



# PLANNING STATEMENT

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.

AT FERRY MOOR LANE, UPPER CUDWORTH, BARNSELY  
S72 7FZ

ON BEHALF OF  
OAKLAND GOLF AND LEISURE (UK) LTD  
SEPTEMBER 2023

**LANDOR** Planning  
Consultants Ltd

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## 1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Landor Planning Consultants Ltd acting on behalf of Oakland Golf and Leisure (UK) Ltd (Oakland) to support a planning application at Ferry Moor Lane, Upper Cudworth, Barnsley, S72 7FZ.

### Description of Development

- 1.2 The description of development and principal elements of the scheme are as follows;  
“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”.
- 1.3 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 (430,300m<sup>3</sup>), classified in planning terms as an engineering operation.
- 1.4 Planning permission is sought for the enhancement and modifications described under the CL:AIRE Code of Practice (The Definition of Waste: Development Industry Code of Practice). Importantly, no waste materials are involved with this scheme. The proposal involves sourcing only clean, uncontaminated, excavated materials such as soils, clay, and earth from development sites.

### The Applicant

- 1.5 Oakland has a track record of delivering high quality landscape and leisure facilities utilising inert imported materials since 2001. The application is prepared for the owner of the land who is a local farmer.

### The Application

- 1.6 The purpose of this Planning Statement is to describe the development proposal and to examine the planning issues arising from the proposed development. The scope of this Planning Statement is to justify the proposed development in light of relevant national and local planning policy.

- 1.7 This Planning Statement should be read in conjunction with the plans prepared by Weller Designs and the other technical assessments and documents submitted in support of this application, including the following:

Plans

- Drawing No. 901.01 – Application Boundary Plan
- Drawing No. 901.02 – Existing Site Survey
- Drawing No. 901.03 – Grading Plan
- Drawing No. 901.04 – Landscape Plan
- Drawing No. 901.05 – Cross Sections
- Drawing No. 901.07 – Master Plan
- Drawing No. 901.08 – Tree Clearance Plan
- Drawing No. 901.10 – Construction Access
- Topographic Survey – FML/TS/2000

Supporting Documentation

- Arboriculture Assessment and Arboriculture Impact Assessment (AWA Tree Consultants);
- Coal Risk Assessment (Tetra Tech)
- Construction Environmental Management Plan (Landor Planning);
- Construction Traffic Management Plan (CoralHT);
- Design and Access Statement (Landor Planning);
- Flood Risk and Drainage Assessment (Pell Frischmann);
- Geo-Environmental Desk Study Assessment (Tetra Tech)
- Planning Statement (Landor Planning Consultants Ltd);
- Preliminary Ecological Appraisal with Great Crested Newt and Reptile Presence Surveys (EBS);
- Soil Management Strategy (Tetra Tech)
- Transport Statement (CoralHT)

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site lies within a linear area of open countryside that is contained by surrounding settlements: Grimethorpe to the west, Cudworth and Upper Cudworth to the east, Shafton Two Gates to the north and the River Dearne to the south. The A1695, Engine Lane and Park Spring Road, runs north-south to the west.
- 2.2 Located between Cudworth and Grimethorpe, the application site comprises a roughly rectangular-shaped parcel of open land located to the northwest of the existing Symphony industrial development on the west edge of Grimethorpe and to the west of A6195/Engine Lane and Ferry Moor way. The application site forms part of a wider area of Greenspace

known as Ferry Moor Restoration Site and the Dearne Valley Green Heart Nature Improvement Area. It is also designated as Green Belt. The site is accessed from Engine Lane via an existing track to the north west of the site.

- 2.3 The topography of the site comprises undulating land that 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. Numerous tracks crisscross the site, but none of these are public rights of way and do not appear on the definitive footpath map. In addition, there are a number of areas of standing water on the northern edge and in a central part of the site that generally dries up in summer periods.
- 2.5 There are no buildings or built structures on the site. Out with the site, to the south east, is a single wind turbine accessed via a track that runs north /south though the application from Ferry Moor Lane. Also out with, the site there are overhead power lines that run parallel to the east boundary.



**Figure 1 – Map Extract indicating application site boundary (Courtesy of Magic Maps)**

- 2.6 The location of the planning application site is shown in Figure 1 above and Drawing No.901.01).

## Access

- 2.7 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.

