



**TOWN & COUNTRY PLANNING ACT 2008 AND THE INFRASTRUCTURE  
PLANNING (EXAMINATION PROCEDURE) RULES 2010**

**Summary of Written Representations regarding the Proposed Able Marine  
Energy Park on the South Humber Bank of the River Humber at Immingham,  
North Lincolnshire.**

**SUMMARY STATEMENT BY ANGLIAN WATER SERVICES LIMITED**

**PLANNING INSPECTORATE REFERENCE NUMBER: TR030001  
UNIQUE REFERENCE NUMBER: 10015541**

**DATE OF WRITTEN STATEMENT: 29 JUNE 2012**

## **1. Introduction**

- 1.1. Anglian Water Services Limited (“Anglian Water”) is appointed as the water and sewerage undertaker for the Anglian region, by virtue of an appointment made under the Water Industry Act (“WIA”) 1991. Anglian Water is a wholly owned subsidiary of AWG plc. The principal duties of a water and sewerage undertaker are set out in the WIA.
- 1.2. Anglian Water has engaged as an Interested Party in the Hearing in order to ensure adequate controls are included within the Local Development Order to protect Anglian Water’s existing assets, ability to perform its statutory duty, and (working with the developer) that sufficient infrastructure is provided to enable development within environmental limits.
- 1.3. Anglian Water has been working with many existing and potential industrial customers across the South Humber Bank to understand future demands and raise awareness of any constraints and costs associated with development.

## **2. Anglian Water’s Interests**

- 2.1. There are a number of Anglian Water assets, on- and off-site, affected by the proposed Marine Energy Park (appendix 1 of Anglian Water’s Written Representation). These assets are critical to enable Anglian Water to carry out its duty as statutory undertaker.
- 2.2. There are three connected issues for Anglian Water’s affected assets. The main sewerage network connects into Anglian Water’s water storage works (asset 7 in Appendix 1 of Anglian Water’s Written Representation), and from this two pipelines (“The Pipelines”) (asset 8 and 9 in Appendix 1 of Anglian Water’s Written Representation) pump sludge and brine waste to the outfall in the Humber Estuary (asset 10 and 11 in Appendix 1 of Anglian Water’s Written Representation). Therefore diversion of the Pipelines cannot be carried out in isolation and requires the associated connection of the Water Storage Works and the outfall.
- 2.3. Any diverted route of the Pipelines must be acceptable to Able UK, Anglian Water and the Environment Agency. No alternative layout of the Pipelines has

been proposed. Without an alternative layout Anglian Water are not in a position to assess the possible damage or access constraints.

- 2.4. The potential diversion of the Pipelines would include the relocation of the outfall (asset 10 and 11 Appendix 1 of Anglian Water's Written Representation) into which they discharge. In order to understand the implications of relocating the outfall, Able have underwritten the costs of sampling and modelling the discharge.
- 2.5. Once the sampling and modelling is completed, Anglian Water can undertake further discussions with the Environment Agency on the acceptability of the proposed diversion.
- 2.6. Should the sampling, modelling and subsequent discussions with the Environment Agency raise any concerns with the proposed location of the outfall, alternative locations would need to be identified and fully assessed.
- 2.7. Until the relevant standards, discharge locations or costs are agreed Anglian Water cannot confirm whether the diversion is acceptable.
- 2.8. In addition to the pipelines, an Anglian Water storage works (Asset 7, Appendix 1 of Anglian Water's Written Representation) appear to be located within the redline boundary of the site. The water storage Works are within private land owned by Anglian Water and therefore any proposals to relocate the water storage works will involve the allocation of new land ownership. Should the water storage works not be relocated, Anglian Water would still require adequate access for maintenance purposes.

### **Water Resource and Supply**

- 2.9. The Marine Energy Park will require a supply of water for domestic use and to meet fire fighting requirements.
- 2.10. Anglian Water has confirmed water resources are currently available to supply the proposed Marine Energy Park development, based upon the proposed water demand forecasts (see assumptions section 2.6 of Anglian

Water Written Representations). Anglian Water is not, however, in a position to reserve water resources for Able UK; they are available to customers on a 'first come first supply' basis.

2.11. Water mains will need to be constructed to support the Marine Energy Park.

2.12. There is no formal agreement regarding the site demands, works required and funding. Anglian Water recommends that Able UK commission a detailed appraisal to understand the upfront enabling works, costs, programme and risks.

