

Applicant: SYPTE

Description: Widening of highway including Old Mill Lane Bridge from three lanes to five lanes to include provision of bus lane and widened paths. Alterations to bridge structure to support extension to bridge deck. Realignment of riverside access track and repositioning of access stairs. Relocation of gas governor, memorial, bus shelter and Asda recycling centre. Removal of trees covered by Tree Preservation Order.

Site Address: Old Mill Lane including Old Mill Lane Bridge to the east of the Asda Store. Old Mill Lane bridge crosses over the River Dearne

2no objections have been received from local residents

Site Description

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.

To the north of the site are large commercial units including Greggs and the Salvation Army donation centre. Further large retail units including Aldi and Wickes are also located to the east of Old Tannery Road to the east side of the A61 Old Mill Lane. The River Dearne passes under the Old Mill Lane bridge from west to east, with extensive tree cover lining the River Dearne corridor.

To the south of the site is a large retail unit containing a B&M Store, to the west is an Asda Superstore and its associated car park, a McDonalds Drive through restaurant and further tree planting. The site includes the north eastern 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.

Background

The application site forms part of the A61 corridor, which is a strategic route linking Barnsley to Wakefield and the M1 motorway. The route currently suffers from congestion, significant delay and journey time variation for buses and general traffic.

Arup undertook a feasibility study in 2017 to assess the impacts of a range of potential interventions along the A61 corridor in Barnsley. The study found that the Old Mill Lane bridge is a bottleneck for southbound traffic (towards the town centre), and that the benefits of other junction improvement schemes along the corridor would only be realised once the bridge widening scheme is in place. The bridge widening is therefore considered to be a crucial starting point to deliver other potential interventions in the future.

Proposed Development

The applicant seeks permission to widen the existing highway at Old Mill Lane, including the Old Mill Lane Bridge. The existing bridge currently comprises three lanes, with a pedestrian footway on either side of the carriageway.

The proposals would widen the highway to provide five lanes each measuring 3.5m in width. This would include four vehicle lanes and a separate bus lane. A widened 3m wide footpath would be provided on either side of the carriageway. The bridge would be widened by approximately 7m to accommodate the additional lanes, resulting in a total width for the bridge of approximately 25m.

Alterations would be made to the bridge structure to support the proposed extension. Access stairs leading from the bridge to a public right of way (PROW) below would also be repositioned to take into account of the relocated edge of the widened bridge. The widening of the A61 would require

the relocation of the existing bus stop and bus shelter, an existing gas governor and a memorial located within landscaping between Old Mill Lane and the Asda car park. A number of trees would be lost including trees covered by a Tree Preservation Order (TPO) on the northern bank of the River Dearne.

Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site is located within and in close proximity to a number of designations and constraints.

The A61 Old Mill Lane is shown on the proposals map as being part of the Local Strategic Highway Network as a road that has more than local importance.

Greenspace known as 'Fleets Dam' and 'Dearne Valley Old Mill' is identified on the Council's policies map within the Dearne Valley river corridor. This land is also identified as a Local Wildlife site recognised as having biodiversity and/or geological value (Old Mill Lane). It is designated for a Daubenton's bat roost within a culvert to the east of Old Mill Lane. The greenspace is also within the Green Belt, defined as land to be kept mainly free from development. Land east of Old Mill Lane is defined as a Nature Improvement Area on the Council's policies map.

Flood risk maps identify the site as being within Functional Floodplain (Flood Zone 3) because the Old Mill Lane bridge crosses the River Dearne.

To the north-west side of the application site is a group (G1) of trees covered by Tree Preservation Order (TPO) No. 38. To the north-east side of the site is a mixed deciduous woodland (W1) covered by TPO reference no. 5.

The main development plan policies that are relevant to the assessment of the proposal are as follows:-

Policy T1 Accessibility Priorities

Policy T4 New development and Transport Safety

Policy T5 Reducing the Impact of Road Travel

Policy LG1 The Location of Growth

Policy TC1 Town Centres

Policy BTC9 Cycling

Policy BTC10 The Green Sprint

Policy SD1 Presumption in favour of Sustainable Development

Policy GD1 General Development

Policy GI1 Green Infrastructure

Policy GS1 Green Space

Policy GS2 Green Ways and Public Rights of Way

Policy G12 Canals – Safeguarded Routes

Policy GB1 Protection of Green Belt

Policy D1 High Quality Design and Place Making.

