



Yorkshire Water Services Ltd

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**CLAYTON WEST WASTEWATER  
TREATMENT WORKS  
IMPROVEMENTS AND INTEGRATED  
CONSTRUCTED WETLAND  
PLANNING STATEMENT**





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Yorkshire Water Services Ltd

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# **CLAYTON WEST WASTEWATER TREATMENT WORKS IMPROVEMENTS AND INTEGRATED CONSTRUCTED WETLAND**

## **PLANNING STATEMENT**

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# QUALITY CONTROL

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# 1 INTRODUCTION

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## 1.1 OVERVIEW

1.1.1. This Planning Statement has been prepared by WSP on behalf of Yorkshire Water Services Limited (the “Applicant”), in support of an application submitted to Kirklees Council (the “Council”) for full planning permission for the following scheme:

**Development of an Integrated Constructed Wetland (ICW), motor control centre kiosk, wetland outfall weir and associated ancillary plant for operational improvements to Clayton West Wastewater Treatment WwTW Works (WwTW).**

1.1.2. Yorkshire Water is a regulated water utility company with statutory responsibilities for the provision of clean water services. Section 94(1) (General duty to provide sewerage system) of the Water Industry Act 1991 (as amended) states:

*“It shall be the duty of every sewerage undertaker—*

*(a) to provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain those sewers [and any lateral drains which belong to or vest in the undertaker] as to ensure that that area is and continues to be effectually drained; and*

*(b) to make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers”.*

1.1.3. The primary aim of the Proposed Development is to facilitate the construction of alterations to the existing wastewater works and the creation of an integrated wetland.

## 1.2 PURPOSE OF THE PLANNING STATEMENT

1.2.1. The purpose of this Planning Statement is to describe the nature and location of works proposed, summarise the results of the technical assessments carried out in support of the application, review key policy requirements and address the material planning considerations which would be used as the basis for the decision-maker to determine the application.

1.2.2. In addition to this Planning Statement, the planning application is accompanied by the following documents in accordance with the National and Kirklees Council validation checklist (LPA):

- Application Forms and Certificate of Notice
- Cover Letter
- Location Plan
- WwTW Layout Plan
- Sewage Treatment Works (STW) Layout Plan
- Public Right of Way (PRoW) Plan
- Flood Risk Plan
- Historic Environment Desk-Based Assessment (HEDBA)
- Hedgerow and Tree Removal Plan
- Motor Control Centre (MCC) Kiosk Plan
- Outfall Plan
- Section Plan (A)



- Section Plan (B)
- Archaeological Watching Brief
- Arboricultural Survey Report
- Water Framework Directive Assessment
- Preliminary Ecological Appraisal Report

1.2.3. Please note the following documents also prepared in support of the planning application will be submitted directly to the Local Planning Authority via email rather than via the Planning Portal:

- Flood Risk Assessment
- Drainage Strategy Plan
- Landscape and Visual Impact Assessment
- Coal Mining Risk Assessment
- Landscape Mitigation Plan
- Biodiversity Net Gain Assessment
- Ground Investigation Factual Report

**Table 1-1 – Application Drawing Schedule**

Ref.	Title
YW.202043.02-MMB-WWT-WWT-DR-C-1010	Location Plan
YW.202043.02-MMB-WWT-WWT-DR-C-1012	ICW Layout Plan
YW.202043.02-MMB-WWT-WWT-DR-C-1013	STW Layout Plan
YW.202043.02-MMB-WWT-WWT-DR-C-1100 (1)	PRoW Plan
YW.202043.02-MMB-WWT-WWT-DR-C-1016	Flood Risk Plan
YW.202043.02-MMB-WWT-WWT-DR-C-1011	Hedgerow and Tree Removal Plan
YW.202043.02-MMB-WWT-WWT-DR-C-2004	Outfall Plan
YW.202043.02-MMB-WWT-WWT-DR-C-2002	Section (A) Plan
YW.202043.02-MMB-WWT-WWT-DR-C-2003	Section (B) Plan
DR1UMP-WSP-XX-DR-D-000101	Drainage Strategy



## 1.3 STRUCTURE OF THIS DOCUMENT

1.3.1. This Planning Statement is structured as follows:

- Section 2 describes the Site and its surroundings and relevant Planning History;
- Section 3 provides a detailed description of the Proposed Development;
- Section 4 sets out the national and local planning policy context for the Development;
- Section 5 assesses the proposed development against the Development Plan and relevant national policy; and
- Section 6 provides a summary and conclusions.

