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**2017/1401**

**Applicant:** Mr Robert Lunn

**Description:** Variation of condition 1 of planning permission 2016/0068 (variation of conditions 3 and 6 of application 2015/0823 to permit revised access arrangements and to increase the number of HGV movements), to extend the duration of the development by a further 2 years to enable completion of restoration scheme

**Site Address:** Former Carlton Colliery, Shaw Lane, Carlton, Barnsley, S71 3HJ

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2 objections from local residents

### **Site Location and Description**

The application site is the former Carlton Colliery and coking works. The site of some 8 hectares is located to the south of Shaw Lane and adjacent to the Trans Pennine Trail (TPT) and a railway line/bridge which form the eastern boundary. To the west lies the site of Manor Bakeries, while to the south is woodland and agricultural land. Agricultural land is also present to the north of Shaw Lane.

Access to the site is off Shaw Lane, via the former colliery access road. The nearest residential properties lie off Shaw Lane, approximately 80 metres to the east of the site access road, and 125 metres to the north of the main site. A small former sewage works site lies close to the residential properties.

The applicant took over the site in Spring 2013. All of the red shale and most of the ash on the site have been excavated under the planning permissions set out below, with the ash washed to recover fuel. This was completed by December 2015. As part of this, aggregate was exported which was previously imported waste and brick/concrete foundations from the colliery site. The pond required by the restoration scheme has also been formed within the northern part of the ash and red shale excavation area. There are large stockpiles of material awaiting crushing and screening to be used in the restoration of the site, these are believed to pre-date the current ownership and may be material which formed part of the colliery site. There has been no importation of any materials since late 2014.

### **Background**

Planning permission (reference 2007/1365) was granted on the 1 October 2008 for the 'Restoration of former colliery site by raising land using imported materials' for the former Carlton Colliery site off Shaw Lane, Carlton.

It was intended to reclaim the site for possible future development, through the removal (levelling) of heaped red shale/colliery spoil on the site and the importation of soil material (engineering fill) spread to a depth of 250mm to remove any undulations and level the site. This was before capping with imported clays to a depth of 1.3 metres to seal contaminated colliery spoil. The site was to be finished with 300mm of subsoil overlain with 150mm of topsoil to give an overall depth of 2 metres. As there was no top soil available on site, it was intended to mix nutrients such as compost to the clay based sub soil to create a 'top soil'.

During the first phase, a clay lined, landscaped pond was to be constructed in the north eastern corner of the site together with a 3 metre high bund to screen the development from the residential properties on Shaw Lane. An additional bund was proposed along the western boundary of the site. Approximately 58,000 tonnes clay has been imported.

The importation of materials was to amount to some 110,000 cubic metres and could in theory be completed within 12 months. However, owing to the availability of contracts and the period of activity on site, the applicant considered that the site would take up to 3 years to fill.

On completion of infilling, the site would be grass seeded and the periphery of the site tree planted (approximately 3.5 hectares). Any future development proposals would be the subject of a further planning application.

Whilst the development was commenced by the owner of the site at that time, it remained substantially incomplete and the permission expired on 26 May 2012.

On the 25 July 2013, planning permission was granted (reference 2011/1248) to vary condition 3 of planning permission 2007/1365 to extend the period of time to complete the reclamation work on the site. The permission was subject to 27 planning conditions including condition 1 which, with the exception of landscaping, and aftercare provided for a period of a further 2 years to complete the scheme. The permission expired on the 24 July 2015.

Three further temporary planning permissions were also granted for the site during the above periods:

- 2009/0025 - Formation of storage area for up to 36 skips - expired 4 June 2010;
- 2009/1353 - Removal off site of red shale/ash heap - expired 7 April 2011; and
- 2013/1339 – Submitted by the new owner of the site for the recovery of red shale and ash with ancillary activity – granted on the 17 December 2014, was completed in accordance with the planning permission, approximately 124,000 tonnes material was removed from site.

On the 2 November 2015, planning permission was granted (reference 2015/0823) for the variation of condition 1 of planning permission 2011/1248 to extend the time limit for a further 2 years in order to enable the work to be completed on the site. The reason why the reclamation works had not progressed was that the area from which the materials were being recovered under planning permission 2013/1339 was the phase 1 and 2 areas of the restoration scheme.

