BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0220

To Mr M Coates
2 Oakhurst Unity Hall Court
Haighmoor Road
West Ardsley
Wakefield
WF3 1ED

DESCRIPTION Erection of 5 kw wind turbine on a 12 metre high mast. (to hub height)
LOCATION Hey Slack Farm, Hey Slack Lane, Cumberworth, South Yorkshire,

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 02 April 2012 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 in strict accordance with the amended plans (Ref's - REV1\TL, IR-05-P01B, 0140-AD-00626 and Ecological Assessment dated March 2012) and specifications as approved unless prior written consent has been given by the Local Planning Authority to any variation.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

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 Regulatory Services

Dated 25 July 2012

Planning and Regulatory Services
PO Box 604, Barnsley, S70 9FE
Telephone: 01226 - 772000
Fax: 01226 - 772591

3 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, and being verified, alleging noise nuisance due to the wind turbine 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 the complaint. The operator shall cooperate with the LPA to ensure that the development is compliant with the above defined limits for the site.
Reason - In order to ensure the proposal complies with CSP40 of the Core Strategy in respect of noise.

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 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 removal of the associated concrete base and cabling.
Reason: To protect the visual amenity of the area and in accordance with CSP6 of the Core Strategy.

5 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 and in order to accord with CSP6 of the Core Strategy.

Reason(s) for Granting Permission

1 Unique The proposal complies with policies CSP6, CSP34, CSP37 and CSP40 of the Core Strategy 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 the National Planning Policy Framework in that 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. There are insignificant cumulative visual impacts.

Informative(s)

1 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.

2 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.

Planning and Regulatory Services **Telephone: 01226 - 772600**
PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772599**