## Designations

- 2.8 The site is located within an area of Greenspace known as Ferry Moor restoration site, the Dearne Valley Green Heart Nature Improvement Area and the Green Belt.
- 2.9 There are no statutory ecological or landscape designations or areas of ancient woodland within 2km of the site.
- 2.10 A search of the Heritage Gateway, Historic England records indicates that there are no listed buildings or statutory designated heritage assets within a 1-kilometre grid reference of the site.
- 2.11 Within the same radius, Historic England Research Records identifies 9 results of which 8 No. include infrastructure associated with the former Grimethorpe Colliery and historic crop markings at grid reference SE39360008480. None of the records identified are located within the site boundary. The aforementioned details are to be found at Heritage Gateway, Historic England <https://www.heritagegateway.org.uk/Gateway/Results.aspx>
- 2.12 The Heritage Gateway NMR Excavation Index (EI) is a guide to archaeological excavation and interventions carried out. It records in respect of Land at ferry Moor 'Monitoring of opencast mining groundworks at the colliery recorded no significant archaeological activity in 2001.

(Source: <https://archaeologydataservice.ac.uk/archsearch/record?titleId=1817580>)

## Hydrogeology and Hydrology

- 2.13 With reference to the Flood Map records, The Environment Agency's flood risk data indicates the majority of the application development area is within Flood Zone 1. A small area in a central part of the site is in Food Zone 3. (Gov.UK <https://flood-warning-information.service.gov.uk/long-term-flood-risk/postcode>), the application site lies within a Flood Zone 1 (i.e. at the lowest risk of flooding).
- 2.14 The site is not located within a Groundwater Source Protection Zone.
- 2.15 The nearest main river is the Dearne approximately 1.5 kilometres to the south of the site. There are no watercourses. There is an area of standing water in the central part of the site that normally dries up in summer period.



## Public Access

- 2.16 There are no public rights of way within or traversing the application site (reference Barnsley Council – Definitive Public Rights of Way of Way and Statement <https://www.barnsley.gov.uk/barnsley-maps/public-rights-of-way/>)
- 2.17 Public rights of way, footpaths (blue) and bridleways (green) in the vicinity of the application site are shown in Figure 1 below.



Figure 1- PROW Definitive Map (source: Barnsley Council)

- 2.4 Public Footpath No.25 connecting Ferry Moor Lane with Syndale Road in Cudworth runs east west to the north of the site. Footpath No 24, also outside the site, crosses Ferry Moor Lane to connect with Footpath No. 24. Bridleway No 10 runs to the north east of the site and connects Darnfield in Cudworth with Belle Green

## Landscape

- 2.18 The Local Authority commissioned a detailed landscape survey and assessment of the whole of the Borough in 2002 published as 'The Barnsley Borough Landscape Character Assessment'. It identifies that the site is within character area D1 North East Barnsley Settled Arable Slopes referred The area is described thus:

*'Classified as D1 North East Barnsley Settled Arable Slopes, this character area is defined by a complex relationship of previous and present day industrial activity, urban settlement and arable farming over varied landform.'*

*Middle coal measures, comprising a complex layering of sandstones and shales with numerous coal seams, underlie the majority of the area.*

*Developed land is a complex relationship of residential and industrial form, reflecting the intense historic development of the heavy coalfield industry. New industrial estates characterised by warehouses, of varying colour and size, combined with new housing developments of differing style and vernacular also characterise the landscape and are key physical indicators of a landscape in flux and of changing landscape character’.*

2.19 Forces of change within the landscape are identified as including:

- *Intensity of arable farming;*
- *Decline of the urban fringe due to development pressures, poor agricultural management and continued compartmentalisation of fields, evoking a neglected and degraded character.*
- *Continued threat of ribbon development (e.g. Shafton Two Gates and Upper Cudworth), resulting in a loss of individuality and sense of place of settlements.*
- *Loss of character of former colliery villages due to a propensity of new housing development built with little regard to traditional vernacular or material.*
- *Ecological succession of dismantled railways will increase their ecological value and contribute aesthetic value to the landscape.*
- *Reclamation of spoil heaps is evidence of positive measure to improve the recreational, visual and ecological quality of the landscape.*
- *Proliferation of coniferous shelterbelts on the urban edge, used to screen large buildings, are intrusive vertical elements and threaten the overall landscape character.*

