BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0609

To Wardell Armstrong LLP
City Quadrant
11 Waterloo Square
Newcastle UponTyne
Tyne and Weat
NE1 4DP
ST1 5BD

DESCRIPTION Variation of condition 19 of planning application B/99/1274/PR (Review of Mineral Planning Permission Conditions attached to PR2135) to amend restoration scheme

LOCATION Banks Wood Quarry, South Lane, Cawthorne, Barnsley, S75 4NL

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 31 May 2019 and described above.

The approval is subject on compliance with the following conditions:

1 The approval granted for B/99/1274/PR, as varied by this current application (2019/0609), is for a limited period only expiring on the 21st February 2022 by which date all operations shall have ceased and all land shall have been restored in accordance with the approved plans Nos. BW 1099/05 and NBW 1099/08 and supporting statement except required by conditions attached hereunder (which shall in all cases take precedence).
Reason: To restrict the period of operations in the interests of amenity in accordance with Local Plan Policy MIN1.

2 Except with the prior written approval of the Local Planning Authority, working operations upon the site shall be limited to the hours between 0800 hours and 1730 hours on Monday to Friday, 0900 hours and 1300 hours Saturday and not at all on Sundays and Bank Holidays. These conditions shall apply except in cases of emergency. For the avoidance of doubt no plant or vehicle engines shall be started and no operations shall take place, including haulage/tipping vehicle movements, at any time outside these hours.
Reason: To restrict the period of operations in the interests of amenity in accordance with Local Plan Policy MIN1.

3 The sole means of vehicular access to and egress from the site shall be from the existing access to the Naylor Clayware Factory on Lane Head Road. No access of egress shall be directly via South Lane.
Reason: in the interests of road safety in accordance with Local Plan Policy T4.

4 For the duration of the approved operations the existing warning signs, erected on both sides of the South lane crossing warning of heavy plan, shall be maintained and unobstructed from view.
Reason: in the interests of road safety in accordance with Local Plan Policy T4.

5 All reasonable steps shall be taken to ensure that all vehicles leaving the site are in such a condition as not to emit dust of deposit slurry, mud, coal or other material from the site onto the highway. The access/site haul roads shall be maintained in a clean condition for the duration of the development. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, such materials shall be immediately removed by the operator.
Reason: in the interests of road safety in accordance with Local Plan Policy T4.

6 No blasting shall be carried out at the site.
Reason: To protect the environment in accordance with Local Plan Policy POLL1.

7 No vehicles used for the movement of soils and overburden with the site shall be equipped with downward pointing exhaust pipes.
Reason: In the interests of local amenity and to protect the environment in accordance with Local Plan Policy POLL1.

8 Except for soil stripping and replacement operations and baffle/screen mound construction and removal, operations shall be controlled such that the site attributable to free field equivalent continuous A-weighted sound pressure levels (LAeq) for any one hour period during working hours, shall not exceed 55dB(A).
Reason: In the interests of local amenity and to protect the environment in accordance with Local Plan Policy POLL1.

9 At all times during the carrying out of operations authorised or required by virtue of this permission, best available techniques shall be employed to minimise dust. Such measures may include water bowsers; sprayers mobile and fixed; or similar equipment; regulating the speed of vehicles on the site; and such other steps as are appropriate. At such times, when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority, in consultation with the site operator, to be impracticable the movements and excavation of soils, overburden and clay shall be temporarily curtailed until such time as the site/weather conditions improve such as to permit a resumption.
Reason: In the interests of local amenity and to protect the environment in accordance with Local Plan Policy POLL1

10 The development shall be carried out in accordance with the approved scheme for the monitoring of dust emitted from operations for application B/99/1274/PR and shall thereafter be maintained for the duration of the development.
Reason: In the Interests of local amenity in accordance with Local Plan Policy POLL1.

11 Any above ground oil or liquid storage tanks shall be located within a bund having a capacity of 110% of the largest combined volume. The floor and walls of the bund shall be impervious to oil and water and resistant to stored chemicals. All oil and chemical containers shall be stored in a compound with an impervious base graded such that the contents of the largest drum are retained in the vent of spillage.
Reason: To prevent contamination of existing watercourses. Oil and liquid storage to be located within a bund in accordance with Local Plan Policy POLL1.

12 The development shall be carried out in such a manner as to prevent the contamination blockage or diversification of any watercourse or ditch, passing through or adjacent to the site, with material resulting from or used in connection with any work involved., no ground or surface water shall be disposed of off-site unless a scheme showing settlement and discharge arrangement has been submitted to and approved in writing by the Local planning Authority.
Reason: To prevent the pollution of the water environment in accordance with Local Plan Policy POLL1.

13 The boundaries of the site occupied for the approved purposes shall be kept proof against the entry of stock from any land not in the occupation of the permission holder.
Reason: To prevent stock from gaining access to the site in accordance with Local Plan Policy MN1.

