



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0223

To JVN Architecture
19 Appleby House
Ravenshorn Way
Renishaw
Nr Sheffield
Derbyshire S21 3WY

DESCRIPTION Extraction of coal ash and subsequent restoration of the land. (Amended description)

LOCATION Hill Street, Elsecar, Barnsley, South Yorkshire, S74 8EN

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 23 April 2013 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development, including the restoration of the site, hereby permitted shall have a maximum duration of 18 months from the date of this decision.
Reason: The application is for a temporary period and to accord with CS policy CSP38.
- 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 titled 'Site Plan - Ash Removal', numbered 436 - 101, dated May 2014 and submitted with an e-mail of 21 May 2014;
 - b. Drawing titled 'Proposed Sections', numbered 436 - 102, dated May 2014 and submitted with an e-mail of 21 May 2014;
 - c. Drawing titled 'Proposed Sections', numbered 436 - 103, dated May 2014 and submitted with an e-mail of 21 May 2014;
 - d. Drawing titled 'Proposed Section E-E (longitudinal)', numbered 436 - 104, dated May 2014 and submitted with an e-mail of 25 January 2016;
 - e. Dust Management Plan for Hill Street, Elsecar, Barnsley, supplied with an e-mail of 5 June 2013;
 - f. Ecological Appraisal for Hill Street, Elsecar, produced by Protected Species Surveys and dated October 2015 (Rev A); and
 - g. Design and Access Statement, Rev B amended 22 April 2013 except that all references to the importation of inert fill are deleted.**Reason: For the avoidance of doubt and in the interests of local amenity consistent with CS policy CSP40, UDP policy M9C and the relevant planning policy statements in the NPPF.**

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

Signed 
Head of Planning and Building Control

Dated 29 January 2016

- 3 The applicant shall be responsible for ensuring that a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the Mineral Planning Authority (MPA) during normal working hours.
Reason: To allow for monitoring by the MPA and to ensure that the development is carried out in accordance with the approved details.
- 4 The extraction of coal ash shall only take place over a continuous period of 6 months within the development timescale stated in condition 1 above. The MPA shall be notified of the date of commencement of coal ash extraction at least 7 days prior to work commencing on site.
Reason: In order to minimise the extraction period in the interests of residential amenity and to accord with CS policy CSP38 and the relevant planning policy statements in the NPPF and to allow for monitoring by the MPA.
- 5 Working operations within the site including vehicle haulage movements and maintenance shall be limited to the hours between 0730 hours and 1730 hours on Monday to Friday, and not at all on Saturdays, Sundays, Bank and Public Holidays.
Reason: In the interests of local amenity in accordance with CSP40.
- 6 The quantity of coal ash to be recovered shall not exceed 40,000 cubic metres. Extraction of coal ash shall be limited to a maximum of 9.0m below existing ground levels. A written record shall be kept by the operator of the quantity of coal ash extracted in cubic metres on a daily basis. This record shall be made available to the MPA for inspection on request and shall be retained for at least 1 year from the date of production.
Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 7 The number of HGV vehicular movements associated with the development shall not exceed 30 per day (15 in, 15 out). A record shall be kept by the operator of the number and type of vehicular movements into the site on a daily basis. This record shall be made available to the MPA on request and shall be retained for at least 1 year from the date of production.
Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 8 No development shall commence until full surface water drainage details, have been submitted to, and approved in writing by, the MPA. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme as approved shall then be retained throughout the life of the development.
Reason: To ensure the proper drainage of the area in accordance with CSP4.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure or obstruction shall be located over or erected within 3 metres either side of the centre line of, of any watercourse/sewer, which crosses the site.
Reason: To prevent damage to an existing watercourse/sewer and to allow sufficient access for maintenance and repair work at all times.
- 10 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use.
Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety and to accord with CS policies CSP26 and CSP40.
- 11 Site lines, having the dimensions 2.4m x site frontage, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interests of highway safety and to accord with CS policy CSP26.