On 29/07/16 planning permission was granted ( reference 2016/0068) for the Variation of conditions 3 and 6 of planning permission 2015/0823 – to permit revised access arrangements and to increase the number of HGV traffic movements. Condition 26 of that permission requires the following:

*“Prior to the commencement on the amendments approved by this permission. i.e. increase in HGV vehicle movements and creation of revised access arrangements, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:*

- *Provision of a 2m wide adoptable footway on Shaw Lane to the east of the bridge as shown on the approved plan;*
- *Provision of temporary "New Road Layout Ahead" signing;*
- *Provision of tactile pedestrian crossings at the access and egress;*
- *Provision of/any necessary alterations to highway drainage;*
- *Provision of/any necessary alterations to street lighting;*
- *Any necessary resurfacing/reconstruction”.*

Condition 26 has never been discharged and the permission has not been implemented.

### **Proposed Development**

This site has a long history of permissions for the restoration of this former colliery site, although little progress has been made over the years, due to the changes in availability of materials for the reclamation due to changes in waste legislation, and the removal of ash from the site.

In the 2016 the applicant proposed that an additional access arrangements and highway infrastructure improvements would allow for an increased number of HGV movements and shorten the timeframe for the completion of the reclamation works, thereby reducing the impact on local residents and Members may recall granting permission for this changes under 2016/0068. However this permission was never implemented due to all of the conditions not being discharged. The current proposal is to extend the timescale for a further 2 years.

The agent acting on behalf of the applicant has indicated that the approved remediation plans are suitable for residential development. However, the draft Local Plan allocates the site as mixed use which may require less stringent (and therefore less costly) remediation. As such, the applicant is applying to extend the timescale for the completion of the remediation of the site until is clear what the final land use allocation policy shall be in the Local Plan.

### **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. The development plan essentially consists of the Core Strategy, the Joint Waste Plan, and saved Unitary Development Plan policies.

#### Barnsley Local Development Framework Adopted Core Strategy (CS):

The CS does not contain policies or text regarding waste and recycling as these issues are covered by the adopted Barnsley, Doncaster and Rotherham Joint Waste Plan. Relevant Mineral and general policies however, include:

CSP26 – New Development and Highway Improvement - states that new development will be expected to be designed and built to provide safe, secure and convenient access for all road users and refers to the need for developers to take mitigating action or to make a financial contribution to make sure that any necessary improvements go ahead.

CSP38 - Minerals - supports amongst other matters proposals for the recovery of material from mineral waste tips and land reclamation schemes and high quality and appropriate reclamation and afteruse within a reasonable timescale.

CSP40 – Pollution Control and Protection – development will be expected to demonstrate that it is not likely to result 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.

### Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP):

The JWP was adopted in March 2012. Relevant policies are:

WCS6 - covers general considerations for all waste management proposals (access, highway capacity, noise, dust, wildlife and habitats etc). Proposals must include sufficient information to demonstrate that they comply with the requirements within the policy.

### Barnsley Unitary Development Plan adopted 2000 (UDP):

The site is currently allocated as a Site for Expansion of an Existing Firm in the UDP.

There are no relevant saved policies.

### Barnsley Local Plan – Public Consultation 2016:

The Plan establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such, increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

The site is allocated as Land Proposed for Mixed Use in the draft Plan (including housing and green space). Anecdotally the applicant has verbally expressed a reluctance to progress restoration for industrial use which may ultimately be abortive if the site is to be reallocated in the draft Local Plan for other use which may require a different type of remediation and result in unnecessary costs at this stage.

### National Planning Policy Framework (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.

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

In respect of this application, relevant planning policy statements include:

- The effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account;
- Decisions should aim to mitigate and reduce to a minimum adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- Local planning authorities should provide for restoration and aftercare (in respect of mineral sites) at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.

Para 14 sets out the presumption in favour of sustainable development “ approving development proposals which accord with the development plan without delay.... Unless any adverse effects of doing so would significant and demonstrably outweigh the benefits...”

National Planning Policy for Waste (NPPW) (October 2014):

The NPPW sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management, and detailed waste planning policies. Positive planning plays a pivotal role by amongst other things, driving waste management up the waste hierarchy, enabling waste to be disposed of or recovered in line with the proximity principle and helping to secure the re-use, recovery or disposal of waste without endangering human health and the environment.

