BARNSLEY
Metropolitan Borough Council

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/1429

**To** The Coal Authority
200 Lichfield Lane
Mansfield
Nottinghamshire
N618 4R6

**DESCRIPTION** Construction of a mine water treatment scheme including lagoons, ancillary plant and equipment, reedbed and drying bed

**LOCATION** Land to the west of Hand Bank Farm, Off Mortimer Lane, Midhopestones, Sheffield, South Yorkshire, S36 46W

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 24 November 2010 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 in strict accordance with the plans and specifications received on 13th December 2010 unless prior written consent has been given by the Local Planning Authority to any minor variation. The following plans are hereby approved:

- Site location plan (MMD-257162-SHF-PLA-100) dated 12/11/10;
- Sheephouse Wood MwTS Site Layout (MMD-257162-SHF-PLA-101) 18/11/10 Sheet 1 of 2 except 'Lagoon 1A' which is not approved;
- Sheephouse Wood MwTS Site Layout (MMD-257162-SHF-PLA-102) 12/11/10 Sheet 2 of 2;
- Sheephouse Wood MwTS Section (MMD-257162-C-DR-XX-106) 07/12/10;
- Sheephouse Wood MwTS Pumping Area Layout (MMD-257162-SHF-PLA-105) 12/11/10;
- Sheephouse Wood MwTS - Elevation through Settlement Ponds looking from South (MMD-257162-SHF-PLA-104) 12/11/10;
- Sheephouse Wood MwTS - Elevation through Settlement Ponds looking from West (MMD-257162-SHF-PLA-103) 12/11/10;
- Sheephouse Wood MwTS - Sheephouse Wood MwTS Pumping Area Layout (MMD-257162-SHF-PLA-105) 12/11/10;

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 Transportation

Dated 17 February 2011

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**PO Box 604, Barnsley, S70 9FE** **Fax: 01226 - 772591**

- Sheephouse Wood MwTS - Existing and Proposed Levels (MMD-257162-SHF-PLA-106) 15/12/10/10;
- Sheephouse Wood MwTS - Cross section through settlement ponds (MMD-257162-SHF-PLA-107) 06/01/11;
- Sheephouse Wood MwTS - Elevation along eastern fenceline looking looking West (MMD-257162-SHF-PLA-108) 06/01/11;
- Sheephouse Wood MwTS Accommodation Works (MMD_257162_C_DR_XX_1000) 02/12/10;
- Sheephouse Wood MwTS Mining Interpretation Plan (257162/SHF/MI 001) 05/01/11;
- Sheephouse Wood MwTS Mining Interpretation Plan (257162/SHF/MI 002) 05/01/11;
- Statement of Justification for Green Belt Development (CA08/9/389/1) 26/11/10;
- Sheephouse Wood Minewater Treatment Ecological Survey Report dated December 2010;
- Sheephouse Wood MwTS Landscape Plan (MMD_257162_C_DR_XX_1003) dated 31st January 2011;
- Elevation along Easter fenceline looking West (MMD-257162-SHF-PLA-108) dated 02/02/11;
- Archaeological Desk-Based Assessment - February 2011;
- Air photo mapping and interpretation for land near Sheephouse Wood, Langsett, South Yorkshire - February 2011;
- Historic Environment Characterisation Data (Ref - 257162_ENV_002) dated 10/02/11;
- Sites and Monuments Record Data (Ref - 257162_ENV_001) dated 01/02/11;

For the avoidance of doubt all references to 'Lagoon 1A' which are indicated on the submitted plans are not approved.
**Reason: For the avoidance of doubt and in accordance with UDP Policy BE6, Design Standards.**

4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
-The parking of vehicles of site operatives and visitors
-Means of access for construction traffic
-Loading and unloading of plant and materials
-Storage of plant and materials used in constructing the development
-The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
-Wheel washing facilities
-Measures to control the emission of dust and dirt during construction
-Measures to control noise levels during construction
**Reason: In the interests of highway safety, residential amenity and visual amenity.**

5 No development shall take place until full details of the proposed artificial badger sett are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved details.
**Reason: In order to ensure the compensatory badger sett is designed in order to maximise the potential of supporting badger populations in order to comply with PPS9.**

6 No development shall take place until an adequate underground mining site investigation, to be agreed with the Local Planning Authority beforehand, has been carried out. The details, including mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority and development carried out in accordance with those details.
**Reason: In order to fully investigate and mitigate against instability issues and in order to accord with PPG14.**

7 No development or other operations being undertaken on site in connection with the development shall take place until the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) have been submitted to and approved in writing by the Local Planning Authority:

Root protection areas (RPA)
Tree protection plan (TPP)
Arboricultural Method Statement (AMS) including special construction techniques and any other methodologies which are required to ensure the survival of the trees during the development.

