
2023/0964

Mr J Snellgrove

Proposed land restoration for agriculture and recreational use

Land off Ferry Moor Lane, Cudworth, Barnsley, S72 7FZ

Description

The application site is an area identified as Green Belt and Greenspace and has previously been associated with quarrying. The site has been re-instated but remains in a barren condition and is currently without any functional purpose in land use terms. There are no buildings or structures within the site. The application is accessed from Ferry Moor Lane via the A6195. Ferry Moor Lane is of a suitable width for HGV traffic and has street lighting and a footpath along the west side of the carriageway. From Ferry Moor Lane the site is accessed via a hard surfaced track suitable for vehicular traffic.

The application site is currently a disused quarry currently comprising grassland, scrubland and is located to the west of Cudworth to the east of Grimethorpe. The topography is undulating and slopes gently downwards from west to east with ground levels of approximately 45 AOD near the western boundary and 42m AOD near the eastern boundary. The Environment Agency's flood risk data indicates the majority of the application development area is within Flood Zone 1

There is a single wind turbine located in the south east corner of the site accessed via a track that runs north/south from Ferry Moor Lane. Numerous tracks cross the site, but none of these are public rights of way and do not appear on the definitive footpath map. There are a number of areas of standing water on the northern edge and in a central part of the site that generally dry up in summer period.

Planning History

The site has been the subject of quarrying for a number of years under the following permissions:

98/0827 - Extraction of coal by opencast mining and reclamation of the colliery site with restoration to agriculture, amenity uses and future development of land

99/0579 - Extraction of coal by opencast mining, reclaim colliery site by restoration to agriculture, amenity uses and future development land (Environmental Statement)

99/0759 - Extract coal by opencast mining, reclaim colliery site by restoration to agriculture, amenity uses and future development land (Environmental Statement)(Revised Scheme)

02/0934 - Variation of Conditions 1& 2 of Planning Consent B/99/0579/HR to vary permitted timescale and mineral extraction areas (with Environmental Statement)

03/0171 - Vary Condition 1 of Planning Consent B/99/0579/HR to vary permitted timescale.

04/0627 - Variation of Condition 2 & 37 to planning permission B/99/0579/HR

Proposed Development

As the operational works connected to the quarrying have now ceased this application is solely in connection with the restoration of the site. “Proposed land restoration for agricultural and recreational use (to include landscape and biodiversity improvements, new woodland planting and retention of existing trails) through the importation of soils and inert material. The proposed development is to restore an area of open land comprising 11.77 hectares to make the land suitable for agricultural use. The proposals incorporate landscape and biodiversity enhancement works, planting of new woodland areas and utilisation of existing tracks for recreational use.

Although the site has been previously remediated, following the cessation of mining activities and related industrial uses, soil coverage is thin and supports very limited vegetation cover. The transformation of the area is to be achieved by the importation of soils and inert material (430,300m³), classified in planning terms as an engineering operation.

Currently the site lacks any soil structure and has no specific landscape character or function. The proposal therefore centres on the provision and improvement of the subsoil and topsoil to allow strong plant establishment for agronomic reasons, and to create a healthy significant native tree and shrub planting scheme for public amenity enjoyment and bio-diversity gain.

The works are designed to re-purpose the land with a dual agricultural and recreational function. The central most part of the site will be made suitable for agriculture will sit on a raised plateau enclosed by new wooded areas that slope down to the north, west and east.

The proposed grading will provide a depth of subsoil and topsoil for agriculture (which requires a large import and screening operation in its own right) and a depth of soil that to enable the successful planting of a significant native woodland block to the north and east which in time will provide an attractive and environmentally valuable public amenity for the local area and beyond.