2.20 The condition of the landscape is assessed as poor:

*‘Following the decline of the coal mining industry, some land is derelict, giving a sense of neglect. Landscape degradation is also apparent due to present day land use activity, most apparent at rural-urban interface where urban fringe pressures manifest themselves as fragmented farmland, unkempt allotments, and informal pony paddocks bound by temporary, scruffy margins. Extensive tracts of continuous urban areas, containing incongruous industrial and recreational centres, and exhibiting poor maintenance of boundaries, form a harsh and often unsightly backdrop the arable farmland beyond.*

*In light of this, the overall condition of the landscape is considered to be poor’.*

2.21 The landscape strategy objectives for the area are defined as follows:

*‘Based on the evaluation of strength of character and condition, the strategy objective should be **to restore and enhance** the landscape of D1 North East Barnsley Settled Arable Slopes’.*



## 3.0 PLANNING HISTORY

Table 1 – Planning Site History

Reference	Site Address	Description	Approved Date
B/99/0579/HR	The Ferry Moor Site (Revised Scheme), Engine Lane, Grimethorpe, Barnsley	Extract Coal by opencast mining, reclaim colliery site by restoration to agriculture, amenity uses and future development land (Environmental Statement)	11 August 1999
B/03/0171/HR	Ferry Moor revised Reclamation Scheme, Engine Lane, Grimethorpe, Barnsley	Vary Condition 1 of Planning Consent B/99/0579/HR to vary permitted timescale	15 April 2003
B/04/0627/HR	Ferrymoor Reclamation Site, Engine Lane, Grimethorpe, Barnsley	Variation of Condition 2 & 37 to planning permission B/99/0579/HR	22 June 2004
B/05/1334/HR	Restored Colliery Site, off Park Spring, Ferrymoor, Grimethorpe, Barnsley	Development of regenerated site-erection of general industrial buildings (B2 Use)	16 September 2005
2022/ENQ/HR	Ferry Moor Lane, Upper Cudworth, Barnsley-	Proposed Agricultural and Landscape Restoration Scheme- Screening Opinion under Regulation 6 Of The Town And Country Planning (Environmental Impact Assessment) Regulations 2017.	22 December 2022 -EIA not required

- 3.1 The planning history of the site is set out in Table 1. There is limited information available regarding the Site Planning History in Barnsley Council’s Online Planning Records as historic applications are archived from view.
- 3.2 The application site was part of Grimethorpe Colliery, which closed in 1993. The historic planning applications in Table 1 record the extraction of coal by opencast mining and subsequent reclamation between 1999 and 200.
- 3.3 Also recorded in Table 1, is the applicant’s request for an EIA Screening Opinion submitted under reference 2022/ENQ/HR. The proposal was assessed by the LPA as Schedule 2 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The LPA’s decision made on 22 December 2022 deemed that an EIA was not warranted based on the scale, nature and setting of the proposal.

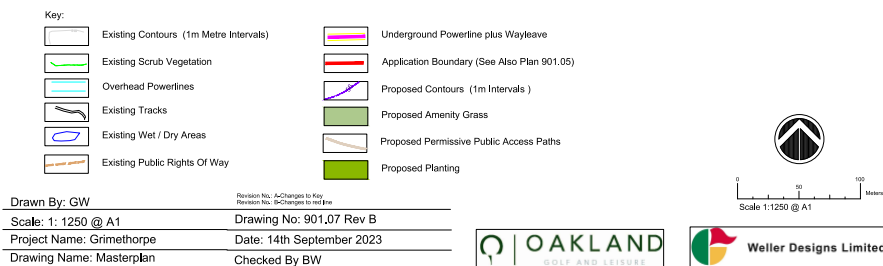
## 4.0 DEVELOPMENT PROPOSAL

- 4.1 The application is in an area identified in the Barnsley Landscape Assessment in need of restoration and enhancement. Notwithstanding previous remediation from the effect of mining operations, the site suffers from, thin soils, an absence of landscape features and is unsuitable for agricultural use.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 These paths will also lead to certain higher focal points to the North as viewing and or resting stages (Drawing No. 901.04 – Landscape Plan)) as focal points to circular walks which are connected to the existing designated public footpaths to the north.
- 4.7 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.
- 4.8 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.
- 4.9 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 'site of origin' to ensure that the material is suitable for its intended use as fill to create the proposed contours.

- 4.10 The proposed volume of material to be imported to achieve the above stated project objectives is 430,300m<sup>3</sup>. The projected timescale for completion of the site restoration works is estimated at 60 months.