Policy HE6 Archaeology

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy CC3 Flood Risk

Policy AQ1 Development in Air Quality Management Areas

SPD's

Those of relevance to this application are as follows:

- Sustainable Travel
- Trees and Hedgerows
- Biodiversity & Geodiversity

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. For decision-taking this means:-

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraphs of relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Para 98 – Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

Para 100 – Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including national trails.

Para 104 - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

Para 105 - The planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

Para 111 - 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.

Para 126 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 147 – Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 150 – Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include [b] engineering operations and [c] local transport infrastructure which can demonstrate a requirement for a Green Belt location.

Para 174 – Planning policies and decisions should contribute to and enhance the natural and local environment.

Para 180 - When determining planning applications, local planning authorities should apply the following principles: [...]

d. development whose primary objective is to conserve or **enhance biodiversity** should be supported; while opportunities to **improve biodiversity in and around developments** should be integrated as part of their design, especially where this can secure **measurable net gains for biodiversity** or enhance public access to nature where this is appropriate

Consultations

Air Quality Officer – No objections

Biodiversity – No objections subject to a S106 Agreement to secure biodiversity net gain and conditions.

Conservation Officer – No objections.

Drainage – No objections subject to a condition.

Environment Agency – No objections subject to the applicant obtaining Environmental Permit from them prior to the commencement of development.

Highways – No objections subject to conditions.

Pollution Control – No objections.

PROW – No objections.

SYMAS – No objections subject to conditions.

The Coal Authority – No objections subject to conditions.

Tree Officer – See the assessment section of the report on the tree implications.

Yorkshire & Humber Drainage Boards – No objections.

Yorkshire Wildlife Trust – No objections subject to conditions and licences.

Representations

Letters were sent to 18no. neighbouring properties, a site notice was erected within the area and a press notice was published in the Barnsley Chronicle. 2no. letters of objection have been received. The main points of concern are:-

- The signalised junction at the South side of the site needs modifying.
- Loss of trees, some with Tree Preservation Orders.
- Detrimental impact to wildlife.
- Potential knock on effect to surrounding road network.
- Planned/future development within the area would have a detrimental impact.

Assessment

Principle of development

The A61 Old Mill Lane is designated in the Local Plan as being part of the Local Strategic Highway Network as a road that has more than local importance. The main part of the Local Plan that is relevant to the assessment of the proposal is the transportation section therefore.

The proposal stems from a feasibility study undertaken in 2017 to assess the impacts of a range of interventions along the A61 corridor, a strategic arterial route linking Barnsley to Wakefield and the M1 motorway. The study concluded that the Old Mill Lane bridge is a bottleneck for southbound traffic and notwithstanding the benefits that this proposal would bring, the benefits from other junction improvements along this corridor would only occur once this scheme has been implemented. The overall aim of the proposal is to reduce congestion and delay and improve journey time reliability along this key route.

The Accessibility Priorities Diagram accompanying Local Plan Policy T1 identifies Urban Barnsley within the Accessibility Improvement Zone (AIZ). The proposals are supported by modelling evidence which demonstrates that the development would improve sustainable transport and circulation in the AIZ and part of the core bus network. In particular, the proposal is predicted to improve journey times through this section of the A61 which is highly trafficked and is subject to queuing and congestion at busy times. Bus connections which are more reliable and would encourage more greater modal shift/sustainable travel through increased walking and cycling. Accordingly, the development helps to achieve the accessibility priorities set out in Policy T1 of the Local Plan.