- 12 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interests of highway safety and to accord with CS policies CSP26 and CSP40.
- 13 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the MPA. The methodology of the survey shall be approved in writing by the MPA and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the MPA, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the MPA.
Reason: In the interests of highway safety and to accord with CS policy CSP26.
- 14 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: To ensure safe and adequate access and to accord with CS policy CSP26.
- 15 The site access gates to the rear of the footway are to remain secured in an open position during haulage operations for the duration of the works.
Reason: In the interests of highway safety and to accord with CS policy CSP26.
- 16 No development shall commence until a haul route avoiding Hoyland Town Centre gyratory system for construction traffic has been submitted to, and agreed in writing by, the MPA. The agreed route shall be adhered to for the duration of the works.
Reason: In the interests of highway safety and to accord with CS policy CSP26.
- 17 No development shall commence until arrangements have been entered into with the MPA to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of:
- Provision of advance highway warning signs for the site entrance;
 - Temporary and permanent relocation of adjacent bus stop;
 - Any necessary signing and lining;
 - Provision of/any necessary amendments to street lighting;
 - Provision of/any necessary amendments to highway drainage; and
 - Any necessary resurfacing/reconstruction.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to, and approved in writing by the MPA.
Reason: In the interests of highway safety and the free flow of traffic and to accord with CS policy CSP26.
- 18 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the MPA. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- The parking of vehicles of site operatives and visitors;
 - Means of access for construction traffic;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Measures to prevent mud/debris being deposited on the public highway; and
 - Details of site security measures.
- Reason: In the interest of highway safety and to accord with CS policy CSP26.**

- 19 No development shall commence until a revised Noise Management Plan has been submitted to, and approved in writing by, the MPA. The revised plan shall include (but not be limited to):
- a. Details of the noise levels likely to be created by the proposed operations;
 - b. Details of the noise levels of all plant and machinery to be used on the site and the impact on the current background noise levels;
 - c. Details of management plans/mitigation to be put in place to control the noise levels on the site over the different phases of the proposed works; and
 - d. Details of where plant and equipment would be located during the works to address sensitive receptors, and location of any noise attenuation bunds.
- Reason: In the interest of residential amenity and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.**
- 20 All operations on site shall be carried out in complete accordance with the approved Dust Management Plan. When, due to site conditions the prevention of undue dust impact is considered to be impracticable by the MPA, operations shall cease until such time as conditions improve such as to permit resumption.
- Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.**
- 21 Measures shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. These measures shall include but not necessarily be limited to the following:
- a) The use of adequate and working water suppression (hoses/sprinklers/water bowsers etc.) which shall be available for use, and utilised at all times when dust generating materials are being handled on site. Any materials likely to cause dust shall be effectively dampened prior to being handled;
 - b) All vehicles transporting coal ash leaving the site shall be securely sheeted;
 - c) The effective maintenance of the access road including the use of a road sweeper;
 - d) The enforcement of a speed restriction of 10 mph on all vehicles moving on site and on the haul road;
 - e) Any vehicles permanently stationed at the site shall be equipped with upward pointing exhausts; and
 - f) The suspension of the movement of materials during adverse dry windy conditions.
- Reason: To protect local amenity, and to safeguard the occupants of nearby dwellings from the effects of dust and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.**
- 22 Within 6 months of the date of this planning permission, a landscaping scheme shall be submitted to, and approved in writing by, the MPA. The scheme shall provide details (plant species, size, planting distance, numbers and planting method) of tree and shrub planting to be carried out. The plants shall be located in areas unlikely to be affected by potential future development including the habitat enhancement area referred to in condition 23 below. All tree and shrub planting as approved in the scheme shall be carried out in the first planting season following the completion of the development. Any trees or shrubs planted as part of the scheme which are removed, or in the opinion of the MPA become severely damaged or are found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with trees or shrubs of a similar size and species to the satisfaction of the MPA.
- Reason: To ensure that a landscaping/planting scheme is submitted and implemented in the interests of visual amenity and to accord with CS policy CSP29, and the relevant planning policy statements in the NPPF relating to requiring good design.**