### **Wastewater Treatment**

2.13. Anglian Water note the South Killingholme Sewage Treatment Works ("STW") falls within the red line boundary for the Local Development Order (LDO). The LDO should protect and not impinge on Anglian Water's ability to operate its assets.

2.14. The proposed increase in flow volumes is also likely to require a greater process footprint and a revised discharge consent from the Environment Agency for the STW. This may lead to a tightening of final effluent standards or a relocation of the discharge point into the Humber Estuary. Additional land is likely to be required to construct the necessary upgrades.

2.15. Once the flow volumes and indicative final effluent quality standards are confirmed, Anglian Water can plan for appropriate significant upgrades to ensure the treatment process can accommodate both the new and existing flows.

### **Sewerage Network**

2.16. The proposed development site will require the conveyance of sewage from the development site to the receiving sewage treatment works.

2.17. Off-site public sewers will need to be constructed to receive domestic sewage from the proposed Marine Energy Park and convey sewage to the

Sewage Treatment Works. The connection point for the foul network will be at, or close to the entrance of South Killingholme STW.

2.18. There is no formal agreement as to the site requirements, construction works required and any necessary capital contribution to the offsite sewers. We recommend early discussions regarding layout, design and capital contributions associated with the proposed sewerage network.

### **3. Recommendations**

3.1. Anglian Water has to operate within the parameters set by the Environment Agency and Ofwat. The proposed development, without the necessary protections, could affect Anglian Water's ability to operate.

3.2. Accordingly, in order to protect Anglian Water, as a statutory undertaker, the inclusion of a Part 6 within Schedule 9 is requested:

#### **PART 6**

#### **FOR THE PROTECTION OF ANGLIAN WATER**

For the protection of Anglian Water, the following provisions shall, unless otherwise agreed in writing between the undertaker and Anglian Water, have effect.

No part of the authorised development shall be occupied until a foul drainage strategy has been approved by the local planning authority in consultation with Anglian Water and implemented in accordance with the details hereby approved.

The re-location of any assets belonging to Anglian Water shall not be implemented until any requirement for any permits under the Environmental Permitting Regulations 2010 for 1) the sludge and brine waste pipelines and 2) the South Killingholme Sewage Treatment Works and any other associated consents are approved and agreed.

The re-location of any assets belonging to Anglian Water shall not be implemented until the necessary agreement of the contractual documentation required under The Water Industry Act 1991.

The Company must not interfere with any Anglian Water assets on or off site, unless otherwise agreed in writing by Anglian Water, and shall protect Anglian Water's ability to operate. This provision should be brought to the attention of any agent or contractor responsible for carrying out work on the authorised development.



**TOWN & COUNTRY PLANNING ACT 2008 AND THE INFRASTRUCTURE  
PLANNING (EXAMINATION PROCEDURE) RULES 2010**

**Written Representations regarding the Proposed Able Marine Energy Park on  
the South Humber Bank of the River Humber at Immingham, North  
Lincolnshire.**

**STATEMENT BY ANGLIAN WATER SERVICES LIMITED**

**PLANNING INSPECTORATE REFERENCE NUMBER: TR030001  
UNIQUE REFERENCE NUMBER: 10015541**

**DATE OF WRITTEN STATEMENT: 29 JUNE 2012**

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## 1. Introduction

- 1.1. Anglian Water Services Limited (“Anglian Water”) is appointed as the water and sewerage undertaker for the Anglian region, by virtue of an appointment made under the Water Industry Act (“WIA”) 1991. Anglian Water is a wholly owned subsidiary of AWG plc. The principal duties of a water and sewerage undertaker are set out in the WIA.
- 1.2. Anglian Water is considered a statutory consultee for the proposed Marine Energy Park under section 42 of the Planning Act (2008) and Regulation 3 of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.
- 1.3. Anglian Water has engaged as an Interested Party in the Hearing in order to ensure adequate controls are included within the Local Development Order to protect Anglian Water’s existing assets, ability to perform its statutory duty, and (working with the developer) that sufficient infrastructure is provided to enable development within environmental limits.

