

BARNSELY METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY

Hargreaves Land Limited

APPEAL AGAINST THE REFUSAL OF

Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site

SITE

Land north of Hemingfield Road, Hemingfield, Barnsley

LPA REF: 2024/0122

INSPECTORATE REF: APP/R4408/W/25/ 3359917

1. INTRODUCTION

- 1.1 This statement sets out the case for the Local Planning Authority (“BMBC” or “the Council”) in respect of the appeal submitted by Hargreaves Land Limited (“The Appellant”) against the refusal of an outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site (reference (2024/0122) “the Planning Application”) at Land north of Hemingfield Road, Hemingfield, Barnsley (“the Site”).
- 1.2 The application was refused for the following reasons:

REASON FOR REFUSAL 1 - The application site forms part of site SL6, Land North East of Hemingfield and is allocated as Safeguarded Land within the Local Plan. The site is not allocated for development at the present time and planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB6.

REASON FOR REFUSAL 2 - In the opinion of the Local Planning Authority, the proposal would constitute piecemeal development. The site forms part of a wider safeguarded site SL6, Land North East of Hemingfield, therefore the development this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.

2. SITE LOCATION AND DESCRIPTION

- 2.1 The site comprises a rectangular parcel of land, located to the north of the village of Hemingfield. The site slopes downwards towards the northern edge. Hemingfield Road forms part of the western boundary and a large portion of the southern edge. The site is designated, along with further land to the immediate east, as Safeguarded Land in the adopted Barnsley Local Plan under reference SL6, Land North East of Hemingfield. It is located at the western end of the land designated as Safeguarded Land, and it adjoins Hemingfield Road.
- 2.2 Existing farm buildings are set within a large area of hardstanding to the southern edge of the site. The agricultural buildings are in a general state of disrepair and maintenance and are to be demolished as part of this proposal. The yard area and buildings are bound by a stone wall to Hemingfield Road.
- 2.3 There are a number of trees within and around the site, mostly located on the site boundaries which would be retained. Two public rights of way cross the site. Barnsley’s Definitive Map identifies these as Footpath Number 17 and Footpath Number 18.

3. THE APPLICATION

- 3.1 The application was in outline form with all matters reserved except for means of access. The application proposed the demolition of existing structures on the site and erection of residential dwellings with associated infrastructure and open space.
- 3.2 An indicative masterplan and parameters plan was submitted which showed how the development proposal could be designed on the site. The proposal includes a primary vehicular entrance from Hemingfield Road subject to approval (proposed access arrangement plan – Rev E), a surface water attenuation basin, Public Rights of Way 18 and 17 retained, public open space, potential accesses to the remainder of the designated Safeguarded Land, a retained hedgerow along the eastern boundary and a potential proposed equipped play area. The planning statement indicated that the site has the potential to accommodate 165 – 180 dwellings.

4. PLANNING HISTORY

- 4.1 The following applications have been submitted on the site, however they are not of relevance to the appeal.

2007/1024 - Use of part of agricultural building as a farm shop - Approve with Conditions

B/74/0241/WW - Residential development – Refused

B/74/0244/WW - Erection of dwellings - Refused

5. PLANNING POLICY CONTEXT

Local Plan Policy

Local Plan Allocation Safeguarded Land – Site SL6 Land North East of Hemingfield

- 5.1 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 Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.
- 5.2 The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.
- 5.3 Local plan policies relevant to the refusal include:
- GB6 Safeguarded Land
GD1 General Development
- 5.4 Local plan policies relevant to the suggested conditions/s106 include:
- SD1 Presumption in Favour of Sustainable Development
LG2 The Location of Growth
H1 The Number of New Homes to be Built
H2 Distribution of New Homes
H6 Housing Mix and Efficient Use of Land
H7 Affordable Housing
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
D1 High Quality Design and Place Making
HE1 Historic Environment
HE6 Archaeology
GS1 Green Space
GS2 Green Ways and Public Rights of Way
BIO1 Biodiversity and Geodiversity
CC1 Climate Change
CC2 Sustainable Design and Construction

CC3 Flood Risk
CC4 Sustainable Urban Drainage
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection
PI1 Infrastructure and Planning Obligations

