
2021/0637

Applicant: Mr G Pardoe for Equities Newlands (Hoyland) Ltd

Proposal: Provision of drainage attenuation basins and associated earthworks and landscaping

Site: Land south of Bell Ground Woods and east of Black Lane, Black Lane, Tankersley, Hoyland Common, Barnsley

Site Location & Description

The site comprises two agricultural fields on land to the east of Black Lane Tankersley and lies south of the main development site at Hoyland granted under 2020/0647. Black Lane is a Green Way and designated as PROW Tankersley 25 and the Trans Pennine Trail. PROW Tankersley 27 also runs close to the northernmost point of the site. Footpath Tankersley 28 is crossed by the site in the southern area. The fields slope from north to south and are bounded by Hawthorn hedgerows. The remains of Tankersley Old Hall lie to the west approx. 120m from the boundary of the site, separated from the mature boundary hedgerow and Black Lane, with listed buildings at Old Farm Cottage and Old Hall Farm slightly further east. To the north is Bell Ground Wood; to the east are agricultural fields with Sheffield Road beyond. A few isolated dwellings are dotted about.

Planning History

2020/0647 Hybrid planning application for a development up to 103,086sqm of employment uses (use classes B1/B2 and B8) and associated works including access roads, drainage and landscaping. Granted October 2020. Construction is underway.

The drainage attenuation scheme approved under planning permission 2020/0647 included provision for a single attenuation pond to deal with drainage and storm events with a maximum depth of 3 metres on land to the south of Bell Ground Wood. However following planning approval, in seeking technical approval from Yorkshire Water for this attenuation pond the applicants have been advised by Yorkshire Water that a pond of this depth would not meet the most up to date guidance and instead must be no more than 1m deep. This requires a greater area of land to accommodate the larger pond. Consequently, a revised drainage scheme is required to serve the main employment development at land to the West of Sheffield Road, Hoyland.

Proposal

This planning application is a standalone planning application for attenuation basins on an area of land comprising of 6.77ha. The southern part is the previously approved attenuation pond under planning permission 2020/0647. This application now includes an adjoining area to the north of approximately 2.7 ha not included within the redline boundary of planning permission 2020/0647.

Two attenuation basins are proposed as follows:

Basin 1 – The northern part of the site, to be adopted by Yorkshire Water with a total surface area of 24,565 sqm. with 1:4 embankments and 1:4 side slopes in the basin area with a 400mm freeboard to comply with YW requirements. Woodland mix planting is proposed to the western and northern boundary with wildflowers.

Basin 2 –this basin will store a maximum of 17,047 sqm. in a 1:100+30% storm event with 1:4 embankments and 1:4 side slopes in the basin area with a 400mm freeboard to comply

with YW requirements. Within basin 2 will be an area for biodiversity purposes where wildflowers and a pond designed for ecological enhancements is proposed. An indigenous species hedge is proposed to the northern boundary.

The Basins 1 and 2 (other than the ecological area of basin 2) are expected to be dry for much of the time and are designed to accommodate overflow from flood events. An overflow weir will be sited between the two ponds.

Drainage from the employment site to the north will be by buried pipe, previously approved. A covered pipe and grass maintenance track lead south to an outfall at Harley Dyke, as previously approved under 2020/0647. Detailed landscaping plans are proposed with indigenous species hedgerows, woodland mix planting and wildflower grass in attenuation areas with a grass maintenance track around the edge of the basin 1 and a compacted maintenance track to basin 2 to be able to maintain the weir. The level of landscaping and biodiversity interest are to ensure the site continues to provide 10% biodiversity net gain as it was for the smaller previously approved pond area. A 30 year biodiversity enhancement management plan supports the long term maintenance of the scheme for biodiversity.

Access will be along the drainage easement via the previously approved internal haul road which runs from the main site to the north. No construction vehicles will use Black Lane. However, workforce vehicles (cars) will use Black Lane and a satellite site compound will be established at the southern end of the site to facilitate construction of the attenuation basin and all associated works. This will consist of a temporary parking area formed from an unbound aggregate and welfare facilities. The use of Black Lane (a private route at this point) has been agreed with the landowner and suitable signage will be provided for safety of the users of the lane and surrounding public footpaths.

Construction is expected to take approximately 14 weeks.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The site lies in the Green Belt and Black Lane is a Green Way. The majority of the site also lies within the Dearne Valley Green Heart Nature Improvement Area. The southern part of the site lies within the Hoyland West Masterplan Framework area.

