



## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/1401

**To** MWP Planning  
10 Dobroyd  
Shepley  
Huddersfield  
HD8 8AU

**DESCRIPTION** Variation of condition 1 of planning permission 2016/0068 (variation of conditions 3 and 6 of application 2015/0823 to permit revised access arrangements and to increase the number of HGV movements), to extend the duration of the development by a further 2 years to enable completion of restoration scheme

**LOCATION** Former Carlton Colliery, Shaw Lane, Carlton, Barnsley, S71 3HJ.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 30 October 2017 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the 29th July 2019.  
**Reason: To ensure the development is carried out in an appropriate timescale and in accordance with Core Strategy Policy CSP 38 and JWP WCS14.**
- 2 With the exception of landscaping and aftercare, the development hereby permitted shall have a duration of 2 years from the date of commencement.  
**Reason: For the avoidance of doubt and in the interests of local amenity and in accordance with CS policy CSP38 and JWP policy WCS4.**
- 3 Five days notice in writing shall be given to the Local Planning Authority of the date that the development hereby approved is commenced.  
**Reason: For the avoidance of doubt and in the interests of local amenity.**
- 4 The applicant shall be responsible for ensuring that, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the Waste Planning Authority (WPA) during normal working hours.  
**Reason: To ensure that the development is carried out in accordance with the approved details.**

- 5 The development hereby permitted shall only be carried out in accordance with the following documents approved under planning permission 2007/1365 and consolidated under planning permissions 2011/1248 and 2015/0823, and under planning permission 2016/0068 unless amendments are made pursuant to the other conditions below:
- a) Drawing number DTS/CC/2006/REST 03 - Restoration Scheme - showing the red line application boundary - dated August 2006, and received by the WPA on 21 December 2007;
  - b) Drawing number DTS/CC/2006 01A - Former Carlton Colliery - Topographical Survey Showing Pond Areas - dated March 2008, and received by the WPA on 3 March 2008;
  - c) Drawing number DTS/CC/2006/DUST 01 - Remediation Strategy - Dust Plan - dated August 2006, and received by the WPA on 6 September 2007;
  - d) Drawing number DTS/CC/2006/SC 02 - Remediation Strategy - Spontaneous Combustion Plan - dated August 2006, and received by the WPA on 19 September 2007;
  - e) Drawing number 813 101 Rev A - new road layout - received on 12th July 2017.
  - f) Drawing number DTS/CC/2007 02C - Remediation Strategy - Noise Monitoring Positions - dated November 2006, and received by the WPA on 6 September 2007;
  - g) Drawing number DTS/CC/2007/REST 03B - Remediation Strategy - Restoration Scheme - dated March 2008, and received by the WPA on 3 March 2008;
  - h) Drawing number DTS/CC/2006/REST 04 - Remediation Strategy - Restoration Phasing Plan - dated November 2006, and received by the WPA on 6 September 2007;
  - i) Drawing number DTS/CC/2006/REST 06 - Remediation Strategy - Restoration Cross Sections - dated November 2006, and received by the WPA on 15 June 2007;
  - j) Drawing number DTS/CC/2006/REST/07 - Remediation Strategy - Restoration Cross Sections - dated November 2006, and received by the WPA on 15 June 2007;
  - k) Drawing number DTS/CC/2007/REST/08 - Remediation Strategy - Screening Bund Construction - dated May 2007, and received by the WPA on 19 September 2007;
  - l) Drawing number DTS/CC/2007 11 - Proposed Restoration - Proposed Passbye Position - dated September 2007, and received by the WPA on 19 September 2007;
  - m) Statement To Accompany A Planning Application For The Remediation Of The Former Carlton Colliery, produced by Fennell, Green & Bates and dated August 2007, received by the WPA on 19 September 2007;
  - n) Restoration Landscaping Proposals, produced by Fennell, Green & Bates and dated August 2007, received by the WPA on 6 September 2007;
  - o) Drawing number DTS/B/292/1b - Landscape Details - dated May 2010, and received by the WPA on 28 June 2010;
  - p) Drawing number 2007/1365/02 - Drainage Pond Details - dated December 2008;
  - q) Spontaneous Combustion Report For the Site Known As Carlton Colliery, prepared by Cromwell Wood Estate Company Limited and dated August 2007, received by the WPA on 6 September 2007;
  - r) Dust Report for the Site Known as Carlton Colliery, prepared by Cromwell Wood Estate Company Limited and dated March 2006;
  - s) Dust Action Plan, November 2008, Revision A - April 2009;
  - t) Assessment of Environmental Noise for DTS by Vibrock Limited, report number R07.5216/1/PC dated 22 October 2007;
  - u) Noise Monitoring Procedure Scheme by Vibrock Limited, scheme number SCH09.5921/1/TJW, dated 01.05.09;
  - v) Site Investigation report prepared by Cromwell Wood Estate Company and dated April 2006; and
  - w) Letter dated 6 May 2009 from Mr J Carlon to Mr J Scott and attached Remediation Strategy for Former Carlton Colliery, Revision 3 - April 2009.
  - x) Second Revision to Noise Impact assessment dates 30th March 2016 by S & D Garritt Ltd
  - y) Drawing 813101REV A dated July 2016 showing new access and road layout.
- Reason: For the avoidance of doubt and in the interests of local amenity.**