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

Other

South Yorkshire Residential Design Guide

National Policies – NPPF (December 2024)

5.5 The NPPF 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. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

5.6 Paragraphs of relevance to this application include:

- 2 – Achieving Sustainable Development – 7 - 14
- 4 – Decision Making – 39, 48 - 51
- 5 – Delivering a sufficient supply of homes – 61 - 66, 69 – 71, 77 - 81
- 8 – Promoting healthy and safe communities – 96 - 108
- 9 – Promoting sustainable transport – 109 - 118
- 11 – Making effective use of land – 124 – 130
- 12 – Achieving well designed places – 131 - 141
- 13 – Green Belts – 149
- 14 - Meeting the challenge of climate change, flooding and coastal change -161 - 182
- 15 – Conserving and enhancing the natural environment – 187 - 201

6. JUSTIFICATION FOR THE REASONS FOR REFUSAL

6.1 The case for the Local Planning Authority is that the proposal is clearly contrary to the adopted development plan for the borough. It will be demonstrated that it is appropriate to dismiss the appeal and refuse planning permission. The reasons for this are detailed in the officer report and will be elaborated further in the proofs of evidence. In summary, BMBC's objection to the proposed development are as follows:

- 6.2 **REASON FOR REFUSAL 1** - The application site forms part of site SL6, Land North East of Hemingfield and is allocated as Safeguarded Land within the Local Plan. The site is not allocated for development at the present time and planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB6.
- 6.3 A report has been submitted with the application suggested that the Council does not have a five year housing land supply. The Council estimates for the purposes of this appeal, that it has a 3.7 year housing land supply as at 1 April 2024. However, it is acknowledged that Barnsley's Housing Delivery Test 2023 measurement, published on 12 December 2024 was 84%. As such a 20% buffer should be applied to the five year supply in line with paragraph 78b of the revised NPPF. Applying the 20% buffer would equate to an estimated supply of 3.1 years. For the purposes of this inquiry, the Council agrees that it cannot identify a five year housing land supply. The Council therefore accepts that the 'tilted balance' is engaged.
- 6.4 The site forms part of Local Plan safeguarded land allocation SL6, Land North East of Hemingfield. The main issue is whether the proposal would be acceptable in principle on this safeguarded land having regard to relevant local development plan policies contained within the Local Plan and the National Planning Policy Framework (NPPF). Safeguarded land is land between the urban area and the Green Belt safeguarded to meet longer term development needs stretching well beyond the plan period.
- 6.5 Policy GB6 (Safeguarded Land) of the Barnsley Local Plan and the NPPF (para 149) together indicate that planning permission for the permanent development of safeguarded land will only be permitted following review of the Local Plan which proposes such development.
- 6.6 Since the application was refused, the NPPF has been updated (December 2024) therefore this statement refers to the updated paragraph numbers. Para 149 of the NPPF points c and d, state that:
- c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
- 6.7 In line with the above, the principle for the proposed development of this safeguarded site SL6, Land North East of Hemingfield, is contrary to national and local policy. The suitability of the site as an allocation for development will be considered in a future review of the Local Plan. Any review of the Local Plan which includes assessment of the suitability of safeguarded land for development will include the normal planning considerations of the sustainability and suitability of sites for development.
- 6.8 The Local Plan was adopted in January 2019 and subsequently reviewed recently in 2022. This review concluded that the Local plan remains fit for purpose and is adequately delivering its objectives. No updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. A further review will take place in 2027 or earlier if circumstances, including fundamental changes to the Local Plan system, require it. In conclusion, planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The proposed residential development of this safeguarded land is therefore contrary to national policy contained within the NPPF (para 149) and local planning policy GB6.

- 6.9 **REASON FOR REFUSAL 2** - In the opinion of the Local Planning Authority, the proposal would constitute piecemeal development. The site forms part of a wider safeguarded site SL6, Land North East of Hemingfield, therefore the development this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.
- 6.10 Further to the conflict with national and local safeguarded land policy, the proposed development also constitutes piecemeal development, comprising part of a wider safeguarded site, which raises concerns as to the potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan. This would be considered in more detail as and when the plan's allocations are reviewed and reconsidered. In addition, it would be expected that a site of this size should be master planned, to make sure that it can be comprehensively developed. In addition, para 77 of the NPPF states that 'The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.' Point c) of para 77 refers to the use of appropriate tools such as 'masterplans and design guides or codes are used to secure a variety of well-designed homes to meet the needs of different groups in the community.' There is not such a requirement for this site in the Local Plan as it stands, as it is a safeguarded site for future development, rather than an allocated development site with a specific site policy.

