

Our Ref : Dearne Valley Parkway S73 Application
Your Ref : 2021/0479
Email: [REDACTED]

Marshall House
Huddersfield Road
Elland
West Yorkshire
HX5 9BW
Tel. No. [REDACTED]
www.marshallcdp.com

Elaine Ward
Barnsley Metropolitan Borough Council
Planning & Transportation Service
PO Box 604
Barnsley
South Yorkshire
S70 9FE

13 February 2026

Dear Elaine

**APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990
FOR VARIATIONS TO CONDITIONS 2 AND 3 ATTACHED TO PLANNING PERMISSION
2021/0479
LAND AT DEARNE VALLEY PARKWAY, HOYLAND, BARNSELY S74 0QA
PLANNING PORTAL REFERENCE: PP-14702738**

Further to our discussions about the changes we are required to make to facilitate the approved retaining wall at the rear of Unit 3, please find enclosed our application which is made under Section 73 of the Town and Country Planning Act 1990 to amend conditions attached to planning permission 2021/0479.

Background Information

By way of background information planning permission 2021/0479 granted on 10 February 2023 granted the "*Erection of 3no industrial/warehouse units (Use classes B2 and B8 and E(g)(ii) and E(g)(iii) totalling 11,585 sqm floorspace and associated works including provision of access, parking and landscaping (Amended Plans)*" subject to planning conditions. Following the discharge of pre-start conditions the planning permission has been implemented and is therefore extant.

Whilst the extant planning permission already permits a retaining wall at the rear of Unit 3 the details of its exact construction were not determined or conditioned at the planning stage. At the construction stage it has been determined that in order to construct the retaining wall some of the banking to the south of the retaining wall has to be regraded and some existing vegetation which was shown to be retained in the submission will have to be removed.

This application under Section 73 therefore seeks permission for the works associated with the retaining wall which necessitates the resubmission of updated information which requires amendments to the following conditions:

Condition 2 – Approved Documents

The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.

- *Proposed site sections 15315116 REV G to be replaced by Updated Site Sections M3061-P100*
- *Landscape Masterplan 15315_VL L01 REV J replaced by Rev O*
- *Landscape Masterplan 15315_VL L02 REV J replaced by Rev M*
- *Landscape Masterplan 15315_VL L03 REV K replaced by Rev O*
- *Arboricultural Impact Assessment report and plan by Rosetta Landscape Design replaced by the enclosed updated versions*
- *Biodiversity Net Gain Calculator to be replaced by Biodiversity Net Gain Calculator Rev G by Brooks Ecological (due to Excel format this will have to be emailed)*
- *Ecological Impact Assessment REV B by Brooks Ecological ER-3806-05-B updated*
- *14/09/22 to be replaced by Ecological Impact Assessment by Brooks Ecological ER-3806-05-C dated 29/01/2026*

In addition to the above changes to the list of approved documents the following additional drawings which show the changes required to construct the retaining wall should also be listed:

- *Sections of Southern Boundary Wall 5419-JPG-ZZ-ZZ-DR-C-1590 P04*

Condition 3 – Trees

Please can this condition be reworded to take into consideration the enclosed tree information by stating:

“All works on site shall be carried out in accordance with the approved details for the duration of the construction period:

- *Revised Tree Protection Plan 25064-01 prepared by Rosetta*
- *Revised Arboricultural Method Statement prepared by Rosetta”*

Assessment of the Proposed Changes

An assessment of the proposed changes is set out below:

Principle of the Development

The employment development benefits from an extant planning permission reference 2021/0479 which has been lawfully implemented. The approved plans pertaining to the planning permission include a retaining wall to the rear of the service yard to Unit 3 to deal with levels changes at the southern boundary where there is an existing vegetated embankment.

The retaining wall is already shown in the approved planning permission 2021/0479 though unfortunately, no construction details were submitted or conditioned, as part of the planning process.

As part of the construction of the retaining solution, sections of the existing banking will have to be re-graded. This re-grading work, unfortunately, results in the loss of a number of existing self-seeded trees. To compensate this loss, an increased number of trees will be planted in the regraded banking, which will result in an improved BNG metric, as detailed below.

Whilst we appreciate this essential methodology is at minor variance to the original planning permission, given the nature and overall aesthetic improvement, including the improved BNG metric, of the existing banking we request you consider these works as agreed now as part of this application based on the submitted information.

Trees

The existing vegetated embankment has been surveyed by Rosetta Landscape Design and as a consequence of the construction of the approved retaining wall it is anticipated that 74 self-seeded young to semi-mature trees having 75-230mm diameter to 1.5m will have to be removed. Following construction of the retaining wall it is proposed for these trees to be replaced with a mixed native buffer planting including 13 standard and feathered trees, 233 trees (40-60cm trees (40-60cm height) and 191 shrubs in 60cm shelters as shown on the enclosed amended Landscape Proposals drawings.

Ecology and Biodiversity Net Gain (BNG)

Condition 9 of 2021/0479 states *“No vegetation clearance shall take place between the months of March and August inclusive unless nesting birds have been shown to be absent by a suitably qualified ecologist in accordance with written details to be submitted and approved by the Local Planning Authority”* and the requirements of this condition will be adhered to.

The updated Ecological Impact Assessment provided with this application confirms there are no additional impacts as a result of the proposed changes.

The BNG Metric Calculation provided with this application is compared below with the existing BNG calculation and confirms a slight betterment of 0.16 units (1.09%) for Habitat Units and the same for Hedgerows.

Figure 1: Current approved BNG position based on Metric Rev E:

On-site baseline	Habitat units	14.64
	Hedgerow units	0.08
	River units	0.00
On-site post-intervention (Including habitat retention, creation, enhancement & succession)	Habitat units	8.69
	Hedgerow units	1.77
	River units	0.00
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation, enhancement & succession)	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention/creation)	Habitat units	-5.95
	Hedgerow units	1.69
	River units	0.00
Total net % change (including all on-site & off-site habitat creation + retained habitats)	Habitat units	-40.61%
	Hedgerow units	2225.33%
	River units	0.00%

Figure 2: Amended BNG Position based on Metric Rev G

On-site baseline	Habitat units	14.64
	Hedgerow units	0.08
	River units	0.00
On-site post-intervention (Including habitat retention, creation, enhancement & succession)	Habitat units	8.86
	Hedgerow units	1.77
	River units	0.00
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation, enhancement & succession)	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention/creation)	Habitat units	-5.79
	Hedgerow units	1.69
	River units	0.00
Total net % change (including all on-site & off-site habitat creation + retained habitats)	Habitat units	-39.52%
	Hedgerow units	2225.33%
	River units	0.00%

Conclusion

The extant planning permission includes for a retaining wall and the proposed changes set out within this application for necessitate its construction will not result in any detriment and in fact results in a slight betterment to BNG.

I trust this information is sufficient to validate our application but please contact me if you require anything further.

Yours sincerely



Miranda Bell
Planning Manager
On Behalf of Marshall Construction (West Yorkshire) Limited