No development or other operations shall take place except in complete accordance with the approved methodologies.
**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**

8 No development shall take until such a time as a scheme to treat and remove suspended soils from water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
**Reason: In the interests of the local water environment.**

9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft 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. The approved hard landscaping details shall be implemented within the next available planting season or within 3 months (whichever is sooner) following the date the scheme is brought into use.
**Reason: In the interests of the visual amenities and ecological interests of the locality.**

10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.
**Reason: In the interests of the visual amenities of the locality.**

11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the approved development being brought into use. The landscape management shall be carried out in accordance with the approved plan.
**Reason: In the interests of the visual amenities and ecology of the locality.**

12 Prior to the commencement of development, full details of the specification and materials to be used in order to create the access tracks shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved details.
**Reason: In the interests of the visual amenities of the Green Belt.**

13 Works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays
**Reason: In the interests of the local amenity.**

14 Prior to the commencement of development full details of the fencing required as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
**Reason: In the interests of the visual amenities of the locality.**

15 No development shall take place until the applicant, their agent, or their successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority.
**Reason: To ensure that any archaeological remains are recorded or are preserved in accordance with an agreed scheme and in accordance with UDP Policies BE3, Archaeological Sites and BE4.**

16 No development shall commence until a long-term management plan, which details the measures to be employed in order to maintain the reedbeds and lagoons, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved plan.
**Reason: In the interests of the visual amenities and ecology of the locality.**

**Reason(s) for Granting Permission**

1 Unique The principle of depolluting water is supported at European level by the European Water Framework Directive which requires that all water bodies shall be of good ecological value by 2015. Additionally, there are ecological benefits associated with the provision of a reedbed (a local biodiversity priority species) and other associated landscaping/grassland mixes would potentially improve the ecology of the site. This adheres to the principles of PPS23 and ES3 of the UDP.

The proposal would make an encroachment into the Green Belt. However, visual harm to the Green Belt and landscape is significantly reduced by the fact that the site is well screened on two sides and is well hidden by the surrounding topography. Therefore, whilst the layout and fencing surrounding the site would result in some visual harm, this is considered to be outweighed by the significant benefits brought about by the scheme. Therefore, there are very special circumstances in this case which outweigh harm.

Whilst there are some ecological impacts (loss of trees and badger sett); these have been adequately and appropriately mitigated and the compensation offered is consider to counter the loss. Therefore, the proposal complies with PPS9 and GS22 of the UDP. Additionally, there are not considered to be any impacts on the nearby SSSI or Natural Heritage Site and the proposed landscaping is designed to compliment the neighbouring ecological characteristics.

The proposal is considered to comply with the guidance set out in PPG2 and adheres to PPS23, ENV3 of the RSS and ES3 of the Barnsley Unitary Development Plan.

**Informative(s)**

1 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards included:

- Collapse of shallow coal mine workings;
- Collapse of, or risk of entry into, mine entries (shafts and adits);
- Gas emissions from coal mines including methane and carbon dioxide;
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide;
- Transmission of gases into adjacent properties from underground sources through ground fractures;
- Coal mining subsidence
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

2 Under the terms of the Environmental Permitting (England and Wales) Regulations 2010, the applicant will need to apply to the Environment Agency for a New Bespoke Water-Discharge Activity (point-source discharge) Permit.

3 The existing borehole at GNR 423194,400328 currently has no water resource permitted issued by the Environment Agency. The application states that a transfer license will be applied for as part of this scheme, however, an abstraction licence for pump and treat would be more appropriate in this case. Please contract the EA National Permitting Centre on 08708506506 for more information.

4 The erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under Section 23 of the Land Drainage Act 1991 or Section 109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings

5 Your attention is drawn to the fact that it will be necessary to contact Yorkshire Electricity, Drawing Office (Diversions), Parkway Avenue, Parkway, Sheffield, S9 4WP in order to relocate the existing LV overhead line. This will be at the cost of the developer.

**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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