7. PROOFS OF EVIDENCE

- 7.1 Proofs of Evidence will be provided as follows:

Laura Bennett, Spatial Planning Project Manager – Development Management

Emma Coveney, Senior Planning Officer – Planning Policy

8. CORE DOCUMENTS

- 8.1 The Council will refer in its evidence to the following documents:

DOC 1 Delegated Report

DOC 2 Decision Notice

DOC 3 Barnsley Local Plan (2019)

DOC 4 National Planning Policy Framework (2024)

DOC 5 DHLUC Planning Practice Guidance

DOC 6 Barnsley Local Plan, Inspectors Report (2018)

DOC 7 Barnsley Local Plan Monitoring Report (2022/23)

DOC 8 Barnsley Five Year Deliverable Housing Land Supply Report (April 2021-March 2026)

DOC 9 BMBC Housing Strategy (2024-2028)

DOC10The draft Housing Delivery Test Action Plan (this Document will shortly be going out to consultation)

- 8.2 The Council reserves the right to refer to further documents in response to the appellant's case, any more recent updating information, or other documents as it feels are appropriate and all parties will be informed of any additional documents that the Council will use

9. RULE 6 PARTY

- 9.1 The Council is not aware of any potential Rule 6 Party.

10. HEADS OF TERMS OF S106 AGREEMENT

- 10.1 **Affordable Housing** – Policy H7 of the Local Plan sets out that: 30% affordable housing will be expected in Penistone and Dodworth and Rural West, 20% in Darton and Barugh, 10% in Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East. The site is in the Hoyland, Wombwell and Darfield sub-market area, therefore the proposed scheme should deliver 10% affordable homes. The type of affordable housing provision required would depend on the affordable housing needs at the time of any reserved matters application. The requirement would be informed by the latest SHMA, Affordable Housing SPD, First Homes Technical Note and Choice-Based Lettings Data available at the time of determining the planning application. An Affordable Housing Statement will also be required as part of the reserved matters submission. Further design advice has also been provided to the appellant.
- 10.2 **Education** – The Education Officer has confirmed that there is a requirement for a contribution towards school places. The final contribution amount will need to be calculated based on the number of units put forward at reserved matters stage. The Education Officer has provided the appellant with pupil forecasts for Primary and Secondary schools. The location of the proposed development site is on the very edge of the Hoyland primary planning area and brings Wombwell schools into the equation when calculating pupil need. The Section 106 Agreement shall detail the formulas to be used for calculating the number of spaces and contributions required, set with the SPD Financial Contributions to School Places.
- 10.3 **Greenspace** – The illustrative plan shows on site Greenspace provision, but the application is currently in outline form with only the access to be agreed at this stage. Therefore, there is a requirement for a contribution towards formal greenspace and play provision improvements off site in accordance with Local Plan Policy GS1 and the formulas set within the SPD Open Space Provision on New Housing Developments should be included within the Section 106 Agreement.
- 10.4 **Sustainable Travel** – Local Plan Policy T3 requires financial contributions towards Improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. Contributions will be sought on developments of 10 dwellings or more. In accordance with the adopted Sustainable Travel SPD, there is a requirement for the applicant to provide a contribution towards sustainable transport and active travel measures. The formula within the SPD should be used to calculate the contribution and given the site is set within the AIZ (Accessibility Improvement Zone) a 25% reduction is allowed, which will depend on the number of units at reserved matters stage. EV charging points will be required through Building Control and cycle storage shall be provided.
- 10.5 **Public Transport Enhancements** - SYMCA has requested a financial contribution towards public transport enhancements. This includes the supply and installation of bus waiting shelters and R-T PID at 2 no. bus stops. Also platform works and accessible pavement works should be undertaken by applicant at a cost of £45,626. A Bus service contribution is requested at a proportionate share of the costs towards service 21a (or equivalent) for a period of 3 years of £44,374. Total Cost £90,000.
- 10.6 **Biodiversity** – A single skylark territory will be lost to accommodate the proposals. As such a contribution of £1320.00 should be secured via Section 106 to ensure offsite mitigation for skylark can be undertaken.