In determining planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against various criteria including landscape and visual impacts, traffic and access, air emissions including dust, odour, noise, light, vibration etc. and ensure that waste management facilities are well designed.

**Consultations**

Environment Agency - No objections

Pollution Control – No objections

Highways – no objections

Legal Services - the application can be determined with a condition requiring commencement of development prior to 29 July 2019 (expiry of 2016/0068)at the latest

Ward Councillors – no comments received

**Representations**

The proposal was advertised by way of a site notice, the local press and neighbour notification.

Two letters of objection have been received from nearby residents. The concerns raised can be summarised as follows:-

- illegal flytipping outside gates; with inappropriate graffiti sprayed on to the sign;
- smell of waste;
- early morning use of plant and equipment on the site;
- house is unsaleable;
- increasing numbers of lorries and site is muddy in bad weather;
- the permissions have had timescales extended in the past and although more material has been brought onto site it has not been restored;
- noise pollution would affect health and standard of living;
- highway safety due to heavy lorries and mud on the road.

## **Assessment**

### Principle of development

The policy background in relation to this application, despite the adoption of the CS and the JWP and the introduction of the NPPF and NPPW remains much the same as at the time when planning permission 2007/1365 was granted in October 2008 for the restoration of the site using imported materials.

The Planning Regulatory Board at its meeting of 27 October 2015 supported an extension of time for a further two years to complete the reclamation works in the granting of planning application 2015/0823 and again at Planning Regulatory Board on 26th July 2016 for the variation of conditions 3 and 6 to permit revised access arrangements and to increase the number of HGV movements (from 20 to 60). As such, the principle of the operations on site has therefore already been established. The main issues for consideration are therefore, whether the applicant should be permitted additional time to restore the site. Since the previous permission 2016/0068 was not implemented ( since all conditions were not discharged), there was some uncertainty about whether the application could be determined. However, Legal advice is that Members may determine the application, with a condition requiring commencement prior to the expiry of the 2016/0068 permission at the latest (29<sup>th</sup> July 2019).

### Highway Safety

Highways proposals previously approved were to allow a one way system to be adopted that has the following features:

- The installation of signage indicating 'New Road Layout Ahead'.
- The installation of tactile crossings at the access and egress to the site.
- The setting back of at least 10m of any gates from the highway boundary.
- The installation of signing and lining to control the one way system.

These were considered acceptable from a highway safety perspective and no objections are raised to the current proposal which would require the same measures.

### Residential Amenity

The existing access is 80m to the East of the nearest residential dwelling with the proposed access 130m to the west. The site compound is approximately 350m to the south of the dwellings with the site screened from the dwellings by a bund running E-W between 140m and 180m to the south of the dwellings with the site lying south of the bund. It is not considered that visual and residential amenity in terms of privacy and outlook would be overly affected due to the distances involved.

## Pollution Control

Representations have been received in respect of the potential for increased noise levels from both vehicular movements and plant on site. However, the Pollution Control Officer had no objections to the proposals and conditions in respect of operating hours, noise, and the construction of bunds are already in place. No objections have been raised to extending the timescale for restoration. Concerns about the smell of waste is a matter for the Environment Agency. The waste to be imported to the site should be inert construction and demolition waste and should have no odour. All waste movements are reported to the Environment Agency who are the responsible authority for determining if the appropriate type of waste is being imported. Whilst objectors have raised concern about noise from vehicles, the Pollution Control Officer has raised no objections. In addition, the existing site access is 80m West from the nearest residential dwelling and once the new access is created 130m away to the East, the 50% of the vehicular movements would be via that access, reducing any noise impact on the residential properties.

## Other issues

Although objections have been received with regard to fly tipping outside the site, with inappropriate graffiti sprayed on to the sign; this is not a material planning consideration. In fact once the site is operation again fly tipping may cease due to increased on site surveillance.

