



Stairfoot Quarry

The Re-engineering and Restoration of Yew Tree Quarry Through the Importation of Non-Hazardous Excavated Soil Materials

Planning Statement

Prepared for Green Earth (Stairfoot) Ltd



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3263-01-PS



Document Control

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1.0 INTRODUCTION, BACKGROUND & SCOPE OF APPLICATION

1.1 Introduction

1.1.1 This Planning Statement has been prepared by Axis on behalf of Green Earth (Stairfoot) Limited, a wholly owned subsidiary of Green Earth Developments (Group) Limited (GEDG or the Applicant) in support of a planning application submitted to Barnsley Metropolitan Borough Council (the Council or BMBC). The application relates to the re-engineering of Yew Tree Quarry (the Site or the Application Site) through the importation of non-hazardous excavated soil materials and the restoration of the Site to grassland and woodland providing improved access and increased biodiversity (the Proposed Development) at land within the Stairfoot Quarry, Wombwell Lane, Stairfoot (the Quarry). The Site's location is shown on Figure 1.

1.1.2 This document is the Planning Statement (PS) prepared in support of the planning application. In addition to setting out the planning issues relevant to the application, it provides an assessment against the relevant policies of the Development Plan alongside other material considerations that may weigh in favour or against the grant of planning permission in the overall planning balance.

1.2 Proposed Development

1.2.1 The Proposed Development comprises the restoration of the Site through the importation of non-hazardous soil materials, and the introduction of a new restoration scheme. The material that would be imported comprises excavated non-hazardous soils from development sites in the local area. It is estimated that circa 400,000m³ (680,000 tonnes) of non-hazardous soil materials would be imported over a period of 111 weeks. This would equate to circa 80 heavy goods vehicles (HGVs) on average per day.

1.2.2 A detailed description of the Proposed Development is provided at Section 3.0 below.

1.3 The Applicant

1.3.1 The Applicant, Green Earth (Stairfoot) Limited, a wholly owned subsidiary of Green Earth Developments (Group) Limited (GEDG) is a private limited, ethical development company that specialises in brownfield land restoration and re-



purposing. GEDG are B Corp Certified, part of a global community of businesses that meet high standards of social and environmental impact. With their mission of 're-building nature and re-powering communities', GEDG is a leading developer of restoring underutilised and brownfield sites, renewable energy projects, community assets and natural capital projects including biodiversity net gain. To deliver their value-added regeneration projects with a strong partnership ethos, GEDG works collaboratively with a number of corporate landowners, government bodies and local authorities across the UK to help bring brownfield sites and underutilised land back into beneficial use.

- 1.3.2 The entire quarry complex is owned by GEDG, who have established the Stairfoot Habitat Bank which relates to the land outlined by the blue line on Planning Drawing 3263-01-01 (Application Boundary). GEDG has carried out initial community engagement in respect of the Habitat Bank and Proposed Development, they have established a Community Liaison Group and host regular meetings to discuss the Site and wider Habitat Bank. There is overwhelming support from the local community, Oakhill Primary School have confirmed their interest in the development of an outdoor classroom within the Habitat Bank. The Habitat Bank will support off-site, third-party developments within BMBC area and the wider area.

1.4 Background to the Proposed Development

- 1.4.1 In 2023, the Applicant purchased the Quarry complex from Hanson UK who historically won clay mineral for the manufacture of bricks at the Quarry. The Quarry has largely been restored incrementally through a mixture of structure planting and natural self-seeding, but informal management has left the Quarry in a semi-redundant condition. The northern parts of the Quarry have historically been landfilled using a variety of disposal materials however, there remain two large quarry voids (one in the north and one in the south) which have filled with water over the passage of time. These voids have attracted unauthorised access and represent a real and present health and safety risk which needs addressing. The Application Site (Yew Tree Quarry) is regularly dewatered through pumping to ensure the depth of water is kept to a minimum for safety reasons.
- 1.4.2 The Applicant proposes to de-water and then infill this void with non-hazardous excavated soils and similar building reject material, to provide an appropriate



sustainable landform. The restoration of the Site would provide a safe and attractive public space and offer the opportunity to generate significant Biodiversity Net Gain (BNG) for the local area.

1.5 Scope of the Application

1.5.1 This PS was compiled and coordinated by Axis, an independent planning and environmental consultancy that specialises in securing planning permission for large infrastructure and remediation projects across the UK. A team of specialist consultants have provided expert assessment in respect of the following technical topics / sections.

Table 1.1 Consultant Team

Topic	Author
Planning	Axis
Transport*	
Arboriculture	Urban Green
Landscape and Visual Impact	
Ecology*	
Biodiversity Net Gain	Middle March
Air Quality	Smith Grant
Heritage	AOC Archaeology
Flood Risk and Surface Water	Weetwood
Noise*	Noise and Vibration Consultants
Geology, Hydrology and Ground Conditions*	Sirius Environmental Ltd

**These topics have been assessed separately in the accompanying Environmental Statement and a summary of the conclusions has been provided at Section 5.0 of this PS*

Pre-Application Consultation

1.5.2 In August 2022 pre-application consultation was undertaken with the Council on a similar (albeit much larger) scheme to the Proposed Development. The pre-application advice request submission is provided at Appendix A. At this time, it was proposed to restore both existing water bodies at the Quarry, requiring the importation of 800,000m³ of material over a 4-year period. Following a meeting with officers at BMBC, a written response (Appendix B) was provided in November 2022.



- 1.5.3 Where still relevant to the Proposed Development, the advice received at the pre-application stage has informed the scope of the assessments submitted in support of this application.
- 1.5.4 Most notably, the pre-application response states that the proposal is to restore the site by landfill, and consequently the determination of the application should have regard to compliance with waste strategy (the waste hierarchy) and landfilling need. Post submission of the pre-application request, the applicant has confirmed with the Environment Agency (EA) that the operational permit required alongside any planning permission would either be a 'recovery permit' or be registered as CL:AIRE (Contaminated Land: Applications in Real Environments). "CL:AIRE waste" refers to the reuse of excavated soils and materials on a development site by following the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP). This code of practice provides a clear and consistent process to enable materials to be considered a "material" rather than a "waste", avoiding the need for an environmental permit and streamlining the development process. It allows for the reuse of materials under a specific code, provided a Materials Management Plan (MMP) and risk assessment demonstrate that the reuse does not harm human health or the environment. Critically, the need for the works is first and foremost to address historical environmental and social issues (poor and inappropriate restoration and an unsafe site), and the use of material from construction sites removes the need to use virgin (primary won) material which would be required as the only reasonable alternative. The fact that this material may be imported to the site; disposed on the land; and levelled to create an acceptable engineered landform; does not mean that the operation comprises landfilling. Rather, it is a form of engineering works that is classified as 'recovery'. Consequently, the policies under which any planning application should be determined are not those in respect to waste disposal (landfilling), but rather those in respect to engineering and site restoration.

Environmental Impact Assessment

- 1.5.5 The requirement for Environmental Impact Assessment (EIA) was prescribed by European law under Council Directive 85/337/EEC. This Directive has been amended four times, with the latest amendment, the EIA Directive (2014/52/EU) entering into force on 15th May 2014



- 1.5.6 In England, the Directive has been transposed most recently into law by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 [SI 2017 No. 571] (the EIA Regulations). These regulations came into force on the 16th May 2017.
- 1.5.7 As a result of C-72/95 Kraaijeveld and others v Gedeputeerde staten van zuid-Holland (colloquially known as the “Dutch Dykes” case), the European Court of Justice concluded that the wording of the directive indicates that it has a “wide scope and broad purpose”. This has been relied upon steadily ever since to mean that when determining whether a development should be subject to EIA, if it does not fall within a particular category or development type, one should consider it against the development description listed that most closely resembles that in question.
- 1.5.8 Schedule 1 of the EIA Regulations 2017 lists categories of developments for which EIA is mandatory, whilst Schedule 2 lists categories of development for which EIA may be required depending upon, inter alia, whether the development is likely to have significant environmental effects. The Proposed Development is not Schedule 1 development and mandatory EIA is consequently not required.
- 1.5.9 The Proposed Development is for the restoration of Yew Tree Quarry through the importation of 400,000m³ of non-hazardous soils. There are no categories within the EIA Regulations that deal directly with the re-engineering and restoration of a site using recovery and importation of material. As set out above, the Dutch Dykes case addresses how to screening should be undertaken where a proposed development does not fall within a particular category or development type. Discussions with the Council during pre-application in respect of a larger, albeit similar proposal, considered that the most similar equivalent development listed within Schedule 2 would be 11 (b) *Installation for the disposal of waste*. In light of the Dutch Dykes case, and irrespective of the fact that the status of the works has been clarified through discussions with the EA on the nature and type of any permit required, the category used to determine whether the project would comprise EIA development (11(b)) remains appropriate. The threshold for whether or not the development would comprise a Schedule 2 Project is a footprint of 0.5 hectares. Development above such a threshold would represent an Schedule 2 project, and consequently needs to be screened to determine whether or not it would be likely to give rise to significant



environmental effects. The result of this screening determines if it represents an EIA Project.

- 1.5.10 The Applicant did not seek a formal Screening Opinion¹ of the Council to determine their view as whether significant environmental effects are likely to arise from the Proposed Development. However, the Council concluded within their pre-application response that the development had the potential to give rise to a series of environmental effects, some of which *could* be significant in the context of the local environment. This does not confirm whether or not they would be *likely* to be significant, but nonetheless, can be interpreted to reflect the Council's position at the time that they believed the project would be EIA. The scale and duration of the Proposed Development has reduced since the pre-application consultation was undertaken, however it is accepted by the applicant that the development as now proposed could give rise to similar environmental effects. It is on this basis that the Applicant has volunteered an Environmental Statement, and consequently the project is EIA development.

Structure of the Planning Statement

- 1.5.11 The PS sets out details of the Site, the surroundings and the Proposed Development. This is followed by an assessment of the planning policy context and the environmental considerations.

- 1.5.12 The PS is subdivided into the following sections:

- Section 1.0 – Introduction and Background (this section);
- Section 2.0 – Site Context;
- Section 3.0 – Description of the Proposed Development;
- Section 4.0 – Need and Benefits;
- Section 5.0 – Planning Policy Context and Appraisal;
- Section 6.0 – Environmental Considerations; and
- Section 7.0 – Conclusions.

¹ Under Regulation 6 of the EIA Regs

1.6 Design and Access Statement

Legislative Requirements

- 1.6.1 Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (hereby referred to as 'the DMPO') sets a legal requirement for 'major development' to be supported by a Design and Access Statement.
- 1.6.2 Article 2 of the DMPO defines 'major development' as (inter alia) "development carried out on a site having an area of 1 hectare or more". As outlined above, the Site measures approximately 5ha, meaning that the development is classified as a 'major development' in line with the DMPO definition.
- 1.6.3 Paragraph 2 of Article 9 expects Design and Access Statements to provide information on:
- a) the design principles and concepts that have been applied to the development; and*
 - b) how issues relating to access to the development have been dealt with.*
- 1.6.4 Further to this, Paragraph 3 of Article 9 asserts that Design and Access Statements must:
- a) explain the design principles and concepts that have been applied to the development;*
 - b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;*
 - c) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;*
 - d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and*
 - e) explain how any specific issues which might affect access to the development have been addressed.*



Design Principles, Concepts and Context

- 1.6.5 The Order requires that a design and access statement explain the design principles and concepts applied to the development, and demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account.
- 1.6.6 The Proposed Development has evolved since the pre-application stage. The initial proposals intended to restore both Yew Tree Quarry and North Quarry in order to address historical health and safety concerns associated with unauthorised access to the site. This would have required the importation of 800,000m³ of material to be imported over a 4-year period. Following discussions with the local community and on receipt of pre-application advice, it was decided to remove the North Quarry restoration from the proposals.
- 1.6.7 The Site comprises a former quarry void which remains unrestored and partially filled with water. The primary design principles for the Proposed Development relate to the need to remove public safety risks from trespassing and unauthorised swimming, eliminate the need for unsustainable long-term water pumping to remove water from the existing void and providing a restored site which creates habitat and enhances biodiversity, safe public access, and associated health and wellbeing benefits.

Access Policy

- 1.6.8 The Order requires a design and access statement to explain the policy adopted as to access, and how policies relating to access have been taken into account. The Barnsley Development Plan comprises the Barnsley Local Plan (adopted January 2019) and Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted March 2012).
- 1.6.9 Of most relevance, Policy T4 (New development and Transport Safety) of the Barnsley Local Plan states new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. If a development is not suitably served by the existing highway or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, the Council will



expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead.