- 6 Working operations within the site including vehicle haulage movements and maintenance shall be limited to the hours between 0800 hours and 1800 hours on Monday to Friday and 0800 hours and 1300 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.
- Reason: In the interests of local amenity.**

- 7 The maximum amount of inert materials accepted at the site shall not exceed 110,000 cubic metres less the volume of material imported and retained under planning permissions 2007/1365 , 2011/1248 and 2015/0823 and 2016/0068. A written record shall be kept by the operator of the amounts and type of material accepted on a daily basis. These records shall be made available to the WPA for inspection on request and all such records shall be retained for at least 2 years.  
**Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and JWP policy WCS6.**
- 8 The number of HGV vehicles entering the site shall not exceed 60 vehicles per day subject to review by the Council at any time 6 months after implementation of this permission. Any such review shall consider the actual planning impacts of the vehicular movements and if the Council consider these planning impacts to be unacceptable the Council may reduce the number of vehicles entering the site to any number between 60 and 20. A record shall be kept by the operator of the number of HGV movements into the site on a daily basis. These records shall be made available to the WPA for inspection on request and all such records shall be retained for at least 2 years. The operator shall inform the Council, in writing, of the date of implementation of the 60 vehicles per day within 5 working days of having implemented it.  
**Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and JWP policy WCS6.**
- 9 On-site vehicular areas shall be hard surfaced and drained in accordance with approved plan 2007/1365 - 04 and retained for the duration of the development.  
**Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety and to accord with CS policy CSP40 and JWP policy WCS6.**
- 10 Vehicle wheel cleaning facilities as specified on drawing number 2007/1365/03 approved under planning permission 2007/1365 shall be provided and maintained in the approved position for the duration of the development and shall be used by all vehicles prior to exiting the site. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.  
**Reason: In the interests of highway safety and to accord with CS policy CSP40 and JWP policy WCS6.**
- 11 Operations associated with the development, excluding topsoil and subsoil stripping, shall be controlled such that the free field equivalent continuous noise level (L<sub>aeq</sub> 1hr) shall not exceed 55dB(A) or 10dB(A) (L<sub>aeq</sub> 1hr) above the background noise levels whichever is lower, as recorded at the boundary of any inhabited property.  
**Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.**
- 12 Any topsoil and subsoil stripping shall not exceed 70dB(A) (L<sub>aeq</sub> 1hr) as recorded at the boundary of any inhabited property, and be limited to a period not exceeding 8 weeks at any property.  
**Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.**
- 13 All vehicles used on site shall not exceed a sound pressure level of 80dB(A) as measured at a distance of 10 metres, 1.2 metres above ground level, under free field conditions or comply with the standards in BS 5228 Noise on Construction and Open Sites Part 1 1984, whichever level is lower.  
**Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.**