## **Conclusion**

The proposed extension of time is not considered to result in any significant detriment to highway safety or residential amenity and are operations that already benefit from planning permission. The application is therefore recommended for approval subject to conditions

## **Recommendation**

Planning Permission be granted

- 1        The development hereby permitted shall be begun before the 29th July 2019.  
Reason: To ensure the development is carried out in an appropriate timescale and in accordance with Core Strategy Policy CSP 38 and JWP WCS14.
  
- 2        With the exception of landscaping and aftercare, the development hereby permitted shall have a duration of 2 years from the date of commencement.  
Reason: For the avoidance of doubt and in the interests of local amenity and in accordance with CS policy CSP38 and JWP policy WCS4
  
- 3        Five days notice in writing shall be given to the Local Planning Authority of the date that the development hereby approved is commenced.  
Reason: For the avoidance of doubt and in the interests of local amenity

- 4 The applicant shall be responsible for ensuring that, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the Waste Planning Authority (WPA) during normal working hours.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 5 The development hereby permitted shall only be carried out in accordance with the following documents approved under planning permission 2007/1365 and consolidated under planning permissions 2011/1248 and 2015/0823, and under planning permission 2016/0068 unless amendments are made pursuant to the other conditions below:
- a) Drawing number DTS/CC/2006/REST 03 - Restoration Scheme - showing the red line application boundary - dated August 2006, and received by the WPA on 21 December 2007;
  - b) Drawing number DTS/CC/2006 01A - Former Carlton Colliery - Topographical Survey Showing Pond Areas - dated March 2008, and received by the WPA on 3 March 2008;
  - c) Drawing number DTS/CC/2006/DUST 01 - Remediation Strategy - Dust Plan - dated August 2006, and received by the WPA on 6 September 2007;
  - d) Drawing number DTS/CC/2006/SC 02 - Remediation Strategy - Spontaneous Combustion Plan - dated August 2006, and received by the WPA on 19 September 2007;
  - e) Drawing number 813 101 Rev A - new road layout - received on 12th July 2017.
  - f) Drawing number DTS/CC/2007 02C - Remediation Strategy - Noise Monitoring Positions - dated November 2006, and received by the WPA on 6 September 2007;
  - g) Drawing number DTS/CC/2007/REST 03B - Remediation Strategy - Restoration Scheme - dated March 2008, and received by the WPA on 3 March 2008;
  - h) Drawing number DTS/CC/2006/REST 04 - Remediation Strategy - Restoration Phasing Plan - dated November 2006, and received by the WPA on 6 September 2007;
  - i) Drawing number DTS/CC/2006/REST 06 - Remediation Strategy - Restoration Cross Sections - dated November 2006, and received by the WPA on 15 June 2007;
  - j) Drawing number DTS/CC/2006/REST/07 - Remediation Strategy - Restoration Cross Sections - dated November 2006, and received by the WPA on 15 June 2007;
  - k) Drawing number DTS/CC/2007/REST/08 - Remediation Strategy - Screening Bund Construction - dated May 2007, and received by the WPA on 19 September 2007;
  - l) Drawing number DTS/CC/2007 11 - Proposed Restoration - Proposed Passbye Position - dated September 2007, and received by the WPA on 19 September 2007;
  - m) Statement To Accompany A Planning Application For The Remediation Of The Former Carlton Colliery, produced by Fennell, Green & Bates and dated August 2007, received by the WPA on 19 September 2007;
  - n) Restoration Landscaping Proposals, produced by Fennell,

Green & Bates and dated August 2007, received by the WPA on 6 September 2007;

o) Drawing number DTS/B/292/1b - Landscape Details - dated May 2010, and received by the WPA on 28 June 2010;

p) Drawing number 2007/1365/02 - Drainage Pond Details - dated December 2008;

q) Spontaneous Combustion Report For the Site Known As Carlton Colliery, prepared by Cromwell Wood Estate Company Limited and dated August 2007, received by the WPA on 6 September 2007;

r) Dust Report for the Site Known as Carlton Colliery, prepared by Cromwell Wood Estate Company Limited and dated March 2006;

s) Dust Action Plan, November 2008, Revision A - April 2009;

t) Assessment of Environmental Noise for DTS by Vibrock Limited, report number R07.5216/1/PC dated 22 October 2007;

u) Noise Monitoring Procedure Scheme by Vibrock Limited, scheme number SCH09.5921/1/TJW, dated 01.05.09;

v) Site Investigation report prepared by Cromwell Wood Estate Company and dated April 2006; and

w) Letter dated 6 May 2009 from Mr J Carlon to Mr J Scott and attached Remediation Strategy for Former Carlton Colliery, Revision 3 - April 2009.

x) Second Revision to Noise Impact assessment dates 30th MARCH 2016 by S & D Garritt Ltd

y) Drawing 813101REV A dated July 2016 showing new access and road layout.

