BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0604

To LDP Planning
1 Horsefair
Weatherby
Leeds
West Yorkshire
LS22 6JG

DESCRIPTION Use of land for the crushing and screening of inert waste in the open and associated ancillary activities.

LOCATION Land at Whaley Road, Low Barugh, Barnsley.

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 06 June 2011 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun within 3 years from the date of this permission.
Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2 The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.
Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

3 The applicant shall be responsible for ensuring that, from the commencement of the development, 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 WPA during normal working hours.
Reason: To ensure that the development is carried out in accordance with the approved details.

Stephen Moralee

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

Signed
Assistant Director, Planning and Regulatory Services

Dated 06 December 2011

Planning and Regulatory Services **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

4 The development hereby permitted shall only be carried out in accordance with the following documents except where amendments are made pursuant to the other conditions below:
a) Site Plan, Rev C, at 1:1250 scale, dated 11/08/11 showing application boundary and site layout:
b) Planning Statement including Design and Access Statement and Flood Risk Assessment (as amended by e-mail of 11 August 2011) produced by LDP Planning and dated May 2011;
c) Document titled 'Second Report of Noise Impact Assessment', produced by S & D Garritt Ltd, dated 13 May 2011; and
d) Document titled 'Amended Dust Control Scheme' produced by LDP Planning, dated August 2011.
Reason: For the avoidance of doubt and in the interests of local amenity.

5 Working operations within the site, including vehicle haulage movements and maintenance, shall be limited to between 0700 hours and 1730 hours on Monday to Friday, 0800 and 1300 hours on Saturdays and not at all on Sundays, Bank and Public Holidays.
Reason: In the interests of local amenity.

6 The maximum amount of inert construction and demolition waste accepted at the site shall not exceed 75,000 tonnes per annum. A written record shall be kept by the operator of the amount of waste accepted at the site in tonnes on a monthly basis. This record shall be made available to the WPA for inspection on request and shall be retained for at least 24 months.
Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with PPS10 and PPG24, CPS40 and policies ED4, WD3 and WD4 of the UDP.

7 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use, to prevent mud/debris from being deposited on the public highway.
Reason: In the interests of highway safety and to accord with PPS10, CSP26 and policy WD4 of the UDP.

8 The parking/manoeuvring facilities indicated on the approved plan shall be provided prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interests of highway safety and to accord with PPS10, CSP26 and policy WD4 of the UDP.

9 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 PPS10, CSP26 and policy WD4 of the UDP.

10 Within 1 month of the date of this permission, a scheme shall be submitted to, and approved in writing by, the WPA, identifying measures to be taken to ensure that all vehicles leaving the site are in such condition as not to leave dust, slurry or mud on the highway. The scheme shall include the provision of wheel wash facilities, including timescale for installation, to be used by all vehicles entering and leaving the site. The development shall thereafter be undertaken in accordance with the details of the approved scheme. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.
Reason: In the interests of highway safety and to minimise dust emissions to surrounding premises and to accord with PPS10, CSP26 and CSP40, and policies ED4, WD3 and WD4 of the UDP.

11 Within 1 month of the date of this permission, details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, shall be submitted to, and approved in writing by, the WPA. The site shall be developed with separate systems of drainage for foul and surface water on and off the site. The development shall thereafter be undertaken in accordance with the approved details and shall be retained throughout the life of the development.
Reason: In the interest of satisfactory and sustainable drainage and to accord with policy CSP40.

12 There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with policy CSP40.

13 All outside storage of any description shall only take place in accordance with the approved plan [Site Plan, Rev C, at 1:1250 scale, dated 11/08/11 showing application boundary and site layout] and shall not at any time exceed a height of 5m above existing ground level.
Reason: In the interest of the visual amenity of the area and to accord with PPS10 and policies ED4 and WD3 of the UDP.

14 The control of dust emissions from the site shall be undertaken in accordance with the approved Amended Dust Control Scheme and through the adoption of the following measures:
a) The use of adequate and working water suppression (hoses/sprinklers 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 waste materials entering and leaving the site shall be securely sheeted;
c) The sweeping of the access road to Whaley Road as necessary or as required by the WPA;
d) The adoption of an internal speed limit of 10mph;
e) The regular dampening of internal roadways;
f) The suspension of the movement of waste materials during adverse dry windy conditions;
g) Any vehicles permanently stationed at the site shall be equipped with upward pointing exhausts; and
i) The carrying out of daily litter inspections and the collection of any litter within the site.
Reason: To protect local amenity, and to safeguard the occupants of nearby dwellings and premises from the effects of dust and litter and to accord with PPS10, CSP40 and policies ED4 and WD3 of the UDP.

