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Planning and Building Control
Economic Regeneration- Place Directorate
Barnsley Metropolitan Borough Council
PO Box 634
Barnsley
S70 9GG

3 May 2023

Dear Sir/Madam,

Application for a Lawful Development Certificate for a Ground Mounted Solar Array, on operational land at Worsbrough Waste Water Treatment Works, Edmunds Road, Worsbrough, S70 5PG

1. Introduction

Downing ('the Applicant') has commissioned Arcus Consultancy Services Ltd ('Arcus') to act as the Agent to submit an application to Barnsley Metropolitan Borough Council ('the Council') for a Lawful Development Certificate ('LDC') for a ground mounted solar photovoltaic (PV) array at Worsbrough Wastewater Treatment Works (WWTW), Edmunds Road, Worsbrough, S70 5PG (Easting: 436424, Northing: 403482) ('the Site').

A Lawful Development Certificate is requested under S192(b) of the Town and Country Planning Act 1990 to confirm that the proposed Development constitutes permitted development, for which planning permission is granted automatically under Schedule 2 Part 13, Class B, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the GPDO').

The UK Government provides planning guidance and advice relating to the application process for a Lawful Development Certificate, through its online Planning Practice Guidance[1] note, last revised 6th of March 2014. The guidance states that it is the applicant's responsibility to provide relevant information to support the application, but also that the Local Planning Authority ('the LPA') should share any relevant information that could impact upon the application with the applicant, who may then make comment on this. The information and plans attached to this statement are considered appropriate to confirm the validity of the application.

The structure of this Supporting Statement is as follows:

- Section 2 – Site Description;
- Section 3 – Development Description;
- Section 4 – Assessment of Permitted Development Rights; and,
- Section 5 – Conclusion.

[1] UK Government: Guidance: Lawful Development Certificates (online) available at: https://www.gov.uk/guidance/lawful-development-certificates

The following plans and documents are submitted alongside this application:

- Application Form;
- Site Location Plan;
- Site Layout Plan; and,
- Solar Detail Plan.
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2. Site Description

The Development is located within the boundaries of the existing Worsbrough WWTW, with the freehold land having been acquired by a conveyance dated 22nd June 2007. The land is registered to Yorkshire Water Services Ltd under title number SYK550243 & SYK550282.

The Site receives wastewater flows from the surrounding area and treats it to the required standard. Above ground, various types of equipment, machinery and tanks required for the operation of the WWTW are visible.

To ensure compliance with the Conservation of Habitats and Species Regulations 2017 and to gauge any ecological constraints upon the Development Site, an ecological appraisal (including a phase 1 habitat survey) was undertaken at the Site by BL Ecology on 20th of May 2020. The following main conclusions were made as a result of the appraisal:

- No statutory sites of nature conservation interest are located on the Site. However, the WWTW is located immediately adjacent to Worsbrough Country Park Local Nature Reserve (LNR). Therefore, strict pollution controls should be adhered to and siting of the proposed development avoided in close proximity to the LNR. Since these surveys were undertaken, the Site location is now confirmed as being east of the settlement tanks, which is as far from the LNR boundary as possible within the WWTW;
- No non- statutory sites of nature conservation interest are located on the Site. However, like Worsbrough Country Park LNR, Barrow Colliery Local Wildlife Site lies immediately to the west of the WWTW. The same mitigation principles apply as for the LNR;
- To protect Biodiversity Action Plan (BAP) habitats, pollution prevent methodologies should be in place and works located a minimum of 3m from all waterbodies including the River Dove and Blacker Dike;
- Himalayan Balsam, an Invasive Non- Native species, was recorded in the northeast section of the site and along Blacker Dike. In the event that PV panels are located where INNs are present, specialist treatment and removal will be required;
- To protect badgers, a badger survey is required if excavation/piling within 30m of dense scrub or the wooded embankment in the north of the site. Additionally, a pre- construction badger survey is required if construction hasn't commenced within 12 months of the PEA survey. A survey has since been undertaken (11/04/2022) and found two occasionally used outlying badger setts on the WWTW site. Neither of these are located within or near the proposed PV panels location. However, if it is found that works are required to be undertaken within 30m of a potential sett, monitoring will first be completed to identify whether the sett is used and the level of activity. In the event no badger activity is recorded the burrow may need be blocked with a method such as a one- way gate under a Natural England license. In any event, a pre- construction badger survey will be completed prior to works commencing on site;
- Any lopping/ topping/ felling of trees will first require a bat scoping survey. This was done on 11/04/2022. Four trees were found to have potential roosting features, two of moderate potential and two high. One of the trees with moderate potential is located within the proposed PV panels area. If possible, this tree will be avoided, and if not it will be appropriately surveyed prior to works commencing. Any proposed lighting will be directed away from trees, hedgerows and buildings with potential for roosting bats;

