2023/0516

Applicant: Mr Ameet Juttla

Agent: Mr R Kikuchi

Ground mounted solar panel array with a generating capacity of up to 700 kW be connected to the Waste Water Treatment Works via underground cables (Lawful development certificate for a proposed development)

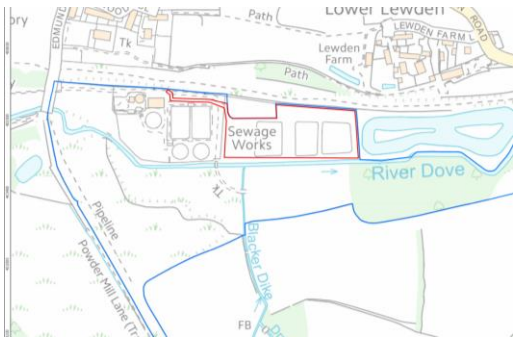
Worsbrough Waste Water Treatment Works, Edmunds Road, Worsbrough, Barnsley, S70 5PG

Description

The application site comprises 1.4 ha of land which lies within an existing operational Yorkshire Water Waste Water treatment works (WWTW) to the west of Edmunds Road. Worsborough. The site lies wholly within the Green Belt and is washed over by the Dearne Valley Green Heart Nature Improvement Area. To the west is Worsborough Country Park and Barrow Colliery Site SSSI to the southwest and south beyond Powder Mill Lane. To the southeast is agricultural land with Wombwell Wood beyond. The northern boundary of the WWTW is adjacent to the Trans Pennine trail and Upper Don Trail with the Boatman's Rest and residential dwellings beyond, Lewden Farm, all screened by trees. The nearest dwellings to the south would be Blacker Hill approximately 500m away and screened by trees.

The River Dove lies immediately to the south and the site lies within Environment Agency Floodzone 2 with the southern part within Environment Agency Flood Zone 3.

The applicants supporting statement notes that this part of the WWTW has been decommissioned although the land remains part of the operational facility which lies to the west of the application site. An aerial photograph below shows that this part of the site is no longer used for waste water treatment and is now covered with scrub. Access to the site would be from the existing access from Edmunds Road to the west of the site along a private access.





Approximate red line boundary on aerial photo

Proposed Development

Confirmation is sought via Section 192 (b) of the Town and Country Planning Act 1990 (as amended). A Lawful Development Certificate has been submitted for a Proposed Use for the installation of a ground mounted solar voltaic array on the site. The site would have a capacity of up to 700 kW and would be connected to the WWTW via underground cables.

The site layout plan shows the solar arrays to be installed in an east-west direction comprising 5 rows, facing south to maximise the solar gain.

The intention of the development is to support the running of existing services and reduce costs for customers and contribute towards combating climate change. It is anticipated that excess energy would be exported to the National Grid occasionally.
The construction of the development is anticipated to take approximately 8-10 weeks and be operational for 25 years. Once operational , access for maintenance would be limited and could be undertaken by existing maintenance staff.

Generic details of typical equipment to be used have been provided of the plant proposed :

- Solar panel banks of approximately 20m long, set at an angle, lower edge approx. 1.5m from ground level, upper edge at 3.6m above ground level, on pile foundations
- Transformers 6.0m x 2.4m x 2.9m high
- Inverters 6.0m x 6.0m x 2.0m high
- CCTV cameras on 3m high poles
- 5m wide access track
- 1.8m deer fencing and 2.75m palisade fencing with gates
- 30m x 30m temporary construction compound with machinery and equipment storage, parking and welfare facilities

Planning Context

The submitted application form states the development would be permitted development, within The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) under Schedule 2 Part 13 Class B (f). The provisions of the Order are set out below:

Permitted development Under Class B – development by or on behalf of sewerage undertakers, B(f) states:

(f) any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building.

Development is NOT permitted

B.1 Development is not permitted by Class B if—

(a) in the case of any Class B(d) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;

(b) in the case of Class B(f) development, it would consist of or include the extension or alteration of a building so that—
  (i) its design or external appearance would be materially affected;
  (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded, by more than 25%; or
  (iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or

(c) in the case of Class B(f) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

Consultations

Legal – Clarification of ownership and status of works being carried out on behalf of statutory undertaker is acceptable

Highways- traffic management plan submitted via the pre-app enquiry is acceptable
Biodiversity - ecology reports initially submitted for clarification were unacceptable. Revised document was submitted which clarifies the biodiversity interest and provides mitigation by good practice which the ecology officer agrees is acceptable.
EA – object, require a FRA to ensure it would not cause flooding downstream. This application is a for a lawful development certificate LDC and in effect, the statutory undertaker appears to have permitted development rights to undertake the proposed works. The LPA however, can request additional information for clarification purposes only. The EA was consulted on this basis. There is no scope within the regulations to refuse the LDC on the basis of the objection as the proposal is a matter of fact and law.
Public Rights of Way – informative proposed

Assessment

A Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.

The National Planning Practice Guidance (2014) notes that the applicant is responsible for providing sufficient information to support an application, and that a Local Planning Authority is entitled to canvas evidence if it so wishes before determining an application.

In this case, the applicant has been requested to provide a preliminary ecological appraisal, traffic plan and flood risk assessment to address concerns from consultees.

Providing the proposed works do not exceed 15m in height it appears that the development would comply with the legislation of Schedule 2 Part 13 Class B (f) of the GDPO 2015 (as amended) and would fall within permitted development rights and therefore the lawful development certificate should be granted.

Recommendation

Approved subject to condition