

To: Cllr Caroline Goodrick, Chair of the Thirsk and Malton Area Planning Committee. 16. 09.2025.

Letter in response to issues highlighted in the Officer's Report to the North Yorkshire Council Thirsk and Malton Area Planning Committee meeting on 18 September 2025.

Re Application 22/01401/MOUT for up-to 110 houses on Land to the west of Malton Road, Pickering.

From: Simon Thackray, 20 York Road, Malton, North Yorkshire YO17 6AX.

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The Officer's Report states:

#### 1.0 Purpose of the Report

1.3 The application is returned to Committee for determination following the deferral at the meeting held on 19 June 2025. Members deferred the determination of the application to allow Officers to undertake further consultation with Yorkshire Water and the Lead Local Flood Authority in relation to surface water drainage and sewerage capacity.

However, since the deferral of the meeting on 19 June 2025 the LPA has still not determined the capacity of the Yorkshire Water sewerage system in Pickering. There is not a single piece of data or technical evidence presented in this report to confirm sewerage system capacity.

The Case Officer has tried repeatedly to get an assurance from Yorkshire Water regarding capacity in the Pickering sewerage system but after multiple communications back and forth up until last week, Yorkshire Water has still not provided technical data to support the presumption that capacity exists.

The reason why the officer has not received confirmation of available capacity in the Pickering sewerage system is because no capacity exists - as stated by Yorkshire Water on 15 May and 17 July 2025. Annual EDM data is collected by Yorkshire Water and submitted to the EA and does not lie. The LPA should check the data and publish it. Likewise, the Yorkshire Water Section 19 Undertakings to Ofwat are legally binding undertakings that require Yorkshire Water to increase its sewerage treatment capacity in Pickering once a scheme has been designed and approved. The undertaking to Ofwat simply would not exist if there was capacity in the system and if sewage was not polluting the sensitive Costa Beck.

Freedom of Information Request - response received from NYC on 15 September 2025:

I have received copies of correspondence between the case officer and Yorkshire Water (case officer questions not available on Public Access). In his email of 2 July 2025, the officer wrote to Yorkshire Water and asked the following question (\*emails attached):

"This particular site is not a recent, ad-hoc speculative application, it is a long-standing feature of the established spatial approach to development in the former Ryedale area.  
Is it fair to presume that any planning upgrades to the sewerage infrastructure will have taken account of this allocated housing site?"

To which Yorkshire Water replied:

"Hi Alan, Many thanks for your email and update following Thirsk and Malton Area Committee. YWS look to support strategic housing allocations and understand that this is an allocated site in the Ryedale Local Plan. As such YWS has no further comment to make on this application, our previous comments apply. Kind regards Francis"

The answer provided by Yorkshire Water confirms that 'YWS look to support strategic housing allocations and understand that this is an allocated site in the Ryedale Local Plan and that YWS has no further comment to make on this application, our previous comments apply'. There is nothing in this YWS response, or any other response from Yorkshire Water in respect of this application, or any other application in Pickering, that confirms available capacity in the Pickering sewerage system. There is a very good reason why. Capacity does not exist, and for that reason, occupancy conditions must be attached to any approval to protect the local aquatic environment until capacity has been created.

The occupancy condition recommended by the Lead Local Flood Authority (LLFA) *will* provide that protection.

The Officer Report states:

“7.7. Yorkshire Water Land Use Planning Recommend conditions

In their initial response (24.01.2023) Yorkshire Water raised an objection to the site layout requesting that it is amended to account for the 10 inch diameter public water main crossing the site. This was objection reiterated in their responses of 29.08.2023 and 23.08.2024.

In a further response (26.09.2024) Yorkshire Water recommend that conditions are attached to protect the local aquatic environment and Yorkshire Water infrastructure to ensure development provides a protected 10 metre wide strip for the public water main and provision for suitable foul and surface water drainage works.

NB: the conditions listed in the YW response of 26.09.2024 **will not** protect the local aquatic environment.

In a further response (08.07.2025) following the Planning Committee’s deferral of the application Yorkshire Water advised “YWS look to support strategic housing allocations and understand that this is an allocated site in the Ryedale Local Plan. As such YWS has no further comment to make on this application, our previous comments apply”.

In a further response (08.08.2025) Yorkshire Water advised that they have no further comments to make on the application explaining that “this is an allocated site and our previous comments and recommended conditions outlined in our previous response dated 26th September 2024 reflect this and still apply”.

In a further response (19.08.2025) following consultation on the further drainage information Yorkshire Water state that the indicative layout and drainage strategy are not acceptable, and the following should be addressed:

- i) the submitted drawing appears to show soakaways located within the stand-off of the foul water pumping station which is not acceptable for adoption.
- ii) the submitted drawing should show foul water drainage proposals both on and off site. The off-site connection should be shown, and road name clearly marked.
- iii) the foul water pump rate should be included on the plan.
- iv) The submitted drawing should show the mains location as confirmed across the field so that the set off on the design is indeed over the correct location until this information is not submitted the new layout cannot be approved.
- v) no chambers or landscape features should be within the stand-off.
- vi) the submitted drawing should clearly show the required stand-off from the water main and should be clearly labelled indicating this all along the line of the main crossing the site.