**Agricultural Restoration & Landscape Enhancement Scheme**



**Figure 2 – Map Master Plan (Courtesy of Weller Designs)**

## Landscape and Bio-diversity Improvements

- 4.11 An extensive tree and shrub planting scheme is proposed as detailed in Drawing No. 910.04 - Landscape Plan. Drawing No. 910.08 - Tree Clearing Plan. The Tree Clearing Plan identifies areas of tree removal. 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. This represents a significant planning benefit as the scheme results in 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.
- 4.12 The applicant's Preliminary Ecological Appraisal includes a number of recommendations to enhance biodiversity adopting management techniques such installation of bat and nesting boxes and planting of native species to create new wildlife habitats.

## Importation of material under the CL:AIRE Protocol

- 4.13 The proposal involves sourcing only clean, uncontaminated, excavated materials such as soils, clay, stone and earth from development sites. Excavated engineering materials ('materials') for the purposes of this planning application are any materials deemed suitable for such use under the CL:AIRE Protocol. The excavated engineering materials would be imported to the site to raise the overall ground levels and to enable revised contours to be developed.
- 4.14 The works proposed are relatively straightforward engineering type operations requiring the importation of clean soils and inert material to implement landform changes. The CL:AIRE regime exists to facilitate the re-use of excavated materials on-site or their movement between sites. No materials moved between sites under CL:AIRE have at any time been classified as waste and therefore the development should not be considered as a waste recovery or waste disposal operation.
- 4.15 The properties of the materials would provide a free draining soil structure which will create an improved soil profile capable of sustaining plant growth and supporting agricultural operations.

## Working Hours

- 4.16 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.

## Site Infrastructure

- 4.17 The reception area/works compound will comprise a portacabin style site office which will be situated within the application site area utilising the existing access via Engine Lane. Details of the contractor's compound is illustrated on Drawing No910.10 – Construction Access. The site office and administrative office, will provide a facility for checking, recording and monitoring deliveries into the site and managing vehicle movements. Staff welfare and washing facilities will be provided within the site office.

## Equipment

- 4.18 The plant and machinery likely to be used on site will vary depending on the activities being undertaken. However, they are likely to comprise the following:

- 1No. screen to recover topsoil;
- 1No. D6 bulldozer;
- 2No. excavator;
- 1No. dumper truck;
- 1No. wheel wash;
- 2No. jet washers; and
- 1No. road sweeper
- 1.No loading Shovel.
- 1No. water bowser (dust suppression)
- 1No. fuel bowser
- 1No. generator
- 1No. crusher
- 1No. materials processing and washing plant.

- 4.19 It is proposed that a tracked bulldozer and excavator suitable for grading of material will remain on site for the duration of the works. At other times a dumper truck and additional 360° excavator will be required, and these shall be brought to the site or hired, as appropriate. The tracked bulldozer or equivalent will be utilised to compact relevant materials delivered to the site in order to ensure that the landform is stable and will not suffer from excessive settlement on completion of the works. The wash plant refines imported materials and in particular separates out silts and clays.

## Vehicles

- 4.20 Vehicle drivers will comply with the on-site speed limit of 10mph. Drivers will be made aware of the speed limit by the presence of signage along the site access. The site speed limit will be enforced and drivers who exceed the speed limit will be given a verbal warning. Further breaches of the speed limit will result in the driver being asked to leave the site.

- 4.21 The condition of the signage will be regularly inspected and repairs made where necessary.
- 4.22 At the site weighbridge office, drivers will be requested to follow a specific route to the working area. The site access will be routinely maintained and minimising the potential for dust and noise from vehicle movements and for damage to vehicles.

### Site Car Parking Provision

- 4.23 Staff car parking will be provided within the contractor's compound.
- 4.24 There is no requirement for HGVs and other goods vehicles delivering material to park on site. Parking of HGVs, other than temporary parking (e.g. for statutory breaks etc), will not be allowed on the site. A designated waiting and turning area is provided for HGVs in the site compound area.

### Security

- 4.25 All vehicles delivering material to the site must report to the site office. All other visitors to the site must sign the site diary before proceeding on to the site and must sign out prior to leaving.
- 4.26 All reasonable precautions will be taken to prevent the unauthorised entry of the general public and the unauthorised depositing of material or waste. The site will be secured from the public highway at the site entrance by lockable gates at the site entrance and enclosed by Heras protective protective fencing around the site from commencement of development to completion.