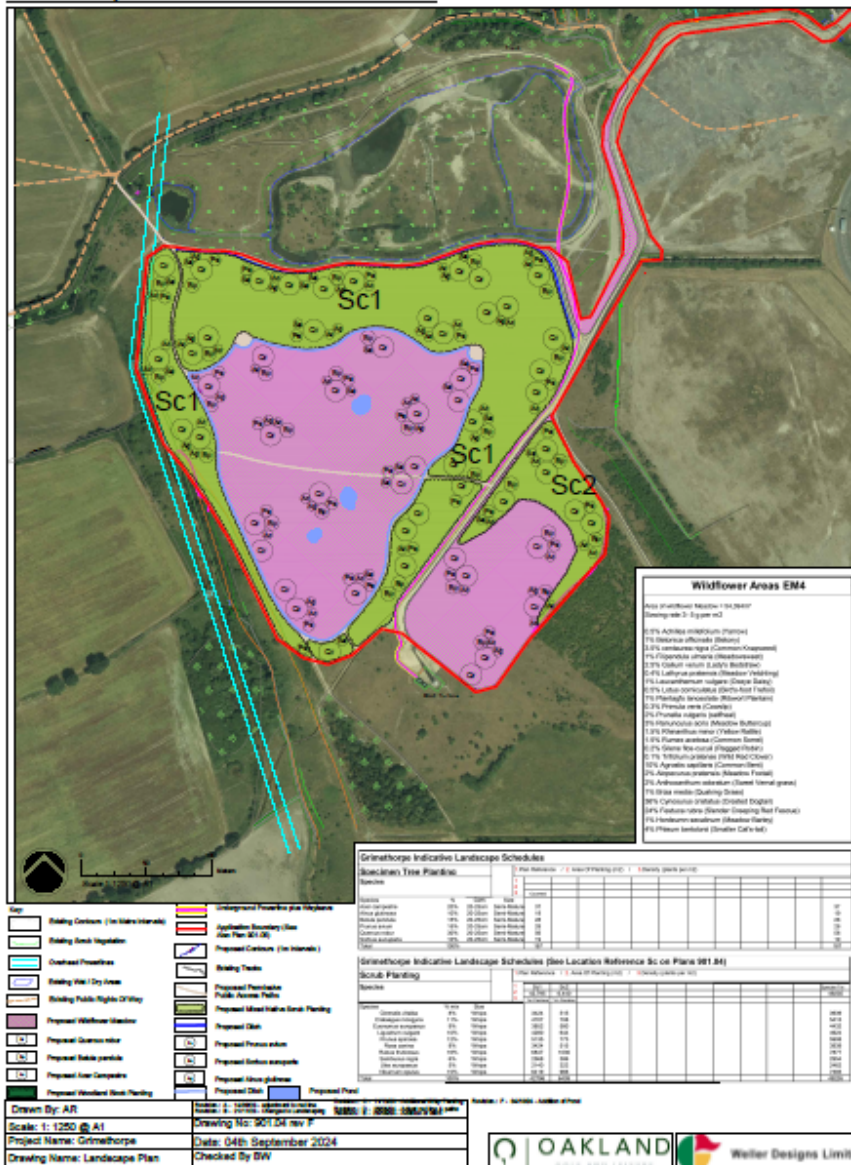
The proposed grading work seeks to enhance the site landscape credentials through varied topography and the creation of focused viewing / resting zones associated to complement the existing networks of footpath and tracks suitable for walking, cycling, riding, fitness, nature and sculpture trails and paths that meander around the restored agricultural land and through the proposed woodland and site.

