



# BARNLSLEY

Metropolitan Borough Council

## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0032

**To** Mr Matthew Willoughby  
80 The Grange  
Tamworth Road  
Ashby De La Zouch  
Leicestershire  
England  
LE652BY

**DESCRIPTION** Installation of a slops tank and bund at petroleum storage depot.  
**LOCATION** Blackmoor PSD off Sheffield Road, Nr Thurgoland, Barnsley, S Yorkshire,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 15 January 2010 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 and specifications as approved under drawing numbered 4607/003 unless prior written consent has been given by the Local Planning Authority to any variation.  
**Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.**
- 3 Any above ground oil/chemical storage tank/container and associated pipework shall be bunded in a manner so as to retain at least 110% volume of the largest tank within the bund. The bund shall be impervious and have no associated drainage.  
**Reason: To prevent pollution of the water environment.**

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

Signed *Stephen Moralee*  
Assistant Director, Planning and Transportation

Dated 18 February 2010

## Reason(s) for Granting Permission

- 1 Green belt - Policy GS8 It is considered that very special circumstances exist to justify a departure from green belt policy. These circumstances are that urgent maintenance work is required to the pipelines serving the depot and failure to repair may result in a severe pollution incident.

## Informative(s)

- 1 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

- 2 The tank must comply with The Control of Pollution (Oil Storage) (England) Regulations 2001. These regulations stipulate that:

the oil shall be stored in a container which is of sufficient strength and structural integrity to ensure that it is unlikely to burst or leak in its ordinary use.

The container must be situated within a secondary containment system which satisfies the following requirements -

(a) it must have a capacity of not less than 110% of the container's storage capacity or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater;

(b) it must be positioned, or other steps must be taken, so as to minimise any risk of damage by impact so far as is reasonably practicable;

(c) its base and walls must be impermeable to water and oil;

(d) its base and walls must not be penetrated by any valve, pipe or other opening which is used for draining the system; and

(e) if any fill pipe, or draw off pipe, penetrates its base or any of its walls, the junction of the pipe with the base or walls must be adequately sealed to prevent oil escaping from the system.

## **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.