



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2024/0824

To Peacock and Smith
Central House
47 St Pauls Street
Leeds
LS1 2TE

DESCRIPTION Variation of conditions 3 (Engineering operations to motorway cutting), 10 (site investigation and monitoring) and 22 (foul and surface water drainage) of application 2019/0286 - Hybrid planning application for an extension to Capitol Park comprising a) development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation - Outline with all matters reserved apart from means of access; and b) full application for provision of associated earthworks, demolition of existing bungalow and formation of access (Amended Plans)

LOCATION Higham Lane, Dodworth, Barnsley. S75 3UB

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 30/09/2024 and described above.

The approval is subject on compliance with the following conditions:

- 1 The reserved matters element of the development, approved under application 2022/0916, shall be begun before 15th June 2025.

Reason: in accordance with condition 1 of application 2022/0916 and 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 amended plans and specifications as approved unless required by any other conditions in this permission:
- 11138-100 Location Plan
 - 11138A-101 REV A Existing Site Plan amended plan rec'd 25/7/19
 - 11138A-103 Existing Site Sections
 - 11138A-110 REV D Proposed Masterplan amended plan rec'd 23/7/19
 - 11138A-113 REV B Proposed Site Sections amended plan rec'd 23/7/19
 - 11138A-111 REV E Proposed Site Plan
 - 4173-JPG-SW-00-DR-C-1200 S2 REV P01 amended plan rec'd 23/7/19 Cut/Fill Analysis Coal Mining Risk Assessment and Coal Recovery Report dated February 2019 by JPG Ecological Phase I Survey Report Preliminary Ecological Appraisal (update) dated June 2019 Geoenvironmental Desk Study report dated January 2019 by JPG Arboricultural Constraints and Opportunities by Wardell Armstrong stated February 2019.
- 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 Prior to the commencement of development, with the exception of demolition and formation of the site access with associated vegetation clearance and minor earthworks, details of the Engineering operations proposed to be undertaken adjacent to the motorway cutting shall be submitted to and approved by the Local Planning Authority (in consultation with Highways England). The details shall demonstrate that the operations will be carried out in accordance with the Design Manual For Roads and Bridges, Vol 4 Section 1 Part 2 HD22/08 Managing Geotechnical Risk and Vol 1 Section 1 Part 1 BD2/12 Technical Approval for Highways Structures and shall include but not be limited to: 1) the construction details of the retaining wall along the boundary of the motorway 2) details showing that drainage and surface water run off shall not enter the motorway network 3) how the stability of the cutting slope shall be maintained.
- Reason: To ensure the development does not impact upon the strategic road network and in accordance with Local Plan Policy T4**
- 4 Prior to the commencement of the development a noise management plan based on BS 5228-1 2009 Code of Practice For Noise And Vibration Control On Construction And Open Sites shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.
- Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.**
- 5 Prior to the commencement of the development a dust management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.
- Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.**
- 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 1400 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 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 period of the engineering works. 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
 - The erection and maintenance of security hoarding
 - Wheel washing facilities

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.

- 8 No development, or groundworks, excluding demolition, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority.

The WSI shall include:

-The programme and method of site investigation and recording include geophysical Investigation if appropriate.

-The requirement to seek preservation in situ of identified features of importance.

-The programme for post-investigation assessment

-The provision to be made for analysis and reporting.

-The provision to be made for publication and dissemination of the results.

-The provision to be made for deposition of the archive created

-Nomination of a competent person/persons or organisation to undertake the works.

-The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated and in accordance with Local Plan Policy HE6.

- 9 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 Protection plan

- Tree Protective Barrier Details

- Arboricultural Method Statement

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

- 10 Prior to the commencement of development with the exception of demolition and formation of the site access with associated vegetation clearance and minor earthworks: 1) A scheme of intrusive site investigations/gas monitoring shall be undertaken by a suitably qualified person to evaluate ground conditions and determine any mining legacy risks
2) The site investigation and subsequent development shall be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings'
3) A report detailing the finding of the investigations/gas monitoring, including a scheme of remedial works/mitigation, and a timescale for the implementation of any remedial works/mitigation, shall be submitted for approval in writing to the Local Planning Authority
4) Where further stabilisation works are required, details of the further works and a timescale for the implementation shall also be submitted for approval.
5) Once the report and any additional details have been approved, the development shall thereafter be carried out in accordance with the approved details

Reason: To address potential stability issues as a result of Historic Mining Activities, and in accordance with Local Plan Policy CL1 Contaminated and Unstable Lane, and NPPF 2024 Para 196 a,b,c and 187 e & f.

