



GRANT OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2025/0514

To Johnson Mowat
Coronet House
Queen Street
Leeds
LS1 2TW

DESCRIPTION Outline planning for residential development for up to 230 dwellings (Access only)
(ADDITIONAL INFORMATION RECEIVED)

LOCATION Land at Pit Lane, Wombwell, Barnsley

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 19/09/2025 and described above.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

The approval is subject on compliance with the following conditions:

- 1 An application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - Layout
 - Scale
 - Design and external appearance
 - Landscaping**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**

- 3 No development relating to the site access shall commence until full engineering details of the site access works on Pit Lane, including the realignment, priority junction geometry, footways (2m both sides), tie-ins, drainage, street lighting, signage/lining, tactile paving, and interface with Aldham House Lane/Windmill Road/Summer Lane, as shown indicatively on drawing 23081/GA/01 rev F, have been submitted to and approved in writing by the Local Planning Authority (LPA). The approved works shall be delivered via a Section 278 Agreement and completed prior to first occupation of the development (or in accordance with a phasing plan to be agreed).

Reason: To ensure safe and suitable access for all users

- 4 No development shall commence on the access hereby approved until details of the off-site pedestrian and cycle improvements identified within the Transport Assessment Technical Note, Rev 1 (October 2025) as detailed within section 2.5.25 (including provision of tactile paving and crossing upgrades) have been submitted to and approved by the Local Planning Authority (LPA). These works shall be completed prior to first occupation.

Reason: To ensure safe and suitable access for all users.

- 5 No development shall commence on the approved access works until a Stage 2 Road Safety Audit (RSA) and corresponding Response Report have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall thereafter be carried out in full accordance with the approved mitigation measures. Following completion of the access works, a Stage 3 RSA shall be undertaken and submitted to the LPA for approval prior to the access being brought into use. A Stage 4 RSA shall be undertaken 12 months after the access becomes operational, with any mitigation identified implemented in accordance with a timetable to be agreed with the LPA. All Road Safety Audits, Designer's Responses and mitigation measures shall be undertaken and completed in accordance with DMRB GG119, by a suitably qualified and independent audit team. Reason: In the interests of highway safety and to ensure the access operates safely for all users.

Reason: To ensure safe and sustainable access for non-motorised users

- 6 No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety.

- 7 Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for off-site highway works as indicated on drawings numbered 23081/GA/02 and 23081/GA/01 Rev F have been submitted to and approved in writing by the LPA.

Reason: To ensure that the highway works are designed to an appropriate standard in the interest of highway safety

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for (but not limited to):

- i. The parking of vehicles of site operatives and visitors
- ii. Details of construction traffic routing
- iii. Means of access for construction traffic
- iv. Loading and unloading of plant and materials
- v. Storage of plant and materials used in constructing the development
- vi. Measures to prevent mud/debris being deposited on the public highway.
- vii. Details of the provision of an on-site water supply or water storage facility;
- viii. Measures to control the emission of dust and dirt during works;
- ix. Measures to control noise emissions during works;
- x. A scheme for recycling/disposing of waste resulting from earthworks or cut/fill.

Reason: In the interests of highway safety and to reduce impacts on health and the quality of life.

- 9 No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:

- i. A plan to a scale of 1:1250 showing the location of all defects identified
- ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety.

- 10 The realigned section of Pit Lane shall not be brought into use until a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 has been confirmed by the Secretary of State (in accordance with drawing no 23081/GA/01 Rev E) and a copy of the confirmed Order has been submitted to and acknowledged in writing by the Local Planning Authority.

Reason: To ensure that public highway rights are lawfully extinguished prior to development, in the interests of legal compliance, public safety, and the proper implementation of the approved scheme.

- 11 No development shall commence until details of all highway retaining structures, including construction status drawings and specifications have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4

12 No development shall take place unless and until

(a) full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

(b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways; and

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways.

are all approved in writing by the Local Planning Authority.

Reason: To ensure the proper drainage of the area

13 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network

14 No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Thereafter, no dwelling or building shall be occupied or brought into use prior to completion of the foul drainage works unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 6 metres of the watercourse shown on the approved plan.

