BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1577

To Segen Ltd.
Miss L Roberts
City Lab 4 - 6 Dalton Square
Lancaster
LA1 1PP

DESCRIPTION Erection of 2 no. twin bladed wind turbines with a hub height of 18m and 25m to blade tip.
LOCATION Bullhouse Mill House Lee Lane Millhouse Green Sheffield S36 9NN

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 22 December 2009 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 in strict accordance with the amended plans and specifications received on 5th February 2010 and in accordance with the drawing entitled Gaia Wind 11kW Footprint, the Design and Access and Planning Statement submitted by Segen, the Gaia Wind Turbine Noise Performance Test dated 19th February 2009, the supporting environmental impact visualisation report, the letter dated 8th January 2010 written by Louise Roberts of Segen, the e-mail by Louise Roberts sent on 7th January 2010 and the Mining Investigation for Wind Turbines report by Ashton Bennett dated April 2010, unless prior written consent has been given by the Local Planning Authority to any minor variation.
Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy BE6, Design Standards.

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
Assistant Director, Planning and Transportation

Dated 21 July 2010

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3 If the wind turbines hereby permitted cease to be operational for the purposes of generating electricity for a continuous period of 6 months they 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 removal of the associated concrete bases and cabling.
Reason: To protect the visual amenity of the Green Belt and in order to comply with Policy ES12 of the UDP.

4 All electric cabling to connect the turbine to the mill buildings and the Grid shall be located underground unless otherwise agreed in writing by the Local Planning Authority. Thereafter the excavated ground shall be reinstated to its former condition within 1 month of the date of commissioning of the turbine.
Reason: In order to protect the visual amenity of the Green Belt and in order to comply with Policy ES12 of the UDP.

5 The permission hereby permitted shall be limited for a period of 25 years from the date of the erection of the turbines and by the end of this period the turbines and all associated concrete bases and cabling shall be removed and the site restored to its original condition.
Reason: To ensure that the development has a temporary impact on the Green Belt.

6 The Local Planning Authority shall be notified in writing of the date of commissioning at least 7 days prior to the commissioning of the turbines.
Reason: In order that the duration of the planning permission can be monitored effectively.

7 The noise level from the turbines shall not exceed 43dB LA90, 10 mins at 3.5 metres from the window of a habitable room in the façade of any residential property.

In the event of a complaint being received in writing and noise verified by the LPA alleging noise nuisance due to the wind turbines 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 turbines at the location of, and external to, the complainants' property (or, in the event that access is not possible, at the nearest publicly accessible location acceptable to the LPA). The results of the independent consultant's assessment shall be provided to the LPA within 2 months of the date of notification of complaint unless otherwise agreed in writing by the LPA. The operator shall cooperate with the LPA to ensure that the development is compliant with the above defined limits for the site.

In the event that the assessment indicates that the noise level from the turbines is above 43dB LA90, 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.
Reason: In order that the turbines operate within acceptable noise limits and in accordance with ETSU-R-97.

8 Any claim by any person for domestic television picture loss or interference at their household within 12 months of the final commissioning of the wind turbine, shall be investigated by a qualified television engineer and the results submitted to the Local Planning Authority in conjunction with a mitigation scheme. Should any impairment to the television reception be determined by the qualified engineer as attributable to the turbines on the basis of the investigations, such impairment shall be mitigated within 12 months of the turbines becoming operational and in accordance with the mitigation scheme.
Reason: In order to ensure TV reception is not adversely affected.

Reason(s) for Granting Permission

1 Unique The application represents a departure from Green Belt policy but there are considered to be very special circumstances to allow this development to proceed as the proposal makes a small but valuable contribution towards tackling climate change. The location and scale of the turbine and its relationship with the surrounding landscape is considered acceptable. There are considered to be limited adverse impacts in terms of residential amenity. The proposal adheres to PPS1 and PPS22 and issues relating to policies PPG2 (Green Belt), PPS9 (Ecology) and policies GS7, GS9, ES12 and ES12A of the UDP have all been suitably addressed.

Informative(s)

1 Defence Estates must be notified of the following:

- The date construction starts and ends
- The maximum height of construction equipment
- The latitude and longitude of the turbine

Defence Estates can be contacted on the following address:

DE Operations North
Safegarding Wind Energy
Kingston Road
Sutton Coldfield
B75 7RL

2 The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

3 For the purposes of condition no 7: Values of the LA90, 10min noise statistic shall be measured at the complainant's property using a sound level meter of IEC 651 Type 1, or BS EN 61672 Class 1, standard (or the equivalent relevant UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response. This shall be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

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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