



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/1301

To SLR Consulting Limited
2nd and 3rd Floors
15 Middle Pavement
Nottingham
NG1 7DX

DESCRIPTION Section 73 application to vary the approved quarry restoration scheme as authorised under planning permission 2007/1784

LOCATION Land at and adjoining Carlton Main Quarry, Grimethorpe, Barnsley

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 19/01/2023 and described above.

The approval is subject on compliance with the following conditions:

- 1 The approval is hereby granted for a limited period until 5th August 2043 by which all operations on the site shall have ceased and all land shall have been restored in accordance with the approved plans.
Reason: To restrict the period of operations in the interests of amenity in accordance with Local Plan Policy POLL1.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos CM 3/1 Phase 1 November 2022, CM 3/2 Phase 2 November 2022, CM 3/3, Phase 3 November 2022, CM 3/4 Phase 4 November 2022, CM 3/5, Restoration Plan November 2022) and specifications as approved 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 Within 5 years of the date of this permission, full details of landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall also include the following:-

- Skylark have been recorded breeding on site, landscaping plans should take this into account to ensure ground nesting bird habitat is created within the proposal site.
- Any habitat management/enhancements on site should undertaken to ensure they provide benefits for willow tit and other qualifying species of the Dearne Valley Wetlands SSSI, due to the proximity of the proposal site to the SSSI.
- Additional wetlands habitats shall be included within the restoration plans including reedbeds, marshy grassland, wet woodland, scrapes and scrub planting and bespoke species mitigation such as invertebrate banks and hibernacula should be created.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

- 4 All planting, seeding comprised in the approved details of landscaping shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policy MIN1 and BIO1.

- 5 Prior to any infilling, a survey of any accessible quarry faces shall be undertaken to identify whether any suitable exposures exist. If the surveys identify that any suitable exposures exist, then a scheme shall be submitted for their protection and approved in writing by the Local Planning Authority.

Reason in the interests of amenity in accordance with Local Plan Policy MIN1.

- 6 Details of an interpretation panel shall be submitted and approved in writing by the Local Planning Authority within 5 years of the date of this permission. The panel shall be part of the final restoration of the site and shall be accessible for viewing by the public.

Reason in the interests of amenity in accordance with Local Plan Policy MIN1.

- 7 Aftercare shall be undertaken in accordance with a scheme submitted for approval in writing by the Local Planning Authority within 5 years of the date of this permission. Aftercare should be carried out for a period of 5 years from final restoration, in accordance with the approved scheme. The scheme shall include details of annual schemes which shall be submitted to the planning authority in the autumn of each aftercare year, recording actions undertaken and those proposed for the forthcoming year.

Reason in the interests of amenity in accordance with Local Plan Policy MIN1.

- 8 From the commencement of development to its completion, the following shall always be available on site for inspection during normal working hours and for reference by operatives and contractors working on site:

(a) A copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission.

(b) A plan indicating areas which have been excavated in accordance with this permission and such plan shall be kept up to date to the satisfaction of the Local Planning Authority.

Reason: In the interests of the proper management and control of the site in accordance with Local Plan Policy MIN1.

- 9 The developer shall erect in a position adjacent to the site access and maintain in good condition a notice board showing the name, address and telephone number of an official who will be available and authorised to deal with any complaints regarding the conduct of the site operations immediately such complaints are notified to them. The location and design of the noticeboard shall have received the written approval of the Local Planning Authority prior to its erection. The noticeboard shall thereafter be retained for the duration of the development.

Reason: In the interests of the proper management and control of the site in accordance with Local Plan Policy MIN1.

- 10 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015, no fixed buildings, plant or machinery, or structure in the nature of plant and machinery shall be erected on the site, excepted with the prior written approval of the Mineral Planning Authority. Any submission in respect of the above plant shall include details of:

- (a) Its location:
- (b) Its external appearance

Reason: For the avoidance of doubt.

- 11 Except for soil stripping operations which shall not be commenced until 0800, working operations on the site shall be limited to the hours between 0730 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturdays, and not at all on Sundays and Bank Holidays. This condition shall apply except in cases of emergency and no plant of vehicle engines shall be started and no operations shall take place, including haulage vehicle movements, at any time outside these hours. Essential maintenance involving engine starting and running shall occur wherever possible in accordance with the above hours but such maintenance shall not occur between the hours of 2100 hours and 0700 hours on Mondays to Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interests of Local Amenity in accordance with Local Plan Policy POLL1.

- 12 Noise monitoring shall be undertaken by the operator in accordance with a scheme which shall have received the written approval of the Local Planning Authority prior to the commencement of soil stripping. Such scheme shall include the equipment to be used, methodology to be employed and noise monitoring station locations. Noise monitoring shall thereafter be undertaken in accordance with the approved scheme for the duration of the development and the Local Planning Authority shall have freedom of access to inspect any noise monitoring equipment at all reasonable times and shall be furnished with the measurements recorded upon request.

Reason: In the interests of Local Amenity in accordance with Local Plan Policy POLL1.

- 13 Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped. (for the avoidance of doubt, the term excess vegetation in this condition shall be taken to mean all vegetation above a height of 154mm (6 inches) above ground level)

Reason: in the interests of the proper restoration of the site in accordance with Local Plan Policy MIN1.