Reason: For the avoidance of doubt and in the interests of local amenity

- 6 Working operations within the site including vehicle haulage movements and maintenance shall be limited to the hours between 0800 hours and 1800 hours on Monday to Friday and 0800 hours and 1300 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.  
Reason: In the interests of local amenity.
- 7 The maximum amount of inert materials accepted at the site shall not exceed 110,000 cubic metres less the volume of material imported and retained under planning permissions 2007/1365 , 2011/1248 and 2015/0823 and 2016/0068. A written record shall be kept by the operator of the amounts and type of material accepted on a daily basis. These records shall be made available to the WPA for inspection on request and all such records shall be retained for at least 2 years.  
Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and JWP policy WCS6.
- 8 The number of HGV vehicles entering the site shall not exceed 60 vehicles per day subject to review by the Council at any time 6 months after implementation of this permission. Any such review shall consider the actual planning impacts of the vehicular movements and if the Council consider these planning impacts to be unacceptable the Council may reduce the number of vehicles entering the site to any number between 60 and 20. A record

shall be kept by the operator of the number of HGV movements into the site on a daily basis. These records shall be made available to the WPA for inspection on request and all such records shall be retained for at least 2 years. The operator shall inform the Council, in writing, of the date of implementation of the 60 vehicles per day within 5 working days of having implemented it.

Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and JWP policy WCS6.

- 9 On-site vehicular areas shall be hard surfaced and drained in accordance with approved plan 2007/1365 - 04 and retained for the duration of the development.  
Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety and to accord with CS policy CSP40 and JWP policy WCS6
- 10 Vehicle wheel cleaning facilities as specified on drawing number 2007/1365/03 approved under planning permission 2007/1365 shall be provided and maintained in the approved position for the duration of the development and shall be used by all vehicles prior to exiting the site. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.  
Reason: In the interests of highway safety and to accord with CS policy CSP40 and JWP policy WCS6.
- 11 Operations associated with the development, excluding topsoil and subsoil stripping, shall be controlled such that the free field equivalent continuous noise level (L<sub>aeq</sub> 1hr) shall not exceed 55dB(A) or 10dB(A) (L<sub>aeq</sub> 1hr) above the background noise levels whichever is lower, as recorded at the boundary of any inhabited property.  
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
- 12 Any topsoil and subsoil stripping shall not exceed 70dB(A) (L<sub>aeq</sub> 1hr) as recorded at the boundary of any inhabited property, and be limited to a period not exceeding 8 weeks at any property.  
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
- 13 All vehicles used on site shall not exceed a sound pressure level of 80dB(A) as measured at a distance of 10 metres, 1.2 metres above ground level, under free field conditions or comply with the standards in BS 5228 Noise on Construction and Open Sites Part 1 1984, whichever level is lower.  
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.

- 14 The monitoring of mobile plant shall be undertaken in accordance with the approved scheme, number SCH09.5921/1/TJW prepared by Vibrock Limited. Any mobile plant that does not meet with the specified noise limit shall be suspended from use on site until the specified noise limit can be shown to be achieved.  
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
- 15 All mobile plant shall be fitted with white noise vehicle reversing alarms.  
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
- 16 All operations on site shall be carried out in complete accordance with the approved Dust Action Plan, November 2008, Revision A - April 2009. When, due to site conditions the prevention of undue dust impact is considered to be impracticable by the WPA, operations shall cease until such time as conditions improve such as to permit a resumption.  
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and JWP policy WCS6.
- 17 Any equipment used to monitor dust shall be installed, used and maintained for the duration of the development. Dust monitoring and meteorology records shall be made available to the WPA for inspection on request.  
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and JWP policy WCS6.
- 18 Measures shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. These measures shall include but not necessarily be limited to the following:  
a) The use of adequate and working water suppression (hoses/sprinklers/water bowsers etc.) which shall be available for use, and utilised at all times when dust generating materials are being handled on site. Any materials likely to cause dust shall be effectively dampened prior to being handled;  
b) All vehicles transporting waste materials entering and leaving the site shall be securely sheeted;  
c) The effective maintenance of the access road;  
d) Any vehicles permanently stationed at the site shall be equipped with upward pointing exhausts; and  
e) The suspension of the movement of the subsoil materials during adverse dry windy conditions.  
Reason: To protect local amenity, and to safeguard the occupants of nearby dwellings from the effects of dust and to accord with CS policy CSP40 and JWP policy WCS6.
- 19 Deposited material shall be compacted in layers not greater than 200mm.  
Reason: To allow for a high level of air exclusion in the interests of reducing the risk of underground fires.