## 2 SITE AND SURROUNDINGS

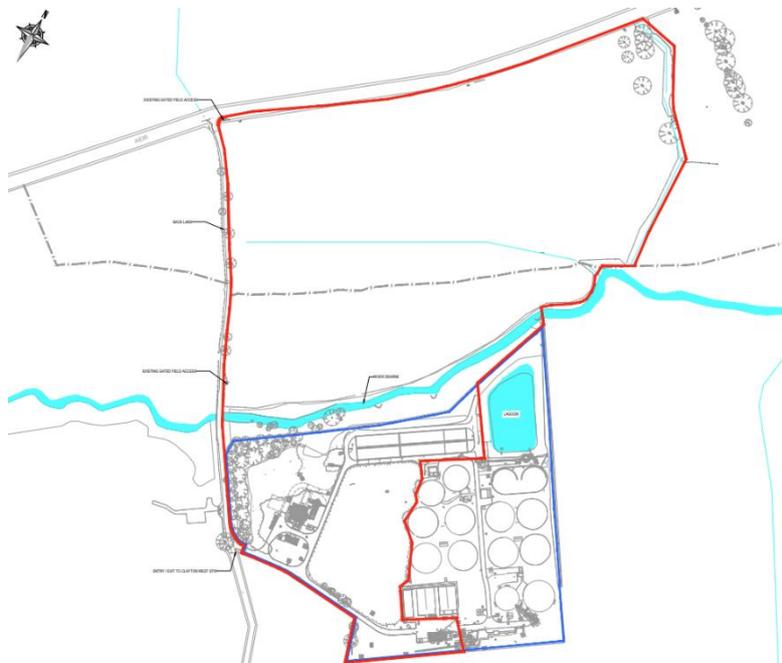
### 2.1 SITE DESCRIPTION

- Grid reference: SE266120 (Easting) 426654, Y (Northing) 412080
- Nearest postcode: HD8 9LT

- 2.1.1. The Application Site (the 'Site') is shown on the location plan in figure 2-1 below.
- 2.1.2. The Site has an area of 12ha and is located approximately 1km to the northwest of Clayton West, Kirklees, West Yorkshire. The Site is located within the administrative boundary of Kirklees Metropolitan Council.
- 2.1.3. The Site is comprised of a field used for agricultural purposes and an existing wastewater treatment works operated by Yorkshire Water.

### 2.2 SURROUNDING ENVIRONMENT

- 2.2.1. The field where the Site is located is bound by the A636 Wakefield Road to the west, Litherop Lane to the northeast, agricultural fields to the east and a private access track to the southwest. The River Dearne runs through the site, with agricultural land to the north of the river and the existing wastewater treatment works to the south.
- 2.2.2. The application site itself is located towards the southern corner of the field, with the northern corner of the field to be used as a construction compound to facilitate the proposed development. This is subject to a separate planning application (PP-12527912).
- 2.2.3. The existing wastewater treatment plant is accessed via the private track to the south-west.



**Figure 2-1 - Location Plan**



## 2.3 PLANNING HISTORY

- 2.3.1. Application (Ref: 97/62/92308/E7) is the original application for the existing wastewater treatment plant submitted by Yorkshire Water in 1997.
- 2.3.2. Application (Ref: 2022/62/90582/E) for the installation of a new sodium hydroxide dosing kiosk, ferric dosing kiosk, sodium hydroxide storage tank and ferric storage tank within the existing operational boundary of the works was validated in July 2022 and is yet to be determined.
- 2.3.3. Application (Ref: PP-12527912) is the submission for express planning permission for the construction of a temporary site access and compound to facilitate the Proposed Development.

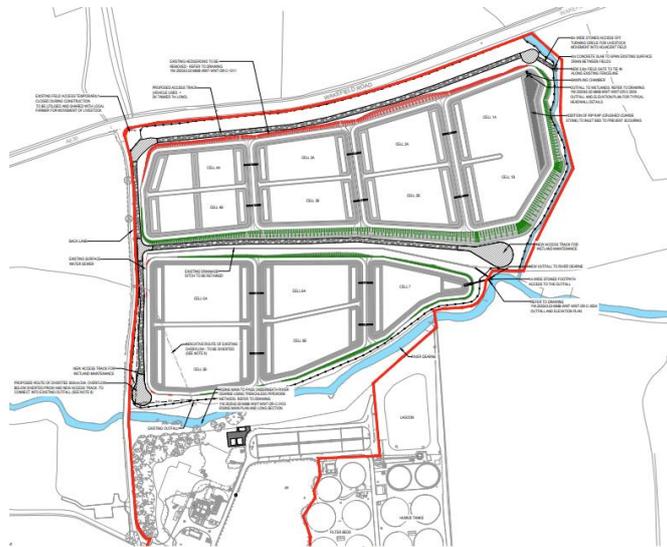
### 3 PROJECT DESCRIPTION

#### 3.1 INTRODUCTION

3.1.1. This section provides a justification for the proposed development and its objectives and a detailed description of the proposals.

3.1.2. As stated in the planning application form, full planning permission is sought for:

**“Development of an Integrated Constructed Wetland (ICW), motor control centre kiosk, wetland, outfall weir and associated ancillary plant for the operational improvements to Clayton West Wastewater Treatment Works”.**



**Figure 3-1 - Site Plan (Integrated Constructed Wetland)**



**Figure 3-2 - Site Plan (Wastewater Treatment Works)**

## 3.2 NEED FOR THE PROJECT

- 3.2.1. The Proposed Development is for the construction of alterations to the existing wastewater works and the construction of a wetland to the southwest of the site. The driver for the River Dearne Reach development, under '1a obligations' is to reduce levels of un-ionised ammonia (UA) in the watercourse in line with the salmonid Fundamental Intermittent Standards (FIS). The current regulation target date for this is December 2024, Yorkshire Water have an application in process for extension to 31st March 2025