- 1.6.10 The only impacts from an access perspective relate to the re-engineering operations which occur over an 111-week period. Access to the Site would be taken from the historical access into the former Stairfoot Brickworks site. The Transport Assessment (ES Appendix 5.1) confirms the increase in traffic as a result of the Proposed Development would not create any material impact in terms of local highway safety or capacity. The access arrangements are considered safe, secure and convenient. The Proposed Development would not create problems of safety or efficiency of the highway, and consequently the Proposed Development accords with Policy T4.



2.0 SITE CONTEXT

2.1 Site Location and Surrounding Context

2.1.1 The former Stairfoot Quarry complex (the Quarry) is circa 18 hectares of land located approximately 2km from the centre of Barnsley on the eastern edge of the town. The location of the Quarry and Application Site is shown on Figure 1 (Site Location). The area is largely residential, made up of a mix of semi-detached properties built between 1950 and 1975 (St Paul's Parade; St David's Parade; Roehampton Rise; Winchester Way; St Andrews Way and St Leonards Way). Further north is the A635 Doncaster Road which connects Barnsley in the west to Doncaster in the east. Directly to the northwest of the Quarry (accessed from Doncaster Road) is Oakhill Primary School, adjacent to which are a number of light industrial units and food outlet establishments.

2.1.2 The Stairfoot Roundabout connects the A635 and A633 to the northwest beyond which is the centre of the town. The A633 (Wombwell Lane) runs broadly north/south to the west of the Quarry and is straddled by a number of retail units and industrial buildings, along with a series of terraced properties fronting the eastern side of the main road. Wombwell Lane runs north/south from the A6133/A633 Stairfoot Roundabout to the A6195/A633 Wath Roundabout at Brampton/Wombwell.

2.1.3 The Quarry is a linear feature running from the urban area of Barnsley to the northwest to the open countryside to the southeast. The land to the southeast of the Quarry is within the Metropolitan Green Belt which restricts further development from expanding east and helps prevent Barnsley coalescing with Wombwell, Darfield and Wath upon Dearne.

Background to Stairfoot Brickworks

2.1.4 The Quarry Complex comprises a series of former clay pits used for the manufacture of bricks dating back as far as the turn of the nineteenth century. In the 1920's Squire Micklethwaite built a new brickworks at the Site which was subsequently acquired along with the rest of the site by the Yorkshire Brick Company Limited. By the mid-1970s the majority of the site lay derelict, and the brickworks was closed, with any mineral extracted exported off-site for manufacture elsewhere. The old brickworks



located off Wombwell Lane was finally demolished and cleared post acquisition of the site by the Hanson Group in 1994.

2.1.5 The Quarry was developed for clay extraction purposes incrementally across four primary areas as shown on Figure 2. The areas are identified as:

2.1.6 **North Quarry** – Located in the northern part of the Quarry from the rear of St David's Drive, south as far as the rear garden of No. 90 St Paul's Parade. This area has been restored following the importation of waste material and comprises a variety of open scrub land and structure planting. This part of the Quarry is relatively well screened from adjoining properties to the north and south. One of the existing large water bodies that has remained at the Quarry resulting from historical quarrying activities is located within this part of the Quarry.

2.1.7 **South Quarry / Yew Tree Quarry** (the Application Site) – Located to the south of North Quarry and adjacent to the rear gardens of St Paul's Parade. The second, larger of the two water filled quarry voids is located in the former Yew Tree Quarry.

2.1.8 **Marine Band Quarry** – Located to the south of Yew Tree Quarry and north of a former railway line that is now designated a Green Corridor. It is understood that this area was historically used for water management during the operational phase of the quarry.

2.1.9 **Area 3 Quarry (also referred to as 'Area B')** – Located to the east of Yew Tree Quarry and Marine Band Quarry. This is an area that is not described on the public file, and consequently the history of it is unclear. It is illustrated on a number of historical plans and aerial photography which suggest that clay has never been extracted in this area.

The Site

2.1.10 The Site comprises the former Yew Tree Quarry, shown on Planning Drawing 3263-01-01 (Application Boundary) which is approximately 5ha and broadly triangular in shape. Photographs of the existing site are shown on Figure 3. The rear gardens of the properties on St Pauls Parade form the northern boundary of the Application Site. To the east of the Application Site is an area of woodland, part of which is covered by Tree Preservation Order (TPO) 7. There are a number of footpaths which surround the Site, these are shown on Figure 4. Footpath 234 runs to the south from



the southeast to the northwest of the Application Site, beyond which is South Quarry and the former Stairfoot Brickworks site. The Trans Pennine Trail (TPT) (a 370-mile long, multi-use recreational route spanning Northern England, connecting the Irish Sea in the west and the North Sea in the east) runs from east to west between South Quarry and the former Brickworks site.

- 2.1.11 Access to the Site would be taken from the historical access into the former Stairfoot Brickworks site, off the A633 Wombwell Lane. An enabling works planning application was approved by Barnsley Metropolitan Borough Council (BMBC or the Council) in September 2023 (ref. 2022/1218), which allows for a series of improvements to the existing access junction off Wombwell Lane. This enabling works application relates to a more recent full planning application, submitted by Potters Ballotini Limited, for the redevelopment of the former Stairfoot Brickworks site to comprise a glass recycling and repurposing facility (ref. 2024/0373), this was approved in November 2024.
- 2.1.12 According to the Flood Map for Planning, the Application Site is located within Flood Zone 1 which represents an area at lowest risk of flooding². The nearest heritage assets are 3 Grade II Listed Buildings located approximately 600m to the north off Doncaster Road.

2.2 Planning History

- 2.2.1 This section provides the planning history of the quarry complex, setting out the context for both past extraction activities and associated restoration works of the wider quarry and Application Site. The public planning files are limited in their coverage, consequently certain documentation appears to be missing from the historical records.
- 2.2.2 The original planning permission for the Quarry is reference B/93/0247/BA, granted 25th November 1993: *“Determination of Conditions on an Interim Development Order Permission – Winning of Minerals, Stairfoot Quarry.”* The Planning and Compensation Act 1991 introduced new procedures for dealing with permissions for

² Defined as land with less than a 0.1% annual probability of flooding from rivers or the sea (less than a 1 in 1000 year return period).

the winning and working of minerals or the depositing of mineral waste, originally granted under Interim Development Orders (IDOs). These were permissions granted after 21 July 1943 and before 1 July 1948, which have been preserved by successive planning Acts as valid planning permissions in respect of development which had not been carried out by 1 July 1948. The Act required certain actions to be taken if these old permissions were to continue to have effect. Most significantly, holders of a IDO permission had to apply to have them registered by 25 March 1992. The IDO process did not allow the LPA to refuse planning permission for working, rather it ensured that relevant workings continue to operate in accordance with modern operational and environmental standards. It is understood that the Stairfoot Quarry IDO covered the entire site identified above (save for the area identified as 'Area 3' on Figure 2) and was subject to 28 conditions.

- 2.2.3 Condition 1 required the extraction of minerals and restoration of the site to be completed by 10 June 2007. The IDO was specific to the winning / working of mineral and subsequent backfill with mineral waste (where relevant). Condition 22 provided that:

“Waste materials shall be replaced into the excavated void, in the North Quarry in accordance with the relevant Waste Disposal Site Licence, or its subsequent modification, as to ensure that the site can be adequately drained and will, after the replacement of the subsoil and topsoil generally conform with such contours as are shown on drawing No. NQ10.”

- 2.2.4 Condition 27 provided that:

“Within twelve months of the date of this permission a scheme shall be submitted for the approval of the LPA showing the restoration proposals for the North Quarry. Except with the prior written approval of the LPA a restoration scheme for the remainder of the site shall be submitted for the approval of the LPA within 5 years of the date of approval of these conditions. The site shall thereafter be restored in accordance with these schemes... ”

- 2.2.5 Condition 28 provided that:

“The Restoration Works on the North Quarry shall be maintained in accordance with a 5-year aftercare scheme to bring the land to the required standard for the use of



agriculture/forestry...Except as agreed in writing with the LPA, Marine Band Quarry and Yew Tree Quarry shall be maintained in accordance with a 5 year aftercare scheme to be submitted to the LPA... ”

2.2.6 Whilst it is not entirely clear from the public records, a document entitled; “Initial Restoration and Outline Aftercare Scheme” dated May 2011 references a drawing which identifies the areas of the Quarry. It states that planning permission B/93/0247/BA covered the whole of the site, with the exception of Area B (illustrated elsewhere and on the attached plan as ‘Area 3’. It states that this area was covered by a separate permission reference B/95/0832/BA. There is no record on the public file of planning permission B/95/0832/BA, save for a file note dated 16th August 2007 from Keith Pell (Senior Planning Officer), and limited reference within the Committee Report to planning application 2007/1069. Given that there is no record of planning permission B/95/0832/BA, and it appears that the area to which it related has been fully restored to adjoining levels, no further conclusions can be drawn.

2.2.7 On 11th October 2007 planning permission was granted under Section 73 of the Town and Country Planning Act 1990 for the: “*Variation of Condition 1 of planning permission B/93/0247/BA to extend extraction and restoration period.*” (Reference 2007/1069)

2.2.8 Consequently, upon implementation on the 11th October 2007, planning permission 2007/1069 became the ‘operative’ permission for the majority of working and restoration at the site.

2.2.9 Of relevance, Condition 2 provided that:

“The extraction of minerals and restoration of the site shall be completed to the satisfaction of the Mineral Planning Authority by 10th June 2016...”

2.2.10 Condition 3 provided that:

“Unless otherwise agreed in writing by the MPA, within 12 months of the date of this permission a restoration scheme for the unrestored areas of the site shall be submitted to and approved in writing by the MPA. The scheme shall include (a) details of final restoration levels; (b) precise boundaries of the land uses; (c) patterns of field boundaries; (d) areas to be tree planted; (e) specification of seed mix; (f) details of all tree and shrub planting etc...”

2.2.11 Condition 4 provided that:

“Unless otherwise agreed in writing by the MPA, restored areas of the site and areas to be restored shall be maintained in accordance with a five-year aftercare scheme which shall be submitted to and approved in writing by the MPA within 12 months of the date of this permission...”

2.2.12 On the 11th January 2008 a document reference 031/C17/R/00-122(V2) was submitted by Hanson Building Products for approval by BMBC entitled; *“5-Year Restoration and Aftercare Scheme for North Quarry, Stairfoot”*. The document is stamped ‘approved’ on the 12 November 2008. It is unclear from the document whether it was submitted to discharge the requirements of Condition 3 or 4 (or possibly both) of planning permission 2007/1069, but either way it related solely to the North Quarry area.

2.2.13 A further SLR document is on the public file entitled; *“Initial Restoration and Outline Aftercare Scheme - May 2011”*. The document states that it was submitted pursuant to restoration and aftercare conditions on planning permission B/93/0247/BA (the IDO) and B/95/0832/BA (the southern extension referred to as Area 3, for which no records are available). The submitted restoration across the Yew Tree Quarry area does show a bowl feature running from 60m AOD at the boundary to 50m AOD at the centre. The existing levels within the void are approximately 49m AOD at its deepest and 64m AOD at the boundary, it is therefore clear that some restoration operations have taken place within the Site. However, the existing landform does not have a bowl feature and instead has steep sides to the east, north and south, the levels gently rise to the surrounding ground level in the north west. It is clear that the 2011 restoration scheme for the Quarry, did not envisage large water bodies, such as those present as part of the final restoration for the site.

2.2.14 To summarise, the most recent consent which provides for mineral working and restoration of the Quarry, is 2007/1069 granted 25 June 2007. The permission required that mineral extraction and restoration of the Quarry had to be completed to the satisfaction of the Mineral Planning Authority by 10 June 2016.



3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

3.1 Introduction

3.1.1 This Chapter of the PS provides a description of the Proposed Development.

3.1.2 As set out in Chapter 1.0, the Proposed Development comprises the restoration of Yew Tree Quarry. The Proposed Development would ensure the comprehensive restoration of the Site delivering biodiversity benefits and removing health and safety risks associated with the large waterbody.

3.2 Description of the Restoration Works

3.2.1 The current void and waterbody at the Site has, for a number of years, attracted the presence of unauthorised people, particularly in warmer weather. Trespassers have historically got into the Site and looked to swim in the unmanaged and uncontrolled water, and use the Site for a variety of unsociable activities. The Site has a deep quarry voids, and consequently the sides of the void are steep and the water extremely cold. It represents a serious risk to life for those who are unaware of the risks involved. To deter people from entering the water, the waterbody is regularly dewatered through pumping to ensure the depth of water is kept to a minimum. Over the years several other measures have been employed to try and prevent unauthorised access, including the erection of fencing and the planting of reeds and other peripheral growth.