## **2. Enabling development on the South Humber Bank**

- 2.1. Anglian Water has been working with many existing and potential industrial customers across the South Humber Bank to understand future demands and raise awareness of any constraints and costs associated with development.
- 2.2. Anglian Water is in principle supportive of inward investment on the South Humber Bank and has proactively sought to understand the needs of the large land owners in order to enable development.
- 2.3. Through discussions with industry and local authorities, Anglian Water has identified a significant emerging demand for water. In order to ensure sufficient water is, or will be available, to meet the anticipated future needs across the South Humber Bank, the current Asset Management Plan (2010-2015), approved by Ofwat, includes significant upgrades. These upgrades include the expansion of Elsham Water Treatment Works (due for completion in 2013).
- 2.4. Due to uncertainty regarding the use of onsite foul drainage solutions, Anglian Water has been unable to forecast the demand and establish investment needs for wastewater services. Able has confirmed their intention for mains drainage and proposed flows. This has triggered the initial assessment to identify any necessary upgrades (section 3, paragraph 3.20- 3.39).

## **Engagement on Marine Energy Park**

- 2.5. Able UK and Anglian Water have been routinely meeting for the last four years to progress the East Halton development. In the last two years these meetings have included the Marine Energy Park development.

## Assumptions

2.6. More recently Able have provided a number of indicative flow rates that would affect Anglian Water assets. This statement is written based on the following assumptions provided by Able on 4 May 2012.

### Proposed flow rates

Potable Water	6.6	Litres per second
Non-potable water	75	Litres per second
Foul water	6.005	Litres per second
Surface water	0	Litres per second

2.6.1. There will be no trade effluent discharge into the mains drainage system.

2.6.2. Once agreement has been reached, there are a number of applications required to deliver the necessary infrastructure. These are outlined below;

### Provision of infrastructure:

Offsite Potable Water	Section 41 Water Industry Act
Offsite Non-potable water	Section 57 Water Industry Act
Onsite Foul water	Section 104 Water Industry Act
Offsite Foul water	Section 104 Water Industry Act
Surface water	No connection to AWS assets

2.6.3. In addition, the design and investment at the sewage treatment works will be undertaken by Anglian Water.

### **3. Anglian Water's Interests**

#### **Assets Affected**

3.1. There are a number of Anglian Water assets, on- and off-site, affected by the proposed Marine Energy Park (Appendix 1). These assets are critical to enable Anglian Water to carry out its duty as statutory undertaker.

#### **On site Assets**

3.2. There are three connected issues for Anglian Water's affected assets. The main sewerage network connects into Anglian Water's Water Storage Works (asset 7 in Appendix 1), and from this two pipelines ("The Pipelines") (asset 8 and 9 in Appendix 1) pump sludge and brine waste to the outfall in the Humber Estuary (asset 10 and 11 in Appendix 1). Therefore diversion of the Pipelines cannot be carried out in isolation and requires the associated connection of the Water Storage Works and the outfall.

3.3. Any diverted route of the Pipelines must be acceptable to Able UK, Anglian Water and the Environment Agency. There are different criteria for each of these stakeholders, namely, Anglian Water's engineering considerations, the Environment Agency's concern regarding water quality and for Able, compatibility with the development layout.

3.4. The pipelines run from Anglian Water's Elsham Water Treatment Works and are wholly within the boundary of the development site. An easement exists to ensure Anglian Water can access the Pipelines at all times for maintenance and emergency repair.

3.5. Able has discussed the potential to divert the Pipelines through the provisions of section 185 of WIA. Whilst a section 185 application has been submitted to Anglian Water by Able, it is too early to fully consider at this stage for the following reasons,

- I. No alternative layout of the Pipelines has been proposed and discussions regarding the cost of one, the brine diversion, remain contested. Without an alternative layout Anglian Water are not in a position to assess the possible damage or access constraints.
  - II. The potential diversion of the Pipelines would include the relocation of the outfall (asset 10 and 11 Appendix 1) into which they discharge. The associated discharge permits for the pipelines, numbered AW3TSF805X and ANNTS682B respectively, were issued in the early seventies. Significant legislation has since evolved regarding such discharge permits. In order to understand the implications of relocating the outfall, Able have underwritten the costs of sampling and modelling the discharge.
- 3.6. This sampling and modelling exercise is ongoing. The modelling work is to determine the water quality impact the diversion will have on the Humber Estuary. Once the sampling and modelling is completed, Anglian Water can undertake further discussions with the Environment Agency on the acceptability of the proposed diversion. Once this is established, the details of the variations to the permits can be discussed and the necessary Applications made to determine if the relocation is acceptable.
- 3.7. Pending the outcome of the modelling work and agreement on the relocation of the discharge, Anglian Water will apply for a new permit. The statutory determination period for a variation to a permit is four months. If the Application is considered more complex because of other legislation or planning constraints then a longer timescale may apply.
- 3.8. Should the sampling, modelling and subsequent discussions with the Environment Agency raise any concerns with the proposed location of the outfall, alternative locations would need to be identified and fully assessed.
- 3.9. There is a risk that a suitable discharge location is, and permit conditions are, not agreed between Able UK, the Environment Agency and Anglian Water. Should this issue arise Anglian Water would not be in a position to divert the Pipelines.

