Supporting Statement

Application to Northamptonshire County Council for a Lawful Development Certificate for a ground mounted solar array at Whilton Water Recycling Centre
Supporting Statement
Whilton Water Recycling Centre

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1. Introduction

1.1. This Supporting Statement has been prepared on behalf of Anglian Water Services Ltd (“Anglian Water”) for submission with an application for a Lawful Development Certificate for the proposed installation of a 850kW solar photovoltaic (PV) array and associated infrastructure at Whilton Water Recycling Centre (WRC). Anglian Water owns the WRC treatment facility which receives wastewater flows from the surrounding area and treats it to the required standard as a statutory sewerage undertaker.

1.2. Consequently, this Supporting Statement describes the project and demonstrates that this development constitutes Permitted Development under Schedule 2 Part 13 Class B (d) and (f) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO).

1.3. A Lawful Development Certificate, under S192(b) of the Town and Country Planning Act 1990, is sought from Northamptonshire County Council to confirm that the proposed development constitutes permitted development, for which planning permission is not required.

1.4. Government guidance and advice on Lawful Development Certificates is provided in the National Planning Practice Guidance (ID17c). This application and the Supporting Statement has been provided to the Council with a suitable level of information to properly consider the application. The application process and determination is set out in NPPG (Paragraph: 009Reference ID: 17c-009-20140306) which addresses ‘How is an application for a lawful development certificate determined?’:

A local planning authority needs to consider whether, on 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 in this particular application or appeal process.

In determining an application for a prospective development under section 192 a local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”

A local planning authority may choose to issue a lawful development certificate for a different description from that applied for, as an alternative to refusing a certificate altogether. It is, however, advisable to seek the applicant’s agreement to any amendment before issuing the certificate. A refusal is not necessarily conclusive that something is not lawful, it may mean that to date insufficient evidence has been presented.

Document Structure

1.5. This document provides the following information:

- Section 2 – site description
1.6. The submitted plans accompanying this application show the Proposed Development:

- Location Plan
- Site Layout Plan (ref: 310/527/002)
- Solar panel details (ref: 310/527/003)
- Switchgear housing plans and elevations (ref: 310/527/004, 5, 6, 7)
2. Site Description

2.1. The site is within Whilton WRC, located off Daventry Road, Whilton. The site is operational land associated with the WRC and within the operational boundary of the works. Beyond that, the WRC is bordered to the north, south and east by agricultural land. The west side of the site is also bordered by the M1. Presently, the site is comprised of underutilised operational land, associated with the WRC.

Operational Land Status

2.2. The site is entirely operational land and is within the fenced boundary of the WRC. The site is comprised of an operational WRC. This site receives wastewater flows from the surrounding area and treats it to the required standard. Above ground, various types of equipment and machinery and tanks are visible. There are also access tracks and hatches are visible. The whole operational site is surrounded with secure fencing.
3. Project Description

3.1. The proposed development is shown in the proposed layout plan and comprises the following main elements:

- **Solar panels** - The solar panels would be arranged in rows comprising a series of panels facing south on an aluminium and pile driven steel racking system. Each panel would be inclined to 25% degrees with the lower part approximately 600mm from ground level, and the highest part up to 2,000 mm from ground level. The panels would be mounted on aluminium frames supported by upright poles which are pile driven into the ground. The distance between each row of panels is 4.2m to avoid the potential for overshadowing. These will have minimum impact upon the ground and will allow the site to be returned to its current state at the end of its lifespan.

- **Switch-gear units** – Installation of switch-gear housing units to be used in association with the solar PV panels. Each switch-gear unit will be constructed of stainless steel with powder coated finish. Each switch-gear unit is under 29 cubic metres and will sit on hard standing comprising artificial gravel with concrete pile foundations.

- **Underground cabling** – cable trenches would be provided to connect the solar panels to the central switch-gear units and to the grid. This will allow a two-way flow of electricity dependant on demand from the works and supply from the arrays.

3.2. Access to the site is via a surfaced road, off the internal access roads of Whilton WRC.
3.3. An aluminium mounting system will support the solar panels in the landscape orientation and associated DC cables. Following this, the cable trenches would be dug to link the various elements of the solar array to the switch-gear houses; and installation of the solar panels, switch-gear units would then be built. Once operational, only occasional maintenance visits to the solar park will be required. Anglian Water will enter into a contractual relationship with a third party solar developer to install, operate and maintain the panels throughout their operational life. Following construction of the panels it is anticipated that the solar developer will be granted a leasehold interest by Anglian Water in the area on which the proposed development is located to regulate the operation and management process.

Energy Generation

3.4. The proposed development comprises an array of free-standing solar PV panels to generate electricity from a renewable source to feed directly into the WRC to meet part of its electricity demand. The WRC annual electrical demand from the grid is currently 732,475kWh/annum. The solar PV system is predicted to generate 770,525 kWh's per annum and will therefore will offset 100% of the total site demand.

3.5. The grid connection is a technical requirement and is necessary to accommodate situations where there is an imbalance in supply and demand. This would happen for example if the WRC was operating at reduced capacity due to maintenance works.