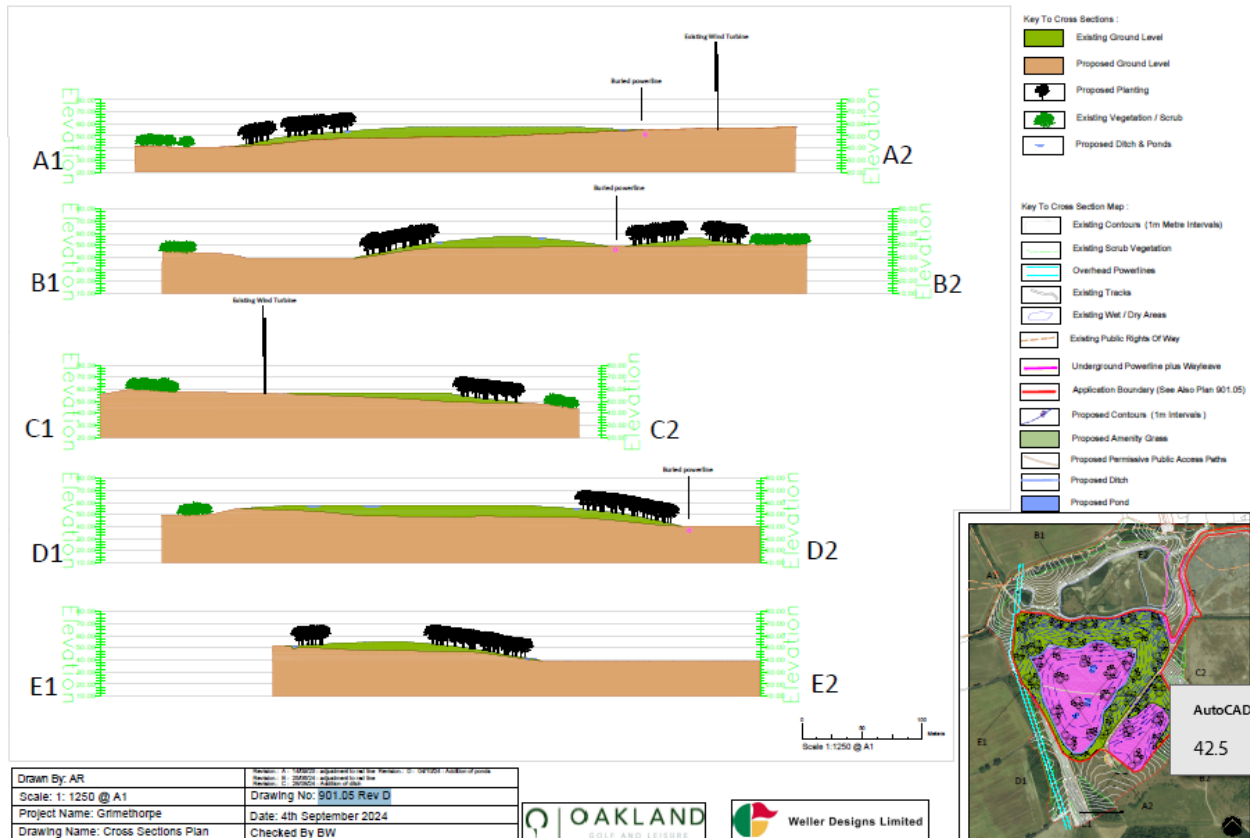
These paths will also lead to certain higher focal points to the North as viewing and or resting stages as focal points to circular walks which are connected to the existing designated public footpaths to the north. The surfacing of these paths will be created from the screening of imported soils (required for the agricultural restoration process) for suitable stone aggregate for the subbase.

In order for the native woodland and woodland edge native planting to thrive the soils need to be of a far better and deeper physical makeup. To this end, the planting of a mixture of whips, standard and heavy standard trees require a minimum depth of 1.5m of subsoil and topsoil to establish strongly.

In order to ensure that only suitable materials are deposited at the site and that the deposited materials do not have an adverse impact on the environment, testing will be undertaken in accordance with CLAIRE: COP (Code of Practice). Materials testing will be carried out at the

Existing Block Plan, Existing Site Survey, Location Plan, 901.03 Rev D, 901.04 Rev F, 901.05 Rev D, 901.07 Rev E, Design and Access Statement, Wintering Bird Survey, Great Crested Newt Survey, Reptile Survey, Biodiversity Metric Report, Soil Management Strategy, Planning Statement, Arboricultural Report, Arboricultural Method Statement, Coal Risk Assessment, Construction Access Plan, Flood Risk Assessment, Tree Clearance Plan, Topographical Survey.





Policy Context

National Planning Policy Framework (NPPF): Minerals – Section 17 - Facilitating the sustainable use of materials (December 2024)

It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

Planning policies should:

- provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
- so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
- safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
- set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;

e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;

f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;

g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and

h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

In considering proposals for mineral extraction, minerals planning authorities should:

a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Natural Landscapes and World Heritage Sites, scheduled monuments and conservation areas;

b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;

c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;

d) not grant planning permission for peat extraction from new or extended sites;

e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

f) consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and

g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

Planning Practice Guidance – Minerals

How much detail on restoration and aftercare should be provided with the planning application?

The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient

to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:

- an overall restoration strategy, identifying the proposed after use of the site;
- information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place;
- where the land is agricultural land, an assessment of the agricultural land classification grade; and [landscape strategy](#).

Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture.

