
Development Service

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Mr T Bland
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My ref: 2013/ENQ/01141

Your ref:

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Date: 7 March 2014

Dear Mr. Bland

REFERENCE NO.

2013/ENQ/01141

DESCRIPTION

Proposed timber resource recovery centre and anaerobic digestion facility

LOCATION

Land off Houghton Main Colliery roundabout, Park Springs, Barnsley

I refer to the request made to the Council for pre-application advice relating to the above site.

This letter provides advice and an assessment of the material planning considerations that would influence the outcome of any subsequent application following our meeting 29th January 2014. Attendees from the Council were as follows:-

Andrew Burton, Senior Planning Officer, Development Management.
Stephen Moralee, Head of Planning, Building Control and Sustainability.
Matthew Joy, Planning Policy Officer.
Barbara Wilson, Principal Highways Development Control Officer
Kevin Ellam, Highways Development Control Officer.
Caroline Petty, Group Leader - Pollution and Licensing.
James Gardham, Pollution Control Officer.

Planning Policy issues

The Development Plan for the Borough currently consists of the saved Unitary Development Plan policies and the Local Development Framework Core Strategy and the Barnsley, Doncaster and Rotherham Joint Waste Plan.

In addition the Council has produced a Consultation Draft of the Development Sites & Places Development Plan Document (DSAP), which shows possible allocations up to 2026 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

The National Planning Policy Framework (NPPF) is a material consideration on all planning applications. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

- approving development proposals that accord with the development plan without delay
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-

–any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

–specific policies in the Framework indicate development should be restricted.

In addition the NPPF also states that Planning Policy Statement 10: Planning for Waste Management is still a material consideration until the Government has published the Waste Management Strategy for England.

The proposal is for a waste management facility. Therefore the main policies that shall be used to assess a planning application shall be those in the Joint Waste Plan. The main policy in the Joint Waste Plan that shall be relevant is policy WCS4: Waste Management Proposals on non-allocated sites. This states that proposals for waste management facilities will be permitted provided they demonstrate how they:-

- 1) *do not significantly adversely affect the character or amenity of the site or surrounding area;*
- 2) *contribute towards the aims of sustainable waste management in line with the waste hierarchy;*
- 3) *do not undermine the provision of waste development on strategic sites set out under policy WCS3;*
- 4) *prioritise the reuse of vacant or underused brownfield land, where possible; and*
- 5) *facilitate quicker and better quality reclamation, and do not prevent the timely reclamation of the site (where applicable).*

B. Subject to meeting these criteria, the types of location where waste proposals may be acceptable in principle include:

- 1) *existing waste transfer recycling, composting, treatment and recovery sites;*
- 2) *designated employment and industrial areas/sites;*
- 3) *agricultural buildings;*
- 4) *waste water treatment and sewage works;*
- 5) *active mineral workings (including collieries); and*
- 6) *landfill sites.*

The site is designated as part of an *Area of Investigation for Potential Employment Development* in the UDP under policies DA4 and is therefore potentially acceptable in terms of the land use planning policy element of policy WCS4. The site is also shown as a proposed '*Employment Land Option*' in the draft LDF proposals maps, which are not yet being afforded full weight. However the proposal would need to satisfy the other criteria of the policy in order to be judged acceptable in planning terms, which will be the key tests of the proposal. Not undermining the provision of waste development on strategic sites would seem particularly important as required criteria 3.

The proposal shall also need to be assessed to see how it performs against the aims of the Joint Waste Plan. Policy WCS1 setting out the 'overall strategy for achieving sustainable waste management' is therefore also an important policy. Parts of this policy to note include:-

- Criteria B which is that no capacity gaps are identified for construction, demolition and excavation waste and therefore specific sites are not safeguarded or allocated. Proposals will be assessed on a case by case basis.
- D1 Large scale waste management proposals will be directed towards the strategic sites where possible.
- D3 Proposals will be supported which enable Barnsley, Doncaster and Rotherham's waste to be managed locally, whilst allowing waste to be imported or exported where this represents the most sustainable option.

