



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2013/0860

To Parsons Brinckerhoff
Amber Court
William Armstrong Drive
Newcastle Business Park
Newcastle Upon Tyne
Tyne and Wear
NE4 7YQ

DESCRIPTION Erection of 3 no. turbines wind farm with a height of 80m to hub and 126.5m to blade tip, including substation building and ancillary infrastructure.
(Environmental Impact Assessment)

LOCATION Park Spring Road, Little Houghton, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 09 September 2013 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 (as specified in the Environmental Statement Volumes 1,2, and 3 prepared by Parsons Brinckerhoff dated July 2013) unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The scheme shall proceed in accordance with the mitigation measures and other recommendations outlined in the submitted Ecological Assessments and Ornithology Report by Parsons Brinckerhoff.
Reason: In the interests of biodiversity in accordance with CSP 36.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed 
Head of Planning, Building Control and Sustainability

Dated 09 April 2014

- 4 If the turbines hereby permitted fail to produce electricity for a continuous period of six months, then within three months of the end of the six months period the turbines and all associated equipment and works shall be removed from the site and the site restored in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the openness of the Green Belt in accordance with policy CSP34 of the Core Strategy.
- 5 All cabling between the turbines, associated equipment and the national grid connection shall be placed underground. No development hereby permitted shall be carried out until details of the depth of excavation, subsequent reinstatement of the excavated land, and appropriate national grid connection, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the Green Belt in accordance with CSP 34.
- 6 The rating level of noise immission from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (within the letter dated 10th December from Parsons Brinckerhoff), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables contained in the letter dated 10th December from Parsons Brinckerhoff at any dwelling which is lawfully existing or has planning permission at the date of this permission and:
- a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Council on its request, within 14 days of receipt in writing of such a request.
 - b) No electricity shall be exported until the wind farm operator has submitted to the Council for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Council.
 - c) Within 21 days from receipt of a written request from the Council following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Council to assess the level of noise immission from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes (within the letter dated 10th December from Parsons Brinckerhoff). The written request from the Council shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Council, the noise giving rise to the complaint contains or is likely to contain a tonal component.
 - d) The assessment of the rating level of noise immission shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Council. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes (within the letter dated 10th December from Parsons Brinckerhoff), where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immission. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Council under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables (within the letter dated 10th December from Parsons Brinckerhoff), the wind farm operator shall submit to the Council for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that exp

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 7 In the event of a complaint being received in writing by the Local Planning Authority in respect of noise from the turbines hereby permitted, the turbine operator shall, at their expense, employ an appropriately qualified consultant approved by the Local Planning Authority to measure the level of noise emissions from the turbines at, and external to, the complainant's property. In the event that access is not possible to the complainant's property, the measurements shall be made from the nearest publicly accessible location that has been agreed in writing with the Local Planning Authority. The results of the consultant's assessment shall be provided to the Local Planning Authority within two months of the date of notification of the complaint unless otherwise agreed in writing by the Local Planning Authority. In the event that the consultant's assessment shows noise levels from the turbines being above the levels set out in condition 6, then within a month of the provision of the assessment to the local planning authority a mitigation scheme shall be submitted within a month to and approved in writing by the local planning authority. The mitigation scheme shall identify measures to reduce the noise of the turbines to within the levels set out in condition 5. The approved mitigation measures shall be implemented within a timescale agreed in writing with the local planning authority. If the noise levels from the turbines cannot be brought within the limits set out in condition 5, the turbines shall cease to operate.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 8 No development hereby permitted shall be carried out until details of the colour and finish of the turbine, blades and masts have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure an appropriate finish in accordance with policy CSP29 of the Core Strategy.

- 9 The planning permission hereby granted shall be for a period not exceeding 25 years from the date that electricity is first exported from the turbines hereby permitted to the national grid. The date when electricity is first exported from the turbines shall be notified in writing to the Local Planning Authority within 28 days of that event. At the end of the 25 year period, the turbines shall be decommissioned. Within three months of the decommissioning, the turbines and all associated equipment and works shall be removed from the site and the site restores in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the openness of the Green Belt in accordance with policy CSP34 of the Core Strategy.

- 10 No development shall take place until a detailed scheme for the landscaping of the site, which shall include the planting of species rich hedgerow and reinstatement of stone walls within the site, shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall include but not be limited to details of hedgerow species, number and size of plants, mix, planting method and aftercare for a period of at least 5 years. Planting shall be carried out in accordance with the approved scheme during the first available planting season following the date of commissioning of the site as identified in condition 3 above. The reinstatement of stone walls shall be completed in accordance with the approved scheme within 6 months of the date of commissioning.

Reason: In the interest of local amenity and biodiversity in accordance with Core Strategy policy CSP36.

- 11 No development or other operations shall take place until the following documents have been submitted to and approved in writing by the Local Planning Authority:

Details of tree and hedgerow removal/retention
Tree and hedgerow protection details and plan
Details of tree and hedgerow replacement/mitigation planting works

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well being of the trees and hedgerows in the interests of the amenity of the locality in accordance with Core Strategy policy CSP36.