CC4 - Water Resource Management
GD1- General Development
D1– Design
HE1 - The Historic Environment
HE6 - Archaeology
POLL1 - Pollution Control and Protection
GB1- Green Belt
GS2 - Green Ways and Public Rights of Way
BIO1 - Biodiversity and Geodiversity
T4 – New Development and Transport Safety
CL1 – Contaminated and unstable land

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. The following paragraphs are most relevant:

Paragraph 144 - local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 146 certain forms of development are not inappropriate development in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it and include at criterion b) engineering operations.

Paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter-alia) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability. The paragraph also states that decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 174(b) states that plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 189 states that in determining applications applicants should describe the significance of any heritage assets affected

Consultations – reminder sent 16/6/21

Biodiversity – no objections

Coal Authority – no objection subject to condition

Conservation – no objections

Highways Drainage – no objections

Highways DC – no objections but require amendments to SCS and CMTP

Forestry – no objections subject to a condition

Pollution Control – no objections

PROW – no objections

Rotherham MBC - no objections

SYAS – no objections

SYMAS – no objections subject to condition

Tankersley Parish Council – no comments or objections
Ward Councillors – no comments received
Yorkshire Water – no objections

Representations

The application has been publicised by way of a press notice, site notices and letters were sent to 25 residents.

One objection has been received on the grounds that the attenuation basin should be used for recreational purposes by the community and therefore considers that it is conflict within policies within the Masterplan and Local Plan. However, the attenuation basin is not on public land, and is not public open space, nor is it a recreational facility. The majority of the basins will be dry for most of the time. Yorkshire Water may wish to allow access once the basin is adopted but this is not a planning issue that will affect the determination of the application, and there is no right to roam away from footpaths. The small area to be provided for biodiversity could potentially be negatively affected by human activity caused by disturbance and the need for safety fencing if it was to be available for public use. It is not considered appropriate in this instance as the intention is to maximise the biodiversity enhancement on this site.

Assessment

Principle of development

The site lies within the Green Belt. The extant planning permission (part of 2020/0647) on the southern half of the site establishes the principle of ponds in this location. The National Planning Policy Framework requires that the Green Belt will be protected from inappropriate development. Engineering operations are one of the exceptions which are not inappropriate providing they preserve the openness and do not conflict with the purposes of including land within it. In view of all the above the principle of this development is considered to acceptable in the Green Belt.

It should be noted that The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows any excavation or engineering operations to be carried out carrying out on agricultural land where the agricultural unit is of 5ha or more which are reasonably necessary for the purposes of agriculture within that unit. This is an important fall-back position when considering impacts of the proposal as a farmer could create these ponds without the need to seek planning permission.

Historic Environment

A Heritage Impact Assessment has been submitted in relation to the nearby listed buildings and their setting. The Conservation Officer considers clearly how the setting has changed over time and the contribution now made by the areas to the east that is the focus of the application. The Conservation Officer is satisfied that that the attenuation basins will have only a minimal impact on the setting and has no objections. As such the proposal is in accordance with the Local Plan Policy HE1

Archaeology

As part of the 2020/0647 permission, a desk-based Archaeology (DBA) Statement reviewed the significance and condition of designated and non-designated heritage assets within the application area and its surroundings. The assessment considered the area of land to the south of Bell Ground Wood, which forms part of this application, and concluded that this was

formerly the location of spoil heaps and of little archaeological value due to their age and potential makeup. Following the completion of the DBA, a geophysical survey was carried out on the southern part of the site (the area for the permitted attenuation pond), to ascertain the requirement for survey work in this area. In agreement with South Yorkshire Archaeology Service (SYAS) the location and extent of trial trenching to be undertaken was agreed and this was completed in advance of the submission of that planning application. The survey work concluded that the scope for any archaeologically sensitive areas within the wider site was limited.

Additionally, a Heritage Impact Assessment has been submitted for this application. The South Yorkshire Archaeology Service consider that the submitted Heritage Impact assessment has demonstrated that the setting of designated heritage assets will not be unduly impacted on the basis of local topography and the proposed screening planting. Any harm to setting of the designated heritage assets is considered to be minimal and advise that further mitigation is not required. No objections. As such, the proposal is in accordance with Local Plan Policy HE6

Visual Amenity

The proposal comprises engineering works and should have little impact on visual amenity other than temporary impacts during the works. Substantial landscaping to the site following the creation of the ponds will enhance the visual aspect of the site compared to the current open agricultural fields. Woodland planting to the west of the northern pond will screen it from view from Black Lane, which already has a substantial hedge along its boundary which will remain unaffected.