3.2.2 To improve the long-term safety of the Site, and to provide an opportunity for improved biodiversity, the Applicant proposes to re-engineer the landform of the Site through the importation of non-hazardous soil materials, and then introduce a new restoration scheme.

3.2.3 The current topography of the Site is shown on Figure 5, with levels from approximately 49.00 AOD to the highest point at 66.00 AOD; to achieve appropriate restoration levels, approximately 400,000m³ of non-hazardous soil materials would be imported over a period of 111 weeks. The material would comprise construction and excavation material with low polluting potential. All incoming material would be subject to strict acceptance criteria, the Site would operate either under a Waste Recovery Permit or in accordance with the CL:AIRE (Contaminated Land: Applications in Real Environments) Definition of Waste: Development Industry Code



- of Practice (See Chapter 1.0 above). The CL:AIRE protocol provides a regulatory framework that allows excavated materials, such as soils, to be classified as a product rather than waste, provided they are suitable for use, have a clear end-use, and meet all relevant environmental and health standards. This approach supports sustainable development by reducing waste disposal to landfill and encouraging the reuse of materials on site or at other approved locations. The material would not include biodegradable waste and would therefore not require management of landfill gas, leachate or other general contaminant control.
- 3.2.4 Re-engineering / restoration works would only take place between 07:00 to 17:00, during weekdays, with movement of vehicles importing restoration materials occurring between 07:30 to 16:30. Saturday operations would be limited from 08:00 – 13:00, there would be no material deliveries during this time.
- 3.2.5 To estimate the traffic generating potential of the proposal, the following assumptions have been made:
- i) The infilling scheme is forecast to involve the importation of circa 400,000m³ of suitable, non-hazardous restoration material;
 - ii) It is assumed that material would be imported over a 111-week period;
 - iii) It is assumed that the typical payload of HGVs used to move the restoration material to the Site would be 9m³;
 - iv) It is assumed that restoration work would be operating 5 days a week (Monday – Friday) throughout the year, and that importation of restoration materials would only occur on weekdays.
- 3.2.6 Using the above assumptions, the average number of two-way HGV movements on weekdays would be approximately 160 per day, or 18 two-way movements per hour.
- 3.2.7 The distance from which material would be imported to the Site would be dictated by the economic constraint of transporting soils on the public highway. Reengineering soils have a limited value, and moving large quantities incurs significant costs primarily due the rising price of diesel fuel. Several factors can influence the point at which it becomes unviable, including the type of material, the number of alternative sites that can accept soils, the number of sites generating surplus soils, and political incentives and financial relief that might be available at any particular time. For these

reasons it is highly unlikely that material would be sourced beyond the local area of Barnsley, north Sheffield, Doncaster and conurbations to the south of Leeds (Huddersfield, Wakefield). The Site would accept surplus soils generated from construction projects, under contract. These sites from where material would be sourced would be located within general proximity to the Site.

- 3.2.8 It should be noted that import material would be sourced on a ‘campaign basis³’ and would therefore be variable and determined by the market and the availability of material. As such, there is likely to be some variability from the average daily HGV traffic forecasts set out above. However, it is anticipated that the number of HGVs to the Site per day would not exceed 200 two-way trips (i.e. 100 arrivals + 100 departures) as a maximum. Volumetrically, this would equate to 22 two-way HGVs per hour, on average. Such a level of trip generation would not be sustained over a long period of time and would be offset by days which are less intensive.

3.3 Access

- 3.3.1 Access into the Site would be taken from the access used historically at the Site into the former Stairfoot Brickworks. This is taken directly via the A633 Wombwell Lane. As set out above, an enabling works planning application was approved by BMBC in September 2023 (ref. 2022/1218), which allows for a series of improvements to the existing access junction off Wombwell Lane. This enabling works application relates to a more recent full planning application, submitted by Potters Ballotini Limited, for the redevelopment of the former Stairfoot Brickworks site to comprise a glass recycling and repurposing facility (ref. 2024/0373).
- 3.3.2 Axis has liaised with the applicant team for the former brickworks scheme in order to ensure that their redevelopment plans do not prejudice the right of way that the Site currently benefits from through the brickworks, and to therefore ensure that safe and suitable means of access can be achieved to facilitate the Proposed Development.

³ Sites from where material would be sourced across the entirety of the operation will not be placed under contract ahead of commencement of work, rather major projects will come forward across the 111-week construction period within close enough proximity to the site for which contracts will be sought on a case-by-case basis. Whilst one or two construction sites are active, all material to the application site will be received from that site.

The proposed site access arrangements are illustrated in Planning Drawing 3263-01-02.

3.4 Operations, Plant and Equipment

3.4.1 The phasing of the restoration works is shown on Planning Drawing 3263-01-05. The final site levels are shown on Planning Drawing 3263-01-03 with cross sections provided on Planning Drawing 3263-01-04. Restoration material would be tipped directly into the void and stockpiling of materials would not typically be expected to occur. Should site operations result in the requirement for stockpiling, this would only be for very short periods whilst works are in progress. This limited stockpiling, alongside the implementation of an Environmental Management Plan (EMP) which would set out appropriate measures to control and minimise windblown fugitive dust emissions, would safeguard the risk of dust and noise migrating off site. It is anticipated that the details of the EMP could be sought by Condition, and be provided post the grant of planning permission.

3.4.2 The Proposed Development would require the construction of a new temporary site compound (Planning Drawing 3263-01-06) which would include a wheelwash, parking and welfare facilities (Planning Drawing 3263-01-07).

3.4.3 It is proposed to use the following items of plant and machinery on site:

- i) Dozers
- ii) Roller
- iii) 8 wheel road tipper HGVs

3.4.4 The mobile plant requirements would be reviewed in accordance with the site management requirements.

3.4.5 An acoustic fence is also proposed along the northern boundary with properties off St Pauls Parade. This would be a 2.1m to 2.4m high close-boarded screen along the boundary as indicated on Planning Drawing 3263-01-06. The screen would have a minimum mass of 10kg/m² and all gaps sealed below the screen and between panels or panels and posts to minimise noise 'break-out'. The acoustic fence would be removed once the restoration works are complete, providing residents of St Pauls Parade with views over the restored landform.



3.5 Restoration

- 3.5.1 A restoration concept has been designed that delivers an appropriate level of BNG i.e. development of the land so that it leaves biodiversity and ecological habitat in a measurably better state than before the development took place. It has also been designed to ensure that restored site provides the opportunity for improved public access and creates a long-term solution that is not incongruous with the local area. By removing the risk trespassers accessing the site and drowning, it allows for a new restoration scheme to be designed that both improves the wider appearance of the area and allows for structured and functional public amenity.
- 3.5.2 The Proposed Restoration scheme (Planning Drawing 3263-01-09) would deliver measurable BNG (98% gain in habitat units and a 125% gain in hedgerow units) by creating diverse habitats such as grassland, scrub, and woodland. These would provide breeding, feeding, and shelter opportunities for a wide range of species. The habitat would be maintained and managed for 30 years.

3.6 Public Rights of Way

- 3.6.1 As described in Chapter 1, the TPT and Public Footpaths 323 and 324 are all located within or along the boundary of the Site (Figure 4).
- 3.6.2 The route of Footpath 323 crosses the Site in the vicinity of the compound area before running south-west along the eastern side of the access track. Footpath 324 splits off from Footpath 323 to the south of the Site compound area and routes in a south-eastward direction along the southern edge of the Site boundary to connect to the TPT. The route of the TPT crosses the Site access track approximately 150m south-west of the Site compound area but otherwise is remote from the Proposed Development.
- 3.6.3 It is proposed that the crossing point would be managed through the installation of gates across the Site access track on each side of the PRoW crossing. These would be secured in the 'closed' position to construction traffic, allowing priority to PRoW users.
- 3.6.4 When approaching, drivers of Site vehicles would be required to manually open each of the gates and secured in position to close off the PRoW on each side of the access track, to temporarily prevent access along the PRoW while vehicles make the

crossing. Once the vehicle has crossed the PRow, the gates would be returned and locked into their original position. During intense periods of vehicular activity, a banksman could be deployed at the crossing to control construction vehicle movements across the PRow.

- 3.6.5 In order to safely manage the impact of the Proposed Development on these Public rights of Way (PRow) routes, and to ensure that the PRows can remain open to all users throughout the restoration period, it is proposed that a temporary diversion of Footpaths 323 and 324 would be implemented⁴. The route of Footpath 323 where it crosses the northern end of the Site access track would be fenced off to either side of the access track. The route of the temporary footpath diversion would follow existing footpaths through the woodland and fields to the west of the access track, as shown illustratively on Planning Drawing 3263-01-10. Signage would be placed at key junction points along the PRow network to advise of the temporary footpath diversion route.
- 3.6.6 The temporary PRow diversion route would impact on users of Footpath 324, as they would be required to re-route along the TPT. However, as confirmed by the footpath survey undertaken (see Transport Assessment - Appendix 6.1) when having regard to the limited user numbers observed along this Public Footpath (i.e. 15 two-way movements per day) and the temporary nature of the diversion, this is considered to result in minimal disruption to users, and would be no less commodious than the current route option. It should also be noted that the TPT also provides users with a more user-friendly, and well surfaced route.

⁴ A temporary Traffic Regulation Order under the Road Traffic Regulations Act would be sought following the grant of planning permission

4.0 NEED AND BENEFITS

4.1 Introduction

4.1.1 There is no statutory requirement to demonstrate a need for a development, notwithstanding this, the need and benefits of a project can be a significant material consideration in the determination of any planning application. This section of the PS provides an assessment of the need for the Proposed Development, setting out why restoration of the Site is required and details the benefits that the Proposed Development would provide.

4.2 Need to Restore the Site

4.2.1 Paragraph 224 of the National Planning Policy Framework (NPPF) sets out that in considering proposals for mineral extraction, authorities should (*inter alia*) “provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.”

4.2.2 The need to restore mineral sites is also reflected in the National Planning Policy Guidance (NPPG) for minerals, which sets out that “following working, land should be restored to make it suitable for beneficial after-use” (Paragraph: 001 Reference ID: 27-001-20140306). Paragraph 045 (Reference ID: 27-045-20140306) also provides guidance on acceptable after uses, identifying several suitable uses for former mineral sites, including landfilling as a suitable intermediate stage in restoration; and the use of restored sites for habitat creation and recreational activities.

4.2.3 It is acknowledged that policy and guidance generally focuses on agreeing details of restoration and after use at the initial application stage. However, there is no indication that the same considerations aren’t equally as necessary for historic sites, where agreement of a restoration and after use strategy is sought retrospectively. In this context, securing suitable restoration and after use is clearly a vital requirement for all mineral sites; and efforts to appropriately restore sites is supported by planning policy.

4.2.4 As detailed, the Site was historically used for mineral extraction but due to the age of the consents, limited information is available regarding the restoration and aftercare proposals. As discussed in Section 2.0, it is clear that whilst some



restoration has taken place, the intention was to leave a bowl feature within the Site. The topography of the existing landform is shown on Figure 5, the water body has, for a number of years, attracted the presence of unauthorised trespassers, particularly in warm weather. People have got onto the Site and looked to swim in the water, however as can be seen on Figure 5, this is a deep quarry void, and consequently the sides of the void are steep and the water extremely cold. They represent a serious risk to life for those who are unaware of the risks involved. Over the years a number of measures have been employed to try and prevent unauthorised access. Clearly, when the restoration scheme was proposed, it was not envisaged that it would create these issues, on the basis of the above, there is a clear qualitative need for the Proposed Development, to deliver appropriate restoration and after use at the Site.

Need to Restore with Non-Hazardous Restoration Materials

- 4.2.5 The Site currently comprises a large depression and waterbody which prevents the Site from being safely opened to the public. It is vital that the quarry void is filled and regraded to an appropriate level, to enable restoration and so that a beneficial after use can be successfully delivered on the Site. The use of residual construction, demolition, and excavation material (e.g. soil, stones, etc...) to fill the quarry void represents the most sustainable approach, as there is little scope for this material type to be recycled or used in applications other than land grading / earthworks operations.
- 4.2.6 As set out previously, the Proposed Development would operate under either the CL:AIRE protocol or require a waste recovery permit. The CL:AIRE protocol provides a regulatory framework that allows excavated materials, such as soils, to be classified as a product rather than waste. A waste recovery permit allows the use of waste materials in a development where the primary purpose is beneficial use rather than disposal. The EA regulates these permits and they are often used for projects where waste soils, aggregates, or construction materials are reused to replace traditional 'non-waste' or virgin primary-won materials. This approach supports sustainable development by reducing waste disposal to landfill, safeguarding resources, and encouraging the reuse of materials.