### Lighting Arrangements

- 4.27 A generator, within a storage container, will provide power for the site.
- 4.28 For safety reasons temporary lighting will be provided at the reception and wheel wash area. The provision of site lighting within this part of the site will minimise the potential for accidents during hours of darkness. However external lighting will not be provided on the remainder of the site and this will minimise the potential for light pollution at sensitive receptors, such as neighbouring properties and the adjacent public highway.

### Housekeeping

- 4.29 The operator and any appointed contractors will follow a 'good housekeeping' policy at all times. The operator and all appointed contractors shall adhere to the Considerate Contractors Code.



## 5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Act requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan for the area comprises:

- Barnsley Local Plan adopted January 2019;
- Barnsley Doncaster and Rotherham Joint Waste Plan 2014-2033 adopted March 2012

5.2 The planning application site is not in an area where a Neighbourhood Plan has been adopted. Supplementary Planning Guidance or Supplementary Planning Documents adopted by Barnsley Council is identified as material to the application proposal.

- Biodiversity and Geodiversity adopted May 2019
- Sustainable Construction and Climate Change Adaptation adopted July 2023;

5.3 The Landscape Character of Barnsley Borough Council published in 2002 is a detailed landscape survey, appraisal and assessment of the landscape character and of the Borough. It is not an SPD but is a relevant and authoritative study that is material to the application proposal.

5.4 The National Planning Policy Framework (NPPF) published in September 2023 is a material consideration in the determination of planning applications.

### Barnsley Local Plan Leeds UDP Review 2006

5.5 The following policies of the adopted Barnsley Local Plan (LP) are relevant to the application proposal:

- Policy SD1 - Presumption in favour of sustainable development;
- Policy GD1 - General Development;
- Policy E6 - Rural Economy;
- Policy T4 New development and highway safety;
- Policy D1 - High quality design and place making;
- Policy LC1 - Landscape Character;
- Policy HE6 - Archaeology;
- Policy BTC9 - Cycling;
- Policy GI 1 - Green Infrastructure;
- Policy GS1 - Green Space
- Policy BIO 1 - Biodiversity and Geodiversity;
- Policy GB1 - Protection of the Green Belt
- Policy CC1 - Climate Change;
- Policy CC3 - Flood Risk;

- Policy CC4 - Sustainable drainage Systems
- Policy Poll 1 - Pollution Control and Protection;
- Policy UT2 - Utilities Safeguarding

## National Planning Policy Framework

5.6 The Government published the Revised National Planning Policy Framework (the Framework) in September 2023 It replaces all previously issued National Planning Policy and Guidance and Statements. The revised Framework is a material consideration with the following paragraphs particularly relevant to the re-determination of this planning application:

1) NPPF sets out the Government's planning policies for England and how these should be applied;

3) NPPF should be read as a whole;

11) Plans and decisions should apply a presumption in favour of sustainable development approving development proposals that accord with an up-to-date development plan without delay.

38) States that local planning authorities are required to approach decision making on proposed development in a positive and creative way, seeking to approve applications for sustainable development where possible.

47) Planning law states that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.

55) States that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

56) Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

80) Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

84) Planning policies and decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; c) leisure developments which respect the character of the countryside and d) the retention and development of accessible local services and community facilities including meeting places and sports venues.

92) Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction;
- b) are safe and accessible and
- c) enable and support healthy lifestyles;

98) Access to a network of high-quality open spaces and opportunities for sport and physical health is important for the health and well-being of communities.

100) planning policies and decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users by adding links to existing rights of way networks;

111) It should be ensured that appropriate opportunities to promote sustainable transport modes can be- or have been- taken up, given the type of development and its location; that safe and suitable access to the site can be achieved by all users.

109) Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

137) The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

138) The Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built up areas;
- b) to prevent neighbouring towns from merging into one another;
- c) to safeguard in assisting the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

145) Once Green Belts are defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity;

147) Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

148) local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness is outweighed by other considerations.

149) a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt apart from seven exceptions listed a) – g).

159) Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. There are five exceptions - b) engineering operations and is of particular relevance to the application proposal.

218) The policies of the Framework are material considerations to be taken into account in dealing with applications from the day of its publication.