3.10. Due to the uncertainties Anglian Water currently consider the requirement under section 185 to be unreasonable whilst there is insufficient information available to assess the options and risks. Until the relevant standards, discharge locations or costs are agreed Anglian Water cannot confirm whether the diversion is acceptable.

3.11. In addition to the pipelines, Anglian Water has, as outlined in paragraph 3.2 above, a Water Storage Works (Asset 7, Appendix 1) which include sludge tanks and a pumping station. These appear to be located within the redline boundary of the site. The Water Storage Works are within private land owned by Anglian Water and therefore any proposals to relocate the water storage works will involve the allocation of new land ownership. Should the water storage works not be relocated, Anglian Water would still require adequate access for maintenance purposes.

### **Off-site Assets**

3.12. The water and wastewater systems will be impacted by the proposals. However, this can be managed by appropriate water and wastewater strategies (see section 3; paragraph 3.14-3.39).

3.13. There is currently insufficient information to determine how the development may affect Anglian Water assets within Rosper Road and private land adjacent to the development. Accordingly, Anglian Water is unclear as to whether it needs to request additional protection or if alternative proposals are required.

### **Water Resource and Supply**

3.14. The Marine Energy Park will require a supply of water for domestic use and to meet fire fighting requirements.

3.15. Anglian Water has confirmed water resources are currently available to supply the proposed Marine Energy Park development, based upon the proposed water demand forecasts (see assumptions section 2.6). Anglian Water is not, however,

in a position to reserve water resources for Able UK; it is available to customers on a 'first come first supply' basis.

- 3.16. In addition to water mains discussed with Able for the East Halton development, water mains will need to be constructed to support the Marine Energy Park. New and upgraded off-site mains will be required, under section 41 of the WIA, to supply the site. Any request for provision for fire-fighting would be considered under 57 of WIA.
- 3.17. There is no formal agreement regarding the site demands, works required and funding. Anglian Water recommends that Able UK commission a detailed appraisal to understand the upfront enabling works, costs, programme and risks.
- 3.18. The presence of other significant infrastructure could impact on the design and construction of the water mains. Any changes to the demand requirements may result in the need to re-design.
- 3.19. Anglian Water has received an initial application; however, it was too early for consideration. Once matters have been agreed, Anglian Water would anticipate a formal application under section 41 WIA.

## **Wastewater Network and Treatment**

### **Wastewater Treatment**

- 3.20. Anglian Water note the South Killingholme Sewage Treatment Works ("STW") falls within the red line boundary for the Local Development Order (LDO). The LDO should protect and not impinge on Anglian Water's ability to operate its assets.
- 3.21. The proposed increase in flow volumes is also likely to require a revised discharge consent from the Environment Agency for the STW. This may lead to a tightening of final effluent standards or a relocation of the discharge point into the Humber Estuary.

- 3.22. Anglian Water is currently undertaking pre-application discussions with the Environment Agency with regard to increased flow and the possible relocation of the final effluent discharge point from its current location (pending water quality requirements).
- 3.23. To support discussions, Anglian Water is undertaking modelling to investigate water quality impacts. Once complete we will submit an application to vary the above permit. Pending the results from the ongoing investigation, discussions with the Environment Agency and direction from Able, Anglian Water anticipate submitting an application in three to six months.
- 3.24. The statutory determination period for a variation to a permit is four months. However, if (as with the application for the outfall permit), the application is considered more complex due to other legislation or planning constraints, an extended timescale may need to be agreed with the Environment Agency.
- 3.25. Based on the assumptions (section 2.6), the foul flows at South Killingholme STW will be increasing by more than 100%. This will require a greater process footprint. For example a new inlet works, flow balancing, Activated Sludge process, final settlement and storm treatment may be required. Additionally, there may also be a requirement for tertiary treatment depending on the standards set in the permit by the Environment Agency.
- 3.26. Whilst upgrading the STW, the site will need to remain operational until existing flows can be transferred to the new structures.
- 3.27. An initial assessment, based on the assumptions (section 2.6), indicates that additional land is likely to be required to construct the necessary upgrades as a result of flows from the proposed development. Therefore the ability to expand the STW is subject to land availability and associated assessments. In this regard, Able UK may be able to assist (such as acquiring the land) to deliver the necessary infrastructure requirements.