- 11 Within 3 months of the completion of the engineering operations and providing the remainder of the works have not yet commenced, the site shall be seeded with an appropriate basic wildflower seed mix to create temporary grassland.

Reason: To minimise dust impacts on adjacent residential properties prior to the commencement of construction activities, in accordance with Local Plan Policy POLL1.

- 12 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority

Reason: In the interests of Highway safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 13 Prior to the commencement of the development, a scheme shall be submitted for approval in writing to the Local Planning Authority. The scheme shall detail:

1. The route of the proposed construction traffic to and from the site shall be identified on a plan
2. The daily movement of the construction traffic shall be profiled for each construction phase, identifying the peak level of vehicle movements for each day;
3. Confirmation that HGV drivers and contractors have been instructed to avoid as far as reasonably possible from accessing/egressing the site during the Strategic Road Network peak hours of 7.15 - 8.15 AM, and 16.45 - 17.45 PM.

Reason: To ensure construction-based traffic do not adversely impact on the operation of the SRN during the construction phase and in the interests of Highways safety in accordance with Local Plan Policy T4.

- 14 Prior to the commencement of the development a noise management plan based on BS 5228-1 2009 Code of Practice For Noise And Vibration Control On Construction And Open Sites shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.
- 15 Prior to the commencement of the development a dust management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.
- 16 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 Protection plan
 - Tree Protective Barrier Details
 - Arboricultural Method Statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**
- 17 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
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**
- 18 A 2m wide maintenance strip shall be provided to the northeast boundary and thereafter retained for the duration of the development.
Reason: To enable maintenance of the site boundary and ensure the development does not impact upon the strategic road network in accordance with Local Plan Policy T4.

19 No development shall take place, with the exception of formation of the site access with associated vegetation clearance and minor earthworks, until full foul and surface water drainage details, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

20 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority

Reason: In the interests of Highway safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.

21 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure compliance with Local Plan Policy I1.

22 On commencement of the development, full details of the mitigation and enhancement measures identified in Section 4 of the updated Preliminary Ecological Survey by Wardell Armstrong dated June 2019 including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1.

23 Upon commencement of development, 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

24 Prior to occupation of the buildings/commencement of the use, full details of security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.

Reason: To protect the amenity of existing residents and species of ecological interest from glare and/or nuisance light in accordance with Local Plan Policy Poll1 and BIO1.

- 25 During the operational phase of the development, the noise level shall not exceed LAeq 49 dB, measured at 1 metre from the facade of any residential properties.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1
- 26 Prior to occupation of the building, a Service Yard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should consider noise generated from deliveries, loading/unloading activities, along with general service yard activities, and consideration of any mitigation measures required. The development shall be carried out in accordance with the approved details, which shall be retained and adhered to at all times.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1, Pollution Control and Protection.
- 27 The framework travel plan hereby approved and the plot travel plans to be implemented in accordance with the timetable contained therein shall continue to be implemented for a five year period post occupation of the development.
Reason: In the interests of sustainable development and in accordance with Local Plan Policy T3.
- 28 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.
- 29 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works , details of which will have been submitted to and approved by the Local Planning Authority . If discharge to public sewer is proposed , the information shall include , but not be exclusive to the means by which the discharge rate shall be restricted to a maximum rate of 5 litres per second.
Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.
- 30 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 1400 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.
- 31 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Local Plan Policy CC2.