- 4.2.7 A 'clean' bucket of soils that does not give rise to health risk, can be classified as a 'waste' in one case, but as a 'recovery material' in another. Consequently, it is less about the precise content of the material itself, and more about the operation being undertaken, and whether virgin material would need to be used in the event that recovered soils were unavailable. The Proposed Development would not operate under a disposal permit and is not therefore a disposal or landfill operation.
- 4.2.8 Irrespective of the above, it is worth appraising the volume of material identified within the Regional Waste Need Assessment which will have regard to waste material that 'needs' recovering / disposing.
- 4.2.9 With regards to construction, demolition and excavation (CD&E) waste that arises from the construction or demolition of buildings and excavation waste (and soils), the South Yorkshire Waste Need Assessment (WNA) (2021 – 2041), published in April 2022 confirms that the majority of this type of waste is made from inert materials such as concrete, rubble and soils. The WNA provides details on waste operator returns available through the EA Waste Data Interrogator (WDI). It confirms that it is widely acknowledged that a significant proportion of total CD&E waste arisings are reused on site or at exempt sites; this unseen capacity is not captured through the EA databases.
- 4.2.10 The national CD&E waste arising estimates (Defra 2021) acknowledge that a significant percentage of construction and demolition waste arisings are managed or reused on-site, or at exempt sites, and that this management capacity is consequently unseen. This is acknowledged by the NPPG which confirms that a sizeable proportion of construction and demolition waste arisings are managed or reused on site or exempt sites, so it is critical that some provision is made for unseen capacity in this way.
- 4.2.11 The WNA sets out the estimated waste arisings across the region by type, the existing treatment and disposal capacity, and the progress made towards achieving net self-sufficiency for waste management, a cornerstone of sustainable waste management, from this capacity gaps are identified.
- 4.2.12 Table 13 (Summary of waste arisings and future needs up to 2041) identifies: forecast arisings; existing capacity; and capacity gap, by waste type and waste hierarchy management. It identifies a shortfall in inert recovery at a point between



2021 and 2026, and thereafter a shortfall of 800,000 tonnes per annum at point between 2026 and 2031. Under 'Other Recovery' the footnote states; *“Available data indicates that, within South Yorkshire, inert waste that may elsewhere be disposed of to inert landfill is recovered through deposit of inert waste to land for beneficial purposes such as restoration of mineral extraction sites with extant planning permission. Updated data was not available for one inert recovery site and so the existing capacity may be slightly more than in the table above..”*

- 4.2.13 Recovery is defined within the Waste Framework Directive (Directive 2008/98/EC) as any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. The Proposed Development clearly meets this definition and can therefore assist the Council in meeting the identified capacity gap⁵ by providing 360,000 tonnes of capacity per year from 2026.
- 4.2.14 There is currently significant investment and growth within Barnsley, with numerous development sites coming forward in relatively close proximity to the Site. These sites include major housing-led mixed developments, large scale infrastructure projects, and strategic commercial and retail schemes that will generate substantial volumes of excavated material. The sites from where material would be sourced would be located within general proximity to the Site (typically within 30 miles of the site). It is unlikely to be economically viable to import material to the Site from beyond this distance due to the cost of haulage. Rather than being sent to licenced landfill, or forcing projects to delay construction due to lack of disposal route, these materials could be sustainably directed to the Site, where they would play a vital role in delivering the proposed restoration. This not only supports the circular economy, it ensures that local development activity contributes directly to the beneficial after use of the Site.

4.3 Benefits

⁵ Irrespective of whether it is classified as a 'waste' or not

- 4.3.1 The Proposed Development would benefit the local community and the local and wider environment, in a number of diverse and inter-related ways, these are detailed below.

Creates habitats and enhances biodiversity, supporting local and protected species

- 4.3.2 The proposed restoration would deliver measurable BNG (98% gain in habitat units and a 125% gain in hedgerow units) by creating diverse habitats such as grassland, scrub, and woodland. These would provide breeding, feeding, and shelter opportunities for a wide range of species.

Contributes to wider ecological networks and nature recovery

- 4.3.3 Restoration of the quarry would contribute to wider ecological connectivity. By creating corridors for wildlife, the Site would strengthen links between existing habitats in the landscape, supporting species movement, resilience to climate change, and delivery of national and local nature recovery objectives.

Improves landscape character and visual amenity

- 4.3.4 The restoration would improve the Site to create a landform that blends with its surroundings. This improves the visual amenity of the area, benefiting both local residents and visitors, and enhances the overall landscape character.

Removes public safety risks from trespassing and unauthorised swimming

- 4.3.5 The current steep-sided quarry void and deep waterbody pose serious safety hazards, particularly due to unauthorised access for swimming and recreation. Restoration would eliminate these risks by removing the waterbody and regrading landforms to safe, accessible levels. Whilst there is no obligation to restore the site as proposed, and site safety ultimately remains responsibility for the landowner, the fact remains that the proposed development would provide a more secure, well-managed environment for the benefit of the local community and landowner.

Eliminates the need for unsustainable long-term water pumping to remove water from the existing void

- 4.3.6 At present, water levels are kept to a minimum which requires continual de-watering through pumping. This is both costly and unsustainable. Restoring the Site removes



the requirement for ongoing artificial water management, cutting long-term operational costs and reducing carbon emissions associated with pumping.

Socio-Economic Benefits

Creates direct and indirect employment opportunities

- 4.3.7 Four new jobs would be created at the Site during the infill operations. The restoration process itself creates short-term ecological, landscaping and forestry jobs, while long-term land management and maintenance can provide ongoing employment.

Provides safe public access with associated health and wellbeing benefits

- 4.3.8 By integrating footpaths and green space into the restoration scheme, the project would create a community asset that supports recreation, exercise, and engagement with nature. Access to high-quality green spaces has well-documented health and wellbeing benefits, including reducing stress, encouraging physical activity, and fostering stronger community connections.

Provides educational opportunities

- 4.3.9 An outdoor classroom is proposed within the neighbouring habitat bank, associated with Oakhill Primary School. The restored quarry can provide a hands-on learning experience about ecology, geology, and land management.

Creates community pride and cohesion

- 4.3.10 The transformation of a derelict, underutilised, unsafe site into a valued public amenity fosters a sense of local pride and strengthens community cohesion.

4.4 Conclusion

- 4.4.1 The need and benefits of the Proposed Development are significant, demonstrable, and undeniable. The proposed restoration of the Site would address an identified need by removing existing safety risks, removing unsustainable long-term water management issues, and bring the Site into a sustainable and beneficial after use. The scheme would deliver multiple benefits, including measurable BNG, enhanced



landscape character, and opportunities for safe public access with associated health and wellbeing advantages.



5.0 PLANNING POLICY ASSESSMENT

5.1 Introduction

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications to be determined against the policies of the Development Plan unless material considerations indicate otherwise. This sets the statutory function of the Development Plan in the determination of applications for planning permission.

5.1.2 This section identifies the main elements of national planning policy as they apply to the Proposed Development. It then identifies the documents which constitute the Development Plan, assesses their status. The Proposed Development is then assessed in detail against the relevant policies identified.

5.2 National Policy

National Planning Policy Framework

5.2.1 National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, which at a high level can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Planning decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with the policies of an up-to-date Development Plan without delay; or where there are no relevant Development Plan policies, or policies are out-of-date, grant permission unless, the policies of the NPPF provide a clear reason for refusing permission or the adverse impacts significantly and demonstrably outweigh the benefits. The policies of relevance within the NPPF are replicated or transposed into the Development Plan documents considered below.

5.2.2 In this case the Development Plan comprises the following documents:

- i) Barnsley Local Plan (adopted January 2019); and
- ii) Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted March 2012)

- 5.2.3 Following the adoption of the Local Plan (the primary development plan document of relevance to this application), the NPPF has been revised in 2019, 2021, 2023 and 2024. The NPPF underwent significant revisions to streamline planning processes, promote sustainable development and to better support renewable energy development. The other fundamental changes (save for paragraph amendments) related to housing need calculations, affordable housing, Green Belt policy, and the need for policies to be in line with the provisions and objectives of the Climate Change Act.
- 5.2.4 In light of the above, where relevant to the Proposed Development, the policies of the Development Plan that are considered most important for the determining of the application are considered up-to-date and in accordance with national planning policy (having been 'tested' against it). Accordingly, if the Proposed Development accords with them, when taken as a whole, planning permission should be granted without delay.
- 5.2.5 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives, namely; an environmental objective; social objective; and economic objective. These are not criteria against which every decision can or should be judged, but nonetheless should be pursued in mutually supportive ways so that opportunities can be taken to secure gains across each of the different objectives.
- 5.2.6 The environmental objective aims to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. The Proposed Development is central to this objective. It would deliver significant environmental benefits such as enhancing biodiversity, creating new habitats and improving landscape character and visual amenity. Whilst it remains the case that the distance that material will travel to final point of use / disposal is limited by virtue of the high cost of fuel, developing a site that can receive surplus construction material close to the urban centre of Barnsley, and on the south side of the town with relative good transport link to Sheffield and Doncaster, means that it would potentially reduce CO² emissions by eliminating the need for HGVs to



travel greater distanced to alternative sites that are further remote from the source of construction projects in the immediate locality.

- 5.2.7 The economic objective looks to help build a strong, responsive, and competitive economy, supporting growth, innovation, and improved productivity. In the context of the Proposed Development, this can be achieved through the beneficial reuse of excavated soils and materials are that being kept in productive use rather than being disposed of as waste. This approach aligns with circular economy principles, reducing reliance raw materials while delivering a sustainable after use for the Site.
- 5.2.8 The social objective is to support strong, vibrant, and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and, relevant here, by fostering a well-designed and safe built environment. The restoration would enhance community wellbeing by creating accessible green space for leisure, recreation, and education.
- 5.2.9 Whilst it is not expected that development proposals should be tested against all three of the objectives of sustainable development set out within the NPPF, in this case the Proposed Development clearly and demonstrably sits within the criteria identified and is undeniably wholly in accordance with them.
- 5.2.10 The NPPF includes strategic policies and guidance in respect of delivering sustainable development, some of which are clearly relevant to the Proposed Development. These strategic development policies are reflected and transposed into policies contained in the adopted Barnsley Local Plan, relevant to the area in which the development is located. The following sub-section below considers those of relevance in detail. To avoid unnecessary duplication the strategic development policies within the NPPF are not appraised in detail here.
- 5.2.11 As set out above, paragraph 11 (The presumption in favour of sustainable development) states that, for decision making this means approving development proposals that accord with an up-to-date Development Plan. Paragraph 12 states that:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission

should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

5.2.12 Consideration as to whether the Proposed Development accords with the Development Plan when taken as a whole, and consequently whether or not the presumption in favour of sustainable development applies in this case, is provided within the policy appraisal below.

5.3 Development Plan Policy

5.3.1 As set out above, the Planning Act(s) require that applications for planning permission be determined against the policies of the Development Plan, unless material considerations indicate otherwise.

Barnsley Local Plan

5.3.2 The Barnsley Local Plan is the current statutory development plan for Barnsley Metropolitan Borough, adopted in January 2019. The Local Plan sets out the Borough's spatial strategy, covering housing, economic development, environmental protection, infrastructure, and Green Belt policy for decision-making up to 2033.

5.3.3 The policies that are considered *most* important to the determination of the Proposed Development are as follows:

- i) Policy SD1: Presumption in favour of sustainable development
- ii) Policy GS2: Green Ways and Public Rights of Way
- iii) Policy BIO1: Biodiversity and Geodiversity
- iv) Policy Site MIN3: Stairfoot Quarry, Hanson Brick, Stairfoot Quarry, Wombwell Lane, Stairfoot

5.3.4 The other policies of the Local Plan that are relevant to the determination of the Proposed Development are as follows:

- i) Policy SD1: Presumption in favour of sustainable development
- ii) Policy T4: New Development and Transport Safety
- iii) Policy D1: High Quality Design and Place Making
- iv) Policy LC1: Landscape Character

- v) Policy HE1: The Historic Environment
- vi) Policy HE6 Archaeology
- vii) Policy GI1: Green Infrastructure
- viii) Policy GS1: Green Space
- ix) Policy CC3: Flood Risk
- x) Policy CC4: Sustainable Drainage Systems
- xi) Policy MIN1: Minerals Strategy
- xii) Policy Poll1: Pollution Control and Protection

5.3.5 The policies above are discussed in further detail below.

5.3.6 Policy SD1 (Presumption in favour of sustainable development), reflects the presumption in favour of sustainable development set out in the NPPF. It confirms that the Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. The Council has engaged with the Applicant during pre-application discussions. As set out above, the Proposed Development would directly contribute to the three objectives of sustainable development. This policy appraisal demonstrates how the Proposed Development accords with the Local Plan when taken as a whole and as such should be approved.

