BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/1339

To MWP Planning
10 Dobroyd Shepley
Huddersfield
West Yorkshire
HD8 8AU

DESCRIPTION Recovery of Red Shale and Ash with ancillary activity.
LOCATION Carlton Colliery Site, Shaw Lane, Carlton, Barnsley, S71 3HJ

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 June 2014 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall have a maximum duration of 12 months from the date of this decision following which the removal of the permitted minerals shall cease.
Reason: The application is for a temporary period of approximately 12 months and to accord with CS policy CSP38.

2 The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to the other conditions below:
a. Drawing titled 'Site Layout', numbered 10103/05E, dated 19 November 2013 submitted with an e-mail of 17 September 2014;
b. Drawing titled 'Topographical Survey (Corrected Levels)', numbered 10103/04, dated 30 April 2014;
c. Drawing titled 'Red Shale and Ash Extraction', numbered 10103//06, dated 30 April 2014; and
d. Document titled 'Planning Application to Recover Red Shale and Ash with Ancillary Activities Including the use of a Barrel Washer to Recover Coal at the Former Carlton Colliery Site, Shaw Lane, Carlton, Barnsley S71 3HJ', dated May 2014 as amended, including the attached Dust Action Plan (Revision A- April 2009) and Revised Noise Impact Assessment (4 March 2014 revision), submitted with an e-mail of 20 May 2014.
Reason: For the avoidance of doubt and in the interests of local amenity consistent with CS policy CSP40, UDP policies M9C and M9D and the relevant planning policy statements in the NPPF.

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

Signed
Service Director Economic Regeneration, Development, Environment & Culture

Dated 17 December 2014

Development Service
PO Box 604, Barnsley, S70 9FE
Telephone: 01226 - 772000
Fax: 01226 - 772591

3 The applicant shall be responsible for ensuring that 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 Mineral Planning Authority (MPA) during normal working hours.
Reason: To allow for monitoring by the MPA and to ensure that the development is carried out in accordance with the approved details.

4 Working operations within the site including vehicle haulage movements and maintenance shall be limited to the hours between 0800 hours and 1800 hours on Monday to Friday and 0800 hours and 1300 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.
Reason: In the interests of local amenity.

5 The quantity of red shale and ash/ballast to be recovered shall not exceed 16,000 tonnes and 32,000 tonnes respectively. No red shale shall be extracted below existing ground levels. Extraction of ash/ballast shall be limited to a maximum of 2.5m below existing ground levels. A written record shall be kept by the operator of the quantity of red shale and ash/ballast extracted in tonnes on a daily basis. This record shall be made available to the MPA for inspection on request and shall be retained for at least 1 year from the date of production.
Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

6 The number of HGV vehicular movements associated with the development shall not exceed 24 per day (12 in 12 out). These vehicular movements shall be included in the number permitted by condition 7 of planning permission 2011/1248. A record shall be kept by the operator of the number and type of vehicular movements into the site on a daily basis. This record shall be made available to the MPA on request and shall be retained for at least 1 year from the date of production.
Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

7 On-site vehicular areas shall be hard surfaced and drained in accordance with approved plan 2007/1365 - 04 under planning permission 2011/1248 and retained for the duration of the development.
Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety and to accord with CS policies CSP26 and CSP40.

8 The parking and manoeuvring facilities and passing bay shown on the approved plan 2007/1365/01 RevA - Remediation Strategy - Site Office and Parking Locations and Pass-by Positions under planning permission 2011/1248, shall be retained for that sole purpose at all times.
Reason: In the interests of highway safety and to accord with CS policies CSP26 and CSP40.

9 Vehicle wheel cleaning facilities as specified on drawing number 2007/1365/03 approved under planning permission 2007/1365 shall be provided and maintained in the approved position for the duration of the development and shall be used by all vehicles prior to exiting the site. 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 accord with CS policies CSP26 and CSP40.

10 All operations on site shall be carried out in complete accordance with the approved Dust Action Plan, November 2008, Revision A - April 2009. When, due to site conditions the prevention of undue dust impact is considered to be impracticable by the MPA, operations shall cease until such time as conditions improve such as to permit a resumption.
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

11 Any equipment used to monitor dust shall be installed, used and maintained for the duration of the development. Dust monitoring and meteorology records shall be made available to the MPA for inspection on request.
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

12 Measures shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. These measures shall include but not necessarily be limited to the following:
a) The use of adequate and working water suppression (hoses/sprinklers/water bowsers 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 red shale and ash/ballast leaving the site shall be securely sheeted;
c) The effective maintenance of the access road;
d) The enforcement of a speed restriction of 15 mph on all vehicles moving on site and on the haul road;
e) Any vehicles permanently stationed at the site shall be equipped with upward pointing exhausts; and
f) The suspension of the movement of materials during adverse dry windy conditions.
Reason: To protect local amenity, and to safeguard the occupants of nearby dwellings from the effects of dust and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