Residential Amenity

There would be no impact on residential amenity as a result of this proposal other than the potential temporary impacts during engineering operations to form the ponds as discussed further below. However, impacts are expected to be minimal as construction traffic will access from internal haul roads previously permitted and will not use Black Lane.

Pollution Control

Black Lane will be used for vehicular access by workers using private cars and work vans to access the satellite compound. This will amount to approx. 25 users per day during the period of attenuation basin construction. The heavy plant will use the internal haul road previously approved under 2020/0647. The Pollution control Officer is satisfied with the proposed measures to monitor and control noise and dust during construction. No conditions are proposed. As such the proposal is in accordance with Local Plan Policy POLL1.

Ecology

There are two Local Wildlife Sites (LWS) within 1km of the application site; Black Lane LWS is approximately 460m to the south, and Skier's Spring Wood is 800m to the east. An ecological appraisal has been undertaken in support of the planning application and this report informs the Biodiversity Net Gain calculations that accompany the application together with a Biodiversity Impact Assessment (BIA) and a Biodiversity Enhancement Management Plan (BEMP). The fields are currently under agriculture and of low ecological value. However, a small length of hedgerow is to be lost. A detailed biodiversity net gain calculation has been undertaken and will provide enhancements that will support a variety of fauna, including foraging badgers and bats and breeding birds and amphibians, together with landscaping and Biodiversity management for a period of 30 years. The Biodiversity Officer is satisfied that 10% biodiversity net gain will be achieved and has no objections to

the proposal. The application is therefore in accordance with Local Plan Policy BIO1 and the Hoyland West Masterplan.

Trees

The proposed works entail the removal of a short section of hedgerow between the two fields. The Forestry Officer confirms this is of little arboricultural merit. He further notes that significant mitigation has been proposed as part of the biodiversity enhancement measures for this area which provide suitable planting from an arboricultural perspective. There are no objections from a tree perspective, subject to a planning condition, in accordance with Local Plan Policy BIO1.

Highways

The Highways DC Group Leader has confirmed there are no highway safety issues. A Construction Method Statement submitted to discharge planning conditions for the 2020/0647 site also meets the requirements for this application in terms of construction traffic accessing the attenuation ponds through the internal route from the Hermes site to the north as previously approved. Black Lane is a private highway at this point and access has been agreed with the owner and signage will be provided warning users of Black Lane of operations so there are no highway objections. The proposal accords with Local Plan Policy T4.

Public Rights of Way

Black Lane is a Public Right of Way (Tankersley 25) and there is a further public footpath to the northern boundary of the site (Tankersley 27) and one to the south (Tankersley 28) which is crossed. The Trans Pennine Trail between the A6135 Sheffield Road and Black Lane will remain open. Where this crosses the work area, suitable segregation will be provided to allow safe passage of the users of the TPT. The Public Rights of Way Officer has no objections providing that any drainage works which cross the footpaths are reinstated to their current condition. The Public Rights of Way Officer is also satisfied that signage will be provided warning users of the surrounding footpaths and rights of way of the operations. Any temporary closures of the footpaths are not a material planning consideration and would be dealt with under separate legislation. The proposal is considered to be compliant with Local Plan Policy GS2 Green Ways and Public Rights of Way.

Coal Mining and Contaminated Land

The application has been accompanied by a coal mining risk assessment as the site lies within a high-risk coal mining referral area due to the probable presence of shallow coal and possible unrecorded shallow coal mine workings. Intrusive site investigations are required to evaluate mining legacy risks. This can be secured by a condition for ground investigations and any appropriate mitigation. The application is therefore compliant with Local Plan Policy CL1 and paras 178 and 179 of the NPPF.

Drainage

The main policy for assessing drainage/flood risk is CC3 'Flood Risk'. The site is not in an area considered to be at risk of flooding and the drainage strategy describes revised sustainable drainage measures pertinent to the main permission 2020/0647. The application proposal will provide the Hoyland development with a 1:100 year plus 30% climate change storm event on site without flooding any buildings. The Councils Highways Drainage Officer and Yorkshire Water have no objections subject to the proposal, as such it accords with Local Plan Policy CC3 regarding flood risk and water resource management.

