

From Simon Thackray, 

7 JANUARY 2026

For the attention of the Planning Inspector Mr David M H Rose and interested parties:

RE Appeal Reference: APP/U2750/W/25/3371863

Planning Application ZE24/01683/MOUT
Land off Rainbow Lane, Malton, North Yorkshire

Application for outline planning permission (with all matters reserved except the main points of access) for the construction of up to 200 residential dwellings, open space, landscaping, habitat enhancement, drainage infrastructure, and associated works.

Summary

Yorkshire Water confirmed - in its email of 9 December 2025 to Alan Goforth, Senior Planning Officer, North Yorkshire Council - that its Malton sewerage '*infrastructure is already at capacity and cannot accept additional flows until necessary upgrades have been delivered.*'

This document shows that while there is some biological capacity at the Malton Sewage Treatment Works (STW), there is **no hydraulic capacity** within its sewerage system. This is confirmed by Yorkshire Water's storm overflow data which shows an already non-compliant number of sewage spills into the River Derwent SSI, SAC.

Put simply, there is **no available capacity** in the sewer network or sewage pumping stations to convey any additional foul sewage to the Malton STW.

This is unsurprising as there has been no (zero) **increase in hydraulic capacity** in the Malton sewerage system since **2010**, despite a **40% increase in population**. Event Duration Monitoring (EDM) data shows excessive sewage spills impacting the River Derwent SSSI, SAC.

Yorkshire Water has provided the following timeline for future capacity improvements:

- **Investigations:** to be completed by **31 March 2030**
- **Design and delivery of upgrades** (subject to regulatory approval) by **2035**

If the Inspector is mindful to allow this appeal, it is reasonable to request that any permission be subject to a Grampian Condition restricting occupancy of any new dwellings until the full Malton sewerage system upgrade has been delivered, to protect the local aquatic environment. Yorkshire Water has admitted that its '*infrastructure is already at capacity and cannot accept additional flows until necessary upgrades have been delivered.*'

Referenced Documents

I refer to the following documents (attached) and provide links to publicly available data:

1. EIR response from Yorkshire Water to Freeths dated 11 December 2025
2. EIR response from Yorkshire Water to Simon Thackray dated 27 October 2025
3. Consultation response from Yorkshire Water to the LPA dated 16 October 2024

4. Consultation response from Stephanie Walden, Yorkshire Water, to Ryedale District Council Head of Planning dated 13 September 2010 - **no sewage treatment capacity**
5. Yorkshire Water EDM data (2020–2024) for Malton, Norton and Old Malton (online)
6. Appeal Reference: APP/U2750/W/25/3360685, Land North of Middleton Road, Pickering, decision date 15th August 2025 - **subject to occupancy condition**
7. Yorkshire Water Section 19 Undertaking to Ofwat, March 2025 re Malton STW (online)
8. Letter from Francis Davis, Yorkshire Water, to Alan Goforth, Senior Planning Officer, North Yorkshire Council (copied to Yorkshire Water's Marianne McCallum and Adam Ashman) on 9 December 2025, re Norton Lodge, Norton - **recommends occupancy condition.**

The Facts explained

In its consultation response of **16 October 2024**, Yorkshire Water advised the LPA that **no capacity exists** within the Malton sewerage system to accommodate additional foul flows from the proposed development:

"It should be noted that the site is not included in the adopted North Yorkshire [Ryedale] Local Plan and is instead classed as a 'Visually Important Undeveloped Area'.

As such, the site has not been factored into Yorkshire Water's proposed asset reinforcement for the Malton area. It is believed that the proposed foul water discharge would cause the receiving infrastructure to become overloaded."

The letter from **Reuben Thornton (Yorkshire Water)** was written following the £7.7 million investment at Malton STW and confirms the **current operational status** of the works.

The **purpose of the 2023 investment** was solely to create additional **biological capacity** to meet **environmental compliance**. It did not increase the volume of sewage treated.

