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Planning and Building Control
Economic Regeneration – Place Directorate
Barnsley Metropolitan Borough Council
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10th October 2023

Dear Sir/Madam,

Application for a Lawful Development Certificate for a Ground Mounted Solar Array, on operational land at Wombwell Wastewater Treatment Works, Ings Road, Wombwell, S73 0BP.

1. Introduction

Downing ('the Applicant') has commissioned Environmental Resource Management ('ERM') 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 Wombwell Wastewater Treatment Works (WWTW), Ings Road, Wombwell, S73 0BP.

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

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

- Section 5 – Conclusion

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 Site comprises approximately 1.212 ha of land, which is located approximately 800m northeast of the town of Wombwell, Barnsley and 3.6 km east of the village of Bolton upon Dearne. The Development is located within the boundaries of the existing Wombwell WWTW, entirely within land owned and released by Yorkshire Water for the proposed Development with land having been acquired by a conveyance dated 16th December 1976. The land is registered to Yorkshire Water Services Ltd under title number SYK45119.

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 on site.

A Preliminary Ecological Appraisal (PEA) of land that the Development Site is situated within was undertaken on the 21 May 2020. The purpose of the PEA was to identify potential ecological constraints and mitigation measures in relation to the Development in relation to relevant nature conservation legislation and biodiversity planning policy. Based on the recommendations for further ecological survey described in the PEA report, a Preliminary Roost Assessment (PRA) of trees and badger survey of the Site was completed on 13 April 2022. An emergence/re-entry survey for bats of six buildings was undertaken on 10 August 2022. A water vole survey of Bulling Dike, and an invasive non-native species (INNS) of plant survey of the Site, were both completed on 14 September 2022. During each site visit, ecology surveyors had regard to identifying any potential change from baseline habitats described in the PEA report. In addition, a review of MAGIC mapping was undertaken to identify updates to designated sites within 2 km of the Site². The findings of these ecological appraisals identified the following:

- The Dearne Valley Wetlands Site of Special Scientific Interest (SSSI) is located directly adjacent to the Site. The SSSI is designated for a range of ornithology features including breeding birds (gadwall, garganey, pochard, bittern, black-headed gull and willow tit); as non-breeding birds (gadwall and shoveler) and an assemblage of breeding birds of lowland damp grasslands, lowland scrub and a mixed assemblage of lowland open waters and their margins and Lowland fen. The Site contains unmanaged grasslands and hard standing interspersed with tall ruderal vegetation and scattered scrub; as well as a line of immature broadleaved trees along the eastern boundary. The Site crosses the Bulling Dike, where an existing access track and bridge pass over a watercourse characterised by a narrow channel of deep water with marginal and bankside vegetation dominated by tall grasses;
- The Site comprises an area of semi-improved neutral grassland and hardstanding interspersed with tall ruderal vegetation and scattered scrub; as well as a line of immature broadleaved trees along the eastern boundary. This area is separated from the main WWTW by the Bulling Dike. Habitats within the Site are common and widespread throughout the Barnsley Metropolitan region; and not considered to be representative of any protected or priority habitats;

² This is considered to be a proportionate ecological zone of influence for the Development.

- Three ponds were recorded within 250 m of the Site. These were subject to Habitat Suitability Index (HSI) Assessment for great crested newt (GCN), with two of the ponds being classified as below average suitability for GCN and one of the ponds being classified as poor. eDNA tests were conducted on these ponds on 24 June 2020 and the results were negative, which suggests GCN do not use these ponds for breeding. Furthermore, no GCN records were returned within the data search; therefore, GCN are unlikely to be present within the Site, and no impacts to GCN are anticipated. The presence of other widespread amphibian species (e.g. common toad) cannot be ruled out, and as such there is a risk of these species being killed or injured during vegetation removal works;
- No setts or signs of badger presence have been recorded within the Site; however, there is potential for badger to forage and commute through the Site, and establish new setts, in the intervening period between ecological surveys being completed and the commencement of the works. Therefore, there is a risk of this species being killed, injured or disturbed during vegetation removal and night works;
- The PRA determined that immature broadleaved trees are of Negligible suitability for roosting bats. Six buildings within the WWTW (B1, B2, B7, B8, B9 and B10) were recorded as having Potential Roost Features (PRFs) of Low suitability for roosting bats, but no bats were observed emerging from any buildings; although noctule, common pipistrelle and soprano pipistrelle were recorded during the survey. Therefore, there are no bat roosts present within the Site; and no impacts to roosting bat roosts is predicted. There is potential for foraging and commuting bats to be within the Site; therefore, there is a risk of disturbance during night works;
- Habitats within the Site are likely to be suitable for breeding birds; and vegetation removal undertaken during the nesting bird season (March to August inclusive) have potential to affect breeding birds;
- Bulling Dike provides potential foraging and commuting otter habitats due to proximity and connectivity to wetland habitats within Wombwell Ings, Broomhill Flash and Waterside Park; as well as the River Dearne approximately 1 km east of the Site at Marle's Bridge. No holts, resting places or signs of otter were recorded during the surveys; although, there is potential for otter to establish new holts and resting sites within and adjoining the Site in the intervening period between ecological surveys and the commencement of works. Therefore, there is a risk of this species being killed, injured or disturbed during vegetation removal and night works;
- Grassland areas provide potential habitat terrestrial habitats for widespread species of reptile; and the desktop study identified records of grass snake and adder within the locality. Log piles within the southern extent of the Site provide potential hibernacula. No incidental sightings of reptiles were recorded during the survey. Therefore, there is potential for reptiles to be killed or injured during vegetation removal works;
- There is potential for Bulling Dike to support water vole, with potential droppings recorded at three separate locations of the watercourse. Therefore, there is potential for water vole to be killed, injured or disturbed during the works;
- Bulling Dike represents potential aquatic habitat for white-clawed crayfish; however, no records of white-clawed crayfish were returned from the desk study and no populations are currently known within the lower reaches of the River Dearne and so it is unlikely this species is present, therefore, no impacts to white clawed crayfish are anticipated;
- Open grassland and tall ruderal habitats within the Site could support brown hare. Although no incidental evidence of brown hare was noted during any site visit, their potential presence cannot be ruled out, which means any brown hare present could be killed or injured during construction, as a result of vegetation removal;
- Open grassland and tall ruderal habitats within the Site could support foraging hedgehog. Potential summer and winter nesting habitat within the Site is considered to be extremely