## 6.0 POLICY ASSESSMENT AND ENVIRONMENTAL CONSIDERATIONS

### Principle of Development

- 6.1 The application site is designated in the LP as Green Belt (Policy GB1), Greenspace (Policy GS1) and is located in Dearne Valley Green Heart Improvement Area (Policy GI 1- Green Infrastructure ). The application proposal is an engineering operation utilising imports soils and inert material improving the quality of the soil, part restoration to agricultural use, remodelled landforms, planting of substantial new woodland area and retaining a system of trails and track for diverse recreational use.
- 6.2 Policy GB1 of the LP advises that Green Belt will be protected from inappropriate development and that development proposals within the Green Belt will be assessed against national policies. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149.



**Figure 3– Local Plan Proposals Map Extract (Courtesy Barnsley MBC)**

- 6.3 The proposed works amount to engineering operations. Paragraph 150 of the NPPF, confirms that certain other forms of development (including engineering operations) are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 6.4 Notwithstanding its Green Belt location, the site will remain open and free from built development. It shall be made suitable for agricultural and recreational use. As such, the proposals do not conflict with Green Belt policy objectives as regards preserving openness, the purposes of the Green Belt and of including land within it. The application proposal is therefore in accordance with Policy GB1.
- 6.5 The proposal seeks to enhance the outdoor amenity value of the site by upgrading the recreation function of this Green Belt location. The Framework provides positive support for proposals that enhance and promote safe and accessible green spaces in order to promote healthy living (reference paragraph 92 and 98). Paragraph 145 of the Framework refers to seeking out opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and

biodiversity; or to improve damaged and derelict land. The application proposal is in accordance with Policy GS1 as there is no loss and the quality of green space is improved.

- 6.6 The application proposal is consistent with LP Policy GI 1 – Green infrastructure as it maintains and enhances the Dearne Valley Green Heart Corridor and Improvement Area as it provides landscape, bio-diversity improvements and maintains the integrity of the existing open space corridor between the existing settlement that runs between Cudworth and Grimethorpe and enhances opportunities for use and access.
- 6.7 For all the above reasons the application proposal is in accord Policy GB1, Policy GS 1, Policy GI 1 of the adopted LP and The Framework.

## Landscape and Biodiversity

- 6.8 The Barnsley Borough Landscape Character Assessment (2002) identifies that the site is within character area D1 North East Barnsley Settled Arable Slopes which is an area identified for restoration and enhancement as a result of degradation arising from historic industrial and mining activity. Policy GD1 of the LP encourages high quality landscaping to protect and improve the character of the local landscape (LP reference paragraph 6.6)
- 6.9 The development proposal will deliver significant benefits in terms of landscape improvements and bio-diversity enhancements with the planting of a total 13,958 trees creating 4.18 hectares of new woodlands with 5.59 hectares sown with mixed seed grasses, clovers and wildflowers.
- 6.10 The application is supported by a Arboriculture Survey and Arboriculture Impact and Method Statement. The tree survey records 13 existing tree groups. The trees identified are naturalised pioneer species that have self-established and are of low to moderate amenity value (all assessed as Category 'C'). Whilst some tree groups provide some screening value, it is noted that individually the trees are of very limited value and of little arboriculture significance. Additionally, the trees are growing on thin soils limiting their long-term prospects. Overall the trees within the site are of particularly low value and should not pose any significant constraint on the development potential of the site.
- 6.11 The extensive tree and shrub planting scheme is shown on Drawing No. Drawing No. 901.04 – Landscape Plan There will be some tree removal, as indicated on Drawing No– Drawing No. 901.08 – Tree Clearance Plan. However, this shows that the areas identified for removal are significantly offset by the number of new planted trees creating new sustainable woodland areas that will bring definition, structure and enclosure to a currently featureless landscape.
- 6.12 The proposals incorporate extensive new trees to create a structural plantation of significant amenity and biodiversity value. Thus, the proposed mix of native tree species are predominantly:- Oak (*Quercus robur* - 40%) with smaller proportions of Scot's Pine (*Pinus sylvestris* - 15%), Field Maple (*Acer campestre* - 10%), wild cherry (*Prunus avium* -



10%), Beech (*Fagus sylvatica* -5%), Hazel (*Corylus avellana* - 5%) and Hawthorn (*Crataegus monogyna* - 5%) and Holly (*Ilex aquifolium* - 5%).