Similarly, the proposal would satisfy one of the aims of Local Plan Policy T5 'Reducing the Impact of Road Travel' via implementing measures to ensure the current road system is used efficiently and because the widened footpaths that would be created on both sides is sufficient corridor width to enable them to be converted into a shared cycle/footway in the future. In addition, the proposal would link with the network of existing footpaths and crossings in the area, public rights of way and the off road active travel corridor that is in the process of being created from Barnsley Town Centre to Royston where there is a connection around both sides of the Asda site to link with the

section of the route that passes alongside the Fleets towards Smithies. The proposals would therefore benefit all modes of travel including public transport, walking and cycling.

The proposal would also attract significant weight in support from national policy in the form of the NPPF which instructs that opportunities to promote walking, cycling and public transport use are identified and pursued (para 104 (c)). Paragraph 105 of the NPPF also applies which states the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

In spatial development policy terms LG2 identifies Urban Barnsley as the main focus for housing, employment, shopping, health, leisure, business and public services in the Borough. The A61 currently forms a key route connecting Barnsley Town Centre south to Wakefield and north to the M1. The development proposals would help to address existing issues along this section of highway. The policy also outlines the importance of Barnsley Town Centre and the proposed works would provide a sustainable transport solution by helping to encourage future development in Urban Barnsley and support its role as a sustainable location and focus for growth.

The development provides accessibility improvements to Barnsley Town Centre and would help to fulfil its sub regional role to support existing town centre uses and encourage new retail and town centre development. The transport improvements would help to maintain and enhance the vitality and viability of the town centre, improving the attractiveness of town centre facilities and services in accordance with Policy TC1 of the Local Plan.

It must be acknowledged that the extension of the width of the bridge encroaches outside of the land that is designated urban fabric in the Local Plan which is in the Green Belt. However, paragraphs 149 and 150 set out certain forms of development which are not inappropriate within the Green Belt where they would preserve its openness and do not conflict with the purposes of including land within it. Parts b) and c) of paragraph 150 list engineering operations and local transport infrastructure as being forms of development that are not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it. The proposal is considered to satisfy both of those tests in that it would represent a modest extension of the width of an existing multi-laned road bridge by 7m. Furthermore, as a highway and combined cycle and footpath it would remain a predominately open structure. The proposal also avoids conflicting with the 5 purposes of including land within the Green Belt which are:-

a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another ;c) to assist in safeguarding the countryside from encroachment ;d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In Green Belt planning policy terms therefore, the proposal is considered to be an appropriate form of development that does not require very special circumstances in order to justify. That said there are compelling transportation benefits associated with the proposal which would readily have provided the necessary level of justification had very special circumstances been required.

The area in which the bridge is located is within the Dearne Valley Green Heart Corridor which forms part of Barnsley's Green Infrastructure network. Policy GI1 of the Local Plan seeks to protect open space within these corridors as a multi-functional Greenspace asset. In the main the proposal would result in a relatively small and localised form of harm to the asset because the majority of work would take place above the River Dearne and as public access would be maintained to the existing public right of way that runs to the north of Old Mill Lane. However there some of the asset would be harmed as a result of loss of habitat and trees in order to carry out the development. The assessment of the proposal in relation to the impact on trees and biodiversity is set out in separate sections of the report below.

Visual Amenity

The bridge deck extension would be constructed using precast concrete with a 1.5m high vehicle parapet with mesh infill. The deck would be supported by 900mm diameter reinforced concrete piles. The carriageway proposes a widened highway finished with a black bituminous combined 3m wide footway and cycleway on both sides.

The proposals would impact on existing landscape features alongside Old Mill Lane in order to deliver the physical works and enable construction. This includes the loss of trees alongside the Asda car park and the bridge, including the loss of trees forming part of the protected group to the northern bank of the River Dearne. However, earthworks would tie the proposed development into existing levels adjoining the site. This would enable soft landscaping and replacement planting along the western extent of the development which would provide a high-quality environment following completion of the works and once established. In addition, the works would be viewed against the backstop of the majority of the trees and vegetation that would be retained in the immediate area. As such, the proposed works would not have a significantly detrimental impact on the visual amenity of the streetscene in accordance with Local Plan Policy D1.

