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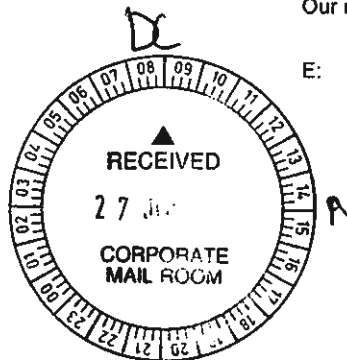
22 July 2010

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Dear Andrew

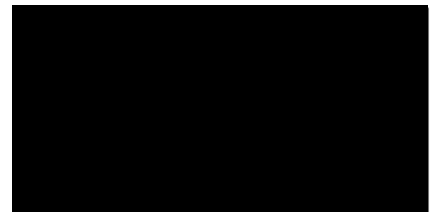
**PLANNING APPLICATION FOR ENGINEERING OPERATIONS AND LANDSCAPING
LAND OFF NETHERWOOD ROAD, WOMBWELL**

Further to your discussions with my colleague Matthew Collins, I am pleased to enclose the remaining documents that comprise a planning application submitted on the Planning Portal (ref 1157116) on behalf of Barnsley Partnership for Learning. The planning application is for further development following on from the outline planning approval for the construction of a new Advanced Learning Centre granted on 20 November 2009 reference 2007/2131. This application seeks permission for:

- i) The deposition of mulched tree roots across an area of circa 32,000 sqm;
- ii) Landscaping works to the site

The application comprises the following documentation submitted via the planning portal and with this letter:

- The relevant forms and certificates
- A fee cheque for £1,690, being the maximum fee payable for engineering operations, enclosed with this letter
- This covering letter
- An ecology report
- A site working method statement
- An Environmental Report
- The following plans and details:
 - Site Location Plan ref BP4L_WOM_PLI_91_SW_00_11



- Access route improvement and creation details Ref BSF WWA 01
- Planting scheme ref BP4L_WOM_PLI_91_SW_00_10 Rev P01 , 4 copies of which are enclosed with this letter

Pre-application discussions have highlighted the need for information on the following topics in order to allow the proper consideration of this application:

1. Effects on the Green Belt
2. Methodology, including phasing, working methods, access arrangements during the working period, vehicle movements
3. Site Investigation results
4. Consideration of effects on residential amenity
5. Sustainability
6. Tree protection measures

This covering letter sets out the applicants response to each of these points, and signposts to supporting documentation where appropriate.

However, before we address these points, a pre-application issue related to whether or not this application had the potential to be a waste operation. The areas of off site tree planting which are illustrated in the outline application (and governed by Condition 12) are on areas formed by former colliery spoil, with a capping layer of topsoil. Colliery spoil is nutritionally impoverished and without soil improvers, compost or other nutritional supplements, it is unlikely that the planted trees would survive.

Improving these planting sites are therefore a necessary activity. The applicants have a number of options to achieve this- including purchasing soil improvers or importing other topsoil of a quality suitable for woodland planting. However, these options involve multiple trips, from remote sources and the vehicle mileage is far worse in environmental terms than using a local substitute. The applicants have, therefore, decided to create a nutrient source locally, in the form of the chipped and mulched tree roots, which are both locally abundant and a good source of both nutrients and soil micro-flora and fauna to aid nutrient release.

Therefore, the applicants have not created a waste. Rather, they are creating a useful growing medium to ensure that the tree planting survives. In this context, we do not define the growing medium as a waste, but as a necessary source of nutrients. Accordingly, this application seeks permission for the engineering operations only to place this nutrient source on the site, and subsequent planting. The duty of care requirements placed on the applicants by the Environmental Protection Act do not apply and this application is a simple engineering operation rather than an operation seeking to dispose of a waste product from the site.

Effects on the Green Belt

This application seeks permission for the deposition of mulched plant materials on an area of land, with subsequent tree planting, across an area of just over 3Ha in total. It will also involve the creation of two new agricultural access points and tracks across the newly wooded area.

There is an existing agricultural access point some 108m from the bend in Netherwood Road, and some 87m from the easternmost extent of the site boundary on this Road. It is a simple surfaced access point to an open field.

The new tracks will be 4.5m wide surfaced with crushed and rolled limestone and edged by treated wood "kickerboards". Vehicular access will be gained via a new and improved hard surfaced area (topped with 10mm hard aggregate in a bitumen or asphalt binder). A cattle grid will be provided at each access point, as will a barrier gate. The surfaced roads will extend until they have passed through the site and reach the open fields beyond. At this point, new field gates will be provided in the form of a wooden 5 bar gate.

The western access road will be some 50m long. The eastern road will be some 150m. The creation of the western access point will necessitate the relocation of an existing street light.

A further element of operational development involves the deposition of chipped wood as a mulching layer prior to the landscaping of the site. Almost the entire area of the site will be affected, although the layering will feather out towards the edges of the site and the access tracks. The depth will vary with a maximum level of up to 1m.

PPG2 provides advice on how to assess the effects of proposed development on the Green Belt. The above description of development all falls within the category of an engineering operation. Specific guidance is offered for this type of development, as it is immediately apparent that differing effects on openness would arise from a new agricultural access track when compared to, say, a new dwelling house.

In respect of engineering operations, PPG2 states:

The carrying out of such operations....are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.¹

Therefore, guidance only considers this type of operation to require special justification if it does not maintain openness, or harms the fundamental reasons behind the original designation of the Green Belt.

¹ Paragraph 3.12

The first test is the effect of the development on openness. In some circumstances the deposition of materials has the potential to create an urbanising feature which harms openness. However, in this case, the materials used are organic, low lying and ultimately will form the base of a new woodland. We don't consider this activity to have any negative effect on openness.