- 23 Habitat enhancements shall be carried out in within the western corner of the site as shown on Figure 3 of the approved Ecological Appraisal, at the earliest opportunity following the completion of the development and in any event within 12 months. The enhancements shall comprise of the provision of species rich grassland, tree planting in accordance with condition 22 above, and the creation of a single hibernacula suitable for amphibians. The design details of the species rich grassland and hibernacula shall be submitted to, and approved in writing by the MPA within 6 months of the date of this planning permission. Thereafter, the development shall be carried out in accordance with the approved details.
Reason: In the interests of biodiversity and to accord with CS policy CSP36 and the planning policy statements in the NPPF relating to conserving and enhancing the natural environment.
- 24 A detailed assessment of the Japanese knotweed as noted in the approved Ecological Appraisal shall be undertaken by an experienced knotweed specialist during the growing season and an appropriate and detailed mitigation strategy drawn up to ensure its safe removal from the site and safe disposal. The assessment shall be submitted to, and approved in writing by, the MPA prior to any disturbance of the area occupied by the weed. Thereafter, the development shall be carried out in accordance with the approved assessment.
Reason: In the interests of biodiversity and to accord with CS policy CSP36 and the planning policy statements in the NPPF relating to conserving and enhancing the natural environment.
- 25 Following the removal of the coal ash in accordance with this permission, the restoration of the site shall be carried out in accordance with a scheme which shall be submitted to, and approved in writing by, the MPA within 6 months of the date of this permission. The scheme shall include details of any storage areas for any overburden/soils and their protection during the operations, methodology for the replacement of such, grass seed mix/application rate and the timescale for the completion of the restoration.
Reason: To ensure the restoration of the site and to accord with CS policy CSP38, UDP policy M9B and the relevant planning policy statements in the NPPF.
- 26 In the event of any failure to achieve the restoration levels approved under this planning permission, then within 3 months of the date of expiry of the permission an amended scheme of reclamation shall be submitted to, and approved in writing by, the MPA. The scheme shall include, but not be limited to:
- a) Details of final levels;
 - b) Surface treatment;
 - c) Drainage; and
 - d) The timescale for implementation.
- The scheme shall be fully implemented and completed in accordance with the approved details, including timescale.
Reason: In the interest of the proper reclamation of the site and to accord with CS policy CSP38 and UDP policies M9B and M9C.

Informative(s)

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

- 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 Local Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.
- 2 If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.
- 3 The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.
- 4 If the developer is to make discharge flows to the existing watercourse or carry out works within or in the proximity of any watercourse, he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate or gain the relevant permissions from the lead Local Flood Authority respectively. Contact Derek Bell (01226 787654).
- 5 Surface water run-off from hardstanding and/or communal parking (greater than 800 square metres or 50 or more parking spaces) must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to prospectively adoptable sewer. Roof water should not pass through the traditional stage or full retention type of interceptor/separator. It is good practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.
- 6 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on website at: www.gov.uk/government/organisations/the-coal-authority

- 7 Network Rail have confirmed that the applicant/developer will need to enter into an Asset Protection Agreement with them prior to the commencement of development.. Thereafter, the development shall be carried out in accordance with the approved agreement. Contact for the Asset Protection Agreement is Asset Protection Project Manager, Network Rail (London North Eastern), Floor 2A, George Stephenson House, Toft Green, York, YO1 6JT.
- 8 Japanese knotweed is classified as an invasive weed under the Wildlife and Countryside Act 1981 (as amended). In addition, any waste containing Japanese knotweed is classified as controlled waste under the Environmental Protection Act (Duty of Care) Regulations 1991. Under the provisions made within the Act, it is an offence to spread Japanese knotweed.
- 9 The removal of vegetation such as scrub and trees should be done outside of the bird breeding season (March to September inclusive) as all birds are protected whilst on the nest under the Wildlife and Countryside Act 1981 (as amended). If this is not possible, the affected vegetation must be checked by an experienced ecologist prior to removal.

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.