Reason: To prevent damage to the existing sewer, watercourse or culvert.

16 No development shall take place until a scheme for disposing of surface water by means of a sustainable drainage system is approved by the Local Planning Authority.

The scheme shall include the following details:

Information about the design storm period and intensity, the method

employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- A timetable for its implementation; and

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: To ensure the proper drainage of the area

- 17 Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the Local Planning Authority. The CEMPB shall include, but not necessarily be limited to, the following:
- Risk assessment of potentially damaging construction activities;
 - Identification of 'biodiversity protection zones';
 - An Invasive Non Native Species (INNS) protocol to ensure INNS are not spread in the wild;
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - Responsible persons and lines of communication;
 - The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s).

Reason: In the interests of protecting biodiversity and preventing harm to habitats and species during the construction phase, in accordance with Local Plan Policy BIO1.

- 18 Notwithstanding the submitted details, prior to first occupation of the site, details of external and internal lighting (where applicable), shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be reviewed a suitably qualified ecologist to demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:
- Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
 - A drawing showing dark corridors and buffer areas;
 - A report and drawings showing how and where lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to breeding sites/resting places, this should include;
 - Technical descriptions, design or specification of lighting to be installed including shields, cowls or blinds where appropriate;
 - A description of the luminosity of lights and their light colour;
 - A plan showing the location and where appropriate the elevation and height of the light fixings;
 - Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
 - Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

Reason: To ensure that external lighting is designed and implemented in a manner that protects biodiversity and avoids disturbance to sensitive habitats and species, in accordance with Local Plan Policy BIO1.

- 19 Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog access points and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
- Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
 - Materials and construction to ensure long lifespan of the feature/measure
 - A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
 - When the features or measures will be installed within the construction, occupation, or phase of the development

Reason: To secure measurable biodiversity enhancements as part of the development in accordance with Local Plan Policy BIO1.

- 20 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) has been submitted to and approved by the Local Planning Authority, prepared in accordance with an approved Biodiversity Gain Plan, which is to accord with the Ecological documents submitted with the application by Futures Ecology reference FE302/BIA01 dated October 2025. The HMMP shall include:
- a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, and approved in writing by, the local planning authority.
 - f) A timetable for implementation and completion of creation and enhancement works.
 - g) Notice in writing shall be given to the Council within 10 working days of the implementation of the HMMP
 - h) Notice in writing shall be given within 10 working days of the completion of the habitat creation and enhancement works as set out in the HMMP and a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.
 - i) Thereafter the created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP] for a period of 30 years following the completion of the development.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Local Plan Policy BIO1 and Schedule 7A of the Town and Country Planning Act 1990

- 21 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

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.

- 22 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved landscaping details shall be implemented prior to the occupation the dwelling.
Reason: In the interests of the visual amenities of the locality
- 23 No development shall take place until further sampling and testing of samples of topsoil recovered from the area of TP07 as identified in the Geoenvironmental Appraisal reference 4721/1 is undertaken.
The result of this sampling shall then guide an appropriate remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health. The remediation scheme shall be submitted to and approved in writing by the Local Authority.
Development shall not commence until the measures approved in the scheme have been implemented. On the completion of measures identified in the approved remediation scheme, a Validation Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Authority.
Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Local Plan Policy POLL1.
- 24 Prior to first use of the new site access, visibility splays as dimensioned on plan 23081/GA/01 Rev F shall be provided and maintained thereafter free of obstruction above 1.05 m (vehicles) and 0.6 m (pedestrians).
Reason: In the interests of highway safety.
- 25 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Pit Lane in accordance with details as approved under condition 7.
Reason: To ensure streets are completed prior to occupation and satisfactory development of the site