- To protect birds, any vegetation removal should take place outside the breeding bird season (or after a check by a suitably qualified ecologist). Breeding bird surveys have since been undertaken (11/04/2022). The WWTW site was found to support a varied assemblage of breeding birds typical of the size, habitat types and regional location. Mitigation will focus on avoiding the removal of habitat within the bird breeding season of March – August inclusive and to ensure that replacement landscape planting seeks to provide alternative habitat for those species present. The provision of nesting boxes on trees and buildings will also be considered, as well as planting new scrub and wildflower seeding;
- GCN eDNA surveys were undertaken in April 2022. It was concluded that GCN are unlikely to be present on the WWTW site, although suitable terrestrial habitats are present so GCN in their terrestrial life stage cannot be ruled out. Therefore, the works will be carried out under a precautionary working method statement;
- To protect reptiles, works will take place during their active period if possible, avoiding winter and periods of excessive wet weather to avoid killing/ injury of reptiles. Vegetation removal will be two- stage and all arisings removed from site;
- To protect otter, in the event that works will affect the earth banks, woodland and dense scrub along the banks of the river Dove to the east, an otter holt survey will first be completed; and,
- To protect water vole, should the proposal directly impact the river or dike, a water vole survey will be undertaken by a suitably qualified ecologist.

The Site is directly connected and adjacent to the existing WWTW and has historically been used as part of the operations on site. The proposed solar PV array will be located to the east of the WWTW within an area of scrub, in the vicinity of exisiting WWTW infrastructure (approximate grid reference Easting: 436424, Northing: 403482).

The Site is not accessible to the public and is under the sole control of the Applicant, with access to the Site managed through a locked access gate. This area has previously housed infrastructure relating to the WWTW and is part of the wider complex, while the use of the land has not changed since the date of acquisition; the Site is therefore considered to be operational land for the purposes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

3. Development Description

The Development would occupy a red line area of 1.4ha.

The Proposed Development would have an installed generating capacity of up to 700 kW and would be connected to the WWTW via underground cables. The power generated by the Development would be utilised by the applicant to power the operations of the WWTW. Very occasionally any excess power produced by the Development may be exported to the grid.

This will allow surplus energy to be utilised productively should the development generate more power than anticipated. The vast majority however is to be extracted and used to help serve the operations on Site.

The Applicant and all other regulated water companies have been challenged by the Water Services Regulation Authority (OFWAT) to maintain or reduce water and waste bills for the general public. Within recent years, the levels of energy associated with the applicant's day to day operations has increased significantly. To combat this, the Applicant has developed an energy strategy with three core goals to manage their energy consumption and carbon footprint. These are to:

- Reduce energy consumption;
- Increase energy generation; and
- To make smarter use of existing assets.

By investing in renewable technologies such as solar to support the running of existing services, this protects the business and the public from energy price inflation therefore contributing towards maintaining or reducing bills for service users, in addition to helping to combat the impacts of climate change. The Applicant intends to deploy up to 120 MW of solar generation facilities by 2030, and for 30% of their electricity consumption to be sourced from onsite renewables, with the Proposed Development contributing to these targets.

The use of renewable energy at the Lundwood WWTW would help to significantly reduce CO2 levels on Site per annum and would make an important contribution to meeting the needs of the WWTW itself, improving the overall infrastructure of the Site and in turn improving the service provided to the local area.

The construction period for this Development would last approximately 8-10 weeks.

The Proposed Development would result in temporary traffic increases during the construction period; however once operational only limited maintenance will be required. Site access would be gained from the existing wastewater treatment works access from Edmunds road.

Maintenance will be undertaken by the Applicant's operational staff as part of the wider routine maintenance programme for the Site. The lifetime of the Development is 25 years.

4. Assessment of Permitted Development Rights

The key section of the GDPO applicable to the Development is Schedule 2 Part 13, Class B, which outlines development that can be carried out by Statutory Water and Sewerage undertakers without having to apply for full planning permission. Class A is specifically focused upon 'Water or hydraulic power undertaking' with Class B relating to 'Development by or on behalf of sewerage undertakers. An extract from both Class B of the legislation can be found below, describing when development should be permitted:

> *Class B – development by or on behalf of sewerage undertakers*
> *Permitted development*
>
> *B. Development by or on behalf of a sewerage undertaker consisting of—*
> *(a) 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;*
> *(b) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;*
> *(c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;*
> *(d) the installation in a sewerage system of a pumping station, valve house, control panel house or switch-gear house;*
> *(e) any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)(a);*
> *(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.*

The Applicant is a statutory water undertaker. They own and operate the Worsbrough WWTW for reasons required by its role as a statutory water undertaker. The Proposed Development comprises plant and machinery in its entirety and is within Operational Land associated with that undertaking (as defined by S.263 of the Town & Country Planning Act 1990) and will be used to provide power direct to the WWTW to assist the Applicant in carrying out their statutory duty as a water undertaker.

The proposed underground cabling is granted planning permission automatically by the GPDO in accordance with the GPDO Schedule 2 Part 13 Class B part (f).

It is therefore considered that the Proposed Development complies with Part 13, Class B (f) of schedule 2 of the GDPO and should be considered permitted development.