The Barnsley Landscape Character Assessment from 2002 identifies the site within the C3 character area. The 2016 review confirms that the character area is largely unaffected since the 2002 assessment. Key characteristics of the C3 Landscape Character area include that transport and communication routes. Bridges over the valley floor are recognised as a key feature of the landscape within the Landscape Character assessment. There would be some loss of mature trees to accommodate the widened bridge, although the bridge will continue to be viewed in the context of the existing highway infrastructure. The group of trees to the north of the bridge will largely be retained and will continue to provide a transition to the Dearne Valley Green Heart Corridor along the river valley.

Trees

An Arboricultural Report and Arboricultural Impact Assessment has been submitted alongside the application.

There are 2no. Tree Preservation Orders (TPO) in force on this site, a woodland TPO (Ref: 5, number W1) to the East of the site and a group TPO (Ref: 38, number G1) to the West of the site. The presence of a Tree Preservation Order (TPO) represents the Local Authority's desire to retain trees within the landscape. As such, trees covered by a TPO are generally more likely to require retention within a proposed scheme and this should be taken into account during the design process. In some cases, the removal of TPO trees may be agreed upon, providing the benefits of the proposed development are deemed greater than the material loss of the trees.

It should be noted that there is little room for the proposed road layout without the removal of trees. 6no. category 'B' trees/groups/woodlands and 1 category 'C' tree are proposed to be removed which include a section of the woodland TPO.

Ultimately in order for the road improvements to go ahead the tree removals highlighted are required. Whilst the removal of these trees will be of detriment to the arboricultural values of the site, it is recognised that the retention of trees is only one consideration in the planning decision process. The loss of these trees must be weighed against the benefits of the proposed development in the usual manner.

Throughout this report the benefits of the road widening scheme have been highlighted, particularly in the principle and highways section above. As such, on balance, although the loss of trees is regrettable it is not a significant enough reason to outweigh the benefits brought by the scheme. The Councils Tree Officer has been consulted on the application and has, on balance, no raised objections subject to a suitably worded landscaping condition for replacement and conditions for the protection of the retained trees during construction.

Biodiversity

Local Plan policy BIO1 Biodiversity and Geodiversity sets out that proposals will be expected to follow the national mitigation hierarchy (avoid, mitigate, compensate) and to achieve no net loss.

As has been established the proposal would result in the loss of mature trees as existing forms of ecology habitat. Regrettably however that loss of vegetation is unavoidable in order to enable the development to be carried out. The scenario with this application therefore is one of mitigation and compensation.

The application is accompanied by a Preliminary Ecological Appraisal and Otter and Bat Surveys which consider the effects of the proposed development on protected species. The assessment has looked at the implications for a range of protected species including nesting birds, bats, otters, badgers.

The survey identified that a Daubenton's bat roost is present within the site boundary within an existing culvert that passes below Old Mill Lane. Due to proposed piling works taking place in proximity to the roost and road re-surfacing works occurring above the culvert, a licence for disturbance would be required from Natural England post planning permission prior to works starting on site.

The areas of broadleaved woodland, introduced shrub, scattered scrub and broadleaved trees offer suitable habitat for common nesting bird species. The nests of wild birds and eggs are protected under national legislation and so the report recommends that vegetation clearance and demolition activities should be completed outside of the bird nesting season (March –August).

In addition to the protected species and ecology reports the application has been accompanied by a biodiversity metric to quantify the value of the existing habitat and to calculate the level of compensation that is required. The latest Biodiversity Net Gain Metric submitted with the application indicate a loss of 2.27 Habitat Units (61.33%) and 0.05 River Units (15.22%). As such, the applicant would need to enter a section 106 agreement with the Council to pay a tariff which would be used for appropriate off-site mitigation projects. The tariff is currently £25,000 per unit, as such, the payment in this instance would equate to £58,000. The ecology report also recommends that the trees that need to be removed are replaced on a 2:1 ratio.

On balance Biodiversity Officer has raised no objections to the proposal subject to the S106 agreement and suitably worded conditions requiring a Biodiversity Enhancement Management Plan (BEMP), a Construction Environmental Management Plan (CEMP) and a Bat Method Statement.