Restoration may, in some cases, need to be undertaken in phases so as to minimise local disturbance and impacts

Barnsley Local Plan Adopted 2019

Nature Improvement Site – Dearne Valley Green Heart

Green Space – Ferry Moor Lane Restoration Site

Green Belt

Policy MIN 1 Minerals

Provision will be made for non-aggregate mineral resources including primary and secondary resources as follows:

- Existing sites with planning permission for the extraction of minerals will be shown on the Policies Map which accompanies this Local Plan and will be protected from inappropriate development that could result in their sterilisation.
- Areas of Search are identified in this Local Plan.
- Areas of Safeguarding are identified in this Local Plan.
- It is expected that future extraction of minerals will normally take place within existing quarries or by site extensions rather than new sites.
- Wherever possible sustainable modes of transport will be used in connection with primary mineral extraction and in the transportation of secondary aggregates.
- Proposals for the exploration and production of oil and natural gas (excluding shale) will generally be supported.
- Within the licensed areas shown on the Policies map, proposals for exploration, appraisals and production of shale gas will be considered on their own merits against the plan as a whole and in accordance with national planning policies and guidance.
- Proposals to extract minerals prior to the commencement of non-minerals development which may otherwise sterilise the mineral, will generally be supported.
- Proposals for the recovery of material from mineral waste tips and land reclamation schemes (which may include the recycling, blending, processing and distribution of

substitute and secondary materials), will generally be supported in appropriate locations as part of mineral extraction/reclamation schemes.

- The surface coal resource and fireclay and brick clay will be protected from sterilisation from non-mineral surface development.
- Supporting proposals for extraction where the stone is the original source of, or is needed for the repair or restoration of, a heritage asset.

All minerals proposals should:

- Be of limited duration.
- Have no unacceptable adverse environmental or amenity impacts.
- Be subject to high quality and appropriate reclamation and afteruse within a reasonable timescale; and result in a net increase in biodiversity and/or geodiversity interests.

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy POLL1 Pollution Control and Protection

Policy GB1 Green Belt

Policy GS1 Green Space

Policy BIO1 Biodiversity and Geodiversity

Consultations

Biodiversity- No objections subject to conditions

Ward Councillors – No comments received

Coal Authority - No objection, informative on DN.

Contaminated Land – No comments received

Environment Agency - No objection

Trees – No comments received

Drainage - No objections

Highways- Highways requested additional info. New TA submitted and Highways have confirmed no objections subject to conditions

Natural England - Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details

Parks – No comments received

Pollution Control - No objection subject to condition

PROW - There are historic PROW issues in and around this site and the PROW Officer has been in touch with the land owner to discuss this

Enterprising Barnsley - support the proposed consultation, despite the scheme not having any direct employment benefits, it could help to secure additional wider visitor economy opportunities and associated benefits for the borough once complete.

SYMAS - No objection

Yorkshire Water – No comments received

Representations

The proposal was advertised by way of a site notice and press notice. One comment has been received in response to the consultation:-

The proposal site supports breeding skylarks and that records of great-crested newts exist for the ponds abutting the site immediately to its west. The fact that all on-site ponds may dry up in certain dry springs is irrelevant: the ponds may well be used by low levels of great-crested newts in most years. The grassland is not sparse as described in the PEA - it is mainly dense semi-improved grassland.

I believe the site has already been restored and does not need import of materials and any further restoration: what it needs is suitable management including control of invasive scrub materials. Grazing by stock could form part of ongoing suitable management but this should be negotiated with DVGH Partnership.

I have further comment to make regarding the PEA however for the time being I merely need to say that its quality is inadequate at the moment and needs further revision. Part of the problem is that some of the further surveys it recommends have not been provided. One of the key one is a breeding bird survey which should be conducted next spring.

I don't remember any 'Barnsley Landscape' plan saying the site needs restoration - I didn't see any reference to accompany the quote which is in the DAS. This should be provided but I suspect the claim is wrong.

I do not think that wide-scale tree planting is appropriate for this site: its value lays in its open semi-improved grassland, wet grassland and wetland habitats - for which it should be managed, as designed.

Assessment

Principle of development

Previous planning permissions at this site granted consent for the winning and working of minerals. The application site was part of Grimethorpe Colliery, which closed in 1993, therefore the working and winning of materials has ceased on this site and this current application only seeks to confirm the restoration details of the site. The site is allocated as Green Belt and Greenspace within the local plan where policies GS1 and GB1 would apply in principle. The proposal would allow for the site to be restored for agriculture and recreational uses.

Policy GS1 states that 'we will work with partners to improve existing green space to meet the standards in our Green Space Strategy. Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.'

Policy GB1 relates to the protection of the Green Belt and states that Green Belt will be protected from inappropriate development in accordance with national planning policy. The Proposed land restoration for agriculture and recreational use is in accordance with uses allowed for within the Green Belt and Green Space and is therefore acceptable in terms of land use, subject to the material considerations below, including the proposals impact upon Highway Safety and Biodiversity/Geodiversity.

