

By email
18 June 2026

Planning and Building Control Barnsley,
Barnsley MBC,
PO Box 634
Barnsley,
S70 9GG

Your ref 2021/1660
Our ref 253511-62

Dear Sir/Madam

Old Mill Lane: Section 73 Application

Section 73 Application to Vary Conditions 7, 11 and 14 of Planning Permission 2021/1660

This letter accompanies the submission of a planning application on behalf of South Yorkshire Mayoral Combined Authority (the Applicant) under Section 73 of the Town and Country Planning Act 1990. The application seeks to vary the following conditions attached to planning permission 2021/1660, granted by Barnsley Metropolitan Borough Council (the LPA) on 13th October 2023:

- Condition 7: Construction Method Statement;
- Condition 11: Hard and Soft Landscaping; and
- Condition 14: Biodiversity Enhancement Management Plan.

The approved works comprised the widening of Old Mill Lane, including Old Mill Lane Bridge. The highway gained approval for being widened from three lanes to five (one of which being a bus lane), with a cycle and pedestrian path provided either side of the carriageway.

The application will result in changes to documentation previously provided to the LPA in condition discharge applications, with those of relevance to this Section 73 application being:

- 2023/0021: Included details for Condition 7; and
- 2023/0090: Included details for Conditions 11 and 14.

Submission Pack

The following documents and drawings are submitted to support this planning application.

Document/ Drawing Title	Reference
Application Form	N/A

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Document/ Drawing Title	Reference
Covering Letter	This document
People Vehicle and Plant Management Plan	HSF-TF-0047a V2.5
Old Mill Bridge Upgrade General Arrangement Plan	A61-ARUP-XX-XX-DR-CH-101 Rev C01
Old Mill Lane New Bridge Proposed Planting Plan	A61-ARP-XX-XX-DR-LA-101 Rev C02
Biodiversity Net Gain Assessment	0-15-08 Issue 3
Biodiversity Enhancement Management Plan	0-15-08 Issue 3 Rev B

Site Context and Need for the Development

The Old Mill Lane Bridge is located to the north of Barnsley Town Centre and forms part of the A61 leading to Wakefield Road. The bridge is part of the route connecting Barnsley Town Centre to Wakefield to the north and the M1 to the south, which forms part of the Strategic Road Network (SRN) for a short stretch between the A616 and the M1 junction 36 at Tankersley.

The Site includes the northeastern corner of the Asda car park, which leads to an access track onto the riverside path, a gas governor, pedestrian access and egress onto Old Mill Lane. The wider context of the Site is characterised by retail units, with the River Deane and associated planting along said river.

The Site forms part of the A61 corridor, which is a strategic route linking Barnsley to Wakefield and the M1 motorway. The route suffers from congestion, significant delay and journey time variation for buses and general traffic. An Arup Feasibility Study undertook in 2017 to assess the situation and suggest potential solutions, it was established Old Mill Lane bridge is a bottleneck for southbound traffic, which goes towards the town centre. Benefits of other junction improvement schemes along the corridor would only be realised once the bridge widening scheme was in place.

The modelling identified significant benefits from the widening of the carriageway to create two additional lanes. A bus lane could be provided, in addition to upgrading existing pedestrian footways to provide opportunities to encourage sustainable travel including walking and cycling.

Proposed Amendments

The need arose to relocate the Temporary Site Compound from the Asda car park to a parcel of land to the east of the Site. The land is owned by a different landowner, however, there is an agreement in place to lease the said parcel of land to site the compound.

The LPA were contacted via email on 22nd January 2016, outlining the above and what would need to be done from a planning perspective to formalise the relocation of the Temporary Site Compound. A reply was received from Mr James Hyde, Spatial Planning Project Manager on 23rd January 2026, stating:

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“Part 4 of the GPDO ‘Temporary Buildings and Structures’ allows buildings, moveable structures, works, plant and machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining the land without planning permission i.e. a site compound.

However, planning application 2021/1660 was approved subject to conditions. One of those conditions was condition 7 requiring a Construction Method Statement. Condition 7 was discharged under application 2023/0021 with the submission of the ‘People, Vehicle and Plant Management Plan’ which included full details of the site compound. Given the compound is now set to move, it would be contrary to the approved CMS and in breach of condition 7. As such, we would need an application to vary/amend the approved CMS.”

As a result of the relocation of the Temporary Site Compound, landscaping on Site has also changed. Details pursuant to conditions 11 and 14 have, therefore, also been provided.