Highway's considerations

Transport modelling has been undertaken to identify resultant journey time benefits and a Transport Statement has been submitted in support of the application. In addition, as part of the submission and continued design refinement both Stage 1 and Stage 2 Road Safety Audits have been undertaken and reviewed by the Local Highway Authority as well as the requisite Approval in Principle (AIP) for both existing and proposed bridge structures, accepted by BMBC, as the Technical Approval Authority.

The Transport Statement that has been submitted with the application is summarised below in terms of highway safety and highway capacity:

Highway Safety

Personal Injury accident data was reviewed for the five year period 2016-2020 covering a study area of the proposed scheme and 150 metre approaches to and from A61 and A635. A total of 26 collisions occurred within the study area during this period, of which 8 were "serious" and 18 "slight". Of the 26 collisions, 5 occurred within the scheme extents. The review concluded that there are not any road safety concerns on the highway network that are likely to be exacerbated

by the proposal. Notwithstanding this conclusion, the scheme is subject to full independent road safety audit process in accordance with the requirements contained within DMRB GG119.

Highway Capacity / Scheme Impact Assessment

The performance of the scheme and local highway network was undertaken using an Aimsun microsimulation model covering Old Mill Lane and A61 to the south, Bar Lane and A61 Wakefield Road to the north and B6132 Carlton Road to the east. This covers periods of greatest traffic impact namely weekday PM peak (16:30-17:30) and Saturday peak (12:15-13:15) identified from baseline traffic survey data. A number of assessment scenarios were used for the local highway network covering 2023 and 2040.

To assess the impact of the scheme on the performance of the highway network, model outputs were produced including vehicle journey times for a number of routes (*subpaths*) through the model as well as system statistics outputs for the model as a whole. The results demonstrate that the additional capacity provided by the scheme helps to alleviate congestion and delay at this bottleneck on the network. Whilst these are minimal in the PM peak (due to the dominance of the outbound traffic flow), the Saturday peak results show significant journey time savings for both bus services and general traffic. Furthermore, the flow statistics indicate a significantly higher number of vehicles are able to pass through the modelled network as a result of the scheme.

Therefore, in highways terms, the proposed development provides improvements to the capacity of the local highway network in this locality and network resilience for the future. Accordingly there are no objections to the proposed development from a highways perspective subject to suitably worded conditions and informatives being applied to any subsequent planning consent.

Loss of Parking Space

The proposal results in the loss of 13no. spaces within the Asda car park. These spaces are under utilised at present and are located in one of the furthest points from the store entrance, as such, the loss is not considered to have a material impact on the operation of the car park nor operation of the highway network.

Residential Amenity

Although there are residential properties within the area these are generally a significant distance from the application site. The uses immediately adjacent to the proposed improvement works are generally more commercial in nature. In any case, the improvement works are not anticipated to generate additional traffic but to allow the existing traffic to flow through the area better, as such, arguably the proposed works would be of benefit to local residents and neighbouring land users, in accordance with Local Plan policy GD1.

There would be noise and disturbance during construction but this would be controlled through method statements and suitably worded conditions.

Coal Mining

The application site falls within the Coal Authorities defined Development High Risk Area. Therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Coal Authority records indicate that part of the site is in an area of likely historic unrecorded coal mine workings at shallow depth. If shallow coal workings are present, they may pose a potential risk to surface stability and public safety.

The planning application is supported by a Geotechnical and Geoenvironmental Desk Study Report, dated 24th July 2018 and prepared by ARUP and a Ground Conditions and Contaminated Land Assessment Report, dated 5th April 2019 and prepared by ARUP. Both of these reports have content which considers the potential risks posed by coal mining legacy issues to the development proposed.

The Geotechnical and Geoenvironmental Desk Study Report concludes that coal seams may be present at shallow depth and that any voids or workings present may be within influence of the foundations. They note that this should be confirmed by ground investigations.