14 The haul road access points of South lane shall, throughout the period of development, continue to be provided with lockable gates, such gates shall remain securely locked when the site is not operational or outside the approved working hours.
Reason: To restrict access to the site in the interests of public safety with Local Plan Policy T4.

15 No turf, topsoil or subsoil shall be removed from the site.
Reason: In the interest of the proper restoration of the site in accordance with Local Plan Policy MN1.

16 The topsoil and subsoil mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be suitably managed throughout the period of storage.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

17 The quantities of topsoil and subsoil shall be measured and recorded on a suitable plan.
Reason: In the Interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

18 Tipping operations shall only occur within the excavated void as shown on drawing No. BW 1099/06. No tipped material shall be stored (i.e. heaped) above adjacent ground levels at any time and in the event of the void space not being available, tipping operations shall temporarily ceased until such time as a void exists.
Reason: In the interests of local amenity in accordance with Local Plan Policy POLL1.

19 The development shall be carried out in accordance with the submitted restoration scheme drawing number NT14203-001 Rev A and Revised Restoration Plan Report dated February 2020. The site shall thereafter be restored in complete accordance with the approved scheme.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

20 No processing, sorting or treating of imported wastes shall occur at any time on the site and no imported waste shall at any time be removed from the site without the prior written approval of the Local Planning Authority.
Reason: In the interests of local amenity in accordance with Local Plan Policy MN1.

21 Tipped material and overburden, excluding subsoil, topsoil and soil making material shall be so replaced and graded as to ensure that the site can be adequately drained and will, after the replacement of the subsoil and topsoil and after settlement, generally conform with such contours as are shown on drawing No. BW 1099/05.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

22 Prior to the re-spreading of subsoil and soil making material, the surface onto which is to be placed shall be graded and profiled in accordance with the approved levels and shall be cross ripped to a minimum depth of 300mm in any direction and any other deleterious materials shall be removed off site or buried on site not less than 3 metres below the final surface level.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

23 Prior to the commencement of soil replacement operations the depths of topsoil and subsoil to be resurfaced on the site shall be agreed in writing with the Local Planning Authority. Topsoil and subsoil shall thereafter be replaced in accordance with the approved depths.
Reason: In the Interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

24 Topsoil and subsoil shall only be re-spread when these and the ground onto which they are to be placed are in a dry and friable condition.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

25 On receipt of approval of the Local Planning Authority to the work required by Condition No. 22 above, all available subsoil shall be re spread over the site, grade, profiled and cross ripped to its full depth by a heavy duty subsoiling implement with winged tines set no wider than 600 mm apart (2 metres apart on the tree planting area). All areas of subsoil not previously excavated shall be rooted to 600 mm depth, 600 mm spacings. Subsoil to be replaced shall be re-spread in two layers of equal thickness to achieve an overall target depth of 900 mm. Prior to the commencement of ripping operations the Local Planning Authority shall be offered the opportunity to Inspect the heavy duty subsoiling implement to ensure compliance with the time spacings end design. Stones at the surface of the subsoil or replaced subsoil which exceed 150 mm in any direction and other deleterious materials shall be removed from the site or burled on site not less than 3 metres below final surface contours.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

26 On receipt of approval of the Local Planning Authority and the work required by condition No.25 above topsoil shall be re-spread evenly over those areas which are to receive topsoil. The topsoil shall be rooted with an agricultural winged, fined subsoiler and cultivated. Topsoil upon which other topsoil has been stored shall be cultivated as above. Stones at the surface of the rooted, replaced topsoil which exceed 75 mm in any direction and other deleterious materials shall be removed from the site or buried on site not less than 3 metres below final surface contours. The depth and tine spacing of the subsoiler shall be agreed with the Local Planning Authority prior to the commencement of subsoiling.
Reason: In the Interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

27 Following completion of works required by Condition No. 26 the land shall be worked to prepare a seedbed suitable for sowing. Within the recognised seeding season the land shall be sown. Details of the species and seed rate shall be agreed with the Local Planning Authority prior to sowing and where adverse weather conditions or other delays prevent sowing within (he recognised seeding season alternative treatment of the restored soils shall be also agreed with the Local Planning Authority.
Reason: In the Interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

28 On completion of the development, with the exception of the final drainage, tree planning and aftercare measures, the site haul road shall be removed and the land restored within one year of the date of cessation of tipping operations in accordance with a scheme which shall have received prior written approval of the Local Planning Authority.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

29 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

30 Restoration of the land shall Include the provision of an efficient drainage system in accordance with the scheme to provide for the temporary provision of surface water run off and permanent drainage provision including under drainage. Site drainage shall thereafter be installed in full accordance with the approved scheme no later than two years following compliance with Condition 27 of this permission.
Reason: In the Interests of the proper restoration of the site in accordance with Local Plan Policy MN1.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Please be aware that the Council monitors construction sites and open land within the vicinity 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 the approved development is disposed of via approved methods and that documents are retained to prove this.

1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

Signed JM Jenkinson Dated 05 June 2020

Joe Jenkinson
Head of Planning and Building Control

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.