- 26 Prior to occupation of any dwellings hereby approved, the noise mitigation measures described in report 'Residential Noise Assessment' produced by Environmental Noise Solutions Limited dated 12 September 2025, ref: NIA-11128-23-11436-v2, shall be implemented so that environmental noise does not cause significant adverse impacts on health or the quality of life as required by noise planning policy, to those living and working in the development. This includes:
- All road-fronting habitable rooms of plots adjacent to Pit Lane shall be fitted with enhanced laminated glazing rated at least 38 dB Rw+Ctr
 - All road-fronting habitable rooms of plots adjacent to Pitt Lane shall be fitted with acoustic wall vents rated at least 41 dB Dn,e,w+Ctr per 8000 mm² EA (vent open)
 - All habitable rooms fronting towards the railway line shall be fitted with double glazing rated at least 28 dB Rw+Ctr (such as 6 mm glass / 6-20 cavity / 4 mm glass) in conjunction with standard wall vents or trickle vents rated at least 32 dB Dn,e,w per 4000 mm² EA (vent open).

Once the acoustic product is selected, a qualified and competent acoustic consultant shall confirm the product meets the requirements specified above and confirmation shall be sent to the Local Planning Authority.

The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

- 27 The development shall not be first occupied or brought into use until a Full Travel Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within three months of occupation, evidence of the implementation of measures set out in the Travel Plan shall be prepared, submitted to and agreed in writing with the LPA unless alternative timescales are agreed in writing.

Reason: To support sustainable transport objectives.

- 28 The reserved matters application shall be accompanied by a detailed boundary treatment plan for all plots adjoining the northern boundary. The submitted plan shall specify the type, height, design and construction details of the proposed acoustic barrier(s), which shall achieve an equivalent level of noise attenuation to a solid 2-metre-high masonry wall or double-thickness acoustic timber fence with no gaps, fully sealed at the base (including the use of gravel boards and cover strips). The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure appropriate mitigation of noise impacts and to protect the health and quality of life of future and neighbouring occupants, in accordance with Local Plan policy.

- 29 During works, construction or demolition related activity shall only take place onsite between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays

Reason: To reduce or remove adverse impacts on health and quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 It is recommended that measures are taken to prevent a nuisance/or affect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke, odour, light or dust. No waste should be burnt. If a Statutory Nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, light, odour, dust or smoke nuisance from being created
- 2 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555
- 3 The development hereby approved includes the construction of new highway. To be considered for adoption and on-going maintenance at public expense, it must be laid out and constructed to the BMBC engineering standard details and to the terms of phasing of the development. You are advised that you must enter into a highway agreement under s38 of the Highways Act 1980. The development will be bound by the Sections 219 to 225 of the Highways Act 1980 (the Advances Payments Code). Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control on email HighwaysDC@barnsley.gov.uk or call to 01226 773555 prior to any work commencing on site. Please note that it is necessary to gain all technical and legal approvals for all street road details from the LHA prior to submission of such approved details to the LPA to discharge condition x of this consent.
- 4 Any highways structures will require technical approval in accordance with the approval procedure based on DMRB CG300 – Technical Approval of Highways Structures. If an AIP is required, the developer will be responsible for preparing and submitting the AIP, with the technical approving body being the Highway Authority. The completed design, including proprietary designs, cannot be implemented until Highway Authority is in receipt of certified confirmation that the implementation documents are accurate and fully in compliance with the requirements of the AIP. Designs that do not require an AIP (typically category 0 but not limited to) will also need to be submitted to Highway Authority for review in accordance with DMRB CG300

- 5 You are advised that a Traffic Regulation Order (TRO) is necessary. You must submit a plan to a scale of 1:1250 of the indicative scheme, along with timescales for the commencement and completion of the development hereby approved. Please be aware that the process is statutory and involves public advertisement of the proposals and the resolution of objections. The outcome of the process cannot be guaranteed. Time based fees are payable for the administrative process, including legal costs, and are separate from the costs of lining, signing and resurfacing required by the TRO. You should expect a minimum of six months to elapse between the LHA's Traffic team confirming that it has all the information necessary to enable it to proceed and the TRO is advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed. For more information and arrangements contact Traffic by emailing Traffic@barnsley.gov.uk