## 3.3 THE PROPOSED DEVELOPMENT

- 3.3.1. The Proposed Development comprises the provision of an Integrated Constructed Wetland (ICW) on the opposite side of the River Dearne located to the North of the existing WwTW. The new ICW will provide additional treatment of final effluent and treatment of a proportion of storm overflow.
- 3.3.2. The proposed development consists of the following elements:
- ICW – Consisting of consist of 13 No. wetland cells with 6 larger cells split into two by a central berm creating 12 treatment cells and Outlet Structures.
  - Motor control centre kiosk in connection with the wetland pumping station, the dimensions of the proposed kiosks would be greater than 29m<sup>3</sup>.
  - Internal Access Road – Access road to allow for maintenance and management of the ICW.
  - Public Right of Way (PRoW) Diversion – Rerouting a PRoW which currently transecting the site.

### PERMITTED DEVELOPMENT

- 3.3.3. The following works are considered by the Applicant to fall under Part 13 Class B of the Town and Country Planning (General Permitted Development) Order 2015 as amended (GPDO) and thus are deemed to have planning permission without the need to submit a planning application.
- Below ground pumping station with hard standing area.
  - Rising Main to Pass Underneath River Dearn Using Trenchless Pipework Methods – A rising main to transfer water from the existing waste water treatment works to the new ICW through the use of trenchless pipework methods underneath the River Dearne.
  - Wetland Pumping Station - be suitable to transfer 150 litres per second of final effluent and 200 litres per second of storm overflows to the ICW.
  - Rising Main, Pumping Stations, Gravity Pipework, Weir Chambers, Sampling Chambers and Inlet and Outlet Structures – A range of water transfer and control measures to control the flow in and out of the ICW consisting of actuated penstocks and outfall weirs.

## 3.4 CONSTRUCTION

- 3.4.1. The construction of the proposed development is anticipated to last thirteen months, April 2024 to May 2025. The construction compound for the proposed development is subject to a separate planning application (PP-12527912).

## 3.5 OPERATION AND MAINTENANCE

- 3.5.1. The Proposed Development would be operated and maintained by Yorkshire Water Services Ltd.

## 4 PLANNING POLICY CONTEXT

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### 4.1 INTRODUCTION

4.1.1. This section sets out the planning policy context for the Proposed Development. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the statutory development plan unless 'material considerations' indicate otherwise. The following section introduces the relevant legislative and policy framework in relation to planning matters. This covers international, national and local planning policy.

4.1.2. The adopted Development Plan relevant to this site comprises:

- Kirklees Local Plan Strategy and Policies
- Biodiversity Net Gain Technical Advice Note (2021)

### 4.2 NATIONAL PLANNING POLICY

4.2.1. As stated in paragraph 1, the National Planning Policy Framework (NPPF, July 2021) sets out the Government's planning policies for England and how these should be applied. The purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). In order to achieve this objective, at the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which includes approving development proposals that accord with an up-to-date development plan without delay.

4.2.2. The following sections of the NPPF are of specific relevance to the determination of this application:

- Section 2 Achieving sustainable development;
- Section 4 Decision-making;
- Section 6 Building a strong, competitive economy;
- Section 11 Making effective use of land;
- Section 12 Achieving well-designed places;
- Section 14 Meeting the challenge of climate change, flooding and coastal change;
- Section 15 Conserving and enhancing the natural environment; and
- Section 16 Conserving and enhancing the historic environment.

### 4.3 LOCAL PLANNING POLICY

4.3.1. The "Kirklees Local Plan Strategy and Policies Plan" was adopted on 27<sup>th</sup> February 2019. The local plan focuses on what "*Kirklees should be like in the future if the needs and aspirations of those who live, work in or visit Kirklees are to be met whilst retaining the characteristics that make it attractive and distinctive.*"

4.3.2. Appendix A contains a full breakdown of all relevant planning policies.

4.3.3. Following a review of the Kirklees Planning Policy Map the site is subject the following Local Planning Designations:

- Strategic Green Infrastructure Network
- Biodiversity Opportunity Zone



- Green Belt
- Mineral Safeguarding

## 5 PLANNING AND ENVIRONMENTAL CONSIDERATIONS

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### 5.1 INTRODUCTION

- 5.1.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This section identifies the main planning considerations arising from the Development Plan applicable to this planning application as well as the material considerations warranting the grant of planning permission for the Proposed Development.
- 5.1.2. The main considerations for the proposed development include:
- Principle of Development;
  - Green Belt
  - Design and Access;
  - Ecological Impact;
  - Water, Flooding and Drainage;
  - Landscape and Visual Impact;
  - Arboriculture;
  - Waste and Minerals; and
  - Air Quality.