Section 6.2 of the Ground Conditions and Contaminated Land Assessment Report addresses issues of coal mining legacy. The report makes reference to ground investigations carried out in 2018 with coal seams encountered at depths of 17.5m and 38.9m with no evidence of workings. The report authors state that the shallowest seam has a low likelihood of workings due to its limited thickness and poses a very low risk to the development with no further works necessary. In respect of the deeper coal seam the report authors comment that this lies at sufficient depth such that it also represents a very low risk to the development and that no further works in this respect are necessary. It is assumed that the report authors are satisfied that the investigatory works carried out are adequate to properly assess the risks posed by past coal mining activity.

On the basis of the information submitted, and the professional opinions of the report authors, the Coal Authority and SYMAS have raised no objections to the proposed scheme.

Drainage

A Flood Risk Assessment (FRA) has been submitted in support of the application. The site location is within fluvial Flood Zone 2 and 3 with a high risk of flooding. Due to the project being deemed *essential infrastructure*, an Exception Test has been conducted and showed the wider benefits to the community outweigh the change to flood risk. The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

Fluvial flooding is the largest risk to the site. The river cross section would remain as existing. The existing and extended section of bridge will remain as a clear span deck constructed between the abutments, therefore, no additional supports etc. will be located below the bridge soffit level causing intrusion, potential blockage or interference with continuity of flow in the watercourse.

Impacts in all events modelled do not impact any sensitive receptors. The increase in peak flood extent does not encroach on any property or receptors, there is no additional hazard to any roads and it does not significantly increase flood risk to third parties.

The mitigation measures proposed include increasing the steepness of embankments at the base of the bridge on the upstream side. This prevents additional water being held in storage upstream or downstream and prevents increase to fluvial flood risk. It also negates the addition of a retaining wall in the scheme.

The Environment Agency, Yorkshire & Humber Drainage Boards, Yorkshire Water and the Councils drainage team have been consulted on the application and not raised objections, subject to suitably worded conditions.

Air Quality

An Air Quality Management Area (Barnsley AQMA No. 4) is located to the south of the site at the base of Harborough Hill. An Air Quality Assessment has been prepared which includes a review of existing air quality conditions in the vicinity of the proposed development and provides an assessment of the potential changes in air quality arising from the construction and operation of the proposed development.

There is no predicted change in traffic movements from the widening and re-decking of the A61. The proposed scheme would relieve congestion and the effect of the proposed scheme on local air quality is therefore not considered to be significant. The Councils Air Quality Officer concurred with the findings and raised no objections to the proposal.

Contamination

The applicants have submitted a Ground Conditions and Contaminated Land Assessment Report alongside the application. The report concludes that there is no evidence of significant ground contamination, however, they acknowledge that sampling was limited due to access issues and therefore recommend a supplementary ground investigation to be carried out during site enabling works to confirm the anticipated ground conditions. This will be subject to a suitably worded condition.

Archaeology

An archaeological desk-based assessment and monitoring of preliminary ground investigation works has been undertaken and accompanies the application. An assessment of the significance of any recorded heritage assets within a 500m zone has been undertaken, together with an assessment of any potential impacts. A map regression exercise and walkover survey identified remains relating to a 19th-century water management system to the north of the river.

The desk-based assessment established that there is potential for buried archaeological features of interest to be encountered during the proposed works. These are likely to relate to mill buildings that previously occupied the site, as indicated by the remains of the mill race noted immediately to the west of the proposed development area.

Given the potential archaeological implications South Yorkshire Archaeological Service (SYAS) have not raised objections to the proposal but have requested a suitably worded condition requiring the submission and approval of a Written Scheme of Investigation (WSI).

Public Rights of Way

The plans show a diverted public right of way to join onto Old Mill Lane adjacent to the corner of Asda Car Park, with low level fencing provided to segregate the route from the car park. The applicants have been liaising with the Councils Public Rights of Way (PROW) team to agree a mutually acceptable design and layout.

The PROW team have raised no objections to the current proposal but have reiterated that the only way that a PROW can be moved is via a formal diversion order, which is an entirely separate process to planning and subject to its own consultations and fees. Applications have to pass through both informal (i.e. pre-legal order) and formal consultation stages before a temporary closure is granted to enable works to start.

