BARNSLEY
Metropolitan Borough Council

Place Directorate
Economic Regeneration
Planning and Building Control
Head of Service: Joe Jenkinson

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/1306

To Surface Planning
17 Church Hill
Royston
Barnsley
S71 4NQ

DESCRIPTION Variation of condition 2 and 7 of 2017/0117 to allow the amendment of site layout, landscaping and the appearance of the battery containers.

LOCATION Land West of Hopewell Street, Stairfoot, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 04 October 2017 and described above.

THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT/UNILATERAL UNDERTAKING MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

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 31st July 2017, the date of the original permission (2017/0117)
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall only be carried out in accordance with the following documents:

a) Drawing 34 MW Site Layout (16 containers) Ref 13/17-018-04 REV A
b) Drawing Plant Elevations Ref 13/17-019-02 REV A
c) Drawing titled Planting Proposals Plan REF JS002_001C
d) Drawing titled 'Existing Site Plan', numbered P16-0851 02 and dated 15 March 2016;
e) Ecological Impact Assessment (EcIA) of proposed battery storage facility, SLR reference 424.06749.00001 version 2, dated December 2016; and
f) Updated Noise Statement produced by Environmental Noise Solutions Limited, for Proposed Battery Facility, Hopewell Street, Barnsley, and dated 28 October 2016.
g) Memo dated 18th September 2017 by Environmental Noise Solutions 6729/18/9/17/RP
Reason: For the avoidance of doubt and in the interests of residential and visual amenity in accordance with CS policies CSP29 and CSP40 and the relevant planning policy statements in the NPPF.

3 All on-site vehicular areas indicated on the approved plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring are provided, in the interests of highway safety and free and safe flow of traffic, and in accordance with CS policy CSP26.

4 No 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:
- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

5 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be submitted to, and approved in writing by, the Local Planning Authority, and shall assess the existing state of the highway. On completion of the development, a second condition survey shall be carried out and shall be submitted to, and approved in writing by, the Local Planning Authority, and shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be submitted to, and agreed in writing by, the Local Planning Authority.
Reason: In the interest of highway safety and to accord with CS policy CSP26.

6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

7 All planting, seeding or turfing comprised in the approved details of landscaping as shown on approved plan entitled Planting Proposals Plan REF JS002_001C shall be carried out in the first planting and seeding seasons following the completion of construction, and any trees or plants which die within a period of 5 years from the completion of the construction, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29

8 The development shall not be brought into use until two willow tit nest boxes and three bat boxes have been erected on posts within the site or on the inside of the perimeter fencing. The willow tit nest boxes shall be placed 2m above ground level, facing east, and shall be filled with sawdust or wood shavings. The bat boxes shall be installed 3m or more above ground level and be of a design which is self-cleaning. Photographic evidence of the installation of the willow tit nest boxes and bat boxes shall be submitted to the Local Planning Authority within 2 weeks of their installation and the facilities shall be maintained for the life of the development.
Reason: In the interests of biodiversity in accordance with CS policy CSP36.

9 No development shall commence until the colour of the proposed battery containers and the palisade fence have been submitted to, and agreed in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the locality in accordance with CS policy CSP29 and the relevant planning policy statements in the NPPF relating to requiring good design.

10 In the event of a complaint being received in writing by BMBC alleging noise nuisance due to the operational development hereby approved, the operator shall, at its expense, employ a consultant approved by BMBC to measure the level of noise emissions from the development 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 BMBC). The results of the consultant's assessment shall be provided to BMBC within 2 months of the date of notification of complaint unless otherwise agreed in writing by BMBC.

The operator shall cooperate with BMBC to ensure that the development is compliant with the above defined limits for the site as set out in the Updated Noise Statement produced by Environmental Noise Solutions Limited, for Proposed Battery Facility, Hopewell Street, Barnsley, and dated 28 October 2016 and Memo dated 18th September 2017 by Environmental Noise Solutions 6729/18/9/17/RP

In the event that the noise level from the development 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 BMBC 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 development cannot be brought within acceptable levels, as defined above, the development shall not continue to operate.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection

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.

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

1	The development hereby permitted must be carried out in accordance with the Conditions attached to this planning permission and any approved plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution. If at any stage, it becomes necessary to vary any of the approved plans or details you should contact the Local Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.
2	The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on website at: www.gov.uk/government/organisations/the-coal-authority
3	The approved Ecological Impact Assessment (EcIA), SLR reference 424.06749.00001 version 2, dated December 2016, contains reference to proposed cut and fill operations over an area of 30m x 30m immediately to the east of the proposed battery storage facility. The developer is advised that this planning permission does not permit such engineering works as they were not included in the description of development and no information/details were submitted with the application.

Signed  Dated 09 January 2018
Joe Jenkinson
Head of Planning and Building Control

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

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.