5.3.7 Policy GD1 (General development) confirms development will be approved, subject to it satisfying a list of criteria, this includes that there will be no significant effects on the living conditions and residential amenity of residents, they are compatible with neighbouring land and proposals should mitigate any adverse impact on the environment.

5.3.8 The ES and supporting technical appendices submitted in support of this application demonstrate how the development accords with this Policy. No significant effects have been identified. The Noise Assessment (ES Chapter 6.0) confirms that an acoustic fence would be provided along the Site's northern boundary to ensure that noise levels from the infill operations do not negatively impact the amenity of local residents. The Air Quality Assessment (Appendix C) confirms that the principal sources of dust have been identified as internal site haulage and material handling operations. The assessment confirms that through the incorporation of standard dust



- mitigation measures set out in an EMP, no unacceptable impacts have been identified. The Ecology ES Chapter (Chapter 4.0) confirms that whilst there are some impacts arising from the Proposed Development, these are not significant and given the small scale and temporary nature of the works, mitigation measures have shown that these impacts can be appropriately minimised. The impacts associated with the restoration would only occur during the 111-week infill period, once the Site is restored there would be no ongoing impacts. The Proposed Development therefore accords with Policy GD1.
- 5.3.9 Policy T4 (New development and Transport Safety) states new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. If a development is not suitably served by the existing highway or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, the Council will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead.
- 5.3.10 The only impacts from an access perspective relate to the restoration operations which occur over an 111-week period. Access to the Site would be taken from the historical access into the former Stairfoot Brickworks site. As set out earlier, an enabling works planning application was approved by BMBC in September 2023 (ref. 2022/1218), which allows for a series of improvements to the existing access junction off Wombwell Lane. The Transport Assessment (ES Appendix 5.1) confirms the increase in traffic as a result of the Proposed Development would not create any material impact in terms of local highway safety or capacity. The access arrangements are considered safe, secure and convenient. The Proposed Development would not create problems of safety or efficiency of the highway, and consequently the Proposed Development accords with Policy T4.
- 5.3.11 Policy D1 (High quality design and place-making) expects development to deliver high-quality design and take advantages of and reinforce the distinctive, local character and features of Barnsley. This includes, landscape character, topography, green infrastructure assets, important habitats and other natural features. Through its layout and design, development should contribute to place making and be of high

- quality, that contributes to a healthy, safe and sustainable environment and include a comprehensive and high quality scheme for hard and soft landscaping.
- 5.3.12 The Site is currently a partially restored quarry void, the final landform and restoration proposals would enhance the local character and environment. The restoration scheme would comprise grassland, scrub and woodland planting and would provide an attractive accessible space for local residents whilst enhancing biodiversity. The Proposed Development is therefore in accordance with this policy.
- 5.3.13 Policy LC1 (Landscape Character), confirms that development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character area (LCA) in which it is located.
- 5.3.14 The Landscape and Visual Appraisal (Appendix D) confirms the key characteristics within the LCA. The landscape character in the local area is described as moderate and in poor condition. The magnitude of effect on this area is small due to the change from a former quarry to the infilling and landscaping of the area, the removal of the standing water, the provision of a new landscape scheme and the limited intervisibility of the Site within the wider area resulting in an overall minor adverse significance of effect on this LCA.
- 5.3.15 The development of the Site would maintain much of the existing green infrastructure within and adjacent to the Site boundaries where possible. A limited amount of vegetation would be required to be removed to facilitate the areas of infill within the quarry area, as set out above, additional mitigation planting is proposed. Consequently, the Proposed Development complies with the objectives of Policy LC1.
- 5.3.16 Policy HE1 (The Historic Environment), confirms that the Council will positively encourage development which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, this will be achieved by supporting proposals which conserve and enhance the significance and setting of the borough's heritage assets.
- 5.3.17 The Heritage Impact Assessment (Appendix E) confirms an assessment of designated assets within 1km of the Site has been undertaken. This found that the long-term impacts of the Proposed Development would not harm the setting of any

designated assets and have been assessed to be beneficial rather than adverse, as such, the Proposed Development wholly accords with Policy HE1.

5.3.18 Policy HE6 (Archaeology), confirms that applications for development on sites where archaeological remains may be present must be accompanied by an appropriate archaeological assessment. The Heritage Impact Assessment (Appendix E) has identified a very low potential of uncovering prehistoric, Roman, Early Medieval, and medieval remains. There is a high likelihood of discovering post-medieval and modern remains, primarily linked to 20th and 21st century quarrying activities across the Site and related infrastructure, such as the Stairfoot Brickworks and associated buildings to the south of the Site, as well as the railway network that expanded across the southern portion of the Site during the 19th and 20th centuries. These remains are expected to be of negligible importance. The assessment recommends that a watching brief be maintained in areas subject to ground disturbance outside the footprint of the areas of quarrying activity. The Proposed Development therefore accords with Policy HE6.

5.3.19 Policy GI1 (Green infrastructure) confirms that the Council will protect, maintain, enhance and create an integrated network of connected and multi functional Green Infrastructure assets that:

- i) Provides attractive environments where people want to live, work, learn, play, visit and invest;
- ii) Meets the environmental, social and economic needs of communities across the borough and the wider City Regions;
- iii) Enhances the quality of life for present and future residents and visitors;
- iv) Helps to meet the challenge of climate change;
- v) Enhances biodiversity and landscape character;
- vi) Improves opportunities for recreation and tourism;

5.3.20 The Proposed Development would provide an attractive, accessible green space for residents that would connect to the surrounding PRoWs providing further opportunities for outdoor recreation. Removing the existing unsightly, dangerous quarry void, improving the local landscape character and biodiversity would clearly enhance the quality of life for present and future residents. The BNG Assessment (Appendix F) confirms a 98% gain in habitat units and a 125% gain in hedgerow



- units. This is a demonstrable gain well above the mandatory 10% requirement and is a significant benefit of the Proposed Development. The provision of additional grassland and woodland planting would also help meet the challenge of climate change due to their role in capturing and storing carbon. The Proposed Development therefore accords with Policy GI1.
- 5.3.21 Policy GS1 (Green Space) confirms the Council will work with partners to improve existing green space to meet the standards in the Green Space Strategy. The policy confirms that Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.
- 5.3.22 As set out above, the Proposed Development would provide additional open space within the area, complementing the Green Space designated to the south of the Site adjacent to Wombwell Lane. Whilst the Site is not proposed to be formally designated as green space under this policy, it is clear that the restored landform and habitat would be valuable for amenity, recreation, wildlife and biodiversity in accordance with this Policy.
- 5.3.23 Policy GS2 (Green Ways and Public Rights of Way) protects Green Ways and Public Rights of Way from development that may affect their character or function. Where affected, existing routes should be retained or replaced with an equally accessible and attractive alternative. Where development is close to a Public Right of Way, it may be required to provide a link to the existing route, improve an existing route or contribute to a new route.
- 5.3.24 As set out previously, there are a number of PRowWs surrounding the Site, as well as the TPT which runs to the south (shown on Figure 4). In order to safely manage the impact of the Proposed Development on the PRowW routes and allow the PRowWs to remain open to all users throughout the restoration period, it is proposed that a temporary diversion of Footpaths 323 and 324 would be implemented, using a temporary Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984. The route of Footpath 323 where it crosses the northern end of the Site access track would be fenced off to either side of the access track. The route of the temporary footpath diversion would follow existing footpaths through the woodland

- and fields to the west of the access track, as shown on Planning Drawing 3263-01-10. Signage would be placed at key junction points along the PRow network to advise of the temporary footpath diversion route.
- 5.3.25 The temporary PRow diversion route would have the greatest impact on users of Public Footpath 324, as they would be required to re-route along the TPT. However, when having regard to the limited user numbers observed along this Public Footpath (i.e. 15 two-way movements per day) and the temporary nature of the diversion, this is considered to result in minimal disruption to users as there is an equally accessible and attractive alternative. It should also be noted that the TPT also provides users with a more user-friendly, and well surfaced route. Signage will be provided along the TPT to make users aware of the potential for HGVs. The Proposed Development therefore accords with Policy GS2.
- 5.3.26 Policy BIO1 (Biodiversity and Geodiversity), expects development to conserve and enhance the biodiversity and geological features of the borough by protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance. Biodiversity should be maximised around new developments and biodiversity enhancements are encouraged. Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured.
- 5.3.27 As set out above, the BNG Assessment (Appendix F) confirms a considerable net gain (98% gain in habitat units and a 125% gain in hedgerow units) well above the mandatory 10% net gain would be delivered. The Ecology ES Chapter also confirms that the limited impacts of the Proposed Development can be mitigated to ensure there are no significant effects resulting from the Proposed Development and that species and habitats are protected during the restoration operations. The Arboricultural Impact Assessment (AIA) confirms that Proposed Development necessitates the removal of a section of one 'Moderate Quality' woodland and a section of one 'Low Quality' tree group. This loss is mitigated against through onsite replacement tree planting. The Proposed Development is therefore in accordance with Policy BIO1.

- 5.3.28 Policy CC3 (Flood Risk) confirms the extent and impact of flooding will be reduced by a number of requirements, including not permitting new development where it would be at an unacceptable risk of flooding from any sources of flooding and requiring site-specific Flood Risk Assessments (FRAs) for proposals over 1 hectare in Flood Zone 1 and all proposals in Flood Zones 2 and 3;
- 5.3.29 The Proposed Development is located in Flood Zone 1 which represents an area of lowest risk. The Flood Risk and Drainage Assessment (FRDA) (Appendix G) confirms the existing void on the Application Site is assessed to be at risk of flooding from surface water and groundwater. There may also be limited potential for groundwater emergence to occur along the Site access, but the risk is assessed to be low given the steeply sloping nature of the topography. The risk of flooding to the Application Site from all other identified sources is assessed to be negligible / low. The Proposed Development would not be expected to impact flood risk elsewhere. The assessment demonstrates that the restoration operations can be completed in accordance with requirements of planning policy.
- 5.3.30 Policy CC4 (Sustainable Drainage Systems) expects all major development to use Sustainable Drainage Systems (SuDS) to manage surface water drainage, unless it can be demonstrated that all types of SuDS are inappropriate.
- 5.3.31 The FRDA (Appendix G) confirms that during the restoration phase, surface water would be pumped to the existing waterbody in Marine Band Quarry, as per the existing dewatering arrangements. Following completion of the restoration works, the Site would be returned to greenfield. As such, surface water would be disposed of naturally by a combination of infiltration and evapotranspiration, with any off site flows discharging at greenfield runoff rates.
- 5.3.32 A preliminary surface water drainage layout is provided in Appendix D of the FRDA and indicates that a filter drain would be installed along the northern boundary of the Site to intercept and divert runoff away from the residential development to the north, discharging flows towards the wooded area to the south-east boundary and maintaining existing drainage regimes. This provides a sustainable drainage arrangement in accordance with Policy CC4.
- 5.3.33 Policy MIN1 (Mineral Strategy), confirms that proposals for the recovery of material from mineral waste tips and land reclamation schemes (which may include the

- recycling, blending, processing and distribution of substitute and secondary materials), will generally be supported in appropriate locations as part of mineral extraction/reclamation schemes. It also sets out that all minerals proposals should be subject to high-quality and appropriate reclamation and after use within a reasonable timescale and result in a net increase in biodiversity.
- 5.3.34 The Local Plan identifies Stairfoot Quarry, Wombwell Lane as Site MIN3. The policy confirms the site area of Stairfoot Quarry is 25 hectares and extends from Wombwell Lane to the rear of St Paul's Parade in Ardsley. Consisting of four separate quarries, planning permission was granted on the 25th November 1993 for the extraction of material and restoration. Clay material is used on the adjacent manufacturing complex. The site includes: Yew Tree Quarry (planning permission has expired and restoration has begun).
- 5.3.35 As set out earlier in this report, it does appear that some restoration operations have taken place at the Site. Notwithstanding this, in accordance with Policy MIN1, proposals should be subject to high-quality and appropriate reclamation and after use within a reasonable timescale. It would appear that the restoration of the Site has not been delivered in accordance with the bowl shaped landform proposed. As previously discussed, there are ongoing issues with the existing Site which would be resolved through the Proposed Development. In addition to this, significant BNG would be delivered through additional woodland, scrub, hedgerow and grassland planting, the restored site would provide an appropriate after use for the Site for residents to enjoy either through recreation or visual amenity. The Proposed Development therefore accords with Policy MIN1.
- 5.3.36 Policy Poll1 (Pollution Control and Protection) expects development to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. It also requires developers to minimise the effects of any possible pollution and provide mitigation measures where appropriate.
- 5.3.37 The supporting ES and associated technical appendices provide detailed assessments with regards to the above criteria. The restoration scheme has been designed to ensure that pollution does not occur as a result of the proposals. The



restoration activities would either be undertaken in accordance with the CL:AIRE protocol or require a recovery permit issued by the Environment Agency (EA) in order to regulate the activities on site and promote good environmental practice. The minor impacts associated with the Proposed Development would be temporary and occur over the 111-week infill period. The Proposed Development therefore accords with Policy Poll1.