### 5.2 PRINCIPLE OF DEVELOPMENT

- 5.2.1. The proposed development would create an Integrated Constructed Wetland and improve the existing wastewater treatment plant via a new pipeline and pumping station. The driver for the River Dearne Reach development, under '1a obligations' is to reduce levels of un-ionised ammonia (UA) in the watercourse in line with the salmonid Fundamental Intermittent Standards (FIS). The current regulation target date for this is December 2024, Yorkshire Water have an application in process for extension to 31st March 2025.
- 5.2.2. The use of an integrated wetland is a more natural solution to transferring the effluent and storm water away to a lower reach of the River Dearne. This would be achieved by the development of one or more long rising mains that would involve the use of carbon intensive construction materials and considerable disruption to the local area. This transfer option was rejected during the investigation stage of the project due to higher costs in relation to carbon over a 40 year period and being a much less biodiverse solution.
- 5.2.3. A recent example of where a successful nature-based solution has been implemented is at Clifton, Doncaster. The scheme has demonstrated how sewage treatment can produce multiple environmental benefits using a low carbon solution. The site has created a vegetated marsh to closely resemble a natural wetland, which in turn simulates the typical biological treatment processes required to remove phosphorous sustainably. Additionally, the creation of a wetland has led to an increase in biodiversity as a result, creating a wildlife habitat for pollinators, breeding birds, reptiles and amphibians. The Proposed Development aims to replicate the results and create a similar sustainable, nature-based solution at Clayton West.

- 5.2.4. The NPPF identifies the provision of infrastructure as a requisite for achieving the economic objective of sustainable development.
- 5.2.5. Policy LP1: Presumption in favour of sustainable development of the local plan aligns with the NPPF and states “*the council will take a positive approach that reflects the presumption in favour of sustainable development*”.
- 5.2.6. Policy LP2: Place shaping, ensures that proposed development should build on the existing strength and opportunities of an area.
- 5.2.7. Policy LP3: Location of new development, supports both policies LP1 and LP2 and aims to ensure development proposals reflect both policies. Development should reflect both local needs and character.
- 5.2.8. The proposed development would build upon and enhance the existing wastewater treatment works located within the site. It would ensure the facility can continue to operate at the highest standards.
- 5.2.9. The improvements to the existing treatment plant align with the local plan policy LP4: Providing Infrastructure in which it states, “*The council will work with partners to bring forward the necessary and proportionate essential and desirable infrastructure*”.
- 5.2.10. The proposed development would facilitate the improvement of existing infrastructure, complying with local plan policy LP4 and the economic objective of sustainable development discussed in the NPPF.

## **5.3 GREEN BELT**

### **VERY SPECIAL CIRCUMSTANCES**

- 5.3.1. Paragraph 147 of the NPPF (2021) states that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*”
- 5.3.2. Paragraph 19.7 of the Local Plan States “*Within the Green Belt there is therefore a presumption against development which would be harmful to the purposes of including land within it.*”
- 5.3.3. Policy LP10 of the Local Plan focuses on supporting the rural economy and states “*where development is proposed in the Green Belt regard must be had to the relevant policies in this plan and relevant national planning policy.*”
- 5.3.4. The Landscape and Visual Appraisal submitted as part of this application confirms that the wetland is unlikely to “*impact the protected openness of the Green Belt, during the construction or operational phase of the works*”, complying with NPPF para 147 and local plan policy LP10.
- 5.3.5. As the text in 5.3.1 suggests development in the green belt should not be approved unless very special circumstances apply. The Proposed Development in this case would facilitate the improvement of the existing wastewater facility (new pipeline and pumping station). These improvements would ensure the additional treatment of waste effluent and treatment of storm overflows. The Proposed Development would ensure that final effluent and storm overflows are intercepted prior to entering the River Dearne. The wetland would also provide additional treatment for the effluent. The significant benefits that the improvements to the existing wastewater treatment facility and wetland would provide, demonstrate the essential need for these enabling works. Due to the location of the existing WwTW and the requirement under ‘1a obligation’ the development must be located in the Green Belt under very special circumstances.

## EXISTING WASTEWATER TREATMENT WORKS

- 5.3.6. Paragraph 149 of the NPPF is of relevance to the Proposed Scheme and identifies that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate, subject to the exceptions identified in the paragraph, which includes “g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development”.
- 5.3.7. The proposed above ground kiosk would be located within the existing operational site. This would represent partial redevelopment of previously developed land in accordance with the exception cited in Paragraph 149 of the NPPF. The kiosk has been designed and orientated to not protrude above existing infrastructure such that there would be no greater impact on the openness of the Green Belt. It is therefore considered that this element of the Proposed Scheme represents appropriate development in the Green Belt.
- 5.3.8. Paragraph 150 of the NPPF (2021) lists various forms of development which are not inappropriate as long as “preserve its openness and do not conflict with the purposes of including land within” the Green Belt. This list includes “b) engineering options”.
- 5.3.9. The Proposed Development includes a single motor control kiosk that would be situated on the existing West Clayton WwTW. The scale of development has been kept to a minimum and would not constitute a change in the height or density of current development on site.
- 5.3.10. As detailed above, the Proposed Development is required to ensure that Yorkshire Water is performing its statutory obligations to maintain its compliance with the requirements set out by the Environment Agency.
- 5.3.11. With the site of the WwTW encapsulated entirely by the Green Belt and with a requirement for a solution which aids Yorkshire Water to meet its regulatory requirements to be in close proximity to the WwTW for functionality, there are no other viable locations for the Proposed Development outside of the Green Belt.

