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144 West George Street
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Planning and Environment
Barnsley Council
PO Box 634
Barnsley,
S70 9GG

07th July 2023

Dear Sir/Madam,

Application for a Lawful Development Certificate for a Ground Mounted Solar Array, on operational land at Monk Bretton Service Reservoir, Off Cross Street, Barnsley, S71 2SP.

1. Introduction

Downing ('the Applicant') has commissioned Arcus Consultancy Services Ltd ('Arcus') to act as the Agent to submit an application to Barnsley Council ('the Council') for a Lawful Development Certificate ('LDC') for a ground mounted solar photovoltaic (PV) array at Monk Bretton Service Reservoir, Off Cross Street, Barnsley, S71 2SP.

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;
- Environmental Constraints Plan; and,
- Solar Array PV Detail Plan.

2. Site Description

The Development is located within the boundaries of the existing Monk Bretton Service Resevoir, entirely within land owned and released by Yorkshire Water for the proposed Development.

The Site is situated within an operational Service Reservoir (SR), owned and managed by Yorkshire Water. The Site supplies large parts of Barnsley with potable water. The Site currently comprises maintained grassland, adjacent to the western slope of a covered reservoir. Also, currently visible at the Site are the access tracks, an associated ancillary building, covered reservoir entrance and various access/ inspection hatches.

To ensure compliance with the Conservation of Habitats and Species Regulations 2017 and to gauge any ecological constraints upon the Development Site, a Preliminary Ecological Appraisal (PEA) survey was undertaken on Site on the 18th March 2020, followed by an updated walkover survey; and bat activity surveys were undertaken on the 11th August 2022 and 25th August 2022.

These surveys identified the following:

- The Site is within an area of approximately 1 ha species-poor semi- improved grassland. This grassland is well-maintained with a short sward length. Under the worst case scenario, any required levelling/ soil stripping prior to the installation of the PV panels would result in a total loss of 0.5 ha. This represents a slight adverse impact. Other habitats on and around the Site include scattered broad-leaved trees and hedgerow along the southern and western boundary. This hedgerow is included under the UK Biodiversity Action Plan (BAP) and Barnsley Habitat Action Plan (HAP); and loss or damage to this habitat could cause a large adverse impact, but this could be reduced to a neutral impact if the hedgerow is retained in its entirety. However, these habitat types are common and widespread across the UK so do not represent a significant impact;
- There are three buildings on site which were assessed for their potential to support roosting bats. Buildings 1 and 3 were assessed as having low potential to support roosting bats and building 2 was assessed as having moderate potential to support roosting bats. Bat activity surveys undertaken in 2022 recorded no bats emerging from the buildings, bat species recorded included commuting and foraging common pipistrelle (*Pipistrellus pipistrellus*), and noctule (*Nyctalus 2octule*);
- No active signs of badger (*Meles meles*) were recorded on Site or within 30 m buffer of the Site. However, the grassland could potentially provide suitable foraging habitat and the adjacent scrub could provide limited suitable sett creation habitat;
- The habitats on site (hedgerows and trees) offer the potential for nesting, commuting and foraging birds;
- The habitats on Site were deemed unsuitable for amphibians, with limited connectivity between the Site and the nearest waterbody (a pond 260 m north of the Site) with roads and residential properties acting as a barrier. Therefore, it is considered unlikely that the proposed works will have any impact on amphibians. No further surveys or mitigation measures are required;
- The grassland habitat on site is well maintained providing limited opportunities for reptiles. In addition, the Site is located within the centre of the village of Monk Bretton, with little

connectivity to suitable habitats, so there are no anticipated impacts for reptiles associated with this Development. No further surveys or mitigation measures are required;

- Due to the lack of watercourses on Site to provide connectivity from known areas of their presence, otter (*Lutra lutra*), white clawed crayfish (*Austropotamobius pallipes*) and water voles (*Arvicola amphibius*), are not anticipated to be present on the Site. No further surveys or mitigation measures are required; and,
- The Site provides a potential foraging and sheltering habitat for brown hare and hedgehogs.

There are no statutory or non- statutory designated sites present within the Site boundary. There is one statutory designated site, Dearne Valley Park Local Nature Reserve (LNR), located approximately 0.7 km south of the Site. This LNR is designated for acidic oak woodland and its mosaic of wetland habitats. Given the small size of the Development and its distance from the LNR, there is no feasible risk of impacts to the LNR's designated features.

Several listed buildings lie within 1km of the Site. The nearest of these is 'Leeming Bridge' located 755 m southwest of the Site. Due to the intervening vegetation and 'Leeming Bridges' lower elevation (28 AOD), it is very unlikely that the Development Site will be visible and therefore the bridge's setting will remain unaltered. Two further Listed Buildings are grouped together approximately 785 m south of the Site. These Listed Buildings will not experience a change in setting or views, due to the industrial and natural screening created by vegetation and the existing water works.

The Site is not located within proximity of any Scheduled Monuments (SMs) where any direct or indirect impact is likely to arise, with the closest SM being 'Monk Bretton Standing Cross' 75 m east of the Site at the intersection between Cross Street and High Street. Similarly, there will be no impacts for World Heritage Sites (none closer than 35 km to the Site) or Registered Parks and Gardens (the closest is Locke Park 2.9 km southwest).

The Site is not within a Conservation Area, and there are none within 5 km of the Site.

There are 34 Listed Buildings (LBs) present within 2km of the Site. These are mostly concentrated in northeast Barnsley, but there are 8 within 1 km, four of which are located within 100 m of the Site. None of these are located within the Site itself and are separated from the proposed PV panels by a distance of approximately 140m, which is interrupted by the raised embankment of the covered reservoir, and as such have little to no direct line of sight of the Development. Direct and indirect impacts on these heritage receptors are therefore considered unlikely to arise.

The Site is directly connected to the existing service reservoir and has historically been used as part of the operations on site. The proposed solar PV array will be located to the west of the reservoir in the immediate vicinity of other infrastructure (approximate grid reference Easting: 435990, Northing: 407850)

The Site is not accessible to the public and is under the sole control of the Applicant, with access to the Site through the existing SR and through a gated access. This area has historically been used for operations relating to the SR, such as housing infrastructure and material storage, 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 0.503 ha.

The Proposed Development would have an installed generating capacity of up to 370 kW and would be connected to the SR. The power generated by the Development would be utilised by the

applicant to power the operations of the resevoir. 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 service reservoir would help to significantly reduce CO2 levels on Site per annum and would make an important contribution to meeting the needs of the resevoir 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 10 - 12 weeks.

The Proposed Development would result in temporary traffic increases during the construction period, however once operational only limited maintenance will be required.

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 Leeming Bar 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 is formally requesting a LDC from Barnsley Council to install a ground mounted solar array with a generating capacity of 370 kW to support the operation of Monk Bretton Service Reservoir, 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,

Rachael Lyall
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