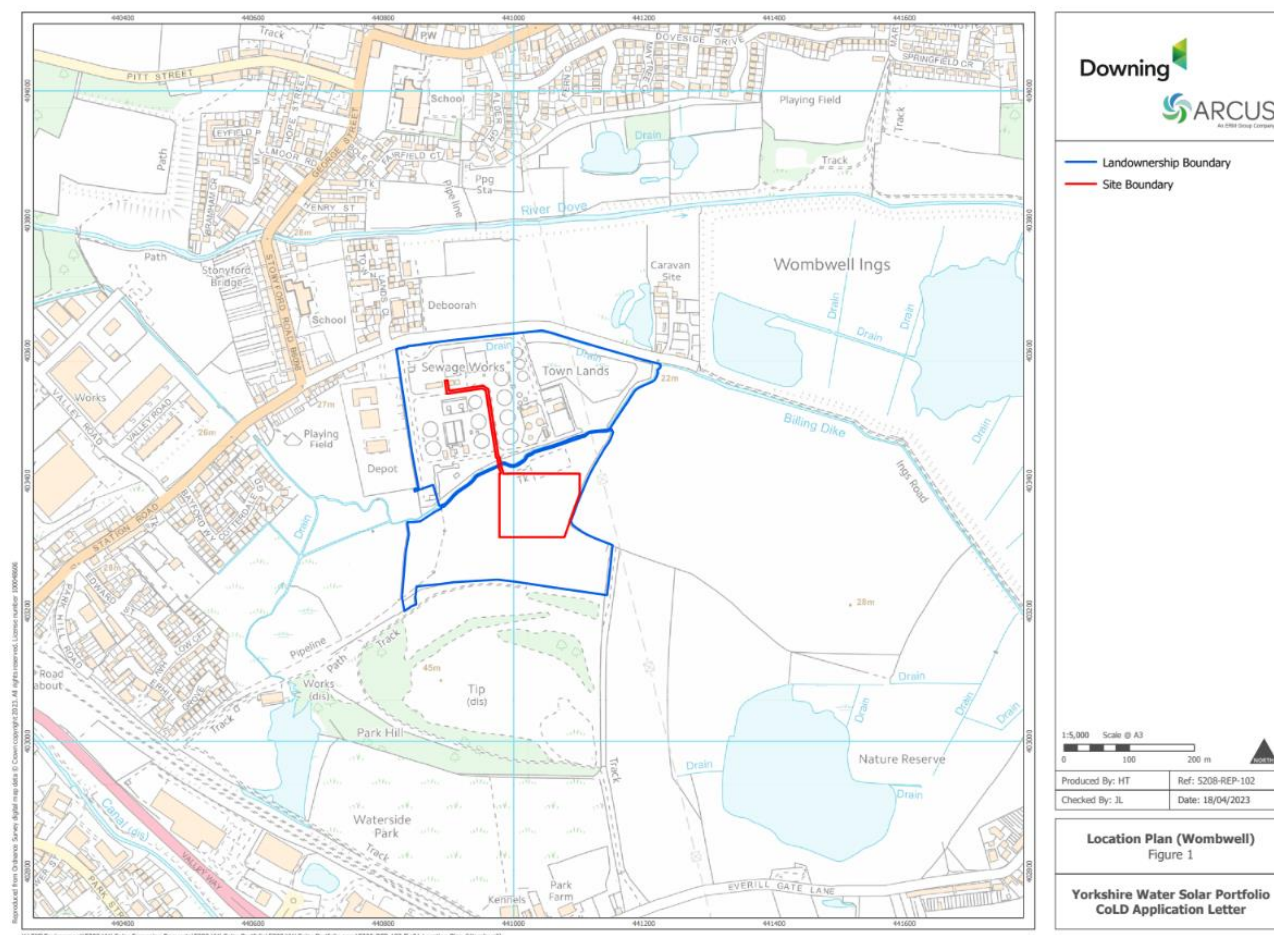


Application Reference Number:	2023/0952		
Application Type:	Lawful Development Certificate – Proposed.		
Proposal Description:	Ground mounted solar panel array with a generating capacity of up to 370kW to be connected to the Waste Water Treatment Works via underground cables (Lawful development certificate for a proposed development).		
Location:	Yorkshire Water Services, Ings Road, Wombwell, Barnsley, S73 0BP.		
Applicant:	Downing LLP.		
Third-party representations:	None.	Parish:	
		Ward:	Darfield.

Summary: This application is for a Lawful Development Certificate (LDC) under Section 192(b) of the Town and Country Planning Act 1990 and seeks confirmation that the installation of a ground mounted solar panel array with a generating capacity of up to 370kW to be connected to the Wastewater Treatment Works via underground cables would not require planning permission and is permitted development under the provisions of Class B, Part 13 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Based upon the information submitted by the applicant, the LPA determines that the proposed development would be lawful pursuant to paragraph B(f) of Class B, Part 13 of Schedule 2 of the GPDO and therefore, this lawful development certificate for proposed development should be granted. Recommendation: APPROVE.
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Site Description

This application relates to a site that comprises approximately 1.212ha of land located approximately 800m northeast of the town of Wombwell and 3.6 km east of the village of Bolton-upon-Dearne. The development site comprises areas of grassland and hardstanding located within the boundaries and to the south of the existing Wombwell Wastewater Treatment Works (WWTW). The WWTW receives wastewater flows from the surrounding area and treats it to the required standard, and above ground, various equipment, machinery and tanks are visible.



