BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2010/0418

To Turley Associates
33 Park Place
Leeds
West Yorkshire
LS1 2RY
United Kingdom

DESCRIPTION Erection of 1 no. wind turbine at a hub height of up to 34m.
LOCATION Darton High School Churchfield Lane Darton Barnsley S75 5EW

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 April 2010 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 13th April 2010(Landscape and Visual Supporting Statement March 2010, Design and Access Statement, SRL technical reports dated 9th April 2010, Planning Statement dated April 2010), and the amended plans received on 21st May 2010 (BP4L_DAR_AWP_DR_94_BW_LL_80, BP4L_DAR_AWP_DR_94_BW_LL_79, Darton ALC1 - Rev C, Darton ALC2 - Rev C, Darton ALC3 - Rev C, Darton ALC4 - Rev C), the amended plan received on 3rd June 2010 (BP4L_DAR_AWP_94_BW_LL_13), the Bat Survey by BE Brooks Ecological (BE_R_0727-02) dated June 2010 and the e-mail received on 20th May 2010 from Nick Swainston.
Reason: In the interests of the visual amenities of the locality 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 01 July 2010

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

3 Prior to the commencement of development, details of the size, design and external appearance (including colour finishes) of the turbine shall be submitted to, and approved in writing by, the LPA. The development thereafter shall be carried out in accordance with the approved details.
Reason: In the interest of local amenity and to comply with policy ES12A of the Barnsley Unitary Development Plan.

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 Unless otherwise agreed in writing by the LPA, construction and dismantling activities including vehicle haulage movements, and deliveries to the site 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 interest of local amenity.

6 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 order to comply with Policy ES12 of the UDP.

7 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.

8 In the event of a complaint being received regarding the effects of shadow flicker from the turbine, a mitigation scheme shall be submitted to the Local Planning Authority for approval within 1 month of the complaint. Thereafter, the measures shall be implemented in full accordance with the submitted scheme throughout the duration of the development.
Reason: In order to ensure residential amenity is not compromised by shadow flicker.

9 Development shall not commence until a management plan for the operation and maintenance of the turbines hereby approved has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include, but not be limited to, providing details of mitigation arising from the potential effects of turbine operation on sports pitch users, details of routine maintenance operations of the turbines including possible vehicle movements required for such operations, and associated mitigation to protect play pitches. The development shall be carried out in accordance with the approved management plan and be maintained throughout the duration of the development.
Reason: In the interests of the amenities of sports pitch users and to protect the condition of playing pitches.

Reason(s) for Granting Permission

1 Unique The proposal complies with Policy ES12 of the UPD in that the proposal would have no significant impact on the landscape, on residential amenity (by reason of noise or visual impact) and would adhere to Planning Policy Statement 22 (Renewable Energy) and ENV5 of the Yorkshire and Humber Regional Spatial Strategy by making a contribution towards national and regional targets and aspirations in terms delivering renewable energy and reducing Carbon emissions.

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.

2 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

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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