NB: The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

- 6 The applicant is advised that the implementation of a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 does not extinguish or override the rights or interests of statutory undertakers in respect of any apparatus located within the affected highway.
- Prior to the commencement of development, the applicant should undertake comprehensive engagement with all relevant statutory undertakers (including utilities, telecoms, and infrastructure providers) to:
- Identify any existing apparatus (e.g. cables, pipes, ducts, chambers) that may be affected by the proposed development or highway stopping up.
 - Determine whether any protective provisions, diversions, or relocations are required.
 - Secure any necessary wayleave agreements, easements, or consents to ensure continued access, maintenance, and operation of apparatus.
- The applicant should allow sufficient time for statutory undertakers to assess proposals, undertake necessary works, and issue formal approvals. Failure to address these requirements may result in delays to the development, enforcement action, or legal liability for damage or disruption to essential services. The Local Planning Authority may request evidence of such engagement and resolution prior to discharge of relevant conditions or commencement of works.
- 7 The applicant is further advised that where existing statutory undertaker apparatus is affected by the associated stopping up of highway land, temporary service diversions may be required to maintain continuity of supply and access during construction. Any such diversions should be planned and agreed in advance with the relevant undertakers, and implemented in accordance with their technical requirements and statutory obligations. Upon completion of the development, the applicant may be required to reinstate or permanently relocate apparatus to a suitable position, subject to the undertaker's approval and any necessary wayleave or easement agreements. The applicant is responsible for all costs associated with diversion, protection, and reinstatement works, and should ensure that sufficient time and budget are allocated to meet these obligations.
- 8 The applicant is further advised that where existing statutory undertaker apparatus is affected by the associated stopping up of highway land, temporary service diversions may be required to maintain continuity of supply and access during construction. Any such diversions should be planned and agreed in advance with the relevant undertakers, and implemented in accordance with their technical requirements and statutory obligations. Upon completion of the development, the applicant may be required to reinstate or permanently relocate apparatus to a suitable position, subject to the undertaker's approval and any necessary wayleave or easement agreements. The applicant is responsible for all costs associated with diversion, protection, and reinstatement works, and should ensure that sufficient time and budget are allocated to meet these obligations.

- 9 The use of a soakaway system has to be located outside the carriageway and at least 5m from any building which may affect the layout shown. It should be noted that a commuted sum to be used towards the future maintenance costs of each highway drain soakaway, shall be agreed with and paid to the Council, prior to the issue of the Part 2 Certificate.
- 10 Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 13. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.
- 11 Fees associated with the required condition survey together with any necessary remedial works and any relevant s278 agreement are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement.
- 12 No hoarding shall be erected on or within the extent of the public highway without the prior approval of the Local Highway Authority and the necessary licencing being obtained. Applications for licences can be made via: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/licences-for-scaffolding-and-hoardings/>

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 24 September 2026



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

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

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.

STATUTORY BIODIVERSITY NET GAIN CONDITION

DEEMED CONDITION

(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021)

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the plan.

The Biodiversity Gain Plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- h) a description of the development and planning permission reference number (to which the plan relates);
- i) the [relevant date](#), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- j) [the completed biodiversity metric calculation tool\(s\)](#), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the [relevant date](#), and post-development biodiversity value;
- k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the [relevant date](#), and drawn to an identified scale and showing the direction of North;
- n) a description of any [irreplaceable habitat](#) on the land to which the plan relates which exist on the [relevant date](#), and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- o) if [habitat degradation](#) has taken place:
 - i. a statement to this effect,
 - ii. the date immediately before the degradation activity,
 - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
 - iv. any available supporting evidence for the value.

INFORMATIVE 1

When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

INFORMATIVE 2

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

INFORMATIVE 3

A Biodiversity Net Gain Template can be found here:

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

INFORMATIVE 4

The statutory deemed condition above is relevant to all major applications submitted since 12th February 2024 and to all non-major applications submitted after 2nd April 2024, unless exempt.

The onus is on the applicant/agent to notify the Local Planning Authority at developmentmanagement@barnsley.gov.uk if the application was exempt and provide the reasons for the exemption. Exemptions can be found at this link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>