BARNSLEY
Metropolitan Borough Council

**Growth and Sustainability**
**Regeneration and Culture**
**Planning, Policy and Building Control**

# GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO. 2022/0801**

**To** Surface Planning
155 Main Street
Sheffield
S35 8PN

**DESCRIPTION** Variation of condition 2 (approved plans) and condition 9 (colours) of planning permission 2017/1306) 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 05/08/2022 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
- Drawing P3019-175-15-J - Proposed Site Layout
- Drawing P3019-175-18-G - Proposed Site Elevations
- Drawing P3019-175-20-F - Proposed Site Elevations with Fencing & Planting
- Drawing P3019-150-01 - 5.5MVA Transformer Details
- Drawing P3019-150-02 - Aux Transformer Details
- Drawing P3019-150-03 - Grid Transformer Details
- Drawing P3019-150-04 - PCS Inverter Details
- Drawing P3019-150-05 - Client Control Room Details
- Drawing P3019-150-06 - Battery Unit Plan and Elevation
- Report MCA2155 - Noise Impact Assessment prepared by BWB
- Drawing P3019-175-17-E - Proposed Planting Plan
- Drawing titled 'Existing Site Plan', numbered P16-0851 02 and dated 15 March 2016;
- Ecological Impact Assessment (EcIA) of proposed battery storage facility, SLR reference 424.06749.00001 version 2, dated December 2016
- Construction Method Statement by Via Solutions dated July 2020

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

2 The parking/manoeuvring facilities, indicated on the submitted 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 areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.**

3 All development works on site including any works of demolition or construction, shall be in accordance with approved Construction Method Statement by Via Solutions dated July 2020
**Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy POLL1 Pollution Control and Protection.**

4 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

5 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 Local Plan Policy BIO 1.**

6 All planting, seeding or turfing comprised in the approved details of landscaping as shown on approved plan Drawing P3019-175-17-E - Proposed Planting Plan - shall be carried out in the first planting and seeding seasons following the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, 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 Local Plan Policy BIO1.**

7 On completion of the development, a second condition survey of the adopted highway shall be carried out following the same methodology and locations set out in the pre commencement Condition Survey report by Viasolutions dated July 2020. The survey shall identify defects attributable to the traffic associated with the development and shall be submitted within 3 months of the completion of the development for the written approval of the Local Planning Authority. 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: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety and in accordance with Local Plan Policy T4.**

8 Prior to the site becoming operational the noise mitigation measures set out in the approved Noise Impact Assessment by BWB reference (MCA2155) shall be implemented in full and thereafter retained for the duration of the development.
**Reason: In the interests of residential amenity in accordance with Local Plan Policy POLL1**.

9 Within 6 months of the site becoming fully operational a noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and follow the principles contained in BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Noise from the development, shall not exceed typical background levels at the closest receptors after accounting for any acoustic feature corrections. The results of this assessment shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures recommended in the report to achieve the level stated above, shall be agreed with the Local Planning Authority implemented as soon as practicable.
**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.**

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 defined limits for the site following assessment carried in compliance with condition 9 above.

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 Local Plan Policy POLL1.**

**Informative(s)**

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

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 a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

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

Please be aware that the Council monitors construction sites and open land within the vicinity of 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 any development is disposed of via approved methods and that documents are retained to prove this.

Signed Dated 01/12/2022



Joe Jenkinson
Head of Planning, Policy 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.