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Authority**

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Matthew Smith (Team Leader)  
Planning and Building Control  
Barnsley Metropolitan Borough Council  
PO Box 634  
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06 March 2018

Dear Mr Smith

## **PRIOR NOTIFICATION**

**Construction of new aeration cascade at Bullhouse Mine Water Treatment Scheme, Bullhouse Lane, Millhouse Green, Sheffield S36 9NS - GRID REF. Easting - 420885 Northing - 402453**

**Schedule 2 Part 17 Class G (Coal-mining development by the Coal Authority etc. for maintenance or safety) of the Town and Country Planning (General Permitted Development) (England) Order 2015**

I refer to our previous telephone conversation on 15 February 2018 in connection with the above proposed development. The Coal Authority wishes to request confirmation of Permitted Development Rights (PDR) via this Prior Notification. Please find accompanying this letter the following drawings in relation to the proposed works:

- Site Location Plan – Dwg no. ENV-BH-01;
- Existing Layout Plan – Dwg no. ENV-BH-02;
- Proposed Layout Plan - Dwg no. ENV-BH-03;
- Proposed Cascade – Dwg no. 70038851-WSP-00-XX-DR-CV-0006 Rev P01.3; and
- Proposed Cascade Cross Sections – Dwg no. 70038851-WSP-00-XX-DR-CV-0005 P01.

## Background

The site is located to the south west of Millhouse Green, Barnsley, as identified on the **Site Location Plan (Dwg no. ENV-BH-01)** attached to comprise part of this Prior Notification documentation.

Bullhouse Mine Water Treatment Scheme (MWTS) is a passive treatment scheme constructed and commissioned in 1998. It treats approximately 4 million litres of contaminated mine water per day, reducing iron levels from between 45-60mg/l to less than 3.0mg/l using an aeration and settlement sludge process before discharging the treated water into the River Don. The current treatment process operates by aerating the raw mine water, precipitation of ferrous iron oxide and sedimentation of this ochre sludge into the settlement lagoons. The MWTS consists of one very large primary sedimentation lagoon, and one small secondary balancing pond that are connected in series. There had been a number of discharges at the scheme above the consent limit and it has been recognised it could perform better.

In addition, the Environment Agency has a project to reintroduce salmon into the River Don as part of its South Yorkshire Project. Ensuring that the Bullhouse MWTS is operating efficiently is an important focus of that project.

The Coal Authority has identified a number of works that could be implemented at Bullhouse to improve the final discharge. It was recommended that these changes are implemented in a stepped process to determine the scope of the next phase if it is required. The works were prioritised and it was agreed a new traditional aeration cascade should be constructed to replace the ineffective spiral cascade to provide more aeration into the scheme. The existing cascade is also very difficult to maintain and requires confined space access to clean.

## The Site

The existing MWTS site specifically lies some 1.15km to the south west of the settlement of Millhouse Green (as broadly shown on **Figure 1**). Vehicular access to the site is derived from a farm access track off Manchester Road (A628).

The site is bound by mature trees on all sides such that wider views of the proposal are negligible. No environmental designations are identified within the site boundary or within close proximity of the site. With reference to the Environment Agency's indicative Flood Risk Map, the site lies within Flood Zone 1 denoting a low probability of flooding.



**Figure 1** - Indicative location of Bullhouse MWTS

### Proposed Scheme

The proposed new aeration cascade is located to the north west corner of the existing settlement lagoon within the confines of the existing operational site boundary (as indicated on Figure 2).



**Figure 2** – Broad location of proposed aeration cascade

The proposal comprises an inlet chamber and pipe diversion, a new aeration cascade measuring approximately 8 metres by 12 metres in footprint as identified on the **Proposed Layout Plan (Dwg no. ENV-BH-03)**. Other associated development includes footpaths, handrails, steps and a timber gate.

A photograph of a typical aeration cascade is shown in **Figure 3** below for illustrative purposes.



**Figure 3** – Typical aeration cascade

#### Permitted Development Rights

**The Coal Authority benefits from Permitted Development Rights (PDR) under Schedule 2 Part 17 Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

These PDR enable the Coal Authority, with the Prior Approval of the Mineral Planning Authority (MPA), to undertake development: ***“...required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.”*** The Coal Authority considers that its mine water treatment schemes fall within the scope of PDR as development that is required to ensure the ongoing maintenance of a disused mine.

Part G.1 (2) identifies that the Prior Approval of the MPA is not required in a number of prescribed circumstances, inter alia, *‘(a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected’*. Whilst the Coal Authority does not consider that the proposal would negatively affect the external appearance, it does consider that the proposal would be a conspicuous feature within the site and therefore a Prior Approval *is* required.

However, owing to the relatively small scale of the proposal within an existing expansive operational treatment scheme boundary in combination with the rudimentary nature of the development and its discreet location bound by a significant landscape belt, the Coal Authority is of the opinion that proposal does not warrant either a refusal of Prior Approval or the inclusion of conditions. Moreover, with reference to condition G.1 (3) of Part 17 Class G, the proposal will not injure the amenity of the neighbourhood *and* is sited at the source of the mine water and therefore it would not be reasonable for the proposal to be sited elsewhere.

## Conclusion

Based on the above assessment the Coal Authority is of the opinion that the proposal clearly falls within the provisions of Part 17 Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 and, as such, would be Permitted Development with the Prior Approval of the MPA.

We trust that you have sufficient information to be able to confirm that our interpretation of the PDR is applicable to the proposed new aeration cascade.

However, please do not hesitate to contact me if you require any further information or would like to discuss this matter further.

We look forward to receiving your response at your earliest convenience.

Yours sincerely

*Ashley Langrick*

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Enc.

Cc. Ian Osborne (Project Manager, the Coal Authority)