3.6. Anglian Water and all other regulated water companies have been challenged by OFWAT to maintain or reduce end users (general public) water and waste bills. The energy which Anglian Water uses to provide drinking water and waste water services, has increased in the last ten years. By investing in renewable technologies such as solar, this protects the business and hence end users from energy price inflation, therefore contributes towards maintaining or reducing bills.

3.7. Over the 25 year lifetime of the proposed solar array it would save more than 122,400kg of CO2 which would otherwise be produced to generate electricity by conventional methods.

Plant and Machinery

3.8. For the avoidance of doubt, this section sets out why the solar installation should be considered as plant and machinery and not a building for the purposes of the GPDO.

3.9. The equipment which comprises a solar array constitutes plant and machinery. The solar installation comprises of frames and panels which are brought to site ‘ready-made’ and installed for a temporary period of time. In common with other plant and machinery therefore, the equipment is of such a size and manufacture that it is delivered to site, rather than being built on site as would normally be associated with the erection of a building.

3.10. The installation is easily removed with the site restored to its previous condition. The panels therefore do not have a degree of permanence which would normally be associated with a building.
3.11. The array steel racking frame system is placed on the ground and fixed with steel screws. The usual foundations that would be associated with a building are not required and therefore the equipment is not physically attached to the ground in the same way that a building would be.

3.12. Solar PV equipment constitutes ‘plant and machinery’ and is routinely categorised as such by Local Planning Authorities when calculating planning application fees. This accords with guidance provided in the Building Research Establishment ‘Planning guidance for the development of large scale ground mounted solar PV systems’ which states that ground mounted solar PV installations normally fall within Category 5 (erection, alteration or replacement of plant and machinery) of the Town and Country Planning Fees for Applications 2012 (as amended).

3.13. The guidance on fee calculations for solar farm development in the PPG identifies a need to deal with the fee calculation for a solar farm differently because it comprises equipment: “the calculation is based on the site area of the equipment only and any associated development such as ancillary buildings and access”. (Paragraph 020, reference ID: 22-020-20141017)

3.14. This reference to ‘equipment’ within the PPG demonstrates further that a PV array is not a building, structure or erection and should be considered as plant and machinery.

3.15. In conclusion therefore, a solar array does not constitute a building in planning terms.
4. Permitted Development Regulations Assessment

4.1. The proposed development for a 850kW ground mounted solar PV array has been considered against the provisions of The Town and Country Planning (General Permitted Development) Order 2015.

4.2. Part 13 of Schedule 2 of the GPDO outlines development that can be undertaken by Statutory Undertakers as ‘permitted development’. Class B relates specifically to ‘development by or on behalf of sewerage undertakers’. A full extract of Class B is provided at Appendix A.

4.3. Part (f) of Class B permits development, for the purposes of their undertaking by statutory undertakers, consisting of “any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building”.

4.4. As a statutory undertaker, Anglian Water owns and operates Whilton WRC.

4.5. The proposed development lies within the operational area of the WRC. All the land to which this application and the proposed development, relates thereby constitutes Operational Land (as defined by Section 263 of the Town & Country Planning Act 1990).

4.6. Part B.1 (c) of Class B states that development is not permitted in the case of any Class B (f) development, 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”. The proposed development would not exceed 15m in height. The installation is 2.59m high at its maximum. It therefore benefits from deemed consent under the GPDO.

Switch-gear Units

4.7. Part (d) of Class B permits development by or on behalf of a sewerage undertaking consisting of “the installation in a sewerage system of a pumping station, valve house, control panel house or switch-gear house”.

4.8. Part B.1 (a) of Class B states that development is not permitted in the case of any Class B (d) development, if it would involve “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”. Each of the switch-gear units are less than 29m3 and therefore satisfy the relevant conditions and benefit from deemed consent.

Underground Cabling

4.9. The proposed underground cabling also benefits from deemed consent under Part (f) of Class B.
5. Conclusions

5.1. Anglian Water, as a sewerage undertaker, is formally requesting a Lawful Development Certificate from Northamptonshire County Council for the proposed development – to install a 850kW ground mounted solar array on operational land at Whilton WRC, Daventry Road, Whilton.

5.2. This Supporting Statement describes the site and the proposed development and explains why this constitutes permitted development under Part 13, Class B (d) and (f) of the GPDO (2015).

5.3. The energy which Anglian Water uses to provide drinking water and waste water services, has increased in the last ten years. By investing in renewable technologies such as solar, this protects the business and hence end users from energy price inflation, therefore contributing towards maintaining or reducing bills. Production of renewable energy also reduces carbon footprint and helps reduce Anglian Water’s impact on the environment.

5.4. We therefore respectfully request that a Lawful Development Certificate is issued as soon as possible to ensure this sustainable development can go ahead at the earliest opportunity.
Appendix A
Part 13 GPDO 2015
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.

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.

Condition
B.2 Development is permitted by Class B(b) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development concerned, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

Interpretation of Class B
B.3 For the purposes of Class B—
“associated apparatus”, in relation to any sewer, main or pipe, means pumps, machinery or apparatus associated with the relevant sewer, main or pipe; and “sludge main” means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated with it) for the conveyance of the residue of water or sewage treated in a water or sewage treatment works as the case may be, including final effluent or the products of the dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or its residue.