BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2011/0398

To AAH Planning Consultants
2 Bar Lane
York
North Yorkshire
YO1 6JU

DESCRIPTION Erection of a wind turbine (46m high from base to tip of blade) and associated infrastructure including new temporary access from Engine Lane (Resubmission)

LOCATION Land West of Engine Lane, Shafton, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 11 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. The approved plans are:

BP4L-SHA-AWP-DR-94-BW-LL-14P05
Ordnance Survey Location Plan
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 13 June 2011

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4 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.

5 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.

6 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 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 can not 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.

7 Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of: -

a) widening of the existing highway;

b) reinstatement/ reconstruction of carriageway/verges

c) strengthening of existing highway
Reason: In the interests of highway safety.

8 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 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 for the written approval of the Local Planning Authority, which 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 agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety.

9 Development shall not commence until details of the phasing of the development in relation to the school holidays and peak traffic flows has been submitted and approved in writing by the Local Planning Authority, to ensure a safe and adequate highway network, in the interest of road safety.
Reason: In the interests of highway safety.

10 No development shall take place, 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 including tracking of all manoeuvring areas and all areas of highway to be used
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of highway safety.

Reason(s) for Granting Permission

1 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). There are considered to be very special circumstances associated with the generation of renewable energy which outweighs harm to the Green Belt in this case.

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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