Summary and Conclusion

The need for this proposal is in order to provide acceptable water management to Yorkshire Water specifications and adoptable by Yorkshire Water to provide sustainable drainage to the large employment site to the north. It will also provide 10% biodiversity net gain with a corresponding improvement in visual amenity with significant planting to the margins and Biodiversity management for a period of 30 years. Public Rights of Way will in the main, remain open or be closed for a temporary period only whilst construction works are underway. Construction traffic will use a previously permitted haul road which is remote from Black Lane. Whilst there may be temporary impacts on local residents during the construction period in terms of noise, dust and disturbance, no objections have been received from consultees and measures will be taken to protect the amenity of nearby residents and users of the public rights of way during the short construction period. Taking into account relevant development plan policies and other material considerations, the proposal is in compliance with the relevant development plan policies. Any negative impacts of the proposed development would not be at a level to be considered sufficiently significant and adverse to outweigh the benefits associated with the granting of planning permission. The proposal therefore complies with the development plan, and the advice in the NPPF.

Therefore, it is recommended that the application is granted outline planning permission, subject conditions

Recommendation: -

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 strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:
Application Boundary DR-A-4400-104REV P01
Proposed Attenuation GA Basin Sheet 1 DR-D-345 REV P01
Proposed Attenuation GA Basin Sheet 2 DR-D-346 REV P01
Site Location Plan 4400/003 REV P3
Basin Landscape Sections 22-S8-P2
Construction Management Framework Plan P6
Construction Method Statement REV6
Landscape Proposals 20-09-S8 REV P12
Landscape Proposals 20-10-S8 REV P11
Proposed Basin Sections DR-C-SK002 REV P02
Archaeological Desk Based Assessment – by Oxford Archaeology
Archaeological Evaluation Report – by Oxford Archaeology
Heritage Statement by Oxford Archaeology
Biodiversity Metric 2.0
Coal Mining Report
Biodiversity Enhancement and Management Plan REV A dated June 2021 by FCPR
Biodiversity Impact Assessment dated April 2021 by FCPR
Ecological Appraisal letter dated 16 April 2021 by FCPR
Hoyland Southern Catchment by Wallingford
Storm Sewer calculations by Microdrainage
Desk Study and Coal Mining Risk Assessment by Applied Geology
Proposed Drainage Sheet 1 DR-CR-331 REV P10
Proposed Drainage Sheet 2 DR-CR-332 REV P13

Proposed Drainage Sheet 3 DR-CR-333 REV P12
Proposed Drainage Sheet 4 DR-CR-334 REV P11
Proposed Drainage Sheet 5 DR-CR-335 REV P11
Addendum to Flood Risk Assessment by RPS dated 16th April 2021
Evaluation Trenches including aerial view

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making

3. 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.

Reason: In the interests of biodiversity and in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity

4. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity in line with the Applied Geology Ltd risk assessment report ref: G20149 of April 2021, and;
 - b) The site investigation and remediation shall be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned mine workings manual" where applicable.
 - c) A report detailing the findings of the investigations and future ground work designs (including evidenced approval from the Coal Authority where necessary) shall be submitted to the Local Planning Authority for approval in writing.
 - d) the development thereafter shall be carried out in accordance with the approved details.

Reason: In the interests of land stability NPPF Paras 178 a,b,c. 179 and 170 e & f, based around Land Stability in accordance with Local Plan Policy CL1

5. No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

6. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

7. All planting, seeding or turfing comprised in the approved details of landscaping in condition 2 above shall be carried out prior to occupation of any building approved under planning permission 2020/0647 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 others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1 Design

8. Long term landscape and biodiversity management for a period of 30 years shall be undertaken in accordance with the approved Biodiversity Enhancement Management REV A dated June 2021.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1 Design and to ensure 10% biodiversity net gain is achieved, in accordance with Local Plan Policy BIO1.

Informatives

If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate – Contact Highwaydrainage@barnsley.gov.uk

If the developer is to carry out works within or in the proximity of any watercourse he must gain the relevant permissions from the Lead Local Flood Authority – Contact Highwaydrainage@barnsley.gov.uk

The proposed works will require a temporary closure of a public right of way. The developer is required to apply for the temporary closure, at cost, providing at least 4 weeks' notice and details of how public access will be managed throughout. No works affecting a public right of way may take place until a temporary closure order has been agreed in writing with the Council. Details are available via publicrightsofway@barnsley.gov.uk

If the developer is to make discharge flows to the existing watercourse he must gain the written agreement of the Land Drainage Authority to discharge flows at an agreed rate - Contact Highwaydrainage@barnsley.gov.uk

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.