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Planning and Building Control,  
Barnsley Metropolitan Borough Council,  
PO Box 634,  
Barnsley.  
S70 9GG.



Dear Sir/ Madam,

## Planning Application for the for the installation of two new chemical kiosks and one new Motor Control Centre (MCC) Kiosk at Hoylandswaine Sewage Treatment Works.

Ove Arup & Partners Ltd ('Arup') has been instructed to prepare and submit this planning application to Barnsley Metropolitan Borough Council ('Barnsley Council') on behalf of Yorkshire Water Services Limited ('Yorkshire Water') for the installation of two new chemical kiosks and one new Motor Control Centre (MCC) Kiosk at Hoylandswaine Sewage Treatment Works (STW), Cooper Lane, Hoylandswaine, Barnsley, S36 7JE.

The proposed development is located at the operational Hoylandswaine STW within the jurisdiction of Barnsley Council, which is situated off Cooper Lane, Hoylandswaine (Ordnance Grid Reference SE 26886 05482).

This submission is supported by the following documents and plans, which form the planning application:

Document/ Drawing Title	Document/ Drawing Reference
Application Forms and Ownership Certificate	N/A
Planning Statement	This Letter
Site Location Plan	HOY05 BNE WWT WWT GA Z 0001
Site Layout Plan	HOY05 BNE WWT WWT GA Z 0002
Proposed Elevations Drawing (Chemical Dosing Kiosks)	HOY05 BNE WWT WWT GA Z 0003 S4.P01
Proposed Elevations Drawing (MCC Kiosk)	HOY05 BNE WWT WWT GA Z 0004 S4.P01
Proposed Elevations TSR and Flocculation Tank	HOY05 BNE WWT WWT GA Z 0005 S4.P01
Preliminary Ecological Appraisal	Hoylandswaine STW PEA Report

## Principle of Development

Policy WCS1 of the Barnsley, Doncaster and Rotherham Joint Waste Plan focuses on the attainment of sustainable waste management through maintaining, improving and expanding the network of waste management facilities throughout Barnsley, Doncaster and Rotherham. Policy WCS1 sets out for all development proposals to promote high quality design and layouts that minimise waste and reduce resources.

Policy SD1 of the Barnsley Local Plan states that when considering development proposals, Barnsley Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF), to secure development that improves the economic, social and environmental conditions in the area.

Yorkshire Water are seeking to upgrade Hoylandswaine STW to achieve compliance with environmental regulations. The regulations are contained within the Water Industry National Environment Programme (WINEP) set out by the Environment Agency (EA). WINEP identifies that water companies have a primary role in protecting and enhancing the environment and thereby improving the lives of those within the communities they serve. Therefore, given the importance of the role companies such as Yorkshire Water play, the UK government has directed the industry to ensure it:

- provides resilient, safe, and affordable water supply and wastewater service for today's users and future generations;
- provides a thriving natural environment with increased environmental value, clean rivers and a sustainable eco-system; and
- consumers trust and delivers an excellent day to day service, support for vulnerable consumers and acts in the long-term interests of society and the environment.

To achieve these goals, the EA have outlined specific actions which must be undertaken by the water companies. Hoylandswaine STW has been identified as requiring immediate works under the WINEP to improve the quality of discharge entering the Ellhirst Beck. The requirement is to limit the total phosphorous total iron entering the watercourse by December 2024 to comply with the Water Framework Directive.

## Scheme Description

To achieve compliance, the scheme at Hoylandswaine STW comprises of the construction and installation of the following elements:

- 2.no chemical dosing kiosks;
- 1.no filter tank;
- 1.no. flocculation tank;

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- 1.no Motor Control Centre (MCC) Kiosk;
  - 1.no emergency shower;
  - Internal access road and delivery area; and
  - Below ground pipes, access chambers and apparatus.

The Scheme, as a whole, can be broken down into two elements:

- **Permitted Development:** elements of the scheme that are subject to the permitted development rights afforded to sewerage undertakers which do not need planning approval from Barnsley Council; and
- **The Proposed Development:** elements of the scheme that require formal planning approval from Barnsley Council.

### Permitted Development

Yorkshire Water, as a sewerage undertaker, benefits from Permitted Development rights contained within Schedule 2, Part 13, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (*'the GPDO'* hereafter). Those works which fall under the classification of permitted development under Schedule 2, Part 13, Class B have been noted below with the corresponding section Class.

Those elements that are considered to be permitted development are not subject to this application and are not discussed further within this document.