While the project improved the **quality of treated effluent** discharged into the River Derwent SSSI, SAC, the **volume of sewage treated in January 2026 is no greater than in 2010**, and there has been **no reduction in sewage pollution**.

The Environment Agency has **not permitted** Yorkshire Water to treat a greater volume of sewage. Capacity to treat should not be confused with capacity to convey sewage from its point of origin to its place of treatment. The Malton sewerage system lacks the capacity to convey additional sewage without increasing its pollution of the environment.

Yorkshire Water Investment and Capacity

In correspondence with Freeths, Yorkshire Water confirmed that although AMP7 investment has been delivered, this investment:

- did **not** increase hydraulic capacity,
- did **not** increase sewer or pumping station conveyance capacity, and
- did **not** increase the permitted flow to full treatment.

The £7.7 million investment only improved the **quality** of final treated effluent discharged into the River Derwent SSSI, SAC from its Malton STW. A separate scheme providing **343 m³ of stormwater storage** at Welham Road North CSO in Norton was a **spill-reduction measure** and did not increase conveyance or treatment capacity.

Yorkshire Water confirmed in its EIR response to me dated **27 October 2025**:

“The hydraulic capacity, the permitted flow to full treatment, has not been increased by the Environment Agency since 2010.”

Significance of 2010

On **13 September 2010**, Stephanie Walden of Yorkshire Water advised the Ryedale District Council Head of Planning that the Malton STW **did not have capacity** to treat the foul sewage from a proposed **350-dwelling development**. Yorkshire Water requested an occupancy condition preventing occupation of the new houses until capacity improvements were completed. Although the condition was applied, it was **ignored by the developer, the Council, and Yorkshire Water**.

Fifteen years later, Yorkshire Water has confirmed that **no increase in hydraulic capacity** has occurred since 2010, despite a **40% population increase**.

EDM Data and Pollution of the River Derwent

Event Duration Monitoring data (sewage spill data) for **2024** shows raw sewage was discharged into the River Derwent by Yorkshire Water for the **equivalent of five months** of the year. The Malton STW is also in breach of **Regulation 4(4) of the Urban Waste Water Treatment Regulations**, despite the designated importance and sensitivity of the receiving watercourse.

In 2024 alone, **Castlegate CSO, Malton**, spilled on **92 occasions**, totalling **1,873 hours** (78 days). Multiple CSOs in Malton, Norton and Old Malton remain non-compliant. See link below.

The Malton sewerage system only continues to function because large volumes of sewage are routinely discharged - by gravity or by over-pumping - directly into the River Derwent SSSI, SAC.

The Malton and Norton Pumping Plan

North Yorkshire Council states:

“Pump plan for Malton, North and Old Malton

During 2009 to 2012, the Environment Agency, Ryedale District Council (now North Yorkshire Council) and Yorkshire Water developed the multi-agency pumping plan which has been designed to manage the remaining risks of flooding. The plan is activated when the river or ground water levels are high, preventing groundwater from draining into the river. Agencies come together during these events to plan where to place the pumps. The plan has proven to be successful over recent years: up to 32 pumps have been put into action at the same time during some of the wettest winters.”

North Yorkshire Council provides a **sanitised and incomplete** description of the pumping plan.

The true facts are these: the Malton and Norton pumping plan pumps raw sewage into the river as a means of flood alleviation and has routinely done so for the past fourteen (14) years.

The Malton and Norton Pumping Plan has been operated by Yorkshire Water, North Yorkshire Council and the Environment Agency since 2012 and is the go-to means of flood alleviation in the towns because the necessary investment to upgrade the Malton sewerage system by Yorkshire

Water has not happened. As confirmed by Yorkshire Water on 27 October 2025, there has been **no increase in the capacity of the Malton sewerage system since 2010**.

The ‘pumping plan’ dates to the region-wide flooding event of 2012 and replicates the emergency response to high river levels in Malton and Norton and Old Malton in 2012. The plan involves the deployment of up to 32 industrial pumps to pump the contents of Malton and Norton and Old Malton **combined sewers directly into the River Derwent**.