Barnsley and Doncaster and Rotherham Joint Waste Plan

5.3.38 The Joint Waste Plan (the Waste Plan) is a statutory planning document adopted in 2012. It sets out how waste will be managed across the three boroughs, including Barnsley, up to 2026. It forms part of the development plan in Barnsley alongside the Barnsley Local Plan 2019.

5.3.39 When assessing the proposal against the Waste Local Plan, it is recognised that certain policies are relevant given that the restoration scheme involves the re-use and importation of materials. However, it is important to emphasise that the development is not a waste disposal operation. The importation of soils and suitable materials is proposed to facilitate the restoration of the former quarry, enabling the delivery of a safe, sustainable, and beneficial after use. Therefore, whilst the policies relating to the management of waste are in part relevant, the Proposed Development is fundamentally a land restoration project, rather than a facility for the management of waste.

5.3.40 The policies that are considered of most relevance to the determination of the application are:

- i) Policy WCS1: Barnsley, Doncaster and Rotherham's Overall Strategy For Achieving Sustainable Waste Management
- ii) Policy WCS4: Waste Management Proposals On Non Allocated Sites
- iii) Policy WCS6: General Considerations For All Waste Management Proposals

5.3.41 Policy WCS1 (Barnsley, Doncaster and Rotherham's Overall Strategy For Achieving Sustainable Waste Management) supports the sustainable management of waste across all streams. The policy states that no strategic capacity gap is identified for CD&E waste, and therefore specific sites are not safeguarded or allocated. This is in recognition that the capacity gap for CD&E is inherently difficult to calculate, and



because sites will come forward that can manage that waste, as and when required. Consequently, proposals dealing with this waste stream should be assessed on an individual basis. The policy confirms the key principles which guide the assessment of waste proposals include supporting proposals which enable Barnsley, Doncaster and Rotherham's waste to be managed locally, whilst allowing waste to be imported or exported where this represents the most sustainable option and giving priority to waste proposals which maximise the reuse of vacant or underuse brownfield land.

5.3.42 The Waste Local Plan was adopted in 2012, the 2022 WNA does identify a shortfall in inert recovery capacity from between 2021 to 2026 and thereafter a shortfall of 800,000 tonnes per annum at a point between 2026 and 2031. The WNA has been informed by more recent information that the Waste Local Plan. The Proposed Development can therefore serve the identified capacity gap by providing 360,000 tonnes of capacity per year from 2026. In addition to this, whilst the Ste would not meet the definition of brownfield land, it is clearly an underutilised site, which could be brought back into beneficial use subject to appropriate restoration. It is therefore considered that the Proposed Development accords with the relevant parts of Policy WSC1.

5.3.43 Policy WCS4 (Waste Management Proposals On Non Allocated Sites) sets out that proposals for waste development on non-allocated sites will be permitted provided they:

- i) Do not significantly adversely affect the character or amenity of the site or surrounding area;
- ii) Contribute towards the aims of sustainable waste management in line with the waste hierarchy;
- iii) Do not undermine the provision of waste development on strategic sites set out under policy WCS3;
- iv) Prioritise the reuse of vacant or underused brownfield land, where possible; and
- v) Facilitate quicker and better quality reclamation, and do not prevent the timely reclamation of the site (where applicable).

5.3.44 It has been demonstrated within this policy appraisal that the Proposed Development would not adversely affect the character or amenity of the Site or surrounding area, it would improve the amenity through the provision of an accessible open space and



would improve the character and visual amenity through the dewatering and planting of the Site. The Proposed Development is a recovery operation which would reuse excavated, construction and demolition material for the restoration of the Site. Due to the nature of this material, and the inherent cost of transporting material by road, it would not travel long distances and as such the Site represents a sustainable location where Barnsley's CD&E material can be utilised and recovered instead of being sent to a disposal site. This helps contribute to the aims of the waste hierarchy.

5.3.45 With regards to criteria iii) as discussed above, the 2022 WNA identifies an inert recovery shortfall. The sites within Policy WSC3 provide facilities for large scale municipal, commercial and industrial waste management, the Proposed Development would therefore not undermine the provision of waste development on these sites. As discussed above, whilst the Site does not meet the definition of brownfield, it is an underutilised site, the restoration would therefore provide a more suitable and appropriate after use. The Proposed Development is therefore in accordance with Policy WSC4.

5.3.46 Policy WCS6 (General Considerations For All Waste Management Proposals) identifies 11 criteria, proposals for waste development will only be supported where it can be demonstrated that these requirements. Those relevant to the Proposed Development are:

- i) provide access (which is appropriate to the scale and nature of the development) to and from the main transport network;
- ii) ensure there is adequate highway capacity to accommodate any additional vehicles generated;
- iii) ensure there is adequate space on site for vehicles to enter, wait, unload and leave safely;
- iv) provide adequate means of controlling noise, vibration, glare, dust, litter, odour and vermin and other emissions so as to avoid adverse effects on the amenity of the immediate and surrounding environment and human health, both during and after operations;
- v) will not result in loss or damage to the diversity of wildlife and habitats at the site or adjoining land, including linear or other features that facilitate the dispersal of species;



vi) will not have an adverse impact upon the quality of ground and surface water or drainage, especially ground water aquifers and flood risk areas.

5.3.47 In the case of the Proposed Development, a positive contribution would be made to the local biodiversity, geodiversity and landscape character. The Proposed Development has been subject to a detailed and iterative design process to ensure that impacts are minimised and through embedded mitigation are controlled. There will be no unacceptable emissions from the proposed restoration works. The detailed highways work (presented in the ES and the TA) demonstrate that the numbers, frequency, timing and routing of vehicles associated with the development are acceptable. The FRDA and Geology, Hydrology and Ground Conditions ES Chapter (Chapter 7.0) confirm there would be no unacceptable impacts. The Proposed Development is therefore in accordance with Policy WCS6.

5.4 Conclusions

5.4.1 The NPPF states that to ensure sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

5.4.2 This presumption does not change the statutory status of the development plan as the starting point for decision-making. The Planning and Compulsory Purchase Act 2004 states that applications for planning permission should be determined in accordance with the policies of the development plan unless material considerations indicate otherwise.

5.4.3 It is in this context that the application has been assessed within the planning policy appraisal above. The planning policy analysis confirms that the development plan is up-to-date in that the documents comprising the development plan have been adopted in accordance with the NPPF or the policies relating to the Proposed Development are consistent with the NPPF. The updates to the NPPF in 2019, 2021, 2023 and 2024 did not result in any changes that mean the policies of most relevance to the determination of this application are no longer in accordance or consistent with the new NPPF.



5.4.4 The policy appraisal identifies how the planning process requires the decision maker to have regard to the development plan 'taken as a whole' when determining planning applications. The appraisal demonstrates undeniably that the application accords with the development plan and accordingly planning permission should be granted.



6.0 SUMMARY OF ENVIRONMENTAL EFFECTS

6.1 Introduction

6.1.1 In accordance with the EIA Regulations 2017, the EIA is a process consisting of the preparation of an ES; any consultation, publication and notification required by, or by virtue of, the EIA Regulations; and the steps required under Regulation 26 (consideration of whether planning permission should be granted). The ES process considers 'likely significant effects' arising from the restoration works and identifies any imbedded and additional mitigation considered appropriate to reduce significant impacts identified.

6.1.2 Those environmental topics against which the Proposed Development was considered as potentially likely to give rise to significant environmental effects were assessed as part of the EIA process and reported on within the ES. The other environmental topics against which the Proposed Development was not considered likely to give rise to significant environmental effects were excluded from the EIA, but assessed nonetheless and reported as appendices to the PS.

6.1.3 The topics assessed as part of the EIA are:

- i) Ecology
- ii) Traffic and Transportation
- iii) Noise
- iv) Geology, Hydrology, and Ground Conditions

6.1.4 The topics that were scoped out of the ES and are reported as appendices to this PS cover the following:

- i) Landscape and Visual
- ii) Cultural Heritage
- iii) Air Quality
- iv) Flood Risk and Surface Water
- v) Arboriculture

6.1.5 The results of the relevant assessments are summarised below.



6.2 Ecology

- 6.2.1 An Ecology ES Chapter (Chapter 4.0) has been prepared by Urban Green.
- 6.2.2 The ES chapter confirms that four statutory sites of national importance are present within 10km of the Proposed Development, with four statutory sites of local importance present within 5km and four non-statutory designated wildlife sites present within 2km. The site also falls within the Impact Risk Zone of two Statutory Sites, based on consultation with MAGIC:
- 6.2.3 During the UKHab survey, the Site was found to comprise of a mosaic of habitats including: sparsely vegetated urban land (u1f), broadleaved woodland (w1g), modified grassland (g4), developed land (u1b6), mixed scrub (h3h), standing water (r1g), a line of trees (w1g 33), and two hedgerows (h2a6). The Site is also directly connected to other valuable habitats within the immediate vicinity including well established woodlands, grasslands, and areas of scrub.
- 6.2.4 Bat activity was recorded across a range of habitats within the Quarry, although activity was more condensed within preferred habitats, with the woodlands, priority hedgerows, quarries and open water in the Quarry providing high quality foraging conditions for bats.
- 6.2.5 Breeding bird surveys were conducted within the Survey Area in 2023 and confirmed a typical species composition being present. Twenty-seven bird species were recorded over four survey visits, all of which are considered common and very common breeding birds within the local area. No schedule 1 birds were recorded within the Survey Area during the surveys.
- 6.2.6 The pond on site and 2 other ponds were surveyed for Great Crested Newts (GCN). All ponds returned a negative eDNA result confirming that GCN are absent from the surveyed ponds.
- 6.2.7 Following invertebrate surveys conducted in 2023 the Quarry was found to be of district (low) level importance for invertebrates. A total of 268 species were recorded with nine species having a national status (five of which are more common now than their status suggests and may be later revised).

- 6.2.8 Presence/likely absence surveys conducted identified a population of grass snake within the Quarry and was assigned as having a 'low-to-good' population.
- 6.2.9 No evidence of badger activity was identified on site, with no badger setts or other signs observed. However, it was deemed feasible that the habitat surrounding the Site may be used by commuting and foraging badger.
- 6.2.10 The following mitigation and enhancement measures would be provided to reduce adverse impacts. These would primarily be secured via planning conditions.
- i) Production of a EMP document to avoid impacts to wildlife and habitats, covering working methods, fencing, signage, speed limits, ECoW requirements etc.; secured via planning conditions.
 - ii) Ecologically sensitive post development layout and landscaping plan.
 - iii) Installation of new reptile refugia outside of the application site prior to works commencing; secured via planning conditions.
- 6.2.11 Given the relatively small scale of the Application Site and temporary nature of the infill works and considering the restoration scheme to be implemented on site, only modest levels of additional mitigation are required to reduce the likely significant effects.
- 6.2.12 The BNG Assessment (Appendix F) was prepared by Middlemarch. The assessment identified that the Proposed Development would result in a gain of + 19.20 Habitat Units (HU) (equivalent to 98.29% gain) and 4.02 Hedgerow Units (equivalent to 125.86% gain). This meets and exceeds the minimum statutory requirement of 10% net gain in biodiversity units.
- 6.2.13 In order to satisfy the trading rules, to achieve 'no net loss' and enable the biodiversity gains objective to be met, the development needs a further 5.32 HU (non-priority ponds). It is intended that this loss would be offset on the adjacent Stairfoot Habitat Bank.