#### Schedule 2, Part 13, Class B(a)

Class B(a) permits *'development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus.'*

It is considered that the belowground pipes chambers and apparatus associated with the scheme benefit from permitted development rights under Schedule 2, Part 13, Class B(a) as they are located below ground and are required as part of the proposed improvement works being delivered by the scheme.

#### Schedule 2, Part 13, Class B(f)

Class B(f) permits *'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 under Class B(f) where the development would materially affect a building, increased its original cubic content by more than 25%, or increase its floor space by 1,000m<sup>2</sup>. Furthermore, development would not be permitted where any plant and machinery is installed above 15m in height, or installed higher than anything it replaces.

It is considered that the following scheme elements benefit from permitted development rights under Schedule 2, Part 13, Class B(f) as they are located on existing operational land, would be considered plant and machinery associated with the treatment of wastewater and would be below 15 metres in height:

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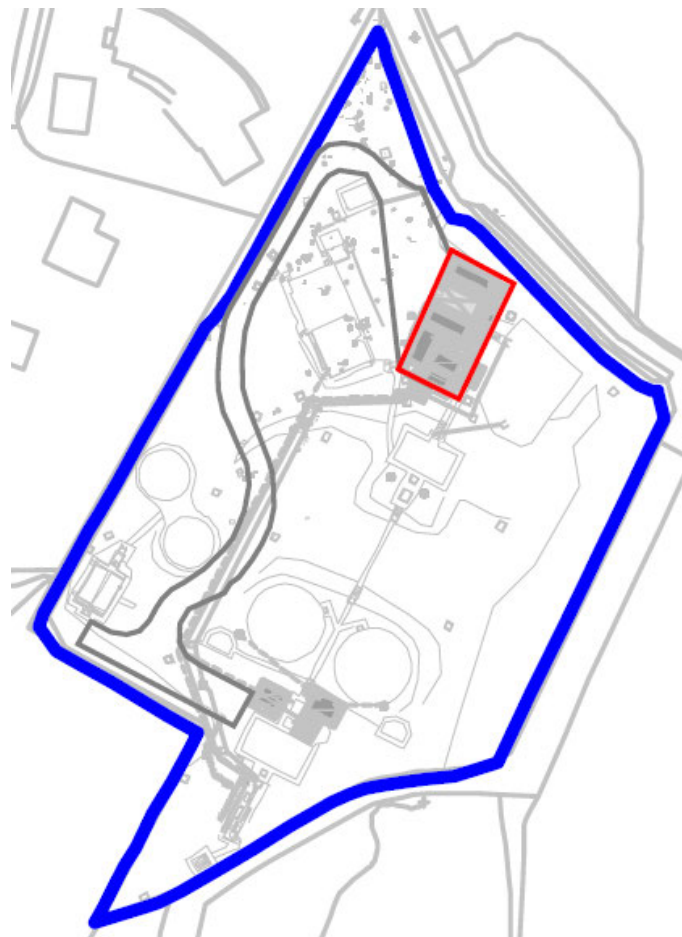
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- 1.no. flocculation tank;
- 1.no emergency shower; and
- Internal access road and delivery area;

### Planning Application

Those works which do not benefit from permitted development rights are the subject of this planning application. The application is seeking permission for the installation of 2.no chemical dosing kiosks and the MCC kiosk. Figure.1 below denotes the location where planning permission is being sought for the aforementioned works.

Figure.1 Site Location Plan



This Planning Statement therefore supports a full planning application for the proposed chemical dosing and MCC kiosks within the operational STW boundary.

### Planning Policy Appraisal

This section of the statement summarises the key planning policies relevant to the proposed development.

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Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

*'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

### National Planning Policy Framework

The NPPF (updated in December 2023) sets out the government's planning policies for England and how these are expected to be applied. Below is a list of policies within the NPPF which are considered to be applicable to the proposed development.

- Chapter 2: Achieving Sustainable Development;
- Chapter 12: Achieving Well-Designed and Beautiful Places;
- Chapter 13: Protecting Green Belt Land; and
- Chapter 15: Conserving and Enhancing the Natural Environment.

The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF highlights that there are three overarching objectives to achieve sustainable development, these are economic, social and environmental.

### Barnsley, Doncaster and Rotherham Joint Waste Local Plan

Barnsley Council is the Minerals and Waste Authority covering Hoylandswaine. The proposed development will be considered against the saved policies contained in the Barnsley, Doncaster and Rotherham Joint Waste Local Plan (adopted March 2012).