- 6.13 The proposed planting around the site will improve the visual appearance of the application area and would provide a substantial level of enclosure and shelter for a central area restored for agricultural use.
- 6.14 The proposed planting and species mix is informed by the applicant's ecological consultant and is designed to enhance bio-diversity and create new wildlife habitats, to improve the management of the site's nature conservation interests. Areas of new tree planting connect with existing woodlands to provide 'green corridors' for wildlife.
- 6.15 Through careful analysis of the landscape elements, selection and retention of positive attributes, a carefully balanced response has been achieved by effectively blending the existing site characteristics with new features and the surrounding landscape. The resultant changes therefore do not harm, but enhance the character and appearance of the existing landscape. The landscape changes proposed are sympathetic to and fully take into account the character of the existing landscape
- 6.16 The application proposals include active trails and viewing points creates a 'sense of place' within an open landscape and thus create a sense of place in accordance with LP Policy D1. The bio-diversity enhancement of the site is fully in accordance with LP Policy BIO 1.

## Highways

- 6.17 A Transport Statement has been prepared by CoralHt to consider the impact of development during construction and following completion of the development. The application is accessed from Ferry Moor Lane via the A6195. Ferry Moor Lane, suitable for HGV traffic and has street lighting and a footpath along the west side of the carriageway.. Beyond this hard surfaced access road, HGVs and construction traffic will utilise existing tracks within the site to the construction compound as illustrated on Drawing No. 901.10 – Construction Access.
- 6.18 It is estimated that 430,000m<sup>3</sup> of soil and inert material is to be transported to site using HGVs carrying 9m<sup>3</sup> per delivery which equates to 47,778 HGV arrivals.
- 6.19 The proposed development would result in a maximum of 6 HGV arrivals during the AM and PM peak hours. During construction, it can be deduced that there would not have a severe impact on the highway network. The routing of HGVs will be considered to minimise impact on residential areas.
- 6.20 The Engine Lane / Ferry Moor Lane Capacity junction would operate well within capacity with the development works in place. The recorded accident data within the vicinity of the site does not indicate any existing highway safety patterns or problems.

- 6.21 The routing of construction vehicles is set out in a Construction Traffic Management Plan, to be agreed with the local Planning Authority or secured by condition of approval based on a 5 year construction period and average, daily HGV trip rate of 80 HGVs. The proposed routes in the CMTP utilises the A635 from the south and A628 from the north.
- 6.22 The Transport Statement proposes, to be confirmed in a Construction Management Traffic Plan, that HGV vehicle routing will utilize the A58 and A61 as the principal means of access to the site and specify hours for HGV deliveries, priority give way arrangements, signage and other matters to be agreed with the Highway Authority.
- 6.23 The proposed construction works would generate some limited traffic associated with the arrival of site staff and the delivery of excavated engineering materials. The final stages of the scheme, which would involve landscaping and planting, are unlikely to generate significant levels of traffic. The construction vehicles would adhere to an approved route and would only access the site between the permitted operating hours
- 6.24 The Transport Statement concludes that the development is acceptable in highway and transportation terms and therefore in accordance with LP Policy T4 – New Development and highway safety.

## Ecology

- 6.25 A Preliminary Ecological Appraisal (PEA) was undertaken by EBS in 2022 covers an area that goes beyond the application site and was subject of the previous EIA Screening Opinion determined by the LPA. A desk-based study and a field study were conducted in order to identify habitats and determine the suitability for any 'protected and notable' species to occur on site, with specific focus on bats due to the characteristics of the site.
- 6.26 The PEA establishes that the habitats present are common and widespread and are not of significant ecological value in their own right.
- 6.27 Great Crested Newt (GCN) presence/absence surveys have been carried out. There are a number of ponds (9 No.) on and within 250m of the site some of which were found to be dry throughout the year. No GCNs or signs of their presence were noted in any pond.
- 6.28 Full reptile presence/absence surveys (9 in total) have been undertaken over the months of April – June 2023. The results showed no signs of reptiles being present on site and therefore. It is therefore the opinion of EBS that a Natural England Protected Species Licence is not required for this site.
- 6.29 Recommendations for biodiversity enhancement are reflected in the landscape proposals for the site through planting of native trees, a diverse mix of grasses and wildflowers.

- 6.31 Nesting birds are likely to use the boundary woodlands, scattered trees and scattered scrub on site. Clearance work on site will be undertaken outside of the breeding bird season (March-September inclusive) as recommended.
- 6.32 For the above reasons, the impact of development on the ecology of the area is assessed as limited and scope for enhancement significant in association with the proposed landscaping as described. The application proposals are in accord with LP Policy BIO 1.