11. DRAFT CONDITIONS/INFORMATIVES IN THE EVENT THAT THE APPEAL IS ALLOWED

1. The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

2. Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

3. The gradient of the vehicular access/driveway shall not exceed 1 in 12 as measured from the edge of adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4 New Development and Transport Safety.

4. Sight lines commensurate with the 85th-percentile measured driven speeds of vehicles shall be safeguarded at the access junction with Hemingfield Road, such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway, in the interest of road safety.

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

5. Pedestrian visibility splays having dimensions of 2m x 2m shall be safeguarded at driveway entrances/exits. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 1m to the rear of the footway/verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Local Plan policy T4 – New Development and Transport Safety.

6. 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 statement shall include but not be restricted to:

- i. Site working hours and delivery hours which should avoid peak hours
- ii. The parking of vehicles of site operatives and visitors
- iii. Any temporary access to the site
- iv. Loading and unloading of plant and materials
- v. Storage of plant and materials used in constructing the development
- vi. Arrangements to receive abnormal loads or unusually large vehicles
- vii. Methods of communicating the Construction Management Plan to the workforce, visitors and neighbouring residents and businesses
- viii. Measures to prevent mud/debris being deposited on the public highway.

The submitted and hereby approved Construction Traffic Management Plan (CTMP) shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, in accordance with Local Plan Policy T4 New development and Transport Safety.

7. Notwithstanding the noise mitigation measures described in report 'Noise Impact Assessment' produced by Environmental Noise Solutions Ltd dated 7 February 2024, ref: NIA-11108-24-11392-v4 Hemmingfield Road, an updated noise mitigation report, taking into account the proposed location of the dwellings, shall be submitted at reserved matters stage. Thereafter the development shall proceed in accordance with the approved details.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

8. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety.

9. Detailed plans shall accompany the reserved matters submission that broadly reflect the parameters plan and which also indicate existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with LP Policies GD1 - General Development and D1 – High Quality Design and Placemaking.

10. 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:

- Arboricultural impact assessment
- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the appearance and biodiversity of the area in accordance with LP Policies D1 High Quality Design and Placemaking and BIO1 Biodiversity and Geodiversity.

11. No development shall take place unless and until

(a) full foul and surface water drainage details 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.

(b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways are all approved in writing by the Local Planning Authority.

Reason: To ensure the proper drainage of the area in accordance with Local Plan Policies GD1 - General Development and UT2 - Utilities Safeguarding.

12. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in accordance with Local Plan Policies GD1 - General Development and UT2 - Utilities Safeguarding.

13. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal in accordance with Local Plan Policies GD1 - General Development and UT2 - Utilities Safeguarding.

14. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network in accordance with Local Plan Policies GD1 - General Development and UT2 - Utilities Safeguarding.

15. No new tree planting, shall be permitted over or within 5.0 (five) metres either side of the centre line of the sewer(s), which cross the site.

Reason: In order to protect the structural integrity of the pipe from tree root infestation in accordance with Local Plan Policies GD1 - General Development and UT2 - Utilities Safeguarding.

16. No development shall commence until:

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from 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 and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of Land stability in accordance with Local Plan Policy POLL1.

17. Prior to the occupation of the development, or it being taken into beneficial use, 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: In the interests of Land stability in accordance with Local Plan Policy POLL1.

18. 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 LP Policy Poll1 - Pollution Control and Protection.

19. A landscape management plan shall be submitted as part of the Reserved Matters submission, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years. The approved landscape management plan shall thereafter be carried out in accordance with the approved plan

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1High Quality Design and Place Making.

20 .No building hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption as maintainable at public expense within the site have been submitted to and approved in writing by the LPA. On occupation of the first dwelling within the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users in accordance with Local Plan Policy T4

21. The development shall be completed in line with the recommendations in the Ecological Appraisal Report, Additional Ecological Surveys Report, the Biodiversity Metric and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out and thereafter permanently maintained for the stated purposes of biodiversity conservation.

