



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2019/0982

To Mr Jeffrey Dummett
Wilson Infrastructure Ltd
Wilson House
Leicester Road
Ibstock
LE67 6HP

DESCRIPTION Variation of condition 8 of application 2013/1039 (Installation of wind turbine (50m to hub height and 77m to blade tip and associated infrastructure) to amend the requirement for the removal of the turbine from the expiry of 25 years from the date that electricity was first exported, to the expiry of 40 years.

LOCATION Wind Turbine, Ferry Moor Lane, Cudworth, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 21 August 2019 and described above.

The approval is subject on compliance with the following conditions:

- 1 If the turbine hereby permitted fails 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 GB1 of the Local Plan.

- 2 All cabling between the turbines, associated equipment and the national grid connection shall be underground in accordance with the approved details.

Reason: In the interests of the visual amenities of the Green Belt in accordance with GB1.

- 3 The noise levels from the turbine hereby permitted shall not exceed the following:
 - A day time (0700 to 2300 hours) level of 35dB 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 turbine operator or a member of their family (but ignoring the effect of that façade).
 - A night time (2300 to 0700 hours) level of 43 dB LA90, 10 minutes, or the background expressed as LA90, 10 mins, plus 5dB, whichever is the higher, measured at 3.5 metres from the window of a habitable room in the façade of any such residential property.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Pol1, Pollution Control and Protection.

- 4 In the event of a complaint being received in writing by the local planning authority in respect of noise from the turbine 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 turbine 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 turbine being above the levels set out in condition 5, 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 turbine 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 turbine cannot be brought within the limits set out in condition 5, the turbine shall cease to operate.
- Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Pol1, Pollution Control and Protection.**
- 5 The planning permission hereby granted shall be for a period not exceeding 40 years from 3rd July 2015, the date that electricity was first exported from the turbines hereby permitted to the national grid. At the end of the 40 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 Local Plan Policy GB1.**

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.

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

1	<p>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.</p> <p>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.</p>
2	<p>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</p>

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 09 October 2019

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.