## 5.4 DESIGN AND ACCESS

- 5.4.1. Paragraph 126 of the NPPF states that “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*”.
- 5.4.2. Similarly, Policy LP24: Design of the local plan states that “*Good design should be at the core of all proposals*”.
- 5.4.3. The Integrated Constructed Wetland designed to ensure a long-term visual improvement for the site by year 15 of its operation. The improvements to the existing wastewater treatment plant are functional and have been designed with the intension of limiting the visual impact of the Proposed Development whilst still retaining the functionality required to meet the aims of the Proposed Development to aid Yorkshire Water in meeting its statutory requirements.
- 5.4.4. Paragraph 111 of the NPPF (2021) states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”

- 5.4.5. Policy LP20: Sustainable travel, of the local plan states “*The council will support development proposals that can be served by alternative modes of transport*”.
- 5.4.6. Local Plan Policy LP21: Highways and Access, states “*New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.*”
- 5.4.7. The proposed development does not require any permanent changes to the existing access arrangements. However, during the construction phase the existing access would be closed. Following the completion of the Integrated Constructed Wetland this access would be reinstated and be shared with a local farmer for the movement of livestock.
- 5.4.8. New access tracks are proposed within the site to allow for the maintenance of the Integrated Constructed Wetland.
- 5.4.9. Policy LP23 is focused on the “Core Walking and Cycling Network”. Proposals which “*may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted. Existing public rights of way that form part of the core walking and cycling network or elsewhere will be protected and enhanced*”.
- 5.4.10. Whilst the proposed development does not affect this network directly it would result in a permanent PRoW diversion. The PRoW diversion plan submitted alongside this planning statement (Ref: VX11-MMB-WWT-WWT-DR-C-1100) illustrates the proposed diversion.
- 5.4.11. It is not possible to keep the existing PRoW on its existing line due to engineering and operational constraints. But the proposed diversion is as close to the existing route as possible whilst ensuring PRoW users are safe.
- 5.4.12. The existing stile to the southwest of the site would be removed and the ground reprofiled to provide better access. There would also be a new 1.1m clear opening south of this stile formed via partial hedgerow removal. At the northeastern end of the new PRoW a gate is proposed to replace the existing stile.
- 5.4.13. The proposed development is designed to both improve the existing wastewater treatment works located on site and the Integrated Constructed Wetland is designed to provide long term operational benefits for the site complying with NPPF paragraph 126 and local plan policy LP24. The proposed development would temporarily affect access to the site however following the construction phase all existing access would be reinstated complying with NPPF paragraph 111 and local plan policies LP20 and LP21. The creation of the Integrated Constructed Wetland would see a PRoW affected. However a new PRoW would be created around the edge of the site and the access to the PRoW improved complying with local plan policy LP23.

## **5.5 ECOLOGICAL IMPACT**

- 5.5.1. Paragraph 174 of the NPPF (2021) states that, “*Planning policies and decisions should contribute to and enhance the natural and local environment.*”
- 5.5.2. Policy LP24: Design, of the local Plan states that proposals should achieve high levels of design by contributing to the “*enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure*”.

- 5.5.3. Policy LP30: Biodiversity and Geodiversity, states “*The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees*”.
- 5.5.4. A Preliminary Ecological Appraisal (PEA) is submitted alongside this planning statement.
- 5.5.5. The site falls within the Pennine Foothills Biodiversity Opportunity Zone. In this area the key opportunities relate to the protection and enhancement of hedgerows, woodlands and the ecological network of habitats.
- 5.5.6. The site is located with the Strategic Green Infrastructure Network “River Deane Corridor”. According to Local Plan Policy LP31 development proposals located with this area must protect and enhance biodiversity links and green infrastructure networks.

### **STATUTORY AND NON STATUTORY DESIGNATIONS**

- 5.5.7. There is one Statutory Nature Conservation Site within 2km of the site, the Bretton Country Park Local Nature Reserve (LNR) and the site falls within the Denby Grange Colliery Ponds Site of Special Scientific Interest (SSSI) Impact Zone. The impact on the LNR is considered to be neutral with a potential for long term benefits due to the improvement in water quality. The impact on the SSSI impact zone is considered to be neutral due to the works comprising a natural solution via wetland creation of limited to the confines of the existing WwTW.
- 5.5.8. There are four Non-Statutory Nature Conversation Sites within 2km of the site, the impacts on each site are outlined below:
- Bretton Park Local Wildlife Site (LWS) - Neutral impact with a potential for long term benefits due to the improvement in water quality.
  - Hoyland Bank LWS – No anticipated impact due to distance from the proposed development.
  - Bretton Lakes LWS – Neutral impact with a potential for long term benefits due to the improvement in water quality.
  - Riding Wood LWS – No anticipated impact due to distance from the proposed development.