- 32 Details of the proposed external facing materials for the development shall accompany the application for the approval of the reserved matters. The details, specifications and colours shall be shown on the elevation plans accompanying the application and any associated imagery that is submitted in support of the application. Thereafter the development shall be carried out in accordance with the details approved by the Local Planning Authority.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 33 No development shall be commenced until full engineering, drainage and street lighting and constructional details of the street extension and the entrance to Unit 2 hereby approved and to be proposed for highway adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
Reason: In interests of highway safety.
- 34 Before any industrial unit is first occupied the roads and footways shall be constructed to binder course level from the industrial unit to the adjoining public highway in accordance with details of a completion plan to be submitted and approved in writing by the Local Planning Authority.
Reason: To ensure satisfactory development of the site.
- 35 Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site for pedestrian and bicycle access and egress, for bicycles to park, and motorised vehicles to park, turn and re-enter the highway in a forward gear. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.
Reason: In interests of satisfactory development and highway safety.
- 36 Prior to first occupation of the development hereby permitted, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use.
Reason: In interests of promoting sustainable travel opportunities.
- 37 Upon commencement of development of industrial units a statement detailing air quality mitigation measures shall be submitted to and approved in writing by the Local Planning Authority as per the recommendations detailed within Wardell Armstrong Air Quality Assessment report 001. Thereafter the development shall be carried out in accordance with the approved details.
Reason: In accordance with Local Plan Policy Poll 1 and site specific allocation policy ES4.
- 38 The development shall not be occupied for the purposes of the permission until an updated assessment of the development on the local highway network has been submitted and approved by the Local Planning Authority, including any highway improvements, or limitations on vehicle movements to and from the development at peak times, which may be necessary to facilitate the operation of the use/s. Any requirements of the approved assessment shall be completed within the timescales specified.
Reason: In accordance with Local Plan Policy T4 New development and Transport Safety.

- 39 Demolition of any building shall be undertaken to slab level only prior to the submission of the Archaeological Written Scheme of Investigation(WSI) as required under condition 8 above. An archaeology watching brief shall be carried out during all demolition works and any finds/actions/recommendations shall be reported in the subsequent WSI.
- Reason: To ensure the archaeological interest is preserved for later investigation and in accordance with Local Plan Policy HE6.**

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 All HGV fleets are encouraged to sign up to the sign up to ECO Stars Fleet Recognition Scheme
- 2 Coal may be encountered during the earthworks operations. Any coal encountered during the earthworks shall be treated as 'Incidental' and an agreement to remove the coal from the Coal Authority will be required
- 3 The applicant is advised that it is the Local Planning Authority's expectation that the buildings shall be designed with a high level of place making/urban design credentials which involves utilising an attractive palette of materials and/or architectural detailing. This is taking into account of the considerable mass of the proposed buildings and the highly prominent location of the site immediately adjacent to the M1 and Junction 37, which is a main gateway into Barnsley. The LPA regards the external cladding used in the Attitude development in Milton Keynes as a good example to follow.
- 4 The Applicant / Developer is advised to contact Highways & Engineering on 01226 773555 prior to any work commencing on site to gain all necessary technical and legal approvals for all street road details from the Local Highway Authority prior to submission of such approved details to the Local Planning Authority to discharge the relevant highways conditions forming part of this planning permission.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 30 January 2025



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

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

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.

STATUTORY BIODIVERSITY NET GAIN CONDITION

DEEMED CONDITION

(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021)

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the plan.

The Biodiversity Gain Plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- h) a description of the development and planning permission reference number (to which the plan relates);
- i) the [relevant date](#), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- j) [the completed biodiversity metric calculation tool\(s\)](#), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the [relevant date](#), and post-development biodiversity value;
- k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the [relevant date](#), and drawn to an identified scale and showing the direction of North;
- n) a description of any [irreplaceable habitat](#) on the land to which the plan relates which exist on the [relevant date](#), and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- o) if [habitat degradation](#) has taken place:
 - i. a statement to this effect,
 - ii. the date immediately before the degradation activity,
 - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
 - iv. any available supporting evidence for the value.

INFORMATIVE 1

When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

INFORMATIVE 2

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

INFORMATIVE 3

A Biodiversity Net Gain Template can be found here:

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

INFORMATIVE 4

The statutory deemed condition above is relevant to all major applications submitted since 12th February 2024 and to all non-major applications submitted after 2nd April 2024, unless exempt. The onus is on the applicant/agent to notify the Local Planning Authority at developmentmanagement@barnsley.gov.uk if the application was exempt and provide the reasons for the exemption. Exemptions can be found at this link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>