You indicated in the meeting that the waste shall be imported for sources located outside of the Borough and therefore sustainability shall be an important consideration.

Core Strategy Policy CSP40 'Pollution Control and Protection' is also highlighted in relation to Joint Waste Plan WC4 criterion 1 an important consideration. This states:-

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

You and the Environment Agency have also confirmed that the proposed developments would require two separate Environmental Permits in accordance with the requirements of the Environmental Protection Act 1990. Further information can be obtained from the Environment Agency.

Environmental Impact Assessment

The proposal is considered to fall within Category 10 of Schedule 1 of the Environmental Impact Regulations 2011. Accordingly it has been agreed that the planning application would require an Environmental Impact Assessment. You have submitted a formal scoping opinion to the Council and this shall be responded to in due course following the end of the consultation period.

Potential constraints

You have been provided with the following pre-application consultation comments to take into account of in relation to issues including biodiversity, unstable land, flood risk, :-

BMBC Biodiversity Officer
BMBC Tree Officer
South Yorkshire Mining Advisory Service
The Coal Authority
Environment Agency
Yorkshire Water

Landscape and Visual impact

Landscape and visual impact will be expected to be covered in the Environmental Statement. Relevant planning policies shall include Core Strategy policy CSP29 'Design' whereby proposals would be expected to achieve a high standard of design and soft landscaping. In addition policy CSP37 'Landscape Character' is relevant in terms of the considering the effect of the development on the landscape character area.

The Council shall also be looking for information that shows the relationship with the existing Asos building located opposite for scale comparison purposes. In addition you have acted on the recommendation to present at the Barnsley Design Review Panel as was recommended to you at the meeting.

Highways

The impact of the development on the highway network shall be assessed against Core Strategy policy CSP26 'New Development and Highway Improvement' which states:-

New development will be expected to be designed and built to provide safe, secure and convenient access for all road users. If a development is not suitably served by the existing highway, or would create or add to highway safety problems or the efficiency of the highway for all road users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

Barbara Wilson, Principal Highways Development Control Officer advised that the potential implications of the development on the highway network has the potential to be one of the most significant issues with the application on the grounds of capacity issues at the road/roundabouts on the approach strategic highway network. Accordingly the scope of the Transport Assessment will need to be carefully considered and should be agreed with Barbara beforehand.

Parking – The Parking SPD does not provide any standards for this form of development. Therefore proposals shall need to be discussed in more detail with Barbara Wilson, Principal Highways Development Control Officer.

Other Core Strategy policy requirements

SUDS- All development shall be expected to control surface water run off using SuDS where viable to be in compliance with CSP3 'Sustainable Drainage Systems'.

Flood Risk –The site is over 1ha and accordingly, a Flood Risk Assessment will be required to comply with policy CSP4 'Flood Risk'. It shall be a requirement as part of the development that existing surface run off rates should be reduced by 30% on brownfield sites.

Sustainable construction – All non-residential development will be expected to achieve at least BREEAM standard of 'very good' or equivalent.

Renewable energy - The development will be expected to incorporate decentralised, renewable or low carbon energy sources and other appropriate design measures sufficient to reduce the developments carbon dioxide emissions by at least 15% from levels permissible by the 2010 Building Regulations in order to comply with CSP5 'Including Renewable Energy in Developments'.

CSP 36, 'Biodiversity & Geodiversity' states that development will be expected to conserve and enhance the biodiversity and geological features of the Borough. Development which may harm a biodiversity or

geological feature will be not be permitted unless effective mitigation and/or compensation can be ensured. Therefore the application would need to be supported by an independent ecological report by an appropriately qualified (to be detailed) consultants, which should include data from sources including the Barnsley Biological Records Centre www.barnsley.gov.uk/countryside-general-information and Local Wildlife Site data. It should also propose mitigation measures proportionate to the loss of habitat that would result.