Reason: In the interests of Biodiversity and in accordance with Local Plan Policy BIO 1 and SPD Biodiversity and Geodiversity.

22.A Habitat Management and Monitoring Plan (HMMP) completed by a qualified ecologist and detailing management to be carried out for a minimum period of 30 years from the date of implementation of the approved biodiversity enhancement scheme will be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The HMMP should follow the template HMMP provided by Natural England and include information on the following;

- (a) Project information, funding and evidence of legal agreements securing the management and monitoring of the approved biodiversity enhancements
- (b) Summary of Habitat Proposal and Plans, site boundary map, site context map
- (c) Phasing Strategy – if relevant
- (d) Roles & Responsibilities

- i. Land use summary, site context photographs, site baseline and environmental information checklist
 - ii. Management plan aims and objectives, design principles informed by baseline information
- (e) Habitat and condition targets, habitat retention and protection measures map
- (f) Creation, enhancement and management targets and prescriptions
- (g) Risk register and remedial measures
- (h) Monitoring plan for reporting to the Council project progress in years 1,3,5,10,15, 20, and 30 from the date of implementation and adaptive management.

Reason: In the interests of Biodiversity and in accordance with Local Plan Policy BIO 1 and SPD Biodiversity and Geodiversity.

23. Notwithstanding the submitted details, prior to first occupation of the site, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be reviewed and produced by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:

- Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
- A drawing showing dark corridors and buffer areas.

A report and drawings showing how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to breeding sites/resting places, this should include;

- Technical descriptions, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- A description of the luminosity of lights and their light colour;
- A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

Reason: in the interests of Biodiversity and in accordance with Local Plan Policy BIO 1 and SPD Biodiversity and Geodiversity.

24. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- The times during construction when specialists ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

Reason: in the interests of Biodiversity and in accordance with Local Plan Policy BIO 1 and SPD Biodiversity and Geodiversity.

25. The development shall be carried out in accordance with the following additional biodiversity mitigation and enhancement measures. The measures listed below shall be implemented in full, prior to first occupation of the site, the features shall thereafter be permanently retained.

- Integrated bat roosting boxes, integrated swift boxes and swallow boxes to be installed in suitable locations within 100% of the dwellings on site; and
- Hedgehog highways to be installed in all boundary fencing, including fences between dwellings. The hedgehog highways will be signposted to prevent residents blocking the gaps.

Reason: in the interests of Biodiversity and in accordance with Local Plan Policy BIO 1 and SPD Biodiversity and Geodiversity.

INFORMATIVES

1. The works should be undertaken outside of the bird nesting season (March-August inclusive). Should this not be possible then a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to the start of works. Should active nests be found, works should cease until the nests are no longer active and the chicks have fledged and the ecologist has deemed the area to be free of nesting birds.

2. If a protected species (such as any bat, badger barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of

Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

3.If a bat or evidence of the presence of bats is discovered on site prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017.

4.Roads other than agreed shared private drives shall be constructed to an adoptable standard and offered for adoption on completion under (the provisions) Section 38 of The Highways Act (1980). Engineering and surface water drainage details shall be submitted for inspection and approval in writing by the (Local Planning Authority) Highways Authority before works commence on site. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk as soon as possible to arrange the setting up of the agreement

5.The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.

6.Planning permission does not infer any other consent is given and it is the responsibility of the applicant to ensure that all other permissions are in place before development commences. The developer must contact Highways, Engineering & Transportation on 01226 773555 prior to any work commencing on site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of vehicular accesses to the highway.

7.You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers). The placement of any equipment, materials in, on, above or abutting a highway requires you to have a licence, further details are available on the BMBC website at: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/> or by contacting Streetworks@barnsley.gov.uk

8.The proposed development will require the diversion of one or more public rights of way. Any changes to public rights of way are subject to a separate legal process and public consultations, which must be confirmed before any works take place. Planning permission does not grant permission to build over public rights of way unless this legal process has been satisfied. The Council's Public Rights of Way department should be contacted to discuss the proposals and an application should be submitted as early as possible to minimise the risk of delays to development. For more information contact publicrightsofway@barnsley.gov.uk.

9.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.

