



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2014/0555

To Urban Wind
14 Carmyle Avenue
Glasgow
G32 8HJ

DESCRIPTION Erection of 2 no. 100kW wind turbines and ancillary works
LOCATION Stonebridge Lane, Great Houghton, Barnsley, S72 0BX

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 30 May 2014 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 (No 1013417 Rev C and 1:10, 000 site location plan) and specifications as approved 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 Local Planning Authority (LPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.
Reason: To enable the LPA to monitor compliance with the conditions of the planning permission.
- 4 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.
Reason: In the interest of local amenity and to comply with policy CSP6 of the Core Strategy.

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

Signed

Service Director Economic Regeneration, Development, Environment & Culture

Dated 23 October 2014

- 5 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 restored in accordance with a scheme which has previously been submitted to and approved in writing by the local planning authority.
Reason: In the interest of local amenity and to comply with policy CSP6 of the Core Strategy.
- 6 All cables from the turbines shall be underground. All excavated ground in connection with cable laying shall be reinstated to its former condition as soon as is reasonably practicable and in any event within 1 month of the date of commissioning of the wind turbines.
Reason: To minimise the visual impact of the development and to accord with CSP6.
- 7 If the wind turbines hereby permitted cease to be operational for a continuous period of 6 months, then the turbines shall be dismantled and removed from the site and the land restored to a condition suitable for agriculture.
Reason: In the interest of local amenity and to comply with policy CSP6 of the Core Strategy.
- 8 The noise level from the turbines 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 metres 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).
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 - 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 metres from the window of a habitable room in the façade of any such 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 his/her expense, employ a consultant approved by the LPA to measure the level of noise emissions from the wind turbines 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 a mitigation scheme shall be submitted to, and approved in writing by, the LPA. The mitigation scheme shall identify measures to reduce the noise of the turbines to acceptable levels. The approved mitigation scheme shall then be implemented. In the event that the noise level from the turbines cannot be brought within acceptable levels, as defined above, the turbines shall not continue to operate.

Reason: In order that the turbines operates within acceptable noise limits and in accordance with ETSU-R-97.

- 9 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 and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

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 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 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 2 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 of the landowner.

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.