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Our ref.
Your ref. 2022/0702

2 May 2023

Submitted by email only

Dear Ms Ward

PLANNING APPLICATION REF. 2022/0702
"GATEWAY 36" EMPLOYMENT DEVELOPMENT AT DEARNE VALLEY PARKWAY, HOYLAND
APPLICATION FOR DISCHARGE OF CONDITION 39

Please find enclosed the following plans/document submitted to discharge the following condition of hybrid planning permission ref. 2019/1573 for employment development.

The submission comprises the following plans:

Condition	Submitted Material
39	• Explanatory notes (appended to this letter) • Site Location Plan - off-site planting ref. 220001_JM_SLP1 • 334-UW-P-034 - Rev A. Offsite Replacement Planting Proposals • 334-UW-P-Gateway 36 Ph2 Site-LEMP Rev.E

I trust that the above document satisfies the requirements of this condition and will allow it to be discharged without delay.

If you have any queries or there are any matters that it would assist to discuss further, then please contact me by email or by the telephone number above.

Yours sincerely



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cc. Harworth Group

Condition 39

Condition 39 of planning permission 2019/1573 regarding off-site tree planting states:

Prior to construction of any building, a detailed scheme for off-site tree planting shall be submitted to the Local Planning Authority for approval in writing. The scheme shall detail a tree planting strategy for off-site tree planting in accordance with mitigation measures in para 4.28 The amended Arboricultural Impact Assessment version 2.0 dated 12th February 2020 by The Environment Partnership, submitted on 3rd June 2020. The scheme shall include location of planting, area of planting, planting specification, size, species and programme of planting and maintenance for a period of 40 years. The agreed scheme shall thereafter be implemented in full.

Explanatory Notes

Context

The initial submission to discharge Condition 39 of planning permission 2019/1573 was made on 29 June 2022, and set out that the maximum extent of tree planting that could be proposed within the site and suitable off-site land in the applicant's control was already as proposed, particularly given the SSSI designation that was made after the grant of planning permission and which had the effect of preventing tree planting on land that may otherwise have been identified for this purpose. The result of this was a net reduction in tree/hedge canopy cover area of -0.912 ha.

We advocated this to be acceptable under the terms of condition 39 and the specific wording of paragraph 4.28 of the approved Arboricultural Impact Assessment (AIA), given that the tree planting proposed was part of a scheme delivering biodiversity gains but focussing on a broader range of habitat priorities and included measures to enhance the connectivity of existing woodland or trees.

Notwithstanding this, officers advised on 14 November 2022 that the above interpretation of the requirement was not accepted and that it is required to undertake 'sufficient tree planting to deliver a net gain of tree cover' outright.

Whilst we do not agree with this interpretation, we have sought to identify other land that may be used for tree planting in order to achieve the net gain. The Council advised on 14 November 2022 that there is no land in public ownership available for tree planting, or any existing scheme to which a contribution could be made.

Identified Site

The only option we have been able to identify is a c.0.9ha parcel of land between Short Wood and the rear gardens of Shortwood Villas, which is a grass paddock used for grazing horses. The land is in Harworth's ownership, but let to a tenant for horse grazing.

The land is that outlined in red on the enclosed location plan ref. 220001_JM_SLP1.

This land is identified in the s106 agreement for planning permission ref. 2019/1573 as a 'Replacement Receptor Site' ('Parcel 1') in relation to biodiversity off-setting, but is not currently committed to biodiversity enhancement through our submitted/approved off-setting scheme.

The land lies outside of the Dearne Valley Wetlands SSSI boundary. The Local Plan map identifies it to be within wider areas designated as 'Nature Improvement Area' (Dearne Valley Green Heart) and 'Biodiversity or Geological Interest Site' (Short Wood and Hay Green). The Barnsley Biodiversity Action Plan (online) indicates Short Wood and Hay Green to be a 'Local Wildlife Site that includes the Mixed Deciduous Woodland priority habitat'. The NVC category shown is 'W10 - Oak-bracken-bramble woodland'.

The location is therefore deemed to be suitable for tree planting to achieve a net gain in tree/hedge canopy cover, and a scheme can be configured that is compatible with adjacent habitats and designations.

Planting Proposed

The 'detailed scheme for off-site tree planting' is that shown on drawing ref. 334-UW-P-034 rev.A, which includes the location of planting, area of planting, planting specification, size and species proposed.

The programme of planting and maintenance for a period of 40 years is provided in an updated version of the Landscape Ecological Management Plan (LEMP) ref. 334-UW-P-Gateway 36 Ph2 Site-LEMP Rev.E which is hereby submitted and replaces the preceding version. Incorporation of this planting into the existing LEMP facilitates the management of all off-site landscape and habitat enhancement areas under a single document.

Habitat and Ecological Considerations

As indicated on the drawing, the new tree planting scheme is designed to be sensitive to local setting of Short Wood LWS and Dearne Valley Wetlands SSSI. The management prescriptions will accord with the aims of the SSSI, particularly promoting habitat suitable for willow tit.

The woodland planting will be representative of those landscape and ecological typologies adjoining it and will provide scrub habitat suitable for other local bird assemblages.

The species composition will reflect that of the adjoining Local Wildlife Site and SSSI, providing a valuable extension to the existing woodland and suitable habitat for a range of native species.

Scrub planting will provide ecologically desirable habitat diversity, of particular value for breeding bird assemblages of lowland scrub, a feature of interest in the adjoining SSSI.

The long-term management will seek to promote structural and spatial diversity, including areas of coppice and the retention of standing deadwood, which will be of particular benefit for Willow Tit.

Quantitative Considerations

The 'Tree Planting and Tree Canopy Cover' note prepared by TEP dated 30 March 2022 (submitted on 29 June 2022) appraises the extent of tree/hedge removal from the site (as approved by permission ref. 2019/1573) against the extent of tree/hedge planting to be delivered on-site and off-site.

This indicates an on-site net loss of tree canopy cover of -5.556 ha, an on-site net gain of hedge canopy area of 0.374 ha and an off-site net gain of tree canopy cover of 4.270 ha; resulting in an overall net loss of -0.912 ha of tree/hedge canopy cover area.

The site area of the off-site planting scheme extends to 0.97ha and therefore achieves the quantitative net gain.

As previously explained, this is on the basis of those plots within the site that do not yet have reserved matters approval (i.e. the later phases) being assessed for tree loss/gain on the basis of the illustrative masterplan from the outline planning stage.

Ultimately, the details to be approved by reserved matters for these later phases may include slightly more or less tree planting than envisaged in the outline masterplan. It is therefore envisaged that further/final assessments of net tree gain/loss will be prepared at the point of reserved matters submissions/ approvals so that it can be ensured that the net gain in tree canopy cover is ultimately achieved.

Conclusion

The tree planting scheme hereby submitted responds to all requirements of condition 39 of the outline planning permission (ref. 2019/1573), and serves to achieve a net gain in tree canopy cover for the Gateway 36 Phase 2 and 3 development (subject to detailed design and reserved matters approval for remaining plots within Phase 2 site).