- 12 No development shall commence on site, until 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 in accordance with CSP26.

- 13 No development shall take place on site until full details of the site access and any over-run area and site access gate, have been submitted to, and approved in writing by the Local Planning Authority. The details shall provide for the first 20m of the site access to be surfaced and drained in an approved manner prior to the development being brought into use

Reason: In the interests of highway safety in accordance with CSP26.

- 14 Sight lines, having the dimensions 4.5m x 215m, shall be safeguarded at the site entrance/exit such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway,

Reason: In the interests of highway safety in accordance with Core Strategy policy CSP26.

- 15 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/decommissioning period. The Statement shall provide for:-

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading of plant and materials;
- c) storage of plant and materials used in constructing/decommissioning of the development;
- d) the means of access of construction traffic;
- e) measures to prevent mud/debris from being deposited on the public highway.

Reason: In the interests of Highway Safety in accordance with Core Strategy policy CSP26.

- 16 No development shall take place on site until details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway mitigation and subsequent reinstatement works:

- a) removal/replacement of street furniture;
- b) hard surfacing of highway verges;
- c) any necessary changes to/ provision of street lighting;
- d) any necessary changes to/ provision of highway drainage;
- e) resurfacing/reconstruction of carriageways/footways/verges as necessary
- f) hours of construction work

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

- 17 The development hereby permitted shall not be commenced until such time as a scheme to improve the existing surface water disposal system has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Core Strategy policy CSP40.

- 18 Prior to the commencement of the development, a Traffic Management Plan covering the duration of the construction/commissioning and restoration/decommissioning periods shall be submitted to, and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved Traffic Management Plan. The Traffic Management Plan should provide for but not be limited to:-

- a) measures to provide advanced notice to local residents, schools, businesses, farmers and equestrian centres of periods of excessively high vehicular movements and excessively large loads;
- b) restriction of excessively high vehicular movements and large loads to off peak hours;
- c) proposals for any off-site holding areas;
- d) measures to strengthen the highway as appropriate;
- e) route signage;
- f) temporary road closures.

Reason: In the interests of highway safety in accordance with Core Strategy policy CSP26.

- 19 The meteorological mast shall only be placed on site for a period of 6 months. On expiration of the 6 month period the mast shall be removed from site. The Local planning Authority shall be notified in writing of the date when the mast is erected within 28 days of that event.

Reason: To protect the openness of the Green Belt in accordance with CSP 34.

- 20 Prior to the commencement of development, a report providing details of the accurately autotracked route for delivery of the turbine to the site, including details of any conflict with street furniture and any necessary overrun areas, shall be submitted to and approved in writing by the Local Planning Authority. The report shall details arrangements which secure the following highway improvement works:

- Any mitigation measures that may be required as a consequence of conflict with street furniture

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In The interest of highway safety in accordance with CSP 26

- 21 Prior to the commissioning of the wind farm, a scheme shall be submitted to, and approved in writing by, the LPA, providing for the remediation of any interference to domestic television reception attributable to the wind farm/turbines (such remediation to be at the cost of the operator). The approved scheme shall thereafter be implemented as required. The scheme shall include but not be limited to the investigation by a qualified television engineer of any claim by any person for domestic television picture loss or interference at their household within 12 months of the commissioning of the wind farm. The results of any investigation shall be submitted to the LPA. Should any impairment to the television reception be determined as attributable to the wind farm, such impairment shall be mitigated within 3 months of this decision in accordance with the approved scheme.

Reason: In the interest of local amenity in accordance with CSP 40.

- 22 Prior to the commencement of development, a Wind Farm Management Plan shall be submitted to, and approved in writing by, the LPA. The Wind Farm Management Plan shall include but not be limited to:

Measures for the management of adverse weather conditions (high wind, freezing fog, ice etc.) at the site;

Details of any proposed floodlighting/security lighting; and

Details of maintenance inspections aimed particularly at keeping operational noise levels within the limits specified in condition 6 above.

The development thereafter shall be carried out in accordance with the approved Wind Farm Management Plan.

Reason: To maintain and ensure effective environmental monitoring and management of the development in accordance with CSP 40.

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

1	The decision to grant planning permission has been taken having regard to the relevant policies and proposals in the adopted Core Strategy and saved policies of the Barnsley Unitary Development Plan and to all relevant material considerations, including Supplementary Planning Guidance:
2	The Defence Estates (MOD), DE Operations North, Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, B75 7RL, must be advised of the date construction starts and ends, the maximum height of construction equipment and the micro siting (the latitude and longitude) of each turbine.
3	Public Rights of Way may be affected during the construction stage of this development, and you should contact Mrs Sarah Ford (tel: 01226 772696) or Mr Mike Gibson (tel: 01226 772569) to discuss the possible need for a temporary closure or diversion.
4	The granting of planning permission does not effect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk
5	The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner. If it should transpire that the applicant does not own any of the land included in this consent then it is the responsibility of the applicant to seek all necessary consents and approvals.

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.