13 Operations associated with the development, excluding any topsoil and subsoil stripping, shall be controlled such that the free field equivalent continuous noise level (LAeq, 1hr) shall not exceed 55dB(A) or 10dB(A) (LAeq, 1hr) above the background noise levels whichever is lower, as recorded at the boundary of any inhabited property.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

14 Any topsoil and subsoil stripping shall not exceed 70dB(A) (Laeq 1hr) as recorded at the boundary of any inhabited property, and be limited to a period not exceeding 8 weeks at any property.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

15 All vehicles used on site shall not exceed a sound pressure level of 80dB(A) as measured at a distance of 10 metres, 1.2 metres above ground level, under free field conditions or comply with the standards in BS 5228 Noise on Construction and Open Sites Part 1 1984, whichever level is lower.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

16 The monitoring of mobile plant shall be undertaken in accordance with the approved scheme, number SCH09.5921/1/TJW prepared by Vibrock Limited for planning permission reference 2011/1248. Any mobile plant that does not meet with the specified noise limit shall be suspended from use on site until the specified noise limit can be shown to be achieved.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

17 All mobile plant shall be fitted with white noise vehicle reversing alarms.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

18 No operations shall be carried out within 50m of the northern site boundary as shown on the approved plan number 10103/05E during the approved Saturday morning operating hours.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.

19 No development shall commence unless and until surface water drainage details have been submitted to, and approved in writing by, the MPA. Thereafter, the development shall be carried out in accordance with the approved details.
Reason: To ensure the proper drainage of the area and to accord with CS policies CSP3, CSP4 and CSP40 and the relevant planning policy statements in the NPPF.

20 No development shall commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to, and approved in writing by, the MPA. Thereafter, the scheme shall be implemented and maintained in accordance with the approved programme and details.
Reason: To prevent any increased risk of flooding and to accord with CS policies CSP3, CSP4 and CSP40 and the relevant planning policy statements in the NPPF.

21 Each of the mine entries shown on the approved plan, drawing number 10103/05E, dated 19 November 2013, shall be provided with a 10m radius buffer zone, demarcated with temporary fencing which shall be maintained for the duration of the mineral recovery operations.
Reason: In the interests of safe working.

22 Plant for ash washing and the recovery of coal shall only be sited in the south west corner of the application site as shown on the approved plan number 10103/05E, and shall be as specified in the approved document listed under condition 2(d) above. All such plant shall be removed from the site within 3 months of the cessation of mineral working or the expiry date of the planning permission whichever is the sooner.
Reason: In the interests of visual amenity and to accord with UDP policy M9D.

23 Following the removal of the red shale/ash heap in accordance with this permission, the restoration of the site shall be carried out in accordance with the approved documents and plans, and timescale under planning permission reference 2011/1248 granted on the 25 July 2013 or as may be subsequently amended.
Reason: To ensure the restoration of the site and to accord with CS policy CSP38, UDP policy M9B and the relevant planning policy statements in the NPPF.

24 In the event of any failure to achieve the restoration levels approved under planning permission 2011/1248 or as subsequently amended, then within 3 months of the date of expiry of that permission or amended permission, an amended scheme of reclamation shall be submitted to, and approved in writing by, the MPA. The scheme shall include, but not be limited to:
a) Details of final levels;
b) Surface treatment;
c) Drainage;
d) Landscaping including maintenance;
e) Aftercare for a period of 5 years; and
f) The timescale for implementation.
Once approved, the scheme shall be fully implemented and completed in accordance with the approved details, including timescale.
Reason: In the interest of the proper reclamation of the site and to accord with CS policy CSP38 and UDP policies M9B and M9C.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

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 Mineral Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.
2	The extraction of coal and the washing of it may require a Part B permit from the Council's Regulatory Services as would the operation of a mobile crusher and screen treating demolition waste and or minerals.
3	The area of red shale and ash constitutes part of the abandoned tip of the former Carlton Colliery which closed in 1970. The tip is currently classified as an abandoned tip under the Mines and Quarries (Tips) Act 1969 and the Mines and Quarries (Tips) Regulations 1971, which relates to an accumulation of spoil above ground. As it is now proposed to remove the tip the Health and Safety Executive need to be notified as the tip would revert from a Part 2 tip to a Part 1 tip, classified as open or closed tip as opposed to an abandoned tip. The reworking of the tip to remove minerals for sale or future use would fall under the Quarries Regulations 1999 which state that 'these Regulations apply to sites while minerals are extracted for sale or further use as part of another process, such as reclamation'.
4	The Carlton Colliery site contains two disused mineshafts. Under the Coal Industry Act 1994 any intrusive activities including site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass with the potential for court action.
5	The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
6	The applicant should note that the regulatory powers on Ordinary Watercourses have been transferred from the Environment Agency to the Lead Local Flood Authority (LLFA). Therefore, all applications for consent for the erection of any culvert and /or any alteration likely to affect the flow in an Ordinary Watercourse must be made to the LLFA, or to the local Internal Drainage Board where they exist.

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.

Development Service **Telephone: 01226 - 772600**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772599**