



**BARNSELEY**  
Metropolitan Borough Council

## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0916

**To** Turley Associates  
Matthew Sheppard  
33 Park Place  
Leeds  
West Yorkshire  
LS1 2RY

**DESCRIPTION** Deposition of mulched tree roots and associated material up to a depth of 1m and associated landscaping.

**LOCATION** Land adjacent to the Transpennine Way and Littlefield Lane, Wombwell, Barnsley, S Yorkshire.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 20 August 2010 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed *Stephen Moralee*  
Assistant Director, Planning and Transportation

Dated 01 October 2010

- 2 The development hereby approved shall be carried out in strict accordance with the plans and specifications received on 27th July 2010 and the subsequent amendments submitted under the following documents and plan unless prior written consent has been given by the Local Planning Authority to any minor variation:

- Ecological Assessment submitted by BE Brooks Ecological Ltd (July 2010);
- Method Statement for enabling works dated 15th July 2010 (rev C);
- Drainage and Flood Risk Assessment dated 17th September 2010;
- Amended Plan entitled ' Wombwell Foulstone ALC Buildability and Phasing Drawing' dated 1st September 2010;
- Proposed Woodland Areas (ref - BSF WWA 01);
- Off Site Planting (ref - BP4L\_WOM\_PLI\_91\_SW\_00\_10) dated 14th September 2010;
- Red Line Plan (ref - BP4: \_WOM\_PLI\_91\_SW\_00\_11);

- Topographical Survey (ref - BP4L\_WOM\_PLI\_91\_SW\_00\_13);
- Barnsley BSF Phase 3 (00) Earthworks Remediation Clauses August 2010  
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**Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy BE6, Design Standards.**

- 3 Unless otherwise agreed in writing by the Local Planning Authority, and with the exception of landscaping, the development hereby permitted shall have a duration of 9 months from the date of the commencement.

**Reason: To ensure that the development is carried out in an appropriate timescale.**

- 4 No development or other operations being undertaken shall take place on site in connection with the development until the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) have been submitted to and approved in writing by the Local Planning Authority:

- 1) Tree protective fencing details
- 2) Tree protective fencing location

No development or other operations shall take place except in complete accordance with the approved methodologies.

**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**

- 5 No material shall be deposited on the site until there has been submitted to and approved in writing by the Local Planning Authority a method statement. The method statement shall include, but not be limited to, detailing the method for ensuring the deposited material is not in excess of 100mm diameter, details of soil stripping/ripping measures and mitigation measures to ensure the watercourses/drains running adjacent to the site are adequately protected. Thereafter, the development shall be carried out in complete accordance with the method statement throughout the duration of the operations.

**Reason: To ensure a suitable planting medium for restoration.**

- 6 Within 3 months of the commencement of development, full details shall be submitted to and approved in writing by the Local Planning Authority including the proposed tree planting works, including details of the species, positions and planted heights of proposed trees and shrubs; along with details of mature tree and shrub sizes and their effectiveness for their purpose such a screening or amenity feature. The approved Tree Planting details shall be implemented within the first planting season following the completion of the deposition of material.

**Reason: In the interests of the visual amenities of the locality.**

- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority within 6 months of the date of the commencement of the development. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality.**
- 8 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.  
**Reason: To safeguard existing trees, in the interest of visual amenity.**
- 9 No hedges or trees on the site existing or subsequently planted as part of the Landscaping works (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.  
**Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.**
- 10 Works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays  
**Reason: In the interests of the local amenity.**
- 11 No development shall take place until a management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include, but not be limited to, details of the following:
- the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - measures to control the emission of dust, bioaerosols and dirt during tree removal, mulching and deposition
  - measures to reduce the spread of fire and the likelihood of an associated smoke or odour nuisance should a fire occur on site
  - measures to monitor and mitigate noise during tree removal, mulching and deposition
- Reason: In the interests of the local environment.**
- 12 No development shall commence until the means of access, including the precise location and dimensions of the proposed temporary bridge and associated arrangements to provide access to the site, and reinstatement following completion of the works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.  
**Reason: In the interests of the local environment.**

- 13 Within one month of the timescale pursuant to condition number 3 a final plan shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall outline the final levels of the land and shall include, but not be limited to:

- a) Details of final levels
- b) Surface treatment
- c) The timescale for implementation

Once approved the scheme shall be fully completed in accordance with the approved details, including timescale.

**Reason: In the interest of the proper restoration of the site.**

- 14 The development hereby permitted shall not be commenced until such time as a scheme has been submitted to, and approved in writing by, the local planning authority to improve the existing surface water disposal system.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason: In the interests of the local amenity.**

- 15 The Local Planning Authority shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of development.

**Reason: To enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.**

#### **Reason(s) for Granting Permission**

- 1 Unique The proposed development is considered to be a sustainable form of waste management and complies with the provisions of PPS10 (Sustainable Waste Management) and UDP policy WD3. The proposal is not considered to be inappropriate development in the Green Belt and complies with GS7 and GS9 of the Barnsley UDP. The proposal is not considered likely to give rise to flooding issues and complies with the provisions of PPS25 (Development and Flood Risk).

## Informative(s)

- 1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:
  - Collapse of shallow coal mine workings;
  - Collapse of, or risk of entry into, mine entries (shafts and adits);
  - Gas emissions from coal mines including methane and carbon dioxide;
  - Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
  - Transmission of gases into adjacent properties from underground sources through ground fractures;
  - Coal mining subsidence
  - Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

- 2 Storage, treatment and disposal of waste without an environmental permit or relevant exemption is an offence. You will need to apply to the Environment Agency for the relevant permit/exemption prior to carrying out any works.

## **NOTES:-**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.