Community Consultation

Community consultation was encouraged and is now progressing in accordance with your 'statement of engagement' document that was submitted to Officers subsequent to the meeting. You have also confirmed that you are having a regular dialogue with Asos as the main neighbor of the site. Continued discussion is encouraged.

Validation requirements

The standard list of national planning application requirements would be expected for a full planning application. <https://www.barnsley.gov.uk/media/Development%20-%20Planning%20and%20Transportation/Development%20Control/Table%20%20-%20National%20Requirements.pdf>

The Environmental Statement accompanying the planning application may cover the majority of requirements from our local list of validation requirements rather than further individual reports. The Council shall be providing a further response to the formal scoping opinion in due course. However from my initial assessment I would ask that you ensure that the following information is provided either way.

- Planning statement (please include the results of the any community consultation).
- Design and Access Statement.
- Transport Assessment.
- Ground investigation report (including Coal Mining Risk Assessment).
- Flood Risk Assessment.
- Full foul and surface water drainage details, which in the case of surface water should incorporate SuDS (unless it can be demonstrated that all types would be impractical) and be sufficient to maintain or reduce existing run-off rates.
- Ecological Assessment covering the issues raised by the Biodiversity Officer.
- Noise assessment.
- Tree Survey/Implications assessment covering the issues raised by the Tree Officer.
- Energy report having regard to Core Strategy policies CSP2 and CSP5

I would also request that you show the following information on the plans:-

- Existing and proposed levels, including for the Asos building located adjacent the site and relevant section/levels comparison drawings where appropriate.
- Details of proposed building materials and boundary treatments
- Proposed hard and soft landscaping specifications

I am hopeful that this should cover everything that will be required. However I reserve the right to request additional information should that be considered necessary or be identified through the consultation process. It may also be possible to look to combine some of the documents where appropriate.

Validation will depend upon receipt of all relevant forms, fees, plans and documents.

These comments will be treated as a material consideration in relation to any planning application submitted in the next 2 years for a scheme that reflects the advice provided in this letter. However, please note that the views and opinions in this letter do not constitute a formal response or decision of the Council in relation to any future planning application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Burton'.

Andrew Burton, Senior Planning Officer (Outer Area Team)
For and on behalf of Head of Planning, Policy and Building Control

Appendix – List of main relevant planning policies to be covered (not exclusive and subject to change)

National

National Planning Policy Framework
Planning Policy Statement 10: Planning for Waste Management

Local

Site specific Unitary Development Plan policies <http://www.barnsley.gov.uk/volume1-strategy-policy-justificationpdf>, <http://www.barnsley.gov.uk/volume2-to-13-combinedpdf>

Policy DA4, Area of Investigation for Potential Employment Development

Core Strategy - <http://www.barnsley.gov.uk/about/how-the-council-is-organised/departments/development-environment-and-culture/strategy-growth-and-regeneration/local-development-framework/core-strategy/>

- CSP 1, Climate Change
- CSP 2, Sustainable Construction
- CSP 3, Sustainable Drainage Systems
- CSP 4, Flood Risk
- CSP 5, Including Renewable Energy in Developments
- CSP19, Protecting Employment Land
- CSP 26, New Development and Highway Improvement
- CSP 29, Design
- CSP 36, Biodiversity & Geodiversity
- CSP 39, Contaminated and Unstable Land
- CSP 40, Pollution Control & Protection

Barnsley, Rotherham and Doncaster Joint Waste Plan

WCS1: Barnsley, Doncaster and Rotherham's Overall Strategy for Achieving Sustainable Waste Management.

WCS3: New Strategic Waste Management Sites.

WCS4: Waste Management Proposals on Non Allocated Sites.

LDF Development Sites and Places Consultation Draft 2012 policy EMP1.
<http://consult.barnsley.gov.uk/portal/development/planning/dsap/dsap?pointId=1164684#document-1164684>