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

3 May 2023

Dear Sir/Madam,

Application for a Lawful Development Certificate for a Ground Mounted Solar Array, on operational land at Lundwood Wastewater Treatment Works, Lund Lane, Barnsley, S71 5PA.

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 Lundwood Wastewater Treatment Works (WWTW), Lund Lane, Barnsley, S71 5PA (Easting: 437810, Northing: 406949) ('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 Guidance¹ 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.

2. Site Description

The Development is located within the boundaries of the existing Lundwood WWTW, with the freehold land having been acquired by a conveyance dated 19th December 2007. The land is registered to Yorkshire Water Services Ltd under title number SYK544043 & SYK555934.

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. The area proposed for development of the PV array until recently hosted filter beds which have been decommissioned and filled in.

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 13th of January 2020. The following main conclusions were made as a result of the appraisal:

- No statutory sites of nature conservation interest are present on the Site. The closest is Dearne Valley Park Local Nature Reserve approx. 1km west of the Site, designated for acidic oak woodland and wet woodland habitats. No impact for this site is anticipated due to the distance and lack of connectivity with the Site;
- No non-statutory sites of nature conservation interest are located on the Site. However, three designated sites (Stairfoot Disused Railway, Sunny Bank, Horse Carr and Storrs Wood, and Cliffe Woods Local Wildlife Sites) are all present within 2km of the Site. No significant impacts on these sites are considered likely given the distances involved and lack of connectivity;
- To protect Biodiversity Action Plan (BAP) habitats, pollution prevent methodologies should be in place during construction works and PV panels should be sited a minimum of 3m from ditches and waterbodies;
- To protect birds, any vegetation removal should take place outside the breeding bird season (or after a check by a suitably qualified ecologist);
- An eDNA survey of the nearby waterbodies and ditches on site should be undertaken to determine the presence/ absence of Great Crested Newts on site. This survey has since been undertaken, finding one ditch to be too large and fast flowing for GCN breeding, the other ditch dry at the time of survey with no evidence of suitability for GCN breeding, and no other waterbodies within 250m of the Site. It is therefore considered unlikely that GCN are present within the Site and there are no specific measures required for GCN.
- Any required security fencing should ideally allow a 20-30cm gap around the base to allow the passage of mammals;
- Excavations left open overnight should have a means of escape for trapped fauna; and,
- Night working should be avoided and if lighting is required, mitigation implemented to reduce the impacts to faunal species. Long- term security lighting should be avoided also.

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 south of the WWTW in the area of decommissioned infrastructure (approximate grid reference Easting: 437810, Northing: 406949).

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 1.9 ha.

The Proposed Development would have an installed generating capacity of up to 1330 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 the Lund Lane 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 Lundwood 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 1330 kW to support the operation of Lundwood Waste Water 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,



Rachel 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