6.3 Traffic and Transportation

- 6.3.1 A Transport ES Chapter (Chapter 5.0) and Transport Assessment (TA) (Appendix 5.1 of the ES) has been prepared by Axis to consider the highways and transport matters related to the Proposed Development

- 6.3.2 The road safety record of the local highway network has been examined within the most recently available 3-year period (2020-2022 inclusive). The analysis does not indicate that there are any existing highway safety issues that could be worsened by the Proposed Development.
- 6.3.3 Access to the Site is from the A633 Wombwell Lane, via a private right of way through the former (now cleared) Stairfoot Brickworks site. The Site access junction into the Brickworks currently takes the form of a ghost-island right turn junction with the A633 Wombwell Lane. This junction is currently undergoing improvement works as part of a separate planning application for the redevelopment of the Brickworks site, including widening to the bellmouth to better facilitate HGVs, and the provision of a pedestrian refuge island. Swept path analysis demonstrates that the proposed site access arrangements would satisfactorily cater for the traffic movements associated with the Proposed Development.
- 6.3.4 The proposed restoration scheme would involve the importation of approximately 400,000m³ of non-hazardous restoration material over a 111-week period. Restoration material would be imported to the Site using 8-wheel tipper vehicles with typical 15-tonne payloads.
- 6.3.5 The Site would receive material 5 days per week, Monday to Friday 07:30 – 16:30. Although restoration activities would also occur on Saturday between 08:00 – 13:00, there would be no vehicle movements during this time. No HGV movements would take place on Sundays and Bank Holidays.
- 6.3.6 The traffic-generating potential of the proposed restoration scheme has been calculated using a first principles approach, utilising industry knowledge and information supplied by the Applicant. The trip generation calculations indicate that that the average number of two-way HGV movements on weekdays would be approximately 160 per day, or 18 two-way movements per hour.
- 6.3.7 To provide a highly robust, worst-case scenario, the possibility for daily variation in HGV movements has also been considered, to account for the variable availability of import material, which would be determined by the market and the availability of material. It is anticipated that the maximum number of HGVs to the Site per day would not exceed 200 two-way trips (i.e. 100 arrivals + 100 departures).



- 6.3.8 Restoration activities are expected to commence in 2026 and last for a period of 111 weeks. To assess the impact of the Proposed Development on the local highway network, the forecast increase in traffic resulting from the Proposed Development has been compared to the baseline traffic flows for a 2027 future year scenario. This assessment has also taken into account the estimated traffic generation associated with a number of committed development sites, including the proposed redevelopment of the Stairfoot Brickworks site.
- 6.3.9 The assessment indicates that in absolute terms, the impact of the proposal on the local highway network would be low, with flows which are largely within the expected day to day fluctuations of traffic. The Proposed Development is forecast to result in a percentage increase in HGV traffic which exceeds the 30% IEMA thresholds on the A633 Wombwell Lane to the north of the Site. However, this is due to the low baseline traffic levels. The actual impact in absolute terms will be low, with the average hourly increase in vehicle movements during the busiest periods of activity equating to 2 HGV movements every 7-8 minutes on average along Wombwell Lane to the north of the Site. There are no practical or amenity impact reasons why Wombwell Lane would not be capable of accommodating the proposed HGV trips.
- 6.3.10 There is no reason to expect that the modest increase in trips would have a cumulative negative impact on the local highway network. It is therefore considered that the proposed scheme would not lead to an unacceptable impact on the local highway network.
- 6.3.11 Paragraph 116 of the National Planning Policy Framework states that:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*
- 6.3.12 Based on the evidence presented in the ES Chapter and TA, no unacceptable impact would be created by the scheme.

6.4 Noise

- 6.4.1 A Noise Assessment (ES Chapter 6.0) has been undertaken by Noise and Vibration Consultants Ltd to assess the likely significant environmental effects of the Proposed



Development. The assessment describes the methods used to assess the impacts, the baseline conditions that currently exist at the Site and the potentially affected nearest sensitive receptors (NSR), nearest ecological receptors (NSER) and nearest recreational receptors (NRR), the possible direct and indirect impacts arising from the Proposed Development and the mitigation measures that could be implemented to reduce noise impact from the proposal.

6.4.2 The assessment includes the consideration of:

- Information on typical existing sound climate;
- Information on the noise levels from site noise sources;
- Outline of the likely evolution of the future baseline sound levels;
- Information and predictions on the noise impact from infilling of voids and restoration works;
- Information on the noise impact associated with the movement of hgv's;
- Noise mitigation measures to meet 'best practicable means' (BPM).

6.4.3 In terms of effects from vibration, as there are no activities proposed that involves any operation of any significant vibratory plant and vibration from site operations would not be perceptible at NSR, vibration has been scoped out of the operational assessment.

6.4.4 During the infill period of the development there would be mobile noise sources in use and noise levels would vary throughout the lifespan of the Proposed Development. The highest noise levels relative to NSR are likely to occur during Phases 4 and 5 when mobile plant is located at a higher land height datum and closest to the northern boundary of the Site.

6.4.5 The introduction of BPM mitigation measures, including an acoustic screen along the northern boundary with the rear gardens of properties on St Pauls Parade, has the effect of minimising noise levels at the NSR, NSER and NRR.

6.4.6 It is concluded that the operational noise associated with the restoration operations, with the implementation of mitigation measures, using BPM, is likely to result in an impact magnitude classification of negligible at NSR and a neutral level of effect.

6.4.7 The impact at NSER is shown to be a negligible impact and not significant.



- 6.4.8 The impact at NRR with the proposed mitigation measures, is likely to result in an impact magnitude of between slight to moderate and minor to moderate effect during weekday operations and slight impact and minor level of effect on Saturdays along the PRow in proximity to the Site boundary and therefore not significant.
- 6.4.9 The change in noise levels as a result of the traffic associated with the Proposed Development would be negligible and as such represents a neutral significance on high sensitivity residential receptors. As such the impact is considered not significant in EIA terms.
- 6.4.10 In summary, no significant noise effects have been identified by the noise assessment in relation to the Proposed Development.

6.5 Geology, Hydrology, and Ground Conditions

- 6.5.1 An assessment of the ground conditions with specific reference to geological and hydrogeological aspects has been prepared by Sirius Environmental Ltd and is set out within ES Chapter 7.0,
- 6.5.2 An understanding of the local geologic regime has drawn upon a range of information sources including existing site reports, historical aerial imagery and British Geological Survey data to describe the geological and hydrogeological conditions immediately underlying and in the local environs of the Site.
- 6.5.3 The Proposed Development would result in the restoration of a partially infilled quarry void with uncontaminated soils. The Site and surrounding areas are devoid of any Superficial Deposits, with the solid geology comprising interbedded sandstones, mudstone and shales of the Pennine Middle Coal Measures. It is this strata that was worked for by the former brickworks, with associated mineral workings extending to the west and northwest of the Site.
- 6.5.4 The former quarry workings to the west and northwest have previously been restored via landfill activities, with waste deposits including household, commercial, industrial, special and sludge wastes. These landfills were designed and constructed under the principles of dilute and disperse, although some leachate and landfill gas controls associated with the landfill area to the northwest are present. The Proposed Development would not impact the adjacent landfilled areas or significantly alter the risks posed by these facilities the local environment.

- 6.5.5 The nature of the materials imported to restore the Site and their deposit over existing fill materials would not present a significant risk to the groundwater resource associated with the Pennine Coal Measures aquifer, which is classified as a Secondary A aquifer.
- 6.5.6 The Proposed Development would be regulated either by a permit issued by the EA or CL:AIRE protocol. The Environmental Permit would implement monitoring schedules to validate design and associated risk assumptions. These are likely to include schedules to monitor changes in surface water quality, groundwater quality and hazardous ground gases. However, the nature of the restoration materials would not require any active in-waste management controls to be implemented e.g. leachate or landfill gas extraction.

6.6 Landscape and Visual

- 6.6.1 This Landscape and Visual Appraisal (LVA) (Appendix D) has been prepared by Urban Green following the Third Edition of the Guidelines for Landscape and Visual Impact Assessment by the Landscape Institute and the Institute of Environmental Management and Assessment (Routledge, 2013). The appraisal has been carried out to inform the landscape design response to the development proposals in consideration of the landscape and visual issues, current planning policy and emerging guidance.
- 6.6.2 The Site, a former quarry within a peri-urban setting, is situated adjacent to Green Belt land to the east and south but holds no statutory landscape, ecological, or heritage designations itself. It lies within the National Character Area (NCA) 38 (Nottinghamshire, Derbyshire, and Yorkshire Coalfield) and the Local Landscape Character Area (LCA) D3 (West Dearne Settled Arable Slopes), characterised as having moderate landscape strength but poor condition, low capacity for development, and medium sensitivity.
- 6.6.3 Existing views towards the Site are largely limited or truncated due to intervening vegetation, landform, and built form, with key visual receptors including nearby residents of dwellings and users of PRow.
- 6.6.4 The Proposed Development involves infilling the quarry with non-hazardous restoration materials, raising land levels to a maximum of approximately 66.00 AOD,



and implementing a landscape strategy focused on retaining boundary vegetation, establishing new native woodland and scrub for screening, introducing species-rich neutral grassland, and enhancing hedgerows along footpaths. This strategy is informed by the NPPF, particularly its emphasis on enhancing biodiversity, and aligns with relevant Barnsley Local Plan policies which advocate high-quality design, landscape character reinforcement, and green infrastructure provision.

6.6.5 The appraisal identifies predominantly Minor Adverse effects on the Local Landscape Character Area (D3) and site-level landscape resources (vegetation, landform), reflecting the change from a former quarry to restored landform and the minor loss of some existing vegetation, offset by new planting. A Moderate Adverse effect is anticipated on PRoW during the infill period due to temporary diversions, though integration into the final landscape scheme would mitigate long-term impacts. Visual effects are assessed as ranging from Negligible to Moderate - Minor Adverse, primarily affecting nearby residents (e.g. St Paul's Parade) and PRoW users in close proximity (e.g. Footpaths 323#2, 324#1), where partial views of the access road or altered landform may be perceptible initially. Crucially, these effects are expected to diminish over time as proposed screening vegetation matures. A Minor Beneficial effect is anticipated for landscape features through the replacement of low-value standing water with grassland and native planting.

6.6.6 In summary, while the development would modify the site-level landscape character, it is designed to integrate sensitively within the wider local and regional landscape context. Adverse landscape and visual effects are largely confined to the immediate site vicinity and are mitigated through the proposed landscape strategy. The scheme aligns with planning policy objectives for sustainable development, landscape enhancement, and biodiversity gain, ensuring the restored site would constitute an acceptable environmental outcome with no significant residual effects.

6.7 Cultural Heritage

6.7.1 A Heritage Impact Assessment (HIA) has been prepared by AOC Archaeology to inform the application. The HIA is provided at Appendix E to this PS.

6.7.2 The assessment establishes the historic environment baseline of the Site. Considering potential heritage constraints, this assessment has identified a Very Low potential of uncovering prehistoric, Roman, Early Medieval, and medieval remains.



However, any such remains would likely hold Medium to High importance in the archaeological record, depending on their condition and form. Conversely, there is a High likelihood of discovering post-medieval and modern remains, primarily linked to 20th and 21st century quarrying activities across the Site and related infrastructure, such as the Stairfoot Brickworks and associated buildings to the south of the Site, as well as the railway network that expanded across the southern portion of the Site during the 19th and 20th centuries. These remains are expected to be of Negligible importance.

- 6.7.3 The Site would be re-engineered through the importation of non-hazardous soil materials, introducing a new restoration scheme. The final restoration would include the introduction of grassland species, scrub planting and native woodland. The development would require the construction of a temporary site compound which would include a wheel wash, parking and welfare facilities, and an access route which would run from what is now the A633 to the south of the development area, through to the northern portion of the Site.
- 6.7.4 Therefore, it is recommended that a watching brief be maintained in areas subject to ground disturbance outside the footprint of the areas of quarrying activity. Once the extent of ground disturbance outside of the quarry area is known, the scope and extent of any archaeological work would be agreed in advance with the archaeological advisor at the South Yorkshire Archaeology Service, who advises on behalf of the local planning authority of BMBC. If significant archaeological remains are discovered, additional mitigation measures, such as further archaeological fieldwork, post-excavation analysis, and reporting (including publication), may be necessary to ensure the preservation by record of any identified remains.
- 6.7.5 The Proposed Development has the potential to impact on the settings of designated heritage assets within the surrounding area, and so an assessment of designated assets within 1km of the Site has been undertaken. As the long-term impacts of the Proposed Development have been assessed to be beneficial rather than adverse, then consequently no harm to these assets is predicted, and therefore no setting mitigation is proposed.