- 14 The monitoring of mobile plant shall be undertaken in accordance with the approved scheme, number SCH09.5921/1/TJW prepared by Vibrock Limited. Any mobile plant that does not meet with the specified noise limit shall be suspended from use on site until the specified noise limit can be shown to be achieved.  
**Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.**
- 15 All mobile plant shall be fitted with white noise vehicle reversing alarms.  
**Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.**
- 16 All operations on site shall be carried out in complete accordance with the approved Dust Action Plan, November 2008, Revision A - April 2009. When, due to site conditions the prevention of undue dust impact is considered to be impracticable by the WPA, operations shall cease until such time as conditions improve such as to permit a resumption.  
**Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and JWP policy WCS6.**
- 17 Any equipment used to monitor dust shall be installed, used and maintained for the duration of the development. Dust monitoring and meteorology records shall be made available to the WPA for inspection on request.  
**Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and JWP policy WCS6.**
- 18 Measures shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. These measures shall include but not necessarily be limited to the following:  
a) The use of adequate and working water suppression (hoses/sprinklers/water bowsers etc.) which shall be available for use, and utilised at all times when dust generating materials are being handled on site. Any materials likely to cause dust shall be effectively dampened prior to being handled;  
b) All vehicles transporting waste materials entering and leaving the site shall be securely sheeted;  
c) The effective maintenance of the access road;  
d) Any vehicles permanently stationed at the site shall be equipped with upward pointing exhausts; and  
e) The suspension of the movement of the subsoil materials during adverse dry windy conditions.  
**Reason: To protect local amenity, and to safeguard the occupants of nearby dwellings from the effects of dust and to accord with CS policy CSP40 and JWP policy WCS6.**
- 19 Deposited material shall be compacted in layers not greater than 200mm.  
**Reason: To allow for a high level of air exclusion in the interests of reducing the risk of underground fires.**
- 20 The screening bunds shown on approved drawings (numbers DTS/CC/2007/REST 08 - Screening Bund Construction and DTS/CC/2007/REST/03B - Restoration Scheme), shall not exceed 3 metres in height and the slopes shall be no greater than 1 in 3.  
**Reason: In the interests of visual amenity and maintenance of the bunds.**
- 21 Any soakaways or lagoons constructed as a means of storm/surface water disposal or storage shall not be constructed within 10 metres of the railway boundary or at any point which could adversely affect the stability of railway infrastructure.  
**Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.**

- 22 Any cranes and jibbed machines, used in connection with the development, shall be so positioned that the jib or suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail track if the boundary is closer than 3 metres.  
**Reason: In the interests of maintaining the safety of railway operations.**
- 23 By no later than the 1 November 2019, details of the composition of the top soil to be used in the reclamation of the site shall be submitted to, and approved in writing by, the WPA. Top soiling shall thereafter be carried out in accordance with the approved details.  
**Reason: In the interests of the proper reclamation of the site.**
- 24 The development shall be carried out in full accordance with the approved Remediation Strategy, Revision 3 - April 2009. Interim validation reports shall be submitted to, and approved in writing by, the WPA on a 6 monthly basis. The reports shall include but not be limited to, information on the type of material imported, its origin, sample analyses (as indicated in level 2 compliance point 8.13 of the approved Remediation Strategy) and WAC analyses to categorise the waste.  
**Reason: To protect the environment and ensure that the site is remediated suitable for the proposed use and in accordance with CS policy CSP39.**
- 25 Landscaping of the site shall be carried out in accordance with the approved plan number DTS/B/292/1b. All planting and seeding as approved shall be carried out in the first available planting and seeding season. Any trees or shrubs planted as part of the scheme which are removed or, in the opinion of the WPA, become severely damaged or are found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with trees or shrubs of a similar size and species to the satisfaction of the WPA.  
**Reason: For the avoidance of doubt and to ensure that landscaping is implemented and maintained in the interests of visual amenity and to accord with CS policy CSP38 and JWP policy WCS6.**
- 26 In the event of any failure to achieve the approved restoration levels within the timescale pursuant to condition number 1 above, within 3 months of the date of the expiry of the permission, an amended scheme of reclamation shall be submitted to, and approved in writing by the WPA. The scheme shall include, but not be limited to:  
a) Details of final levels;  
b) Surface treatment;  
c) Drainage;  
d) Landscaping including maintenance for a period of 5 years; and  
e) 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 reclamation of the site and to accord with CS policy CSP38 and JWP policy WCS6.**
- 27 Sight lines, having the dimensions 2.4m x 70m, shall be safeguarded at the exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway, in the interest of road safety  
**Reason: In the interests of highway safety in accordance with CSP26.**