The following policies of the Barnsley, Doncaster and Rotherham Joint Waste Plan (March 2012) are considered relevant to the proposed development:

- Policy WCS1: Barnsley, Doncaster and Rotherham's overall strategy for achieving sustainable waste management;
- Policy WCS2: Safeguarding and enhancing existing strategic waste management sites;
- Policy WCS6: General considerations for all waste management proposals; and
- Policy WCS7: Managing waste in all developments.

### Barnsley Metropolitan Borough Council Local Plan

The Barnsley Local Plan 2019 to 2033 was adopted in April 2016 and sets out its vision, objectives and policies to manage the future sustainable growth and development as well as address key planning issues in Barnsley.

From a review of the Local Plan, the site is designated as Green Belt under Policy GB1 ('Protection of Green Belt'). Additionally, the following policies of the Barnsley Local Plan are considered relevant to the proposed development:

- Policy SD1: Presumption in favour of Sustainable Development;

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- Policy GD1: General Development;
  - Policy GI1: Green Infrastructure;
  - Policy BIO1: Biodiversity and Geodiversity;

#### Penistone Neighbourhood Development Plan

The site is situated within the Penistone Neighbourhood Area, which comprises of Penistone, Hoylandswaine, Cubley, Springvale, Thurlstone and Milhouse Green. The Penistone Neighbourhood Development Plan was adopted in August 2019, covering the period from 2018 to 2033. The Neighbourhood Plan is part of the statutory development plan for Barnsley Council and will be taken into account when decisions are made on planning applications in the Penistone Neighbourhood Area. The site is not designated in the Penistone Neighbourhood Development Plan.

#### Green Belt

The proposed development is situated on land designated as Green Belt. Chapter 13 of the National Planning Policy Framework (NPPF), Protective Green Belt Land, identified the purpose of the Green Belt and how to assess applications, which affect the Green Belt.

Where proposals impact upon the Green Belt, Paragraph 152 states that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*”

Paragraph 153 provides greater guidance as to when Local Planning Authorities on how applications should be considered where proposals impact the Green Belt. The paragraph directs Local Authorities to give substantial weight to any harm upon the Green Belt, in addition ‘very special circumstances’ will not exist unless the “*the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*”

New buildings within the Green Belt, are to be considered inappropriate. However, Paragraph 154 provides a list of exceptions. Paragraph 154, Part (g) states that one of the exceptional uses is:

*‘[the] limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’*

Policy GB1 of the adopted Barnsley Local Plan 2014 to 2033 states that the Green Belt will be protected from inappropriate development in accordance with national planning policy.

Aim G of the Barnsley, Doncaster and Rotherham Joint Waste Plan states that waste management facilities should safeguard and, where possible, enhance the amenity, health and safety of local

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communities and the wider built and natural environment, primarily in sensitive areas such as the Green Belt.

The proposed kiosks within the existing STW are considered essential development required to maintain and improve the existing STW facility. The new kiosks are contained within the current operational boundary of the STW and would not result in the expansion of the facility. The site itself is screened by extensive trees and hedgerows along the sites northern boundary and the topography of the surrounding land provides limited views into the site.

The development is also essential to enable Yorkshire Water to meet obligations under the WINEP and remove phosphorous from the treated effluent entering the watercourse. The obligations are site specific, applying to existing STW's, and therefore no other location can be considered for this development. The proposed kiosks have been designed to blend into the surroundings and visually integrate into the existing STW, with the kiosk being small scale compared to existing buildings within the site. The kiosks are sited adjacent to existing plant and machinery within the STW.

Overall, the proposed development is required by regulations to be located at the Hoylandswaine STW to integrate into the site's existing facilities and processes to improve water quality that is discharged into the Ellhirst Beck. This in turn will have wider environmental benefits to the watercourse, the catchment and to public health, delivering a high-quality and safe service to the surrounding area and population. It is considered that the development forms 'limited infilling' which would not impact the openness of the Green Belt and would therefore be in accordance with Paragraph 154 (g) of the NPPF and Policy GB1 of the Barnsley Local Plan. In any event, there are very special circumstances which would exist, in terms of enabling compliance with the WINEP obligations, which clearly outweigh any harm to the Green Belt.

### Ecology and Biodiversity

Policy WCS1 of the Barnsley, Doncaster and Rotherham Joint Waste Plan states that waste proposals will be permitted if they do not undermine the integrity of nature conservation sites. Policy WCS1 further explains that waste facilities should avoid locations that are within close proximity to sensitive receptors.

Policy BIO1 of the Barnsley Local Plan also states that development will be expected to conserve and enhance the biodiversity and geological features of the borough.