6.8 Air Quality



- 6.8.1 An Air Quality Assessment has been prepared by Smith Grant to inform the application. The Assessment is provided at Appendix C to this PS.
- 6.8.2 The Site is in a location of high sensitivity with regards to deposition dust and potential disamenity given the presence of residential properties on St Pauls Parade along the northeastern boundary. No nature conservation sites have been identified within the locality within relevant screening distances.
- 6.8.3 The principal sources of fugitive dust have been identified as internal site haulage and material handling operations. However, the proposed operations are of low intensity and the potential for dust related impacts arising from these activities can be readily controlled and mitigated through the implementation of standard dust management techniques. The required measures would be set out in an overarching EMP that would be prepared and agreed prior to the on-set of operations and would include best practice measures with respect dust.
- 6.8.4 Through the incorporation of standard dust mitigation measures during the infill works no unacceptable impacts on amenity have been identified.
- 6.8.5 Fine particulates also make up a part of fugitive and wind-blown dust and can give rise to human health impacts. The measures that would be set out within the EMP would similarly serve to minimise PM₁₀ (particles of aerodynamic diameter less than 10 µm) and PM_{2.5} (those particles of less than 2.5 µm) emissions and no unacceptable impacts on human health have been identified.
- 6.8.6 The Proposed Development would result in additional HGV and light duty vehicles movements on the local road network. These would only be experienced for the duration of the restoration works. Movements near relevant receptors are below screening thresholds and no potential significant adverse impacts at receptors due vehicle emissions have been identified.
- 6.8.7 Overall, no potentially significant impacts and resulting effects that would preclude the granting of planning permission on air quality grounds have been identified.

6.9 Flood Risk and Surface Water

- 6.9.1 A Flood Risk and Drainage Assessment (FRDA) has been prepared by Weetwood to inform the application. The FRDA is provided at Appendix G to this PS.

- 6.9.2 The EA Flood Map for Planning indicates the application site to be located in flood zone 1, which represents an area at lowest risk of flooding. An assessment of flood risk from all identified potential sources of flooding has been undertaken using best available information. The existing void on the Site is assessed to be at risk of flooding from surface water and groundwater. There may also be limited potential for groundwater emergence to occur along the Site access, but the risk is assessed to be low given the steeply sloping nature of the topography. The risk of flooding to the Site from all other identified sources is assessed to be negligible / low.
- 6.9.3 The restoration of Yew Tree Quarry would include dewatering of the existing void prior to it being filled. The existing arrangements for controlling the level of water within the void include pumping, with water allowed to flow overland to the existing surface waterbody identified on the topographical survey to the south, which is understood to have a 150 mm outlet pipe. It is proposed to dewater the void in a similar manner prior to the proposed restoration. The discharge rate should be restricted to ensure that the risk of flooding beyond the land ownership boundary is not increased and should be agreed as part of the EMP.
- 6.9.4 In the unlikely event of significant inundation of the void during restoration, this would be evacuated until such time as surface water/groundwater levels have receded.
- 6.9.5 No further flood risk mitigation measures are considered necessary.
- 6.9.6 The Site is not at risk of flooding in up to a 1.0% Annual Exceedance Probability (AEP)⁶ fluvial and 0.5% AEP tidal event including an allowance for climate change. Whilst surface water is stored within the existing void on the Site, the restored site would comprise permeable surfaces and consequently any rain falling onto the Site would runoff at greenfield rates. As such, the proposals would not be expected to impact flood risk elsewhere.

⁶ The AEP is a way of expressing the likelihood of a particular event occurring in any given year. For example, a '1 in 30 year flood' has a $1/30 = 0.033$ (3.3%) probability of occurring in any one year, whilst a '1 in 100 year flood' has a $1/100 = 0.010$ (1.0%) probability of occurring in any one year.

- 6.9.7 During the infill phase, water from the dewatering activities would be disposed of in the same manner as at present and the discharge rate should be restricted to ensure that the risk of flooding beyond the land ownership boundary is not increased.
- 6.9.8 On the basis of the assessment presented in the FRDA, and specifically due to the risk of flooding from pluvial surface water and groundwater, the proposals are not considered to be exempt from the Sequential Test. However, the proposals are for the restoration of an existing quarry and therefore it would not be possible to locate this elsewhere. It is, therefore, concluded that the proposals satisfy the requirements of the flood risk Sequential Test, and that no sequential assessment of potential alternative sites is required.
- 6.9.9 The Exception Test need not be applied for 'Less Vulnerable' development within flood zone 1.
- 6.9.10 Following restoration, which would include the seeding of land to promote vegetation, surface water would be disposed of naturally by means of infiltration and evapotranspiration, with any off site flows discharging at greenfield runoff rates. A filter drain would be incorporated along the northern boundary of the Site to intercept and divert runoff away from the residential properties to the north, discharging flows towards the wooded area to the south-east boundary.
- 6.9.11 In conclusion, the FRDA report demonstrates that the Proposed Development would be completed in accordance with the requirements of planning policy.

6.10 Arboriculture

- 6.10.1 An Arboricultural Impact Assessment (AIA) has been prepared by Urban Green in support of the application and is provided at Appendix H.
- 6.10.2 All trees, regardless of their statutory status, are a material consideration in a planning application. BS 5837: 2012 recognises the potential conflict between trees and development. The standard sets out to assist those concerned with trees in relation to construction and aid with decision making. This is achieved by providing impartial and balanced information on trees and their potential impacts.
- 6.10.3 Due to the size and nature of the Quarry, it was decided that the survey methodology would include broadly grouping trees that share very similar characteristics. This



method is in line with point 4.4.2.3 of BS 5837: 2012 that states '*Trees forming groups...should be identified and considered as groups where the arboriculturist determines that this is appropriate... It may be appropriate to assess the quality and value of trees as a whole, rather than individuals.*'

- 6.10.4 The Root Protection Area (RPA) is an area of ground around the base of a tree indicated on the plans included in Appendix 4 of the AIA as an ochre yellow circle centred around the stem which is calculated in relation to the stem diameter.
- 6.10.5 BMBC TPO (Reference Number: 7, Tree Reference Numbers: W1 and T1) are currently in effect at the Quarry, beyond the Application Site's eastern boundary.
- 6.10.6 The Proposed Development necessitates the removal of a section of one 'Moderate Quality' woodland and a section of one 'Low Quality' tree group within the site boundary. This loss is mitigated against through onsite replacement tree planting and the production of a robust soft landscaping scheme (Planning Drawing 3263-01-09).
- 6.10.7 Tree protection fencing would to be installed at the alignment shown on the Tree Protection Plan (Appendix 4 of the AIA) before any infilling activities take place.
- 6.10.8 An Arboricultural Method Statement would not be required to facilitate the proposed development, as there are no works proposed within the RPAs of retained trees.
- 6.10.9 All operations that would affect trees on and adjacent to the Site would be considered as part of the project management of the Proposed Development, best practice measures would be set out within the EMP. Where required, an Arboricultural Consultant would be appointed to advise on pre-development issues and supervise onsite operations.

6.11 Conclusions

- 6.11.1 A number of environmental assessments and reports have been undertaken as part of the preparation of the planning application submitted to BMBC. Several of these are reported as part of this PS, as opposed to being included within the accompanying ES. The applicant volunteered an ES. Consequently and irrespective of whether the Proposed Development is *likely* to give rise to significant environmental effects, the project therefore becomes EIA Development (and is



subject to the requirements of the EIA Regulations). Those environmental topics that are considered less likely to give rise to significant effects have been 'scoped' out of the ES by the applicant and are provided as appendices to the PS. Those environmental topics that may give rise to significant effects have been scoped into the ES by the applicant. The result of the assessment process has demonstrated that the applicants consideration of likely effects was correct given that no significant or unacceptable impacts have been identified.

- 6.11.2 All the potential environmental effects assessed by the Applicant are low. Mitigation measures embedded into the Proposed Development ensures that the impacts are acceptable. The results of the environmental assessment (both provided within the PS and ES) can be used to appropriately assess compliance with planning policies (where relevant) and applied as part of the overall planning balance (see Chapter 7.0 below).



7.0 CONCLUSIONS AND PLANNING BALANCE

7.1 Introduction

7.1.1 This Planning Statement (PS) has been prepared by Axis on behalf of Green Earth (Stairfoot) Limited, a wholly owned subsidiary of Green Earth Developments (Group) Limited in support of a planning application for the re-engineering of Yew Tree Quarry through the importation of non-hazardous excavated soil materials and the restoration of the Site to grassland and woodland providing improved access and increased biodiversity (the Proposed Development) at land within the Stairfoot Quarry, Wombwell Lane, Stairfoot (the Quarry).

7.1.2 The Applicant has volunteered an EIA, the scope of which has been limited to the topics of noise, ecology, transportation and ground conditions, geology and hydrology on the basis that these were considered by the Applicant that they *may be likely* to give rise to significant effects. Other environmental topics have been subject to detailed assessment and provided as appendices to this PS. The result of the EIA process is that, following assessment, the Proposal does not give rise to any significant effects.

7.2 The Planning Balance

7.2.1 All development delivers benefits of one form or other (otherwise development would simply not happen), and all development gives rise to harm to one degree or another (an inevitable consequence of change), but at its core, planning is about comparing the benefits that a proposed development would deliver against the harm that it would cause, and then arriving at a balanced judgement as to whether planning permission should be granted. That is manifest in law through Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires applications for planning permission to be determined against the policies of an up-to-date development plan unless material considerations indicate otherwise. The principle is that an up-to-date development plan will have been tested to ensure that it is sound and incorporates all the policies necessary to help make a balanced judgement.

7.2.2 Where there are no relevant development plan policies, or the policies of most relevance are out-of-date, the NPPF confirms that planning permission should still be granted unless the policies of the NPPF that protect areas or assets provide a



clear reason for refusal, or the adverse impacts would significantly and demonstrably outweigh the benefits.

7.2.3 In this case the Local Plan has been considered to be up-to-date, and the policies of most relevance to the determination have been identified. The Applicant has then assessed the Proposed Development against those most relevant policies along with all other policies that may be considered, remotely or otherwise, of relevance to the ultimate planning decision.

7.2.4 It is important to recognise that in order to ‘accord’ or be ‘consistent’ with the development plan an application need not comply with all parts of every policy within it. Case Law has decreed that the Section 38(6) duty can only be properly performed if the decision-maker establishes whether or not the proposal accords with the development plan ‘taken as a whole’. This is because development plan policies can pull in different directions (some may support a development, and some may weigh against it), and consequently a decision-maker needs to assess a proposal against these competing policies and decide whether, in light of the plan as a whole, the proposal does or does not accord with it.

7.2.5 This assessment has concluded that the application complies with all the policies of the development plan of relevance to the determination. Furthermore, the application provides significant and demonstrable benefits. These benefits include:

- i) Creates habitats and enhances biodiversity, supporting local and protected species
- ii) Contributes to wider ecological networks and nature recovery
- iii) Improves landscape character and visual amenity
- iv) Provides safe public access with associated health and wellbeing benefits
- v) Removes public safety risks from trespassing and unauthorised swimming
- vi) Eliminates the need for unsustainable long-term water pumping to remove water from the existing void



- 7.2.7 Consequently, the need and benefits of the Proposal are significant and demonstrable for which significant weight should be given in the planning balance. Added to this the Proposed Development complies with the policies of the Development Plan, taken in isolation or in the context of the Plan taken as a whole. Significant weight should be given to this in the planning balance.
- 7.2.8 The technical assessments prepared in support of this application confirm the following impacts:
- i) Traffic – the impacts are limited in duration, appropriately mitigated by limiting hours of operation and ensuring the access is appropriate. The HGVs would be utilising the highway in any event, with or without the Proposed Development.
 - ii) PRoW – the impacts are limited and mitigated through the temporary diversion and EMP.
 - iii) Biodiversity – the impacts are limited during the 111 week infilling period which would be mitigated through the EMP and by the net benefit overall to biodiversity.
 - iv) Amenity – Noise and dust impacts would be limited for the duration of the infilling operations, these would be mitigated by a series of measures set out EMP.
 - v) Arboriculture – there would be a loss of a small section of trees, these would not be high value trees and would be mitigated through re-planting.
- 7.2.9 Given the impacts, as set out above, the weight to be applied against the development is very limited. Taken as a whole, the application clearly and demonstrably complies with the objectives of the development plan. As a result, the proposal represents sustainable development, and the application benefits from the presumption in favour of it provided by the NPPF.
- 7.2.10 The presumption in favour of sustainable development does not change the statutory status of the development plan, nor does it remove the requirement to consider whether there are any other material considerations that outweigh that presumption provided by the development plan.
- 7.2.11 The application has been supported by an ES and other documents that are appended to this PS. These have informed the assessment of policy. These demonstrate that there are no other material considerations that should outweigh the clear presumption in favour.

7.2.12 In light of the above, the planning balance is clearly in favour of the proposal. The application accords with the development plan taken as a whole, and there are no other material considerations that outweigh the presumption in favour of it. Consequently, planning permission should be granted without delay.