## Flood Risk & Drainage

- 6.33 The site is primarily located within Flood Zone 1, except a short section of the proposed access road which is in Flood Zone 3, and therefore is considered to have a low probability of flooding. A Flood Risk Assessment (FRA) is submitted with the application as the site is more than 1 hectare.



**Figure 5 Flood Maps Extract (Courtesy of Pell Frischamnn)**

- 6.34 The FRA concludes that the site is at low to high risk of surface water flooding; low risk from groundwater flooding and flooding from artificial sources and that the application proposal is classed as 'Water Compatible' development under the NPPF guidance. Therefore an Exception Test is not required. The nature of the proposed works means that the proposed development will not increase the impermeable area and therefore there is no increase in runoff. The FRA provides an overview of flood risk on the site and concludes that overall there is a low risk of flooding.

## Other Environmental Considerations

- 6.35 As confirmed previously, the works proposed are a relatively straightforward engineering operation requiring the importation of clean bulk soils and inert material to implement landform changes. The CL:AIRE regime exists to facilitate the re-use of excavated materials on-site or their movement between sites. No materials moved between sites under CL:AIRE have at any time been classified as waste and therefore the development is a waste recovery or waste disposal operation. For these reasons, the provisions of the Barnsley Doncaster and Rotherham Joint Waste Plan 2014-2033 adopted March 2012 do not apply to the application proposal.
- 6.36 The application is supported by a Geo-Environmental Desk Top Assessment. It concludes that whilst there is made ground materials and infilled opencast onsite due to historic uses, the risk posed to the local environment and proposed development, import of natural and inert soils and upfilling of the site is low.
- 6.37 The application is also supported by a Coal Risk Assessment Report. It concludes that, notwithstanding the historic mining legacy, the proposed development of importing soil and laying it onsite constitutes a low risk. Underground mining did take place beneath site as part of the Shafton Coal Seam. However, the Coal Risk Assessment Report considers there is sufficient bedrock cover above this seam.
- 6.38 There are two mine shaft entries recorded on site, anticipated to be associated with the old Grimethorpe Colliery, which will need to be located and treated/fenced off as necessary.

## Dust and Noise

- 6.39 A Construction Environmental Management Plan is submitted with the application identifying measures and procedures to minimise the potential for the creation of dust and noise that may emanate from the site during a temporary construction period.

## 7.0 CONCLUSION

- 7.1 The proposed development is to restore an area of open land comprising approximately 11.77 hectares of land to make it suitable for agricultural use together with landscape and biodiversity enhancement works, planting of new woodland areas and utilisation of existing tracks for recreational use.
- 7.2 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 (430,300m<sup>3</sup>), classified in planning terms as an engineering operation.

- 7.3 The application is in an area identified in the Barnsley Landscape Assessment as in need of restoration and enhancement. Notwithstanding previous remediation from the effect of mining operations, the site suffers from, thin soils, an absence of landscape features and is unsuitable for agricultural use.
- 7.4 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.
- 7.5 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 and will sit on a raised plateau enclosed by new wooded areas that slope down to the north, west and east.
- 7.6 The proposed works include major landscape improvements and the planting of thousands of new trees. In total, 13,958 new trees (all native species) will be planted covering 4.18 hectares of the application site. This represents a significant planning benefit as the scheme results in 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.
- 7.7 The proposed enhancement and modifications will be created importing additional inert soils up to 430,000m<sup>3</sup> under the CL:AIRE Code of Practice. No waste materials are involved with this scheme. The proposal involves sourcing only clean, uncontaminated, excavated materials such as soils, clay, and earth from development sites to be completed over a 5 year construction period.
- 7.8 The application proposal embraces the three dimensions of sustainable development – economic, social and environmental as defined by NPPF. There is an economic benefits is restoring the land to productive use. There are social benefits to facilitate access to open area for for recreational use by the community in the interest of health and wellbeing. There is an environmental commitment to ensure that the scheme delivers positive landscape and biodiversity benefits.
- 7.9 As demonstrated in this Planning Statement, the proposed development conforms fully with the aims and objectives of national and local planning policy. The application site is designated as Green Belt and Green Space. The proposed restoration works do not impact on openness and delivers tangible and demonstrable benefits in terms of landscape and biodiversity enhancements and drainage improvements. The impacts of development are primarily short term, during the construction phase, and can be addressed and mitigated.

- 7.10 Having regard to all of the above matters, and on any reasonable assessment, planning permission should be granted without delay.