### **POTENTIAL IMPACT – HABITATS**

- 5.5.9. Table 4 of the PEA outlines the various habitats in and around the proposed development site and outlines the potential impacts the proposed development would have upon them. A summary of the potential impacts are outlined below:
- A loss of grassland through the creation of the Integrated Constructed Wetland, access tracks and pipework would result in a slightly adverse effect on the seasonal wet pasture;
  - The loss of approximately 1.15ha of modified grassland through the creation of the pumping station would represent a small proportional loss, having a slight adverse impact on the habitat;
  - There would be a total loss of hedges H3, H4 and H5 totalling 430m alongside a partial loss of 15m of H6. There is also potential damage to root systems during construction;
  - Neither of the existing water bodies within the wastewater treatment site would be affected;
  - The installation of a new rising main under the River Dearne would be done via trenchless pipework and therefore have a neutral impact on the river;

## POTENTIAL IMPACT – SPECIES

5.5.10. Table 5 of the PEA outlines the various species in and around the proposed development site and outlines the potential impacts the proposed development would have upon them. A summary of the potential impacts are outlined below:

- Great Crested Newts have not been found on site or within 1km of the Zone of Influence.
- Water Vole surveys have been undertaken and no evidence was found along the river or tributaries connected to the site.
- No badger records were found during the walkover or desk study of the survey area;
- Six buildings present in the survey area contained potential bat roosting features, but none of these building would be impacted by the proposed development.
- There would be a moderately adverse impact on otters and water voles due to the low risk of disturbance of their habitats during construction of the Integrated Constructed Wetland outfall;
- There is potential for impacts on hedgehog during construction and excavation; and
- There are records of white clawed crayfish within 1km upstream. There is the potential for impacts on white clawed crayfish during the installation of the outfall into the River Dearne.

5.5.11. A protected species report (including Bats, Barn Owls, Kingfisher, Otters, Water voles and White Clawed Crayfish) is currently being produced and will be submitted post submission during January 2024.

## MITIGATION

5.5.12. Table 5 of the PEA outlines recommendations for mitigating the potential impacts of the proposed development on habitats and species. A summary is provided below:

- Any removed trees would be replaced with the same or similar species elsewhere in the survey area and root protection zones marked out with fencing/signage. Hedgerows would only be removed where absolutely necessary and hedgerow planting within or near the survey area to mitigate against their loss. Please see section 5.8 for a breakdown of trees to be removed as part of the proposed development.
- Any areas of grassland temporarily damaged would be reseeded or naturally allowed to recolonise following the completion of the work.
- Pollution prevention methods would be in place during the development to avoid polluting waterbodies.
- The extent of Himalayan Balsam would be marked out on-site using fencing and signage with no soil or plant removed from these areas. Himalaya Balsam is presents along the River Dearne along the boundary of the current fence line. It is to be removed from the banks of the river before footpath realignment to ensure members of the public do not spread the plant.
- Vegetation removal would be undertaken outside of breeding bird season and if this is not possible then vegetation should be checked before vegetation is disturbed.
- There would be pollution prevention methods in place to avoid polluting the water course.
- Works to the River Dearne would be undertaken outside of the coarse fish close season (March-June inclusive).
- Any open excavations would be covered overnight, or mammal paths provided and any log piles within the woodland that require removed should be dismantled by hand.

- Pollution methods including dust suppression screens should be in place during the development.

5.5.13. If all the above steps were followed, the development of a new Integrated Constructed Wetland would have an overall positive ecological impact on the landscape.

### **BIODIVERSITY NET GAIN**

5.5.14. Kirklees Council produced a technical advice note on Biodiversity Net Gain in June 2021. The report states that all major development in Kirklees would be expected to demonstrate the mitigation hierarchy. This structure aims to avoid harming biodiversity as the first step and only where this not possible should compensation be used.

5.5.15. In accordance with the Biodiversity Net Gain Technical advice note the applicant is currently undertaking a Biodiversity Assessment in accordance with Metric 4.0 and would seek to deliver net gain on site.

5.5.16. Biodiversity Net Gain would be achieved through the creation of wetland area, wild seed planting, hedgerow, hedgerow enhancement and tree planting.

5.5.17. The biodiversity net gain measures that would be included as part of the proposed development demonstrate a 10% gain and therefore comply with the relevant planning policies.

## **5.6 WATER, FLOODING AND DRAINAGE**

5.6.1. Paragraph 159 of the NPPF (2021) states “*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk*”. National Guidance dictates that development located within Flood Zone on a site over 1ha or more would require a flood risk assessment.

5.6.2. Policy LP27 of the local plan states “*Proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change).*”

5.6.3. The Site is located in Flood Zone 1, 2 & 3 with the majority of the development located in Flood Zone 1 where the probability of river or sea flooding is less than 0.1% (1 in 1000) chance in any given year. Meaning that the probability of tidal or fluvial flooding can therefore be assessed as low.

5.6.4. Paragraph 174 of the NPPF (2021) states “*Development should, wherever possible, help to improve local environmental conditions such as air and water quality*”.