- 3.28. The current receiving watercourse may not be suitable for increased final effluent flows, and either relocation of the discharge to the Humber Estuary or increasing the size of the watercourse may have to be considered.
- 3.29. Once the flow volumes and indicative final effluent quality standards are confirmed, Anglian Water can plan for appropriate significant upgrades to ensure the treatment process can accommodate both the new and existing flows.
- 3.30. Until the relevant standards and discharge locations are agreed with the Environment Agency any timescales for relocation of discharge point and the provision of appropriate sewage treatment technologies can not be established.

### **Sewerage Network**

- 3.31. The proposed development site will require the conveyance of sewage from the development site to the receiving STW.
- 3.32. Off-site public sewers will need to be constructed to receive domestic sewage from the proposed Marine Energy Park and convey sewage to the STW. It is preferable for the offsite sewer to be a gravity sewer. The off-site sewerage can be undertaken via a section 104 or section 98 WIA application.
- 3.33. The connection point for the foul network will be at, or close to the entrance of South Killingholme STW. The connection of the new sewers can be made following a section 106 WIA agreement.
- 3.34. The on-site sewerage network can be constructed and adopted under a section 104 of the WIA agreement.
- 3.35. Temporary measures may be required to drain the site ahead of upgrades at the STW.
- 3.36. There is no formal agreement as to the site requirements, construction works required and any necessary capital contribution to the offsite sewers.

- 3.37. Whilst a section 106 WIA application has been submitted to Anglian Water, it was rejected as there is no premise to serve. We recommend early discussions regarding layout, design and capital contributions associated with the proposed sewerage network.
- 3.38. Anglian Water anticipates a decision will be made as to whether the off-site sewers are to be constructed under a section 98 or section 104 WIA agreement. Accordingly, following early engagement on layout, design and contributions towards capital costs, Anglian Water would expect a formal application submission of the onsite wastewater network under section 104 WIA; a formal application (under section 98 WIA or section 104 WIA) of the offsite sewers; and design and costing of the offsite sewers if under a section 98 WIA application.
- 3.39. Should the sewer design be contrary to Anglian Water's approval of the technical design, a delay to the connection to the public network and occupation of the site will result. Additionally, there may be a delay in the connection to the public sewer owing to delays in the construction of the new STW.

#### **4. Areas of Agreement**

- 4.1. Anglian Water and Able UK have agreed that there are a number of Anglian Water assets affected by the proposed development. There are ongoing discussions regarding the assets affected.
- 4.2. Anglian Water has agreed that there is currently sufficient water resource to serve the site.
- 4.3. Anglian Water has agreed new and uprated water mains will be required to serve the site.
- 4.4. Able UK has indicated they anticipate that the site will be drained by mains foul drainage. A new foul water sewer will be required connecting at, or close to South Killingholme STW.
- 4.5. As a result of increased foul discharge from the site, South Killingholme STW will need to be upgraded.
- 4.6. Matters of detail for all the areas raised above remain unknown, including design, costs and timescales.

## 5. Recommendations

- 5.1. Anglian Water has to operate within the parameters set by the Environment Agency and Ofwat. The proposed development, without the necessary protections, could affect Anglian Water's ability to operate.
- 5.2. Accordingly, in order to protect Anglian Water, as a statutory undertaker, the inclusion of a Part 6 within Schedule 9 is requested:

### PART 6 FOR THE PROTECTION OF ANGLIAN WATER

For the protection of Anglian Water, the following provisions shall, unless otherwise agreed in writing between the undertaker and Anglian Water, have effect.

No part of the authorised development shall be occupied until a foul drainage strategy has been approved by the local planning authority in consultation with Anglian Water and implemented in accordance with the details hereby approved.

The re-location of any assets belonging to Anglian Water shall not be implemented until any requirement for any permits under the Environmental Permitting Regulations 2010 for 1) the sludge and brine waste pipelines and 2) the South Killingholme Sewage Treatment Works and any other associated consents are approved and agreed.

The re-location of any assets belonging to Anglian Water shall not be implemented until the necessary agreement of the contractual documentation required under The Water Industry Act 1991.

The Company must not interfere with any Anglian Water assets on or off site, unless otherwise agreed in writing by Anglian Water, and shall protect Anglian Water's ability to operate. This provision should be brought to the attention of any agent or contractor responsible for carrying out work on the authorised development.

