



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2025/0577

To Martin Walsh Architectural
Firth Buildings
99-103 Leeds Road
Dewsbury
WF12 7BU

DESCRIPTION Erection of two storey office building (Use Class E(g)) with formation of car park, footpath and associated landscaping.

LOCATION Naylor Concrete Products Ltd, Whaley Road, Barugh, Barnsley, S75 1HT

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 30/09/2025 and described above.

The approval is subject on compliance with the following conditions:

- 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:
Location Plan, Drawing No: NDWR - MWA - 02 - XX - DR - A – 0006, Rev: P3
Proposed Elevations, Drawing No: NDWR - MWA - 02 - XX - DR - A – 0002, Rev: P2
Proposed Floorplans, Drawing No: NDWR - MWA - 02 - XX - DR - A – 0001, Rev: P2
Proposed Overall Site Plan, Drawing No: NDWR - MWA - 02 - XX - DR - A – 0003, Rev: P3
Immediate Site Plan, Drawing No: NDWR - MWA - 02 - XX - DR - A – 0004, Rev: P3

and specifications as approved unless required by any other conditions in this permission.
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.
- 3 The Biodiversity Gain Plan shall be prepared in accordance with the Ecological documents submitted with the application: Biodiversity Net Gain Assessment by Whitcher Wildlife Ltd, reference 250784 and dated 18th September 2025.
Reason: In the interests of clarification and to help deliver a biodiversity net gain on site in accordance with Schedule 7a of the Town and Country Planning Act 1990.

- 4 Prior to the commencement of development full-foul and surface water drainage details, including Yorkshire Water Permission to discharge, shall be submitted to and approved in writing by the Local Planning Authority.
Once agreed, the development shall not be occupied or brought into use until the approved scheme has been fully implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
Reason: To ensure the satisfactory drainage of the area in accordance with Local Plan Policy CC3: Flood Risk.
- 5 Prior to the commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide details 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;
 - Measures to prevent mud/debris being deposited on the public highway.
- Once agreed, the approved Statement shall be adhered to throughout the period of engineering operations and construction.
Reason: In the interests of highway safety in accordance with Local Plan Policy T4: New Development and Transport Safety.
- 6 Prior to the commencement of the development, a scheme for the following additional biodiversity mitigation and enhancement measures shall be submitted to and approved in writing by the local planning authority:
- Integrated bat and bird boxes to be installed in suitable locations within the new building;
 - Invertebrate boxes to be installed in suitable locations on site;
 - Species used within the landscaping scheme should be beneficial for a variety of pollinators.
- Once agreed, the mitigation shall be implemented prior to the occupation/use of the development hereby approved, and all features shall be retained for the lifetime of the development.
Reason: In the interests of Biodiversity and in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity and the adopted Biodiversity and Geodiversity SPD.
- 7 Prior to the commencement of the development, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed planting species, positions and planted heights of any proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The information shall also include all boundary treatment and surfacing materials details.
Once agreed, the approved details shall be implemented prior to the occupation/use of the development.
Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.
- 8 No above ground development/works 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 shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
- The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.
Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available and appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site in accordance with paragraphs 196 and 197 of the National Planning Policy Framework 2024.

- 9 Prior to the occupation/use of the development hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site in accordance with paragraphs 196 and 197 of the National Planning Policy Framework 2024.
- 10 Prior to the occupation/any use of the development hereby approved, the parking / manoeuvring facilities indicated on the submitted site plan (ref: Immediate Site Plan, Drawing No: NDWR - MWA - 02 - XX - DR - A – 0004, Rev: P3) shall be surfaced in a solid bound material (i.e. not loose chippings) and be made available for the manoeuvring and parking of motor vehicles. The parking area shall be retained for that purpose for the lifetime of the development.
Reason: To ensure satisfactory off street parking and manoeuvring areas are provided in the interests of highway safety and in accordance with Local Plan Policy T4: New Development and Transport Safety.
- 11 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent public highway.
Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New Development and Transport Safety.
- 12 There shall be no burning of any material on the development site during demolition and/or construction phases.
Reason: To reduce or remove adverse impacts on health and quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.
- 13 The development shall be carried out in accordance with the details shown on the submitted plan: Drainage Strategy, Document No: 221070 GEN 0002, Rev P2, prepared by Melia Smith & Jones, dated 31/08/22.
Reason: In the interest of satisfactory and sustainable drainage.

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 The Town and Country Planning Act has been amended to make every grant of planning permission deemed to have been granted subject to the following General Biodiversity Gain Condition:
The development may not be begun unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority; and
(b) the planning authority has approved the plan.
The purpose of the General Biodiversity Gain Condition is to secure the 'Biodiversity Objective', which requires the post-development biodiversity value to exceed the pre-development biodiversity value of the on-site habitat by at least 10%.
Biodiversity net gain can be achieved through habitat creation or enhancement on-site or off-site; the purchase of biodiversity units from a habitat bank; or as a last resort through the purchase of statutory credits; or a mixture of these.
- 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.
- 3 HMMP template and other information can be found at this link:
<https://publications.naturalengland.org.uk/publication/5813530037846016>
- 4 The proposed development is located on or within 250m of a historic landfill site that is potentially producing landfill gas.

Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No 27
- Environment Agency LFTGN03 Guidance on the Management of Landfill Gas
- Building Research Establishment guidance – BR 414 Protective Measures for Housing on Gas-contaminated Land' 2001
- Building Research Establishment guidance – BR 212 Construction of new buildings on gas-contaminated land 1991
- CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007

- 5 The contractor/developer shall ensure that no vehicle can leave the application site and enter onto the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the public highway is an offence under provisions of the Highways Act 1980 .

- 6 Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from:
www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
- 7 If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found at:
www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements
- 8 In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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: 13 November 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 given 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>