) records for 2023 record the Pickering WWTW spilling sewage into Upper Costa Beck on 84 occasions for a total 711.50 hours.

Re Application 22/01401/MOUT the case officer's report states:

10.100. It is proposed that foul sewage would connect to mains sewer. **Yorkshire Water have not raised any concern in relation to sewerage capacity in the area** and have applied standard conditions to require separate systems for foul and surface water drainage and prior approval of full details of the proposed drainage works.

The officer's statement is incorrect.

Yorkshire Water wrote to the LPA, in a letter of 15 May 2025, stating that:

“The [Pickering] sewer network does not have sufficient available capacity to support the development proposed.”

In its letter of 15 May, Yorkshire Water was responding to an application for 150 new houses off Whitby Road, Pickering, and whilst the letter refers to another site in Pickering, the lack of sewage treatment capacity described is common to the whole of Pickering - **'the area'**. There is only one Pickering sewerage system.

My concern is not that new houses will be built, but when they can be occupied. When can additional houses be connected to the Pickering sewerage system without causing an increase in sewage pollution and deterioration of the aquatic environment of the Upper Costa Beck.

The Court of Appeal has ruled that a 'Programme of Measures' must be carried out in order to obtain the Environmental Objectives (EOs) for the Upper Costa Beck (UCB), and it is important that the LPA does not approve a new development that will cause a deterioration of the aquatic environment. The necessary infrastructure must come first and future occupancy conditions should be unambiguous.

Question:

Will the committee please commit to protecting the aquatic environment in Pickering from sewage pollution by ensuring that all approvals of applications for new developments in Pickering are accompanied by a water-tight set of conditions that guarantee that no buildings shall be brought into use until the necessary upgrade of the Yorkshire Water sewerage system has been completed?

Reason: In order to prevent the pollution of the Upper Costa Beck with sewage.