BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0580

To Luke McDonald
Windcrop Limited
The Granary
Honingham Thorpe
Colton
Norfolk
NR9 5BZ

DESCRIPTION Erection of 1 no. micro scale wind turbine (14.97m to hub, 5.6m diameter blades)
LOCATION Globe Farm, Church Lane, High Hoyland, Barnsley, S75 4BE

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 05 June 2013 and described above.

The approval is subject on compliance with 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 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 LDF Core Strategy Policy CSP 29, Design.

3 If the wind turbine hereby permitted ceases to be operational for the purposes of generating electricity for a continuous period of 6 months it shall, unless otherwise agreed in writing by the Local Planning Authority, be dismantled and removed from the site within a period of 2 months. The site shall thereafter be restored to its original condition including the associated concrete base and cabling.
Reason: To protect the visual amenity of the area and in accordance with CSP6 of the Core Strategy.

Stephen Moralee

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Head of Planning, Building Control and Sustainability

Dated 25 July 2013

Development Service
PO Box 604, Barnsley, S70 9FE
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4 All cables from the turbine shall be underground. All excavated ground in connection with cable laying shall be reinstated to its former condition as soon within 1 month of the date of commissioning.
Reason: To minimise the visual impact of the development.

5 The noise level from the turbine must not exceed the following:

A day time (7am to 11pm) level of 35 dB LA90, 10 mins, or the background, expressed as LA90, 10 mins, plus 5dB, whichever is the higher, measured at no less than 3.5 metre from the façade of any residential property not owned by the applicant or a member of their family (but ignoring the effect of that façade).

A night time (11pm to 7am) level of 43dB LA90, 10 mins, or the background, expressed as LA90, 10 mins, plus 5dB whichever is the higher, at 3.5 metre from the window of a habitable room in the façade of any residential property.
In the event of a complaint being received in writing by the LPA alleging noise nuisance due to the wind turbines on the development hereby approved, the wind turbine operator shall, at its expense, employ a consultant approved by the LPA to measure the level of noise emissions from the wind turbine at the location of, and external to, the complainant's property (or, in the event that access is not possible, at the nearest publicly accessible location acceptable to the LPA). The results of the consultant's assessment shall be provided to the Local Planning Authority within 2 months of the date of notification of complaint unless otherwise agreed in writing by the Local Planning Authority. The operator shall cooperate with the Local Planning Authority to ensure that the development is compliant with the above defined limits for the site.

In the event that the noise level from the turbines is above the stated levels and noise measurements have been carried out in accordance with the details above, then the applicant shall submit a mitigation scheme for the written approval of the Local Planning Authority in order to identify measures to reduce the noise of the turbines to acceptable levels. The approved scheme shall then be implemented. In the event that the noise level from the turbine cannot be brought within acceptable levels, as defined above, the turbine shall not continue to operate.
Reason: In order that the turbines operate within acceptable noise limits in the interests of residential amenity and in accordance with ETSU-R-97.

6 In the event that the extension hereby approved leads to impaired TV reception in the surrounding area, then the applicants shall within one month of receiving notification from the Local Planning Authority, submit a survey and report, prepared by a competent firm or consultant experienced and specialising in the assessment and evaluation of TV reception. It shall identify the cause and recommend any works necessary to restore reception. The remedial measures specified in the report shall be completed within one month of the approval.
Reason: In the interests of amenities of nearby residents.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

1 The granting of planning permission does not affect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

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