limited due to the lack of extensive broadleaved woodlands and mature trees. There is potential for hedgehog to forage and commute through the Site in the intervening period between ecological surveys being completed and the commencement of construction works, which means any hedgehog present could be killed or injured during construction, as a result of vegetation removal;

- The Site supports limited habitat for invertebrates due to the relatively small scale of unmanaged grassland within the Site and lack of other habitat features (e.g. extensive wetland, woodland, boundary features, mature trees and priority habitats);
- There is potential for the Bulling Dike to support fish. Therefore, there is potential for fish to be killed, injured or disturbed during the works; and
- Himalayan balsam was recorded on Site, predominantly in the north-eastern corner, and throughout the ditch from the north-eastern boundary. Therefore, there is potential for the Development to cause invasive non-native species of plant to spread into the wild, as a result of vegetation removal.

No permanent or temporary land-take from within any designated sites is required, including the Dearne Valley Wetlands SSSI. The Development will result in the localised loss of predominantly open grassland habitats; as well as tall ruderal vegetation and scattered scrub. Given that there are no extensive wetland, woodland, boundary features, mature trees or scrub habitats within the Site (typically associated with the SSSI notified features), it is unlikely that significant numbers of SSSI notified features would regularly utilise habitats affected by the Development. More suitable and extensive habitats are present within approximately 500 m of the Site at Wombwell Ings, Broomhill Flash and Waterside Park; therefore, there is potential for individual birds to pass through the Site as they move through their range (e.g. gadwall, willow tit).

Whilst the Development may require periodic inspections for security and maintenance purposes, the Site is located in areas of limited habitat suitability for SSSI notified features that adjoin the operational WWTW, which is subject to regular disturbance from the presence of site personnel. Therefore, no significant additional disturbance is likely to occur during the operational phase.

Given the extremely small scale nature of the Development, limited habitat suitability, limited duration of construction activities, application of good practice during construction, it is considered unlikely that SSSI notified features would be damaged as a result of the Development.

Whilst the Development could result in the loss of up to 1.2 ha of predominately open grassland and hardstanding interspersed with tall ruderal vegetation and scattered scrub. However, habitat loss would be largely temporary; as permanent land-take will be limited to the access track, individual footings for security fencing and individual foundations for the solar array (i.e, concrete, ballast, ground screw). As such, vegetated areas and associated habitats would be retained in the long-term with appropriate restoration; and potentially enhanced with suitable management measures.

The Bulling Dike will not be directly affected as new cabling required for electrical connection works would be secured within appropriate ducting attached to the existing watercourse crossings, limiting the extent of temporary earthworks to areas beyond banksides of the Bulling Dike. Therefore, no loss of in-stream, riparian or bankside habitat features is predicted. Whilst the Development does not include activities that would require any discharge to ground or surface waters; although, there is potential for pollution to aquatic habitats and downstream receptors during construction works as a result of accidental spillage of fuels, oils and chemicals in relation to construction vehicles and equipment.

In addition, potential impacts on wider biodiversity is likely to be significant at the local site level; as recorded habitats are common and widespread throughout the local area. The potential for protected species to be present will be mitigated through the application of good practice during construction (e.g. timings of works, pre-works checks, sensitive vegetation removal at the appropriate time of year, a site-based ecologist to provide advice and support to the contractor(s) during construction, provision of bug/mammal/bat/bird boxes to support positive gains in local biodiversity). Furthermore, the Development will adhere to appropriate biosecurity measures during the works (i.e. the appropriate storage, transportation, disposal and/or management of arisings) to avoid causing invasive non-native species of plants to spread into the wild.

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 gated access and through the existing WWTW. This area has historically been used for operations relating to the WWTW 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 1.212ha.

The Proposed Development would have an installed generating capacity of up to 370 kW and would be connected to the existing 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.

Yorkshire Water 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 Yorkshire Water'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. Yorkshire Water 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 Wombwell 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 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.

Downing LLP are submitting this application on behalf of Yorkshire Water who are a statutory water undertaker. Yorkshire Water own and operate the Wombwell 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 Yorkshire Water 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.

Yorkshire Water, 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

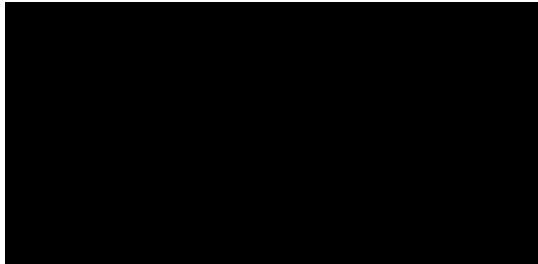
Downing is formally requesting a LDC from Barnsley Metropolitan Borough Council, on behalf of the statutory undertaker, to install a ground mounted solar array with a generating capacity of

370 kW to support the operation of Wombwell 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,



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