15 Mobile processing equipment shall only be utilised within the processing area shown on the approved plan 'Site Plan, Rev C, at 1:1250 scale, dated 11/08/11' showing application boundary and site layout. Details of any processing equipment to be permanently stationed on the site, including type and positioning, shall be submitted to, and agreed in writing by, the WPA, prior to installation.
Reason: To protect local amenity, and to safeguard the occupants of nearby dwellings and premises from the effects of dust and to accord with PPS10, CSP40 and policies ED4 and WD3 of the UDP.

16 All mobile plant used on site shall comply with BS 5228 Noise on Construction and Open Sites Part 1 1984, and shall be fitted with white noise vehicle reversing alarms.
Reason: To ensure that the noise impact of the site is minimised and to accord with PPS10 and PPG24, CSP40 and policies ED4 and WD3 of the UDP.

17 Measures shall be employed to ensure that operations associated with the development hereby permitted do not give rise to any malodours. Such measures shall include but not necessarily be limited to the following:
a) The removal of any malodorous material from the site within 24 hours of any odour being identified or following a request from the WPA; and
b) The application of masking agents to neutralise any malodours.
Reason: In the interests of amenity and to accord with PPS10, CSP40 and policy WD3 of the UDP.

18 All operations, including the use of mechanical plant adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant would be capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
Reason: In the interests of railway safety.

19 Any external lighting system shall be designed in such a manner and be sufficiently shielded to ensure that light shines directly on the site and that properties beyond the boundary of the development are not subject to glare. Any external lighting shall comply with the ILE guidance notes for the 'Reduction of Light Pollution'.
Reason: To protect the amenities of the occupiers of adjoining and nearby properties and in the interests of railway safety and to accord with PPS10, CSP40 and policy WD3 of the UDP.

20 In the event that the use of the site for the importation of waste should cease for a period in excess of three months then, within one month of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.
Reason: To provide for the beneficial use and appearance of the land after the use hereby permitted has ceased.

Reason(s) for Granting Permission

1 Unique The proposed development gives rise to no material harm, is in accordance with the relevant Development Plan policies and there are no other material considerations that indicate that the decision should be made otherwise. The proposal complies with:
Waste Strategy for England 2007;
Planning Policy Statement 1 (Delivering Sustainable Development);
Planning Policy Guidance 2 (Green Belts);
Planning Policy Statement 10 (Planning for Sustainable Waste Management);
Planning Policy Guidance 24 (Planning and Noise);
Regional Spatial Strategy policies YH2, ENV12, ENV13, and ENV 14;
Barnsley Core Strategy policies CSP19, CSP26, CSP34 and CSP40; and
Barnsley Unitary Development Plan (saved) policies ED4, ED7, WD2, WD3 and WD4.
The attached planning conditions would reasonably mitigate any potential harm arising as a result of the proposed development.

Informative(s)

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 Waste Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.

2 Any storage/treatment or disposal of waste will require an Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environmental Management Team at Rotherham on 08708 506506 to discuss the issues likely to be raised or refer to the website at http://www.environment-agency.gov.uk/subjects/waste.
It is an offence to store, treat or dispose of waste without a relevant environmental permit or exemption.

3 The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
It should be noted that this site may also lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries(shafts and adits) requires the prior written permission of The Coal Authority.
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

4 The local public sewer network does not have capacity to accept any additional discharge of surface water from the site. The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. The use of Sustainable Systems (SUDS) is encouraged.
Trade effluent may only be discharged to sewer with the prior consent of Yorkshire Water.
A water supply can be provided under the terms of the Water Industry Act, 1991.

5 All surface and foul water arising from the development should be diverted away from Network Rail property.
All earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such than no interference with the integrity of that property/structure can occur.
Security of the railway boundary will need to be maintained at all times.
Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.
All roads, paths or ways providing access to any part of the railway undertaker's land must be kept open at all times.
Waste materials should not be piled against the railway boundary. Materials to be heaped should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching the railway boundary.

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.

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