The Applicant, alongside several other regulated water companies, is investing in renewable energy technology for the reasons outlined in this statement. Examples of similar schemes which have been permitted in accordance with GPDO Schedule 2 Part 13 in recent years are included in Appendix A attached to this supporting statement.

5. Conclusion

The Applicant as a statutory water undertaker is formally requesting a LDC from Barnsley Metropolitan Borough Council to install a ground mounted solar array with a generating capacity of 700 kW to support the operation of Worsbrough Wastewater Treatment Works, help meet key energy reduction targets and improve the overall infrastructure of the Site.

This Supporting Statement describes the Site and the Proposed Development and outlines both how and why this Development should be considered Permitted Development under Part 13, Class B (f) of the GDPO (2015).

It is therefore respectfully requested that a Lawful Development Certificate is issued to confirm that the Proposed Development is considered lawful.

Yours sincerely,



Planning Consultant

Appendix A: Examples of Similar Permitted Development Schemes

Project	Local Authority	Development	LDC Approval
Woolton Waste Water Treatment Works	Knowsley Borough Council 14/00744/CLD	Certificate of lawful development for the installation of ground mounted solar PV panels comprising of frames supporting up to 4,807 panels, underground cabling and erection of 2m high panel	30 December 2014
Prescot Water Treatment Works	Knowsley Borough Council 15/00228/CLD	Certificate of lawful development for the installation of ground mounted solar PV panels comprising of frames supporting panels, underground cabling and erection of 2m high panel fencing system	11 June 2015
Leigh Wastewater Treatment Works	Wigan Council A/15/80171	Lawful development certificate for installation of ground mounted solar panels and associated 2m high fencing	09 March 2015
Kidderminster Water Reclamation Works	Worcestershire County Council 15/000027/CL	Installation of solar panels to assist in power generation	28 July 2015
Bury Wastewater Treatment Works	Bury Council 59020	Certificate of lawfulness for proposed installation of ground mounted solar PV array 2x switchgear housings up to 2.4m high security fencing and underground cabling.	29 July 2015
Polesworth Sewage Treatment Works	Warwickshire County Council NWB/15CM018	Application for a Lawful Development Certificate for the proposed erection of ground mounted solar PV panels on the operational land of the Sewage Treatment Works.	19 August 2015
Godley Water Treatment Works	Tameside Metropolitan Borough Council 15/00700/CPUD	The installation of a floating solar photovoltaic array and associated infrastructure	04 September 2015
Altrincham Waste Water Treatment Works	Trafford Council 85542/CPL/15	Proposed Installation of a ground mounted solar PV array, underground cabling and 2m high security fencing around perimeter.	11 September 2015
Bromborough Waste Water Treatment Works	Wirral Metropolitan Borough Council LDP/15/01036	Proposed installation of photovoltaic arrays and associated infrastructure.	07 October 2015
Huyton Waste Water Treatment Works	Knowsley Council 15/00474/CLD	Installation of ground mounted solar PV panels, switch-gear units, underground cabling and erection of 2m high panel fencing system.	18 September 2015
Lostock Water Treatment Works	Bolton Metropolitan Council 94546/15	Certificate of lawful development for the proposed installation of ground mounted solar PV array and underground cabling.	28 August 2015

Rivington Water Treatment Works	Chorley Council 15/00655/CLPUD	Application for certificate of lawfulness for proposed installation of ground mounted solar PV array, underground cabling and 2m high anti-climb mesh panel fencing system.	28 August 2015
Sweetoves Water Treatment Works	Bolton Metropolitan Council 94920/15	Certificate of lawful development for the proposed installation of ground mounted solar PV array, switch gear housing unit and underground cabling.	29 September 2015
Buckton Castle Water Treatment Works	Tameside Metropolitan Borough Council 15/00839/CPUD	The installation of a ground mounted solar photovoltaic array and associated infrastructure in accordance with the drawings and documents submitted with application 15/00839/CPUD.	20 October 2015
Hyde Waste Water Treatment Works	Tameside Metropolitan Borough Council 15/00864/CPUD	The installation of a ground mounted solar photovoltaic array and associated infrastructure in accordance with the drawings and documents submitted with application 15/00864/CPUD.	20 October 2015
Worsthorne Water Treatment Works	Burnley Borough Council APP/2015/0409	Application for Lawful Development Certificate (under section 192 (b)) for proposed erection ground mounted solar panel array within 2.4m high fencing with reference to the General Permitted Development Order 2015 Schedule 2 Part 13 Class A.	21 October 2015
Bury Waste Water Treatment Works	Bury Council 65690	Lawful development certificate for existing development of ground mounted solar array.	24 August 2020
Land At Aygill Intake, Middlesmoor, North Yorkshire	Harrogate Borough Council 21/04033/CLOPUD	Certificate of Lawfulness for the erection of 6 No. turbines, ground mounted solar panels and associated station houses on 6 sites above How Stean Beck.	16 December 2021