BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0470

To Miss Cindy Tatum
Earthmill Ltd
Second Floor F
lockton House
Audby Lane
Wetherby
North Yorkshire
LS22 7FD

DESCRIPTION Erection of 1 no. 15kw turbine on a 15m high mast
LOCATION Pule Hill Hall Farm, Rag Lane, Thurgoland, Sheffield, S35 7BA

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 26 April 2011 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 prior written consent has been given by the Local Planning Authority to any variation.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

3 All cables from the turbine shall be underground. All excavated ground in connection with cable laying shall be reinstated to its former condition within 1 month of the date of commissioning.
Reason: To minimise the visual impact of the development.

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 07 September 2011

Planning and Transportation Service **Telephone: 01226 - 772000**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

4 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 turbine 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 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 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 and in accordance with ETSU-R-97.

Reason(s) for Granting Permission

1	Green belt - Policy GS8	It is considered that very special circumstances exist to justify departure from this green belt policy. These circumstances comprise the renewable energy generated will reduce the level of CO2 entering the atmosphere as a result of the running of the agricultural holding. This is considered to outweigh any detrimental visual impact on the Green Belt.

Informative(s)

1 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.

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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