



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0100

To JBA Consulting
Mersey Bank House
Barbould Street
Warrington
WA1 1EY

DESCRIPTION Planning application for ecology, infrastructure and visitor improvement works at two sites as follows:

RSPB Old Moor Site - reprofiling of habitat areas, redesign of existing car park, discovery zone refurbishment and extension, replacement of existing hide with new family hide.

Wombwell Ings Site - Reprofiling of habitat areas, installation of water control structure to allow water to be taken from the River Dove, creation of additional habitat features for feeding and nesting birds.

LOCATION RSPB, Old Moor Lane, Wombwell, Barnsley, S73 0YF

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 04 February 2019 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved:

Design and Access Statement Rev 04, JBA Consulting
Wombwell Ings and Old Moor Nature Reserve FRA, JBA Consulting (Dec 2018)
Ecological Impact Assessment by Wild Scapes
2018s0929-101, Site Layout (North and South)
2018s0929-100, Site Layout / Site Location Plan
2018s0929-110, Site Layout Areas A, B, C, D, E, F, H and I
2018s0929-140, Site Layout Areas G and I
2018s0929-160, Wombwell Ings Site Layout 530-07 Rev D, Layout for Phase 1
3.6 7.2 3.6 Angled RSPB Old Moor Master, Family Hide
530-CD-01 Ditch and Dam
530-CD-02 Outfall Headwall
2018s0929-161, Ditch Sections

2018s0929-153, Green Lane Circular Walk - Section I1-I1
 2018s0929-143, Green Lane Circular Walk
 2018s0929-134, Green Lane Circular Walk - Cross Sections
 2018s0929-120, Green Lane Circular Walk Drainage Details
 2018s0929-133, Green Lane Circular Walk - Sections I1-I1 & I2-I2
 2018s0929-118, Green Lane Circular Walk
 2018s0909-119 Area E Improved Water Control on Wader Scrape Details
 2018s0929-154, Green Lane Circular Walk - Cross Sections
 2018s0929-113, New wader habitat on the Mere
 2018s0929-129, Improved Water Control on Wader Scrape - Section E1-E1
 2018s0929-115, Improved Water Control on Wader Scrape
 2018s0929-164, Inlet Water Control Structure Details
 2018s0929-127, New Wader Habitat on the Mere - Section C1-C1
 2018s0929-162, North Ditch Cross Section Chainage 418 Islands Section
 2018s0929-128, Pool and Sand Martin Bank on Green Lane - Section D1-D1
 2018s0929-114, Pool and Sand Martin Bank on Green Lane
 2018s0929-126, Reedbed on the Mere - Sections B1-B1 and B2-B2
 2018s0929-112, Reedbed on the Mere
 2018s0929-131, Re-profiling Wader Scrape - Section F2-F2
 2018s0929-142, Re-profiling Field Pools - East Area
 2018s0929-150, Re-profiling Field Pools - Section G1-G1
 2018s0929-151, Re-profiling Field Pools - Section G2-G2
 2018s0929-152, Re-profiling Field Pools - Sections G3-G3 and G4-G4
 2018s0929-141, Re-profiling Field Pools - West Area
 2018s0929-130, Re-profiling Wader Scrape - Section F1-F1
 2018s0929-116, Re-profiling Wader Scrape
 2018s0929-125, Spoil from Wombwell Ings Perimeter Ditch & surplus from North - Section
 2018s0929-111, Spoil from Wombwell Ings Perimeter Ditch & surplus from North
 2018s0929-163, Water Control Structure Details
 2018s0929-132, Willow Pool Heronry - Section H1-H1
 2018s0929-117, Willow Pool Heronry

unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 Prior to commencement a Construction Environmental Management Plan, in accordance with the recommendations of the Ecological Impact Assessment by Wildscapes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1

- 4 Prior to commencement of Project Year 2, or any works therein as set out in the Design and Access Statement Rev 04 (JBA Consulting), Botanical Surveys shall be undertaken and the Survey Report, including construction access routes and appropriate mitigation measures with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1

- 5 Prior to commencement of Project Year 1, or any works therein as set out in the Design and Access Statement Rev 04 (JBA Consulting), Hedgerow Surveys shall be undertaken. The Survey Report, including appropriate mitigation measures and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1

- 6 Prior to construction commencing in any autumn, Water Vole surveys shall be undertaken annually, in the summer of the same calendar year. The Survey Report, including appropriate mitigation measures with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1
- 7 The development shall be carried out in accordance with the submitted flood risk assessment by JBA Consulting, referenced 2018s0929 and dated December 2018, and the following mitigation measures detailed within:
Works shall not decrease existing flood storage capacity
The existing flood storage reservoir embankments at the site shall be left un-altered, as outlined in "4.2 Onset of flooding", with no changes to the perimeter flood embankments or controlling structures
The landscaping measures shall not alter the operational function of the flood storage basin
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
Reason: To prevent flooding elsewhere by ensuring that storage of flood water is protected and to ensure the structural integrity of the existing flood storage reservoir embankments is not altered or compromised, thereby reducing the risk of flooding in accordance with Local Plan policy CC3
- 8 The development approved shall be carried out in strict accordance with the Construction Methodology provided at Section 3 of the Design and Access Statement Rev 04 (JBA Consulting) and plans 530-09, 530-10, 520-11 and 2018s0929-100, including site access and compound location.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.
- 9 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

Informative(s)

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

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and*
- up to six months imprisonment on conviction*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

1	The 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). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. 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
2	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 or a similar service provider. If any 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 the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
3	The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

	If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.
4	If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact Wayne Atkins (01226 772182) ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board. For further guidance, pre-application advice & consent form visit: www.shiregroup-idbs.gov.uk, and select "Danvm DC" For direct enquiries e-mail: planning@shiregroup-idbs.gov.uk
5	Broomhill Lane is not a public right of way but is a full adopted vehicular highway subject to a prohibition of driving order. Vehicle movements and gates should be agreed with Highways and Streetworks to ensure that the necessary permissions are in place. Please contact contact Highways & Engineering on 01226 773555 prior to any works commencing on site
6	A number of informal / private path are provided, both now and in the proposals. Steps should be taken to protect these from acquiring public access rights in the future. This may be achieved by notices or locked gates, such as the access from Old Moor car park to the Trans Pennine Trail. Landowners may also submit a deposit under section 31(6) of the Highways Act 1980, which provides legal protection for the land over a 20 year period. This currently has no charge. For more information, please contact publicrightsofway@barnsley.gov.uk
7	If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact Wayne Atkins (01226 772182)

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 17 May 2019

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

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions 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.