BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0025

**To** Fennell Green & Bates
25 Smyth Street
Wakefield
WF1 1ED

**DESCRIPTION** Formation of storage area for up to 36 skips
**LOCATION** Former Carlton Colliery, Shaw Lane, Carlton, Barnsley,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 20 January 2009 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall have a maximum duration of 12 months from the date of this decision following which the use of the site for the storage of skips shall cease and all skips shall be removed from the site.
**Reason: The application is for a temporary period of 12 months and in order to ensure that the use of the site for skip storage does not prejudice the future review of the status of the site.**

2 The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to the other conditions below:

a) Drawing number DTS/CC/2008 01 - Skip Storage Location Plan - showing the red line application boundary - dated December 2008, and received by the WPA on 19 January 2009;
b) Drawing number DTS/CC/2008 02 - 8 Cubic Yard Skip Design and Specification - dated July 2007; and
c) Document titled 'Application to store skips at former Carlton Colliery for DTS Environmental Ltd', produced by Fennell Green & Bates and dated December 2008.
**Reason: For the avoidance of doubt and in the interests of local amenity.**

Stephen Moralee

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

Signed
Assistant Director, Planning and Transportation

Dated 04 June 2009

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3 No more than 36 skips shall be stored on the site in accordance with this planning permission and all skips stored shall remain empty and be stored no more than 3 skips high.
**Reason: For the avoidance of doubt and in the interests of local and visual amenity.**

4 Any movement of the skips shall be limited to the hours between 0800 hours and 1700 hours on Monday to Friday and 0800 hours and 1200 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.
**Reason: In the interests of local amenity.**

5 Skips stored on the site shall only be utilised for operational purposes if none are available for use at the DTS Environmental Ltd, Boulder Bridge site, and unless otherwise agreed in writing by the Waste Planning Authority (WPA), the number of vehicular movements associated with the stored skips shall be limited to 8 per week (4 in, 4 out). A record shall be kept by the operator of the number of vehicular movements per week associated with the stored skips. The record shall be made available to the WPA for inspection on request and shall be retained for the duration of the development.
**Reason: To ensure that the skips essentially remain in storage as proposed and to protect the amenity of nearby occupiers and to accord with policies WD4 and T2 of the Barnsley Unitary Development Plan.**

6 Within 1 month of the date of this planning permission, a scheme shall be submitted to, and approved in writing by, the WPA, identifying measures to be taken to ensure that all vehicles leaving the site are in such condition as not to leave mud and other debris on the public highway. The development shall thereafter be undertaken in accordance with the details of the approved scheme. 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 Policies WD4 and T2 of the Barnsley Unitary Development Plan.**

7 There shall be no burning of any waste materials on the site.
**Reason: In the interests of reducing the risk of underground fires and to protect the amenity of the occupiers of neighbouring land from poor air quality.**

**Reason(s) for Granting Permission**

1 Unique The Borough Council is of the opinion that the proposed development gives rise to no material harm, is essentially in accordance with the relevant Development Plan policies and that there are no material considerations that indicate that the decision should be made otherwise. The Borough Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

**Informative(s)**

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 Carlton Colliery 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'.

3 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 use of heavy plant must be considered.

4 The possibility of fugitive mine gases 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.

5 The storage of any waste in skips at the site in connection with planning permission 2007/1365 may require a permit or exemption from the Environment Agency (Contact the National Permitting Service 08708 506506).

6 The site operator should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters. There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways (see Environment Agency web site links www.environment-agency.gov.uk/business/444251/444731/ppg/?version=1&lang=_e and www.environment-agency.gov.uk/research/planning/82584.aspx. for guidance and standing advice regarding general surface water drainage issues.

7 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 include:

- 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

**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.

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