Conservation/Archaeology

In terms of Conservation, there are unlikely to be any direct or indirect impacts on any designated or built heritage assets of significance in the vicinity. During the Screening Opinion, consultation with South Yorkshire Archaeology (SYAS) was undertaken. They stated that 'The open cast operations themselves will also have had a catastrophic effect upon any archaeological features. The SYHER does include a record describing a series of boundary markers, stone posts and pillars around Ferry Moor, near Cudworth (PIN 04679). Some of these features border the proposed application area but the nature of the proposed works is unlikely to cause substantial harm or unduly impact these features.'

Flood Risk and Drainage

The Council's Drainage Officer and the Environment Agency have no objections to the proposal. The site is set within Flood Zone 1 therefore the risk of flooding of the site is low.

Biodiversity, Trees, and Geology

The site has been subject to a number of Ecological Surveys, including Wintering Bird Surveys, Great Crested Newts, and Biodiversity Net Gain which have been agreed with the councils Biodiversity Officer

The Biodiversity Officer has no objections to the proposal and has provided the following comments/recommendations:-

Wintering Bird Survey

The wintering survey report set out bird records obtained within the vicinity of the site over the past ten years. The majority of bird records are from Ferry Moor Wader Scrapes, situated outside of the proposals site to the north. This wetland area comprises open wetland habitats suitable for a number of those species recorded. Two of the records are located within/within close proximity of the proposals site at the south-western boundary, these relating to barn owl and skylark. Skylark were recorded during breeding bird surveys undertaken on site and were recorded as breeding off-site within arable fields to the west, which corresponds with the record provided within the wintering survey report. Barn owl may utilise the rough grassland habitat currently on site for foraging purposes, though this species was not noted during the breeding bird surveys. It is considered these species will be able to continue to utilise the site once proposed landscaping becomes established, with similar habitats, such as unintensively managed grassland and woodland planting proposed.

Recommendations within the report include the clearance of habitats on site outside of the nesting bird period or following checks by an appropriately qualified ecologists, where active nests are confirmed as absent. It is also recommended that protective fencing is installed so as to protect Ferry Moor Wader Scrapes to the north of the site during works, with this site being of known value to wintering and breeding birds. These recommendations can be set out within a Construction Environmental Management Plan (CEMP: Biodiversity), which can be secured by a planning condition.

Biodiversity Net Gain

The biodiversity metric and associated report have been updated to address a number of the Ecology Officer's initial comments, with conditions of proposed grassland within vicinity of footpaths and proposed ditches reduced, so as to be realistically achievable, which is welcome. The habitat trading rules of the metric have not been met in that there is a loss of medium distinctiveness habitat units for other broadleaved woodland and non-priority ponds. Due to the proposals including native mixed scrub, trees and the retention of some woodland habitat and as the application was made prior to BNG becoming mandatory the Ecology Officer is willing to accept the small loss of woodland units. Amended proposals have been received at the request of the Council's Ecology Officer. It is proposed to create 3 new ponds on site as part of the scheme. These would have a 10-12m diameter and vary in depth between 0.5 to 1.0m. At these depths it would be expected that the proposed ponds would hold water throughout the year.

The applicant's ecologist has provided more information in relation to the use of the site by bats and advised that following a number of site visits, it is determined that adverse impacts upon roosting, foraging and commuting bats is not anticipated as a result of the proposals. The Ecology Officer is satisfied with this justification.

Updated documents submitted, such as the biodiversity metric, biodiversity metric report and landscape plan (drawing no. 901.04 rev F), have taken into account the Ecology Officer's previous comments in regards to the creation of ponds on site to mitigate the loss of those currently on site. This is welcomed.

The updated Biodiversity Net Gain documents indicate that a net gain of 7.78 habitat units (7.91%) and 2.15 watercourse units (65.36%) can be achieved with the landscaping proposed and management of this habitat over 30 years.

The following planning conditions are suggested:

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 CEMP-B 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 protocol to ensure any invasive species 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;
- The times during construction when specialists ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s).