We assess the effects of the development on the purposes of the Green Belt² below.

Purpose	Effect of the Proposed Development
To check the unrestricted sprawl of large built-up areas	The development will not be connected to any existing urban development. Indeed the development itself is not urban in character as it will result in the creation of new woodland. We do not believe that there will be any harm to this purpose.
To prevent neighbouring towns from merging into one another;	The site lies between Wombwell and Darfield. It is some 0.3km from the northern edge of industrial properties on Barnsley Road and residential properties on Rimington Road in Wombwell. It is a similar distance to the industrial and race track development on Station Road and it is clear that this point represents the position at which Wombwell and Darfield already coalesce. However, the proposal will not materially affect the separation of these settlements in the area where they retain clear and separate boundaries. The mounding will not be visible as a potentially incongruent urbanising feature (a) because it will be planted as wood land and (b) because of its limited height. We consider that there would be no harm, to this purpose.
To assist in safeguarding the countryside from	The development is such that it will not result in

² Which are set out at paragraph 1.5 of PPG2

Purpose	Effect of the Proposed Development
encroachment;	any pressure for the development of other urbanising features. Indeed, the landscaping works will ensure that the area retains a countryside appearance. The end state of the development will be as normal countryside with woodland planting. We consider that there will be no harm to this purpose.
To preserve the setting and special character of historic towns;	The site does not contribute to the setting of a historic town. This purpose is intended to protect historic cities such as York, whose essential character is based on its compact urban form, which could be eroded by significant expansion.
To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	There will be no effect on urban regeneration, as the development will not divert other development requirements away from more difficult to develop brownfield sites. This is not possible, as the access points are meant to provide access to agricultural land, which is not typically found in run down urban centres.

Having reviewed the nature of the development, and it's likely effects on the purposes of including land in the Green Belt, we consider that:

- (a) The proposed development would not have an effect on openness
- (b) That the purposes of including land in the Green Belt will not be undermined, and therefore
- (c) In accordance with PPG2, advice, the proposed development is appropriate in the Green Belt.

Methodology

The methodology statement sets out how the activities will be undertaken and provides more detail on how process will be managed.

However, in outline, it is intended to fell and chip the existing trees on the ALC site. These will be utilised as biomass, for the biomass boilers. The tree stumps will be uprooted, soil shaken off and mulched. Once this is complete, the mulch will then be transported to the site and will be deposited on top of the existing surface to a depth of up to 1m.

Vehicles will be routed, for this application, across country, avoiding nearby residential properties.

Sustainability

Information has been requested in terms of the sustainability of this activity, particularly in respect of the vehicle miles involved.

The objective of the wider exercise is to utilise the existing trees on the adjacent Wombwell ALC site (approved by virtue of decision Ref 2007/2131) as biomass for the boilers being installed. This activity is not part of the current application, indeed it does not require permission. However, we are of the view that it will have a net benefit in vehicle miles as a locally sourced biomass product.

The remaining tree stumps will be lifted. As they are currently growing in top soil, it is inevitable that some of this will also be removed in the process, as it will be stuck to the root ball. However, the majority will be left *in situ*. The stumps will be processed into an organic mulch, which will be used as a growing medium on the application site. It will then be transported the c.250m from the ALC site to the application site and layered before planting takes place.

The alternative options to dispose of the tree stumps would be to dispose of them as construction waste, where they would be transported to a landfill site. This would involve considerably longer distances of travel, which has a negative environmental effect in its own right, and also a lost opportunity to re-use the nutrients in the organic material to feed new tree planting. The new tree planting will benefit from the nutrients and remove atmospheric carbon during its lifespan. The alternative of wasting the nutrients in landfill, only for the stumps to decompose and vent methane (a more potent greenhouse gas than carbon dioxide), is clearly an inferior option in sustainability terms.

We believe that the alternative of disposal via a normal waste stream would involve more vehicle miles, waste valuable nutrients and have a direct negative effect on climate change. However, the proposed solution would reduce vehicle miles, recycle valuable nutrients and result in atmospheric carbon reductions through tree growth. We consider this to be an inherently sustainable proposal.

Residential Amenity

There are 5 properties on Netherwood Road, the closest distances between the on site activities and the nearest residential boundary is 50m. However, the working period at that close a proximity will be very limited.

The majority of work will be required in the north eastern area of the site, which is some 150m away, with an intervening woodland block, which will help to ameliorate the potential construction stage effects through both visual screening and reducing any disturbance resulting from on site activity.

The majority of the works, particularly those close to the residential properties, will not require the intensive use of machinery and the key focus of true construction activity will be at the site access points.

The method statement notes that the period of working will be short lived, at only 15 weeks on the application site, and that normal construction hours will apply, avoiding the most sensitive times.

Tree Protection

In order to ensure that existing trees, which are to be retained, are not adversely affected during the construction activities, the applicants will comply with the provisions of "Trees in relation to Construction" BS 5837 2005.

In essence, this requires a fenced tree protection area to be established with appropriate fencing materials, at a great enough distance to protect the roots of the tree(s). Appropriate signage will be utilised where heavy use or trafficking will occur, particularly at site entrance points.

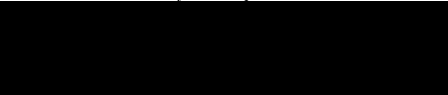
This will be implemented prior to commencement of works.

Conclusion

This is a necessary engineering operation. It is part of a wider approved development and is entirely acceptable.

We trust that the information provided in the attached and above is adequate to allow you to validate and consider the application. However, if you require anything further, please do not hesitate to contact either Matthew Collins or Matthew Sheppard at this office.

Yours sincerely



Turley Associates

cc: Darren Swain

Laing O'Rourke