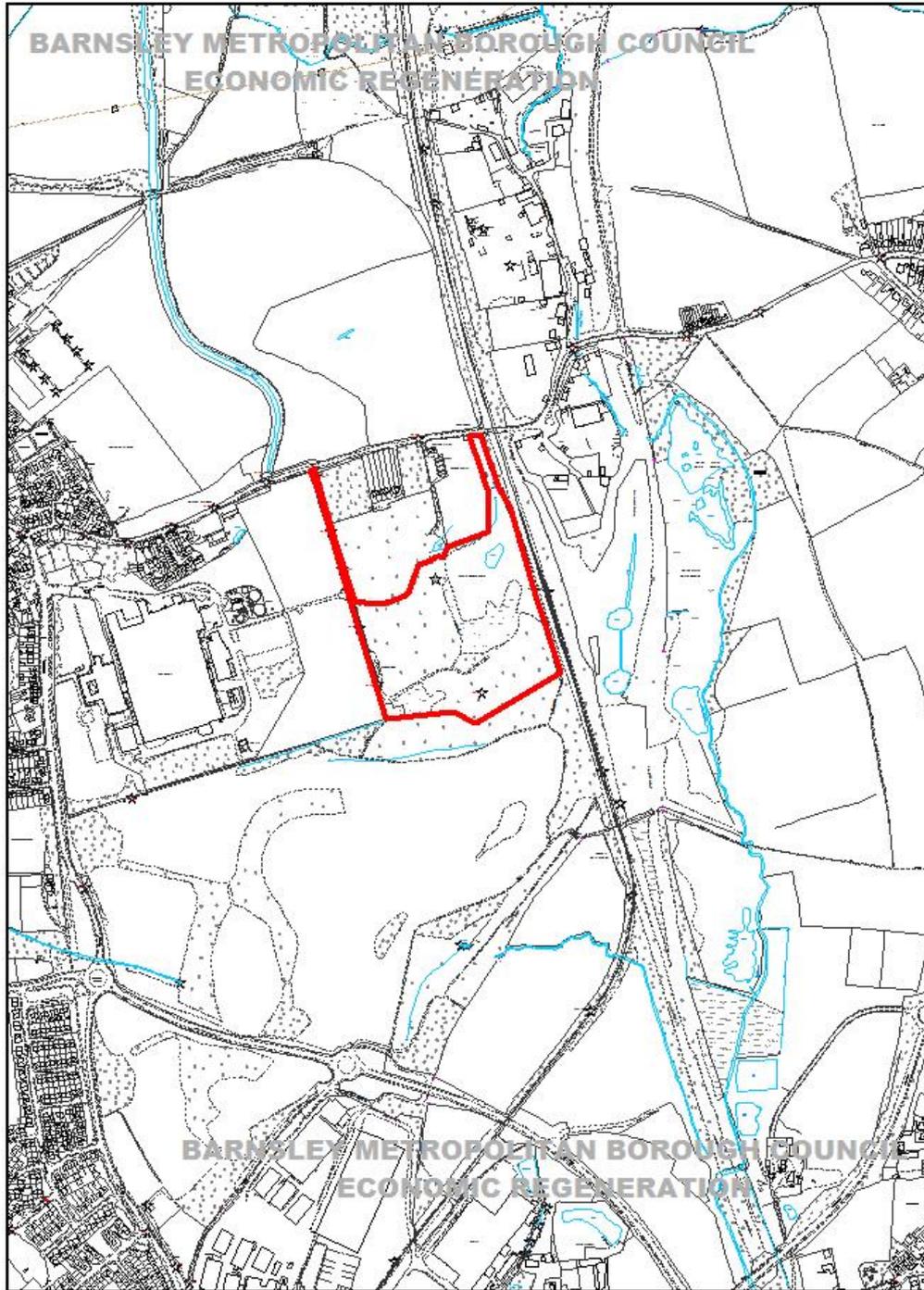
- 20 The screening bunds shown on approved drawings (numbers DTS/CC/2007/REST 08 - Screening Bund Construction and DTS/CC/2007/REST/03B - Restoration Scheme), shall not exceed 3 metres in height and the slopes shall be no greater than 1 in 3.  
Reason: In the interests of visual amenity and maintenance of the bunds.
- 21 Any soakaways or lagoons constructed as a means of storm/surface water disposal or storage shall not be constructed within 10 metres of the railway boundary or at any point which could adversely affect the stability of railway infrastructure.  
Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.
- 22 Any cranes and jibbed machines, used in connection with the development, shall be so positioned that the jib or suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail track if the boundary is closer than 3 metres.  
Reason: In the interests of maintaining the safety of railway operations.
- 23 By no later than the 1 November 2019, details of the composition of the top soil to be used in the reclamation of the site shall be submitted to, and approved in writing by, the WPA. Top soiling shall thereafter be carried out in accordance with the approved details.  
Reason: In the interests of the proper reclamation of the site.
- 24 The development shall be carried out in full accordance with the approved Remediation Strategy, Revision 3 - April 2009. Interim validation reports shall be submitted to, and approved in writing by, the WPA on a 6 monthly basis. The reports shall include but not be limited to, information on the type of material imported, its origin, sample analyses (as indicated in level 2 compliance point 8.13 of the approved Remediation Strategy) and WAC analyses to categorise the waste.  
Reason: To protect the environment and ensure that the site is remediated suitable for the proposed use and in accordance with CS policy CSP39.
- 25 Landscaping of the site shall be carried out in accordance with the approved plan number DTS/B/292/1b. All planting and seeding as approved shall be carried out in the first available planting and seeding season. Any trees or shrubs planted as part of the scheme which are removed or, in the opinion of the WPA, become severely damaged or are found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with trees or shrubs of a similar size and species to the satisfaction of the WPA.  
Reason: For the avoidance of doubt and to ensure that landscaping is implemented and maintained in the interests of visual amenity and to accord with CS policy CSP38 and JWP policy WCS6.