28 Prior to the commencement on the amendments approved by this permission. i.e. increase in HGV vehicle movements and creation of revised access arrangements, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- Provision of a 2m wide adoptable footway on Shaw Lane to the east of the bridge as shown on the approved plan;
- Provision of temporary "New Road Layout Ahead" signing;
- Provision of tactile pedestrian crossings at the access and egress;
- Provision of/any necessary alterations to highway drainage;
- Provision of/any necessary alterations to street lighting;
- Any necessary resurfacing/reconstruction

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

**Reason: In the interests of highway safety in accordance with CSP26.**

29 Any gates on the access to the site shall be set back at least 10m from the highway boundary, to allow a vehicle to wait clear of the highway whilst the gates are being opened/closed.

**Reason: In the interests of highway safety in accordance with CSP26.**

## 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 development hereby permitted must be carried out in accordance with the Conditions attached to this planning permission and any approved plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution. If at any stage, it becomes necessary to vary any of the approved plans or details you should contact the Waste Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval
2	The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at <a href="http://www.groundstability.com">www.groundstability.com</a> .
3	The site contains two disused mineshafts known as Wharncliffe Woodmoor numbers 4 and 5 shafts. These shafts were capped by the NCB after the closure of the colliery in 1970, although the exact details on the shaft filling and concrete cap specification are unknown. The shaft cap design/specification may not be to a standard that will allow superimposed loads from the spoil or heavy machinery tracking over the shaft positions. It is assumed that these shafts are still in the ownership of the Coal Authority who acquired all historic liabilities from British Coal in 1994. Normally, any work carried out on the site should be with the approval of the Coal Authority as future liabilities may be compromised. However, following a recent change in the Coal Authority's permit to disturb their interests, the following clause (paragraph 18) is likely to be invoked 'Where in the Authority's opinion any mine entry's proximity to a proposed new development is likely to increase its liabilities the Applicant agrees to take formal conveyance of the mine entry(s). All such mine entries shall be fully stabilised by the applicant prior to the conveyance. The conveyance will be on the Authority's standard terms and conditions for a nominal sum'
4	The adjacent site to the south is in Council ownership. This site also contains a mine entry in the form of a surface drift. The details on how this drift was treated on abandonment of the colliery are unknown and it will lie at a shallow depth (10m) beneath the southern end of the site deepening in a northwest direction. The Coal Authority again owns this feature and any work, which could influence their liabilities, should be discussed with them prior to any works being undertaken. However, the possibilities of surface collapses occurring due to the placing of additional material by heavy machinery and rollers must be considered.
5	The possibility of fugitive minegases being present on site cannot be precluded considering the disused mine entries within and adjacent the site, together with the colliery spoil material. The requisite precautions must be taken to prevent combustion of these gases together with a naked flame ban in the areas of the shafts/drift.

6	The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.
7	The applicant is required to obtain the appropriate exemption or authorisation from the Environment Agency.
8	There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that adjacent riparian owners are not adversely affected.

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 20 April 2018

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 given 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.