Planning History

B/89/1170/WW	Erection of sewage treatment works.	<i>Approved.</i>
B/91/1383/WW	Erection of sludge treatment plant.	<i>Approved.</i>
B/01/0947/WW	Erection of building to house sludge treatment plant and equipment.	<i>Approved.</i>

Proposed Development

This application is for a Lawful Development Certificate (LDC) under Section 192(b) of the Town and Country Planning Act 1990 and seeks confirmation that the installation of a ground mounted solar panel array with a generating capacity of up to 370kW to be connected to the Wastewater Treatment Works via underground cables would not require planning permission and is permitted development under the provisions of Class B, Part 13 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Section 192(1) the Town and Country Planning Act 1990 states that if any person wishes to ascertain

whether any operations proposed to be carried out in, on, over, or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 192(2) then states that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

The submitted site layout (5208-REP-101) shows that the proposed array would comprise 8-rows. A submitted supporting statement states that the proposed array would be connected to the existing WWTW via underground cables. The power generated by the proposed development would be used by the applicant to power the operations of the existing WWTW. Any excess power produced by the proposed development may be exported to the grid.

The submitted Project Management Plan (0655-IVG-27-PMP-009) states that the expected duration of works is 6-weeks, although this could last to approximately 10-12 weeks as established within the submitted supporting statement. The lifetime of the proposed development is anticipated to be 25-years as established within the submitted supporting statement.

Generic typical equipment and materials details (DOWN-YW-001 Rev. A) have been submitted and demonstrate that alongside the solar panel array, the proposal would comprise CCTV, palisade and deer fencing, inverters, transformers, and a temporary construction compound.

This application has been considered against the following documents:

- Site Layout 5208-REP-101.
- Location Plan 5208-REP-102.
- Supporting Statement prepared by ARCUS and dated 10th October 2023.
- Generic Typical Equipment & Material Details DOWN-YW-001 Rev. A.
- Project Management Plan prepared by Ivegate, ref. 0655-IVG-27-PMP-009 and dated 9th November 2023.
- Traffic Management Plan prepared by Ivegate, ref. 0655-IVG-27-PMP-037, dated 18th January 2024 and received 2nd May 2025.
- Ecological Impact Assessment prepared by ERM, ref. 0747884, dated and received 13th June 2025.
- Construction Environmental Management Plan prepared by ERM, ref. 0747884, dated and received 1st August 2025.
- Technical Note prepared by ERM, ref. 0747884, dated 8th October 2025 and received 10th October 2025.
- Biodiversity Enhancement Plan Rev. A received 10th October 2025.

Consultations

There is no statutory requirement for a Local Planning Authority (LPA) to consult third parties on a lawful development certificate application, including neighbouring residents or parish councils since such applications are a matter of fact and law and are not determined on planning merits or judged against national and local planning policies and guidance. Nevertheless, this application was made available online and no representations were received.

Biodiversity Officer	<i>No objection(s).</i>
Environment Agency	<i>No comments received.</i>
Highways Development Control	<i>No objection(s) subject to condition.</i>
Legal	<i>No comments received.</i>
Natural England	<i>Comments.</i>
South Yorkshire Police (SYP)	<i>Comments.</i>

While Highways Development Control have recommended a condition, this cannot be considered in the determination of this LDC application for the reasons outlined above.

Policy Context

Section 192(1) the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over, or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 192(2) then states that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

Class B, Part 13 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits 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);*
- 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 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.*

Assessment

A local planning authority (LPA) needs to establish whether, upon 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 during this application or appeal process.

Paragraph 006 Reference ID: 17c-006-20140306 of the Planning Practice Guidance (PPG) (March 2014) establishes that the applicant is responsible for providing sufficient information to support an application, and that an LPA is entitled to canvass evidence if it so wishes before determining an application.

In this instance, paragraph B(f) of Class B, Part 13 of Schedule 2 of the GPDO is considered relevant to the proposal as the works involved could be classed as “other development” and does not involve the provision of a building

Paragraph B.1(c) states that development is not permitted by Class B(f) if 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. Paragraph B.1(b) states that development is not permitted by Class B(f) if it would consist of or include the extension or the alteration of a building so that: its design or external appearance would be materially affected; 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 the floor space of the original building would be exceeded by more than 1,000 square metres.

Paragraph B.1(b) is not relevant in this case as the proposal relates to a solar panel array installation and not the extension or alteration of a building.

Paragraph B.1(c) is relevant in this case. Based upon the submitted Generic Typical Equipment and Material Details (DOWN-YW-001 Rev. A), no part of the proposed development, including the solar panel array or ancillary equipment and development, would replace existing development or exceed 15-metres-high.

Having checked these specifications, the proposed development will comply with the legislation and requirements for permitted development and therefore, the Certificate of Lawful Development should be granted.

The development should be carried out in accordance with the submitted details:

- Site Layout 5208-REP-101.
- Location Plan 5208-REP-102.
- Supporting Statement prepared by ARCUS and dated 10th October 2023.
- Generic Typical Equipment & Material Details DOWN-YW-001 Rev. A.
- Project Management Plan prepared by Ivegate, ref. 0655-IVG-27-PMP-009 and dated 9th November 2023.
- Traffic Management Plan prepared by Ivegate, ref. 0655-IVG-27-PMP-037, dated 18th January 2024 and received 2nd May 2025.
- Ecological Impact Assessment prepared by ERM, ref. 0747884, dated and received 13th June 2025.
- Construction Environmental Management Plan prepared by ERM, ref. 0747884, dated and received 1st August 2025.

- Technical Note prepared by ERM, ref. 0747884, dated 8th October 2025 and received 10th October 2025.
- Biodiversity Enhancement Plan Rev. A received 10th October 2025.

RECOMMENDATION: Approve.