- 26 In the event of any failure to achieve the approved restoration levels within the timescale pursuant to condition number 1 above, within 3 months of the date of the expiry of the permission, an amended scheme of reclamation shall be submitted to, and approved in writing by the WPA. The scheme shall include, but not be limited to:
- a) Details of final levels;
  - b) Surface treatment;
  - c) Drainage;
  - d) Landscaping including maintenance for a period of 5 years; and
  - e) The timescale for implementation.
- Once approved the scheme shall be fully completed in accordance with the approved details, including timescale.  
Reason: In the interest of the proper reclamation of the site and to accord with CS policy CSP38 and JWP policy WCS6.
- 27 Sight lines, having the dimensions 2.4m x 70m, shall be safeguarded at the exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway, in the interest of road safety  
Reason: In the interests of highway safety in accordance with CSP26.
- 28 Prior to the commencement on the amendments approved by this permission. i.e. increase in HGV vehicle movements and creation of revised access arrangements, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Provision of a 2m wide adoptable footway on Shaw Lane to the east of the bridge as shown on the approved plan;
  - Provision of temporary "New Road Layout Ahead" signing;
  - Provision of tactile pedestrian crossings at the access and egress;
  - Provision of/any necessary alterations to highway drainage;
  - Provision of/any necessary alterations to street lighting;
  - Any necessary resurfacing/reconstruction
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety in accordance with CSP26.
- 29 Any gates on the access to the site shall be set back at least 10m from the highway boundary, to allow a vehicle to wait clear of the highway whilst the gates are being opened/closed.  
Reason: In the interests of highway safety in accordance with CSP26.

PA Reference:-

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Scale 1: -----