A Habitat Management and Monitoring Plan (HMMP) completed by a suitably qualified ecologist for a minimum period of 30 years will be submitted to the Local Planning Authority prior to the commencement of works on site. The HMMP should follow the template HMMP produced by Natural England and should include information on the following;

- Project information and funding;
 - Summary of Habitat Proposal and Plans, site boundary map, site context map;
 - Phasing Strategy – if relevant;
 - Roles & Responsibilities;
 - Land use summary, site context photographs, site baseline and environmental information checklist and environmental information;
 - Management plan aims and objectives, design principles informed by baseline information;
 - Habitat and condition targets, habitat retention and protection measures map;
- Creation, enhancement and management targets and prescriptions;
- Monitoring methods and intervals, monitoring reports and adaptive management;
- Other mitigation and enhancement measures, such as implementation of bat and bird boxes, suitable for use by species known to occur within the local area, and features to enhance the site for hedgehog and herptile species.'

In terms of trees, an extensive tree and shrub planting scheme is proposed. The Landscape Plan for the site includes the planting of 13,958 new trees, (all native species) on 4.18 hectares of the application site. The scheme proposes the removal of predominantly self-seeded trees, growing in thin soils, all with a limited life span. An area of 5.59 hectares is to be sown with mixed seed grasses, clovers to create a rich mosaic of meadow and woodland.

The applicant's Preliminary Ecological Appraisal includes a number of recommendations to enhance biodiversity adopting management techniques such as installation of bat and nesting boxes and planting of native species and creation of ponds to create new wildlife habitats. Subject to the conditions recommended by the Ecology Officer, there are no objections to the proposal in terms of Biodiversity Impacts in accordance with Local Plan Policy BIO1.

Public Rights of Way

PROW should not be affected by the restoration works. However, the agent has been in discussions with the Council's PROW Officers due to issues with PROW's surrounding the site. All footpaths traversing the application site are permissive footpaths as opposed to public rights of way. Reference is made to Public Footpath No. 24, No. 25 and Bridleway No 10 which are all outside the site. The development proposal seek to enhance public access which is covered within Section 4 of the Planning Statement.

In view of the above the PROW Officers have raised no objections to the scheme.



Highway safety

The Technical Note states that the proposed land restoration scheme would result in a range of between 4 (average) and 7 (peak) HGV arrivals every hour during the 12-hour working day. Based on the peak of 7 arrivals, this equates to 14 two-way movements which would therefore result in one HGV movement every four minutes which is considered acceptable.

Given that the restoration material would be brought to the site from anywhere within the large catchment area, from a highways point of view the impact is quite diluted up to the point that all site traffic reaches the A6195 Engine Lane. This level of increase in vehicular movements on Engine Lane is not considered to result in an adverse impact upon the public highway.

With regard to visibility requirements at the junction of Ferry Moor Lane with Engine Lane, the submitted details within the Technical Note include the results of a speed survey carried out on Engine Lane so as to determine the visibility splays required. These results show that visibility splays of 2.4m x 90.5m (northbound) and 2.4m x 98m (southbound) are required; although these splays can be achieved, it is necessary for vegetation within the highway verge to be kept cut back to ensure that the visibility is retained unimpeded. The Council's Highways Section did not do that because the vegetation is within the public highway, the Council periodically flail the hedges. However, the proposed intensification of use of Ferry Moor Lane would require a more frequent trimming of the hedgerow and have asked for the possibility of requiring a commuted sum from the applicant in the event that permission was to be granted. The agent has been consulted with regard to the above but after full consideration of the option it is felt that a condition does not meet para 55 of the NPPF and the 6 tests in order to be considered a reasonable condition necessary for the granting of planning permission. The

matter (maintenance of viability splays) is covered in h) in the CTMP and Technical Note, which can be conditioned to be complied with to cover this point.

In view of the above there are no objections to the proposal in terms of Highway Safety.

Dust and Noise

It is proposed that no importation or unloading of materials or construction works will be undertaken outside the hours of 0700 to 1900 hours on Mondays to Fridays. No operations related to the formation of the course will be undertaken on Sundays or Bank Holidays. It is proposed that site operations (maintenance, landscaping, earthmoving) may occur on occasion between 0800 and 1300hrs on Saturdays. The applicant has provided reports covering dust and noise during the restoration works. Although there are not many properties in the vicinity of the site. The reports have been assessed by the Council's Pollution team who are satisfied that they will protect amenity. Conditions are recommended on working hours and the adherence to these reports.

Conclusion

The restoration of the site is considered to be acceptable and in compliance with Local Plan Policies MN1, GB1, GS1, T4 and BIO1 of the Local Plan and the NPPF subject to conditions.

Recommendation

Grant subject to conditions