- 14 No blasting shall be carried out on the site.

Reason: In the interests of Local Amenity in accordance with Local Plan Policy POLL1.

- 15 Prior to the importation of waste, details shall be submitted to and approved in writing by the Local Planning Authority describing the design of wheel washing facilities. The development shall be carried out in accordance with the scheme and all heavy goods vehicles leaving the site shall use the wheel wash facility.
Reason: In the interests of Local Amenity in accordance with Local Plan Policy POLL1.
- 16 No minerals shall be imported into the site at any time for blending, processing or resale purposes.
Reason: In the interests of Local Amenity in accordance with Local Plan Policy POLL1.
- 17 No raw minerals or soil shall be exported from the brickworks site at any time.
Reason: In the interests of highway safety in accordance with Local Plan Policy T4.
- 18 Except in cases of emergency, quarrying operations shall only occur between the months of April to September in any year. Any works of an emergency nature which occur shall be notified in writing to the Local Planning Authority within 3 days of such occurrence.
Reason: In the interests of Local Amenity in accordance with Local Plan Policy POLL1.
- 19 Prior to the commencement of mineral extraction all topsoil and at least 300mm of subsoil shall be stripped from the site and stored separately.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MIN1.
- 20 Topsoil and subsoil shall not be stripped or moved except when the ground is sufficiently dry that they will not be damaged by heavy vehicles and machinery passing over them and that the topsoil can be separated from the subsoil without difficulty.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MIN1.
- 21 No soils to be removed from the site or adjoining quarry workings authorised under Planning Application reference 2022/1297.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MIN1.
- 22 On completion of the stripping operations and the formation of storage mounds, the quantities of the topsoil and subsoil shall be measured and recorded on a suitable plan, a copy of which shall be submitted to the Local Planning Authority within 3 months of the formation of such mounds.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MIN1.
- 23 The topsoil and subsoil mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available sowing season following their construction. The sward shall be suitable managed throughout the period of storage.
Reason: In the interests of the proper restoration of the site in accordance with Local Plan Policy MIN1.
- 24 Any felling of trees on the site shall be restricted to what is necessary for the purposes of permitted operations and shall be the subject of the prior approval in writing of the local Planning Authority.
Reason in the interests of amenity in accordance with Local Plan Policy MIN1.

- 25 Existing trees on site with a trunk diameter 100mm measured 1.5m or greater (except those to be removed on the approved plan) shall be protected during construction with tree protection fencing, in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality in accordance with Local Plan Policy BIO1.
- 26 The development shall be completed in line with Chapter 7 (Ecology) of the Environmental Statement, the Updated Carlton Main Supplementary Ecological Information v1 and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out and thereafter permanently maintained for the stated purposes of biodiversity conservation.
Reason: In the interests of Biodiversity in accordance with Local Plan Policy BIO1.
- 27 Prior to the commencement of the site restoration a Biodiversity Enhancement Management Plan (BEMP) shall be submitted and approved in writing by the Local Planning Authority.
Reason: In the interests of Biodiversity in accordance with Local Plan Policy BIO1.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 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.

- 2 The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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, excavations for 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.

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 works should be undertaken outside of the bird nesting season (March-August inclusive). Should this not be possible then a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to the start of works. Should active nests be found, works should cease until the nests are no longer active and the chicks have fledged and the ecologist has deemed the area to be free of nesting birds.

If a protected species (such as any bat, great crested newt, badger, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

- 4 If the Cambriense Marine Band is discovered during the extension works, Natural England should be notified of its presence. If new exposures are found, the restoration scheme should be re-assessed.

Please be aware that the Council monitors construction sites and open land within the vicinity of 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 any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 28 February 2025

A handwritten signature in black ink, consisting of a stylized 'G' and 'H' followed by a horizontal line.

Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

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.

STATUTORY BIODIVERSITY NET GAIN CONDITION
DEEMED CONDITION

(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021)

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the

plan. The Biodiversity Gain Plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- h) a description of the development and planning permission reference number (to which the plan relates);
- i) the [relevant date](#), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- j) [the completed biodiversity metric calculation tool\(s\)](#), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the [relevant date](#), and post-development biodiversity value;
- k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the [relevant date](#), and drawn to an identified scale and showing the direction of North;
- n) a description of any [irreplaceable habitat](#) on the land to which the plan relates which exist on the [relevant date](#), and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- o) if [habitat degradation](#) has taken place:
 - i. a statement to this effect,
 - ii. the date immediately before the degradation activity,
 - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
 - iv. any available supporting evidence for the value.

INFORMATIVE 1

When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

INFORMATIVE 2

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

INFORMATIVE 3

A Biodiversity Net Gain Template can be found here:

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

INFORMATIVE 4

The statutory deemed condition above is relevant to all major applications submitted since 12th February 2024 and to all non-major applications submitted after 2nd April 2024, unless exempt. The onus is on the applicant/agent to notify the Local Planning Authority at developmentmanagement@barnsley.gov.uk if the application was exempt and provide the reasons for the exemption. Exemptions can be found at this link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>