This is an unregulated and potentially unlawful activity, deliberately polluting a sensitive watercourse as a means of flood alleviation. The sewage being over-pumped into the river by Yorkshire Water, North Yorkshire Council and the Environment Agency is unmonitored, and unpermitted, and is **not an isolated response to an emergency event**. It is pre-planned and intentional pollution of a sensitive watercourse as a means of drainage.

Details of the pumping plan (and map showing the precise, pre-planned, pump positions) are available here: <https://www.ryedale.net/>

Statutory Duty

Yorkshire Water’s operation of the Malton pumping plan is clear evidence that it has failed and is failing to meet its statutory duty under **Section 94 of the Water Industry Act 1991**.

94 General duty to provide sewerage system.

(1)It shall be the duty of every sewerage undertaker—

(a)to provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain those sewers [F1and any lateral drains which belong to or vest in the undertaker] as to ensure that that area is and continues to be effectually drained; and

(b)to make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers.

The Malton sewerage system lacks sufficient capacity in its:

- sewer network,
- pumping stations, and
- sewage treatment works.

No increase in population can be accommodated until a future upgrade—not yet designed, approved, or funded—is completed.

Future Capacity and Timescales

Yorkshire Water has confirmed that:

- SOAF investigations will not conclude until **31 March 2030**, and
- treatment capacity will not be available until **approximately 2035**.

March 2025 Section 19 Undertakings from Yorkshire Water to Ofwat confirms Malton STW is potentially non-compliant with FFT permit requirements.

Cumulative impact of recently approved developments

Recent approvals since 2020 total **757 dwellings**, exceeding Yorkshire Water's own growth projections of **697–748 households** to 2035. Despite this, Yorkshire Water confirms there is **no hydraulic capacity** and no confirmed timeline for improvement.

Approved developments impacting the Malton sewerage system in Malton, Norton and Old Malton, since 2020 (including street villages):

Barton Le Street - 2 dwellings (2020)
Amotherby, Meadowfields - 58 dwellings (2022)
Swinton, East Street - 20 dwellings (2024)
Swinton Atkins Garage - 5 dwellings (2024)
Swinton, Courtyard - 2 dwellings (2022)
Swinton, Grange - 9 dwellings (2021)
Broughton - 1 dwelling (2022)

Total street village housing units = 97

(street villages foul waste is pumped to Malton STW)

Norton Lodge, Norton – 645 (2025)
Sutton Grange, Norton – 5 (2021)
80 bed Care Home, Old Malton 10 (2021)

Recent planning approvals in Malton, Norton, Old Malton and street villages = 757

Yorkshire Water projected households increase to 2035 = 697 or 748.

Meanwhile, Yorkshire Water has made housing growth projections for Malton and Norton of between 697 and 748 additional households but has no capacity to treat the extra foul waste. On 27 October 2025, Yorkshire Water confirmed that there has been **no** increase in hydraulic capacity or permitted flow to full treatment in the Malton sewerage system since 2010, despite a 40% increase in the population of the towns.

“The hydraulic capacity, the permitted flow to full treatment has not been increased by the Environment Agency since 2010.”

Relevance of Pickering Appeal Decision

Pickering Appeal Decision APP/U2750/W/25/3360685 - the Inspector's decision notice:

9. The appellant's have advised that completions of the proposed dwellings would likely span both the current AMP and the next AMP, and the proposal would include a pumped foul system, which would enable flows to be managed at peak periods. In this regard, the Council consider the matter could be managed by way of a condition, which would restrict the occupation of any dwelling until confirmation is provided that sufficient capacity exists within the sewerage network and WWTW to accommodate the foul drainage flows from the development.