Summary

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The proposed widening of the existing bridge from 3 lanes to 5, including the creation of a dedicated bus lane would reduce congestion and delay and improve journey time reliability along the A61 Old Mill Lane. The A61 Old Mill Lane is designated in the Local Plan as being part of the Local Strategic Highway Network as a road that has more than local importance and so the benefits attracts substantial weight under Local Plan policies that are most relevant to the proposal -T1 Accessibility Priorities, T5 Reducing the Impact of Road Travel, LG1 The Location of Growth and TC1 Town Centres for the following summary of reasons:-

- The proposals are supported by modelling evidence which demonstrates that the development would improve sustainable transport and circulation in the AIZ and part of the core bus network. In particular, this would provide improved journey times, bus connections

which are more reliable and will encourage more sustainable travel through walking and cycling. Accordingly, the development helps to achieve the accessibility priorities set out in Policy T1.

- The development would put measures in place to enable the road system to be used more efficiently which is consistent with Local Plan policy T5 'Reducing the Impact of Road Travel'.
- The improvement of traffic flows through this section of the strategic road network is complimentary to two of the most important strategic policies in the Local Plan, namely Policy LG2 which encourages development in Urban Barnsley as the main focus for housing, employment, shopping, health, leisure, business and public services in the Borough and TC1, which expresses support for maintaining and enhancing the viability of Barnsley Town Centre.
- The proposal would deliver active travel improvements as a result of the new 3m wide footpath that would be created on both sides of the extended and reconfigured bridge. Also, links would be maintained to the existing public right of way and the off road active travel corridor that is in the process of being created from Barnsley Town Centre to Royston and the section that already exists alongside the Fleets towards Smithies. The proposals would therefore benefit all modes of travel including walking and cycling.

The proposal also attracts significant weight in support from national policy in the form of the NPPF which instructs that opportunities to promote walking, cycling and public transport use are identified and pursued para 104 (c) and 105 which is that the planning system should actively manage patterns of growth to help to reduce congestion and emissions, and improve air quality and public health.

The proposal would encroach slightly into the Green Belt. However, the assessment has determined that the proposal is an appropriate form of development that does not require very special circumstances in order to justify due to engineering operations and local transport infrastructure being forms of development that are not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it which are both satisfied. That said there are compelling transportation benefits associated with the proposal which would readily have provided the necessary level of justification had very special circumstances been required.

As outlined in the report, the development accords with the majority of local and national policies, however, there is some conflict. The area in which the bridge is located is within the Dearne Valley Green Heart Corridor which forms part of Barnsley's Green Infrastructure network. Policy GI1 of the Local Plan seeks to protect open space within these corridors. In addition, policy BIO1 expects development to conserve and enhance the biodiversity and geological of the borough. As has been established the proposal would result in the loss of mature trees as existing forms of ecology habitat, including those protected by a Tree Preservation Order. Regrettably however that loss of vegetation is unavoidable in order to enable the development to be carried out and so the focus has been on mitigation and compensation as per the national hierarchy. The application has been accompanied by the necessary surveys which has identified the risk to protected species and the value of the existing habitat. No highest value category A trees would be impacted and the applicant has acknowledged a need to re-plant trees on a 2:1 basis and apply for a protected species licence from Natural England due to a Daubenton's bat roost being found within the existing culvert that passes below Old Mill Lane post planning permission prior to works starting on site to agree the mitigation methodology.

In addition to the biodiversity metric has quantified the habitat losses 2.27 Habitat Units (61.33%) and 0.05 River Units (15.22%) which would require a financial contribution of £58,000 towards for off site enhancements to deliver a position of no net loss of biodiversity. This combined with the other mitigation and compensation proposals involved are considered to mean that the limited areas of harm would be outweighed by the benefits of the proposal.

Similarly, it is considered that the moderate impact caused by the loss of trees is unfortunately unavoidable and, on balance, is outweighed by the wider benefits of the scheme. However re-planting shall be required by a condition.

The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including flood risk, visual and residential amenity, drainage, contamination risk, coal mining risk, Air Quality, Archaeology and the relationship with the adjacent Public Right of Way subject to appropriately worded conditions.