5.6.5. Local Plan Policy LP29: Management of water bodies states that “*Where it is proposed to develop a site already containing a water area, this should normally be retained as part of the proposal and include a future management plan for the maintenance of the water area to ensure the safety of residents for the lifetime of the development.*”

5.6.6. Local Plan Policy LP34: Conserving and enhancing the water environment states that proposals must “*Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable.*”

5.6.7. The PEA states that neither of the existing water bodies within the waste water treatment site would be impact by the proposed development

- 5.6.8. Local plan policy LP28: Drainage states that there is a presumption in favour of Sustainable Drainage Systems (SUDS) and that “*for proposals on greenfield sites, typical greenfield run-off rates should not be exceeded*”.
- 5.6.9. The following drainage strategy is proposed:
- The Northern west-east road and a section of north-south road (on western boundary) to outfall into Wetland Cell 4B. This will generate 240m<sup>3</sup> run-off volume to be accommodated in the wetlands.
  - The remaining north-south road on the western boundary to outfall to Wetland Cell 5B. This will generate 85m<sup>3</sup> run-off volume to be accommodated in the wetlands.
  - The remaining central east-west road can not discharge into the wetlands by gravity and therefore would have to outfall to the River Dearne. We would propose to restrict the discharge to greenfield run-off rates (using 3.0 l/s as the minimum permitted by KMDC) and this would require a storage volume of 95m<sup>3</sup> (compared with 315m<sup>2</sup> previously). This could be provided in a Geocell with a plan area of 200m<sup>2</sup> x 0.5 deep (i.e. 25m Long x 8m wide) or by increasing the filter drain trench adjacent to the road to 1.5m wide and 1.55m max depth to provide the storage.
  - It would not be possible to combine the outfall structure for the road with that from the wetlands. The latter has a proposed invert level of 86.300m which appears to be set above the River Dearne 1 in 100 Year + CC return period river level (86.16m). The required outfall for the road would be circa 85.6m if Geocell used or 86.0m if French Drain used for storage.
- 5.6.10. The risk of surface water flooding is high and flows can be managed through the site. Excess surface water run-off generated by the proposed development can be managed on the development site without increasing flood risk to the development or areas upstream and downstream of the development. The proposed drainage strategy outlined in 5.6.10 optimises the uses of Sustainable Drainage Systems in line with national and local policies. The proposed development is deemed to have a low overall low flood risk complying with NPPF paragraph 169 and local plan policy LP37.

## 5.7 LANDSCAPE AND VISUAL IMPACT

- 5.7.1. Paragraph 130 of the NPPF (2021) states that planning decisions should be “*sympathetic to local character and history, including the surrounding built environment and landscape setting*”.
- 5.7.2. Policy LP7: Effective use of land, of the local plan encourages the best use of land and buildings. However, it also supports proposals which “*will allow for access to adjoining undeveloped land so it may subsequently be developed*”.
- 5.7.3. Policy LP32: Landscape, of the local plan states “*Proposals should be designed to take into account and seek to enhance the landscape*”.
- 5.7.4. The Landscape and Visual Appraisal submitted alongside this planning statement states that the main visual impacts of the proposed development relate to the construction and operation of the Integrated Constructed Wetland. The visual impact of the improvement works to the existing waste water treatment plant can be categorised as “no change” due to the works being a continuation of the existing infrastructure. The improvement works would include a below ground pumping station and an above ground kiosk screened by a woodland.

- 5.7.5. The Integrated Constructed Wetland would have a minor beneficial effect on the landscape character at a local level by operational year 15, through a combination off site mitigation planning and replacing lost landscape features with equal or better elements.
- 5.7.6. Overall the visual influence of the Proposed Development is considered to be moderate at worst, with most of the works being screened from view by the natural topography of the surrounding landscape and intervening vegetation.
- 5.7.7. Given the wastewater treatment works would have no change on the visual impact and the creation of the Integrated Constructed Wetland in some areas would have a beneficial impact the proposed development would comply with NPPF paragraph 130 and local plan policies LP7 and LP32. The worst-case scenario would see a moderate impact however the works would still be heavily screened via vegetation and the natural topography of the landscape.

## 5.8 ARBORICULTURE

- 5.8.1. Paragraph 131 of the NPPF (2021) states, “*Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.*”
- 5.8.2. The above NPPF paragraph is supported by local plan policy LP33: Trees, which states the “*Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.*”
- 5.8.3. An Arboricultural Survey Report has been submitted as part of this application, a breakdown of the findings of the report are summarised below.
- 5.8.4. The following trees are to be removed as part of the proposed development:
- 31 - 35
  - 42
  - Group G7
  - Hedges H7 - H11
- 5.8.5. The partial removal of hedge H12 and H14 is also required to undertake the works, this equates to 30m.
- 5.8.6. Tree 47 is category U, but has high ecological value, therefore where feasible this tree would be retained. It is recommended that it is reduced in height creating a singular stem of up to 5m, this would enable retention of some of the ecological features.
- 5.8.7. Temporary protective barriers are to be erected for the following trees as identified in the Arboricultural Survey Report:
- Trees 40, 41, 43, 48, 49, 50, 51 and 52.
  - Hedges H2, H4, H12, H13 and H14
- 5.8.8. The temporary haulage would be situated outside of the root protection areas for tree 51.
- 5.8.9. A 5m clearance is required for the installation of the precast outfall, outside of the root protection area (RPA) for trees 41 and 43. However, should this change and the works fall within the RPA then a protective barrier should be installed to cover as much of the RPA as possible whilst still allowing construction. To facilitate the installation of the precast outfall, tree 42 would be removed.