Yorkshire Water also highlight the presence of a water main along Malton Road which will need to be taken into account during construction of the new vehicular access serving the site.

In their most recent response (08.09.2025) Yorkshire Water state that they are satisfied that the previous comments and recommended conditions in our letter dated 26 September 2024, alongside the conditions recommended by the LLFA are sufficient.”

The LLFA response of 29 July 2025, approved by Meirion Jones (LLFA Team Leader) recommends occupancy conditions as follows:

“No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water, Internal Drainage Board and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.”

As previously stated by the Case Officer, “In their most recent response (08.09.2025) Yorkshire Water state that they are satisfied that the previous comments and recommended conditions in our letter dated 26 September 2024, alongside the conditions recommended by the LLFA are sufficient.”

## Planning Officer report Recommended conditions:

“Yorkshire Water infrastructure

21 No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the public water main i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.”

The Case Officer wrote to Yorkshire Water on 4 September 2025 and asked the following:

“Given that the application currently under consideration is in outline only and layout is reserved for consideration at a later date (only shown as indicative at this stage) are YW satisfied that the previously recommended conditions **alongside the conditions recommended by the LLFA are sufficient** (as listed in the attached)? I would appreciate a timely response as I intend to return the application to the Planning Committee later this month. Kind Regards, Alan Goforth [Bold text added]

(Email forwarded to Becca Khan, YW on 5 September by ‘Jim’ stating: “*Planner email arrived for quick response*”).

Yorkshire Water responded to LPA case officer on 8 September:

“Good afternoon, Alan

Thank you for your enquiry.

Yorkshire Water is satisfied that the previous comments and recommended conditions in our letter dated 26 September 2024, alongside the conditions recommended by the LLFA are sufficient.”

My conclusion:

Yorkshire Water has confirmed that it is “*satisfied that the previously recommended conditions alongside the conditions recommended by the LLFA are sufficient*”.

The LLFA conditions include an occupancy condition:

“*No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water, Internal Drainage Board and the Local Planning Authority.*”

The LLFA occupancy condition will enable Yorkshire Water to undertake the necessary upgrade to the Pickering sewerage system before any dwellings are connected. This is the only practical means of protecting the local aquatic environment from harm (i.e. an increase in the sewage pollution of Costa Beck).

Despite the Case Officer’s obvious frustration and criticism of Yorkshire Water, that “*there has been adequate time for the sewerage undertaker to make provisions to improve the necessary infrastructure outside of the planning regime*” the occupancy condition recommended by the LLFA, and confirmed “sufficient” by Yorkshire Water, is the only means by which the LPA can fulfil Policy SP17 of the Local Plan:

“*Ensuring that necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development and that scale, type, location and phasing of new development or land-based activity can be accommodated without an unacceptable impact on water supply.*”

Para 6.2 the Local Plan Strategy document 2013 states:

“*One of the most important roles of this Plan is to identify and detail the infrastructure and service improvements that will be required to accompany and support the planned levels of new development set out. This includes ensuring that any improvements identified can be co-ordinated, phased and delivered to ensure that an unacceptable strain is not placed on existing public services such as schools, community facilities, including play space and essential infrastructure including water supply and sewerage.*”

The most important condition re Application 22/01401/MOUT is the occupancy condition recommended by the LLFA and deemed “sufficient” by Yorkshire Water on 8 September 2025.

However, the condition is not quoted in the Case Officer’s appraisal, or list of recommended conditions. It could be that the LPA consider it ‘sufficient’ to have the occupancy condition *embedded* within the LLFA condition but in my view, given the urgent need to upgrade the Pickering sewerage system before any dwellings are occupied, the condition should be included as a separate item to make it perfectly clear.

At 7.6. Flood Risk (LLFA) Recommend conditions, the Officer appraisal is as follows:

“In their most recent response (29.07.2025) the LLFA note that the surface water will discharge to ground via infiltration and accept the results of the tests undertaken by the applicant. Surface water would be controlled via a series of cellular storage tanks dispersed around the site. Further detail on the soakaways and the design for exceedance is required but can be secured at discharge of conditions or reserved matters stage. The LLFA accept the details provided in relation to climate change and outline maintenance plan. Overall, the LLFA state that the documents demonstrate a reasonable approach to the management of surface water on the site subject to conditions being imposed to secure the detailed drainage design, exceedance flows and maintenance arrangements.”

**The Officer recommended conditions include:**

Detailed Drainage Design

25 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire Council SuDS Design Guidance (or any subsequent update or replacement for that document). The application should address all of the following: Flood Risk, Runoff Destinations, Volume Control, Designing for exceedance, Climate Change & Urban Creep and Maintenance Plan. Guidance on the requirements for each of the above can be found on the North Yorkshire Council SuDS Guidance. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing.

**No part of the development shall be brought into use until the drainage works approved for that part has been completed.**

Note that further restrictions on surface water management may be imposed by Yorkshire Water, Internal Drainage Board and the Local Planning Authority. [Bold text added]

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

If it helps members decide on the appropriate wording of the occupancy condition, the paragraphs below are copied from the Yorkshire Water response to the Norton Lodge application, dated 16 January 2025:

“If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

**No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works. (To ensure that no foul water discharges take place until proper provision has been made for their disposal)”**.

\*Email from Case Officer to Yorkshire Water on 2 July attached to email sent to members).