Paragraph 180 of the NPPF seeks to avoid significant harm to biodiversity including the loss or deterioration of irreplaceable habitats.

A Preliminary Ecological Appraisal (PEA) has been submitted to support this planning application. In summary, it has found that:

- Pye Flatts Meadow SSSI was identified within 2km of the site and the site falls within the impact risk zone for Pye Flatts Meadows. However, due to the nature of the proposed development, it is not anticipated the proposed development will impact the SSSI.
- Two non-statutory designated sites were identified within 2km of the site; Wool Greaves Meadows SSSI and North Wood SSSI. It is not anticipated the proposed development would impact these sites due to the distance, scale of the works and lack of pollution pathways.

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- One S41 Priority Habitat, broadleaved deciduous woodland, was identified on site and should be retained and impacts avoided. The Scheme does not require the removal of this priority habitat and will be unimpacted by the proposed development.
- Building 1 has been assessed as having low suitability for roosting bats. It was identified that if works are to occur within 10m of the building, one dusk emergence survey is required between May and August. If a bat roost is identified, an appropriate mitigation licence will be required from Natural England. It is however expected that the building itself will not be impacted by the proposed development, as these will be located outside of the 10m exclusion zone. A new access track will be installed around the building (which is the subject of permitted development rights) to aid servicing of the treatment works.
- Habitats within the site, including the waterbody, woodland, scrub and grassland, provide suitable habitat for great crested newt. A further three waterbodies are located within 250m of the site. An eDNA survey will be undertaken on the four waterbodies in April 2024. If great crested newt are recorded, a licence from Natural England may be required for the proposed development. The results of this survey will be provided to the local planning authority prior to a determination being sought on the application. It is the applicants wish to extend the applications determination date until the results of these surveys are known and suitable mitigation agreed with interested parties.
- The woodland, scrub and trees on site provide suitable habitat for nesting birds. It is not currently expected that any trees, woodland or scrub would need to be removed or impacted by the construction of the proposed development. However, any work which is likely to damage a breeding bird nest, such as vegetation clearance, would need to be undertaken outside of the bird nesting season (nesting season March to August inclusive). Where this is not possible, a nesting bird survey should be undertaken by a suitably qualified ecologist immediately prior to clearance works commencing.

In respect of great crested newts, whilst suitable habitats have been identified within the wider existing treatment works, no suitable habitats have been identified within the planning application area (as shown in Figure.1) which is formed of developed land and sealed surfaces. Figure.2, below, shows the waterbody in context of the site and is outside of the application area.

Whilst the waterbody is not within the application, due to the proximity to the planned works an eDNA Survey has been programmed to confirm if great crested newts are present. This survey can only be undertaken between 15<sup>th</sup> April and 30<sup>th</sup> June, and the applicant has scheduled a survey to be undertaken at the earliest opportunity. The results of this survey will be provided to the local planning authority prior to a determination being sought by the applicant on this application.

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Figure.2 UKHab Classification Map



Due to the need for the applicant to meet its statutory requirements to improve water quality by December 2024, this application has been submitted to ensure all other relevant planning requirements are addressed and resolved. It is the applicants wish to extend the applications determination date until the results of the eDNA surveys are known and suitable mitigation agreed with interested parties.

Overall, it is considered that the scheme is in compliance with Policy WCS1 of the Barnsley, Doncaster and Rotherham Joint Waste Plan, Policy BIO1 of the Barnsley Local Plan as well as Paragraph 180 of the NPPF.

### *Biodiversity Net Gain*

Following a review of the Local Plan it is noted that Barnsley Council, does not have an adopted policy relating to BNG. While Local Plan Objective 5 (Achieve net gains in biodiversity) and Policy BIO1 (Biodiversity and Geodiversity) neither stipulate the requirement for BNG or the amount being sought.

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## Conclusion

This letter is submitted on behalf of Yorkshire Water in support of a full planning application for the development of two new chemical dosing kiosks and one new MCC kiosk at the Hoylandswaine STW.

The proposed development aligns with the site's existing use as a STW, with several larger forms of plant already erected on site. The development is essential to meet Yorkshire Water's regulatory obligations under the Environment Agency's WINEP programme and once complete, will reduce the levels of phosphorous and iron from the treated effluent entering the watercourse via Ellhirst Beck. This, in turn, would result in wider local benefits to water quality within the watercourse.

For the reasons set out here and in the supporting application drawings and documentation, the proposed development is considered to be in accordance with all applicable local and national planning policy. It is therefore requested that Barnsley Council grants planning permission for the proposed development.

Yours sincerely



Sean Smith  
Planner