- 5.8.10. The permanent PRoW diversion would use protective barriers during the wetland construction phase to separate pedestrians using the walking route from the construction site. Where this occurs tree protection barriers would not be viable due to a lack of space, in this instance ground protection would be installed.
- 5.8.11. Access roads along the edges of the proposed development are to be retained and access would be kept at least 1m away from the base of hedgerows, this applies to hedgerows H4-H6.
- 5.8.12. Tree pruning is required where the PRoW is being diverted to allow a maximum 3m vertical clearance, this applies to trees 44 and 45, groups G8, G10, G11, G12, G13, G16, G17, G18 and G19. G11 has a large crack and has fallen over the existing fence, this would also need to be cut back.
- 5.8.13. Further guidance and general recommendations can be found in the Arboricultural Survey Report which is submitted alongside this planning statement.
- 5.8.14. In summary, protective measures would be implemented to ensure that trees located within the site boundary are protected during the construction and operation phases. 8 trees are recommended for removal to facilitate the proposed development, this includes trees 31-35, 42 and G7. To mitigate the removal of these trees, the development has sought to replant trees on site. Due to the constrained nature of the site and sub terrain utilities, tree planting is not viable. The site is unable to support tree planting as the root network would damage the wetland cells, resulting in loss of process functionality. The mitigation strategy has therefore proposed additional hedgerow planting across the site in accordance with the Landscape Mitigation Planting Plan. The combination of the wetland and hedgerow creation will deliver the required BNG target. The planting and improvement of hedgerows on site will preserve the existing field network and open landscape character of the area as defined by the LVA. This demonstrates compliance with NPPF paragraph 131 and local plan policy LP33.

## 5.9 HERITAGE

- 5.9.1. Local Plan Policy LP35: Historic environment states that “*Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset*”.
- 5.9.2. A Historic Environment Desk-Based Assessment (HEDBA) is submitted as part of this planning application. This assessment confirmed there are seven designated heritage assets within the 1km study area. However, the report concludes that there are “no overriding historic environment constraints that would prohibit or substantially impact the Proposed Scheme”. On this basis the proposed development is considered to comply with Local Plan Policy LP35.

## 5.10 WASTE AND MINERALS

- 5.10.1. The site is located within a mineral safeguarding area. Policy LP38: Minerals Safeguarding states that development within safeguarded areas can only take place once it has been certain criteria has been met. However, this policy does not apply for temporary uses of sites for less than 5 years.
- 5.10.2. A coal mining risk assessment has submitted alongside this planning statement. This assessment notes that there are no mine entries within the site boundary or 100m of the site and the risk from recorded workings is low due to sufficient rock cover.

- 5.10.3. There are two seams which encroach within the site boundary, therefore there is a risk of unrecorded shallow workings, further ground investigation is needed to confirm the presence of these workings.
- 5.10.4. Local Plan Policy LP43: Waste management hierarchy states that the “*council will encourage and support the minimisation of waste production, and support the re-use and recovery of waste materials*”
- 5.10.5. Material excavated during the creation of the Integrated Constructed Wetland would be reused to reprofile the enabling works construction compound, this is subject to a separate planning application. This is demonstrating compliance with local plan LP43 as the material is being reused on the adjacent site.

## 5.11 AIR QUALITY

- 5.11.1. Local Plan Policy LP51: Air Quality, states that development is required “*to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.*”
- 5.11.2. The following general principles would also be applied to minimise dust pollution and subsequently the impact on air quality:
- Regular Site inspections would be carried out. The frequency of site inspections would be increased when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions;
  - All vehicle operators would be instructed to switch off engines when stationary to ensure no idling vehicles;
  - Cutting, grinding or sawing equipment would be fitted, or used in conjunction with, suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation systems;
  - Enclosed skips would be used;
  - Equipment would be made readily available on site to clean any dry spillages and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods;
  - On-site haul routes would be inspected for integrity and necessary repairs to the surface implemented as soon as reasonably practicable;
  - Where practicable, hard surfaced haul routes would be installed, which are regularly dampened down with fixed or mobile sprinkler systems, or mobile water bowsers and regularly cleaned.
- 5.11.3. The mitigation in place shows that the proposed development would not lead to an unacceptable impact on air quality of the area, complying with policy LP51 of the local plan.

## 6 CONCLUSION

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6.1.1. This Planning Statement has been prepared by WSP on behalf of our client, Yorkshire Water Services Limited (the “Applicant”), in support of an application submitted to Kirklees District Council (the “Council”) for full planning consent for the following scheme:

**Development of an Integrated Constructed Wetland (ICW), motor control centre kiosk, wetland outfall weir and associated ancillary plant for the operational improvements to Clayton West Wastewater Treatment Works.**

- 6.1.2. This planning statement has provided an overview of the Proposed Development. It has set out the need for the Proposed Development and has identified the material considerations and examined how any residual adverse effects would be mitigated.
- 6.1.3. The Proposed Development would provide additional treatment for treated effluent and treatment of a proportion of storm overflows.
- 6.1.4. The Applicant considers that the Proposed Development achieves a design that balances the clear need for development with the potential for environmental impacts at the Site location and surrounding area.
- 6.1.5. In conclusion, the Proposed Development accords with the relevant national and local planning policy and thus, the Applicant considers that planning permission should be granted.



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