The proposed changes are shown on the following amended documents and drawings:

Title	Application Reference	Approved Document Reference	Amended Document Reference
People Vehicle and Plant Management Plan	2023/0021	HSF-TF-0047a V2.4	HSF-TF-0047a V2.5
Old Mill Bridge Upgrade General Arrangement Plan	2023/0090	A61-ARUP-XX-XX-DR-CH-101 Rev P05	A61-ARUP-XX-XX-DR-CH-101 Rev C01
Old Mill Lane New Bridge Proposed Planting Plan	2023/0090	A61-ARP-XX-XX-DR-LA-101 Rev P01	A61-ARP-XX-XX-DR-LA-101 Rev C02
Biodiversity Net Gain Assessment	2021/1660	0-15-08 Issue 2	0-15-08 Issue 3
Biodiversity Enhancement Management Plan	2023/0090	0-15-08 Issue 3 Rev A	0-15-08 Issue 3 Rev B

Condition 7

Condition 7 states:

“No construction development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- *Working times*
- *The parking of vehicles of site operatives and visitors*
- *Routing of and means of access for construction traffic*

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- *Identification of agreed access point*
 - *Contractors method for controlling construction traffic, adherence to routes and temporary signage.*
 - *Loading and unloading of plant and materials*
 - *Storage of plant and materials used in constructing the development*
 - *The erection and maintenance of security hoarding*
 - *Measures to control mud and dust being transferred to the public highway*
 - *Measures to protect the watercourse within and close to the site”*

The Construction Method Statement previously submitted and approved by the LPA (ref 2023/0021) has not changed beyond the inclusion of the People Vehicle and Plant Management Plan (PVMP).

The changes to the approved PVMP are limited to the inclusion of text around the new siting of the Temporary Site Compound, which confirms:

- Access points;
- Vehicle movements and banksman presence;
- Standard good practices will be implemented;
- Banksman roles and responsibilities; and
- Types of vehicles accessing the Temporary Site Compound.

The Temporary Site Compound is to be relocated due to the end of the term for leasing the ASDA land in which the current compound is located.

Owing to the PVMP only being updated in respect of the new Temporary Site Compound and all other main points remaining the same, the amendments would not give rise to any highways impacts beyond those previously deemed acceptable in the original planning application and subsequent condition discharge application.

Conditions 11 and 14

Condition 11 states:

“No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved landscaping details shall be implemented in the first planting season following the completion of the works.”

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Condition 14 states:

“Prior to commencement, a Biodiversity Enhancement Management Plan (BEMP) which would include the following shall be submitted to, and approved in writing by the Local Planning Authority:

- *a plan of the areas to be maintained, enhanced and/or created;*
- *a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;*
- *a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved. Monitoring would be required within years 2, 5, 10, 20 and 30;*
- *schedule of actions to be undertaken in case signs of failing are identified.*
- *the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.*

The BEMP will be supported by a Defra Metric and will include condition assessments of baseline habitats and condition assessments of habitats proposed for creation, with details of the condition assessment criteria anticipated to be passed/failed.”

Owing to below ground infrastructure, the landscape plans have had to be amended. This has resulted in an increased planting area on site when compared to that originally approved.

As such, the amendments to the landscaping scheme previously approved under application 2023/0090 will provide increased benefits and habitat provision.

In respect of Biodiversity Net Gain (BNG), it is important to note the original application was prior to mandatory BNG being enforced. Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance states:

“Biodiversity net gain has only been commenced for planning permissions granted in respect to an application made on or after 12 February 2024. Permissions granted for applications made before this date are not subject to biodiversity net gain.

Biodiversity net gain does not apply to:

...

section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.”

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Policy BIO1 Biodiversity and Geodiversity of the Barnsley Local Plan (Adopted January 2019) does not outline a set target of gains in biodiversity that developments must achieve.

A revised BEMP has been submitted to reflect the revised landscaping provision. The original approval and subsequent condition discharge application approved a planting area of 0.05ha, which resulted in a loss of 2.27 habitat units.

The revised BNG scheme submitted with this S73 application proposes an updated planting area of 0.08ha, which results in a total loss of 2.11 habitat units.

As such, the amended landscaping scheme results in an increased planting area and a decrease in the loss of habitat units. The amended scheme is materially better on landscape and BNG grounds than that originally approved.

Conclusion

The proposed amendments to the approved scheme are minor in nature and will not give rise to any unacceptable material planning impacts.

Part 4 of the GPDO 'Temporary Buildings and Structures' allows buildings, moveable structures, works, plant and machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining the land without planning permission. The only need for a planning application is to amend the siting of the Temporary Site Compound within the approved planning documentation.

There will be no unacceptable impacts on highways as a result of the Proposed Development, with the vast majority of the previously approved PVMP remaining unchanged.

The Proposed Development also allows for an increased planting area, resulting in a better landscaping scheme and reduced impact on BNG than was previously deemed acceptable by the LPA.

There are no material planning reasons as to why the proposed amendments cannot come forward.

I trust that the attached forms and supporting documents and drawings are sufficient to allow the application to be validated.

If you have any queries regarding this letter or contents of this application, please do not hesitate to contact me. In the meantime, I look forward to receiving any comments you may have or any correspondence relating to the application.

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Yours sincerely,