10. This would allow the parties to work together to ensure that the phasing of the development and any infrastructure improvements are undertaken in a manner that does not overload the local sewerage network and WWTW. With that in mind and having regard to the provisions within the Water Industry Act 1991, I am satisfied that the Council's suggested condition is a reasonable approach to ensuring that the development is not occupied until capacity exists.
11. On this basis, the proposed development would not have an unacceptable effect on local drainage. As such, I find no conflict with the requirements of Policy SP17 of the LP which says, amongst other things, that water resources will be protected by ensuring that necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development and that the scale, type, location and phasing of new development or land-based activity can be accommodated without an unacceptable impact on water supply.

Conclusion

While Yorkshire Water cannot refuse connection to its sewerage system, the absence of available conveyance and treatment capacity means that **occupancy conditions are essential** if the appeal is allowed. Such conditions are necessary to:

- prevent further sewage pollution of the River Derwent SSSI, SAC and
- avoid overloading already failing infrastructure.

Yorkshire Water's own data confirms that adequate sewage treatment capacity will not exist until approximately 2035.

Yours sincerely,

Simon Thackray



Documents referenced and online data:

1. EIR response from Yorkshire Water to Freeths dated 11 December 2025
<https://planningregisterdocs.ryedale.gov.uk/w2webparts/Resource/Civica/Handler.ashx/Doc/pagestream?cd=inline&pdf=true&docno=2648461>
2. EIR response from Yorkshire Water to Simon Thackray dated 27 October 2025
<https://www.ryedale.net/submission-from-simon-thackray/>
3. Consultation response from Yorkshire Water to the LPA dated 16 October 2024
<https://planningregisterdocs.ryedale.gov.uk/w2webparts/Resource/Civica/Handler.ashx/Doc/pagestream?cd=inline&pdf=true&docno=2564095>
4. Consultation response from Stephanie Walden, Yorkshire Water, to Ryedale District Council Head of Planning dated 13 September 2010 - **no sewage treatment capacity**
<https://planningregisterdocs.ryedale.gov.uk/my-requests/document-viewer?DocNo=541546>

5. Yorkshire Water EDM data (2020–2024) for Malton, Norton and Old Malton
<https://www.visitmaltonsewer.co.uk/yorkshire-water/>
6. Appeal Reference: APP/U2750/W/25/3360685, Land North of Middleton Road, Pickering, decision date 15th August 2025 - **subject to occupancy condition**
<https://www.ryedale.net/submission-from-simon-thackray/>
7. Yorkshire Water Section 19 Undertaking to Ofwat, March 2025 re Malton STW
<https://www.ofwat.gov.uk/wp-content/uploads/2024/08/Notice-of-Ofwats-decision-to-accept-section-19-undertakings-from-Yorkshire-Water.pdf>
8. Letter from Yorkshire Water re Application 21/01115/MOUTE for 645 houses at Norton Lodge, Norton, Malton, to Alan Goforth, Senior Planning Officer, North Yorkshire Council on 9 December 2025 - **YWS recommends Grampian Condition.**
<https://planningregisterdocs.ryedale.gov.uk/w2webparts/Resource/Civica/Handler.ashx/Doc/pagestream?cd=inline&pdf=true&docno=2646657>

Video evidence of sewage pollution:



Video: Yorkshire Water polluting the River Derwent with raw sewage from the Church Street, Norton combined sewer on 13 December 2024 (2025 video available).

https://www.youtube.com/watch?v=RYb_rHp-9Pg&t=3s

Footage shows sewage being discharged into the River Derwent and detritus (used sanitary towels, condoms, toilet paper) suspended on the riverbank. It is important to understand that this polluting activity is the *modus-operandi* of Yorkshire Water, North Yorkshire Council and the Environment Agency – the pumping plan. This **is not** an emergency response it is a carefully planned and permanently engineered response. Portable pumps are attached to permanent pipework that is installed under the road, and under the railway line, to pump raw sewage directly in the river. The discharge outlet has no EA permit. Even the contents of the North Yorkshire Council-maintained public conveniences on Church Street, Norton are being propelled directly into the river.

More information is available online:

<http://www.ryedale.net>
<http://www.visitmaltonsewer.co.uk>