Overall taking into account the relevant development plan policies and other material considerations, predominantly Local Plan Policies T1 Accessibility Priorities, T5 Reducing the Impact of Road Travel, LG1 The Location of Growth and TC1 Town Centres and NPPF para 104 (c)) it is considered that the development complies with the most important development plan policies that are relevant to the assessment of the proposal. In addition, the assessment has determined that the development would not lead to adverse impacts that would outweigh the benefits having regard to other development plan policies including GD1, CC3, GS1, T4, GS1, GS2, Bio1 and Poll1. Where the development conflicts with these policies, the moderate impact is considered unavoidable and, on balance, is outweighed by the wider benefits of the scheme as a whole. Furthermore, compensation arrangements and mitigation measures will be put in place to minimise these impacts. The presumption in favour of sustainable development that is set out in Local Plan policy SD1 and in paragraph 11 of the NPPF is considered to apply therefore and the recommendation is one of approval accordingly subject to a S106 agreement the conditions listed below.

Recommendation

Grant subject to a S106 agreement (compensation for loss of biodiversity) and the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the plans (Nos A61-ARP-XX-XX-DR-CB-00101-P02, A61-ARP-XX-XX-DR-CB-00102-P02, A61-ARPPX-XX-DR-CB-00104-P02, A61-ARUP-GY-XX-SK-CH-00020-P04 & A61-ARP-XX-XX-DR-CB-01055 - P01) and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3. No development shall take place unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the proper drainage of the area

4. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.

- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

5. No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1250 showing the location of all defects identified
- A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety and in accordance with Local Plan Policy T4

6. No construction works shall commence until a phasing plan and arrangements have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.

Reason: In the interest of highway safety, in accordance with Local Plan policy T4.

7. 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
- 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

Reason: In the interests of highway safety, in accordance with Local Plan policy T4

8. Prior to any works commencing on site full details shall be submitted to and approved in writing by the Local Planning Authority that secure the following works:

- Highway engineering
- Bridge widening
- Provision of / any alterations to highway drainage
- Provision of / any alterations to street lighting
- Any necessary signing / lining details
- Any necessary resurfacing / reconstruction
- Measures to prevent/control parking and loading
- Provision of / any alterations to bus stops

- Signal controlled pedestrian crossing and signal controls

The works shall subsequently be constructed in accordance with the approved details and timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In interests of highway safety, in accordance with Local Plan Policy T4.

9. Development shall not commence until full highway engineering construction details have been submitted to and approved in writing by the Local Planning Authority.

Reason: In interests of highway safety, in accordance with Local Plan Policy T4.

10. No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details

Tree protection plan

Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

11. 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

Reason: In the interests of the visual amenities of the locality.

12. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply

13. No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public sewer network.

14. 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;

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-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.

Thereafter the approved scheme shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1

15. Prior to commencement, a Construction Environmental Management Plan (CEMP: Biodiversity) detailing precautionary measures to be adopted on site during construction works to protect retained habitats and to avoid harm/disturbance to protected and priority species such as nesting birds, amphibians, reptiles, foraging and commuting bats, otters and hedgehogs shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1

16. Prior to the commencement of the development a bat method statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Method Statement shall detail how the proposed works will be carried out to avoid adverse impacts to bats, including timing of works, sympathetic lighting used during construction works and once the widened road becomes operational, and, monitoring surveys to be undertaken following completion of works.

Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In accordance with Local Plan Policy BIO1 'Biodiversity and Geodiversity'.

17. Upon commencement of development, findings from supplementary ground investigations carried out during site enabling works shall be submitted to, and approved in writing by, the Local Planning Authority to confirm the anticipated ground conditions. The development shall be carried out in accordance with the recommendations/mitigation works resulting from the findings, and retained as such thereafter.

Reason: In accordance with Local Plan Policy CL1 'Contaminated and Unstable Land'.

PA Reference:-

2021/1660



BARNSLEY MBC - Regeneration & Property



Scale: 1:2565