



Supporting Statement

Proposed S.73 Application to Amend
Condition (8) of Planning Permission Ref: 2013/1039:

"Installation of wind turbine (50m to hub height and 77m to blade tip), new access track, substation and meteorological mast and associated infrastructure."

at

Ferry Moor Lane, Cudworth, Barnsley

August 2019
Wilson Infrastructure Limited

CONTENTS

1. Introduction
2. Site and Background
3. Proposed Variation
4. Policy
5. Planning Assessment & Conclusions

WILSON INFRASTRUCTURE LIMITED

1. Introduction

This statement has been prepared on behalf of Wilson Infrastructure Limited (**'the Landowner'**) in support for an Application for the Variation of a condition following the grant of planning permission made to Barnsley District Metropolitan Borough Council (**'the Council'**), in relation to an existing wind turbine (**'the Turbine'**) located at Ferry Moor Lane, Cudworth, Barnsley – see attached Site Location Plan (Appendix A). The Turbine has been constructed and generating electricity since 2015.

The Wind Turbine was permitted under Application Reference 2013/1039 on 22 January 2014 (**'the Planning Permission'**):

- *Installation of a wind turbine (50m to hub height and 77m to blade tip), new access track, substation and meteorological mast and associated infrastructure.*

Condition (8) of the Planning Permission imposes a time limit on the consent, whereby upon the expiry of 25 years from the date that electricity is first exported, the turbine and all associated works shall be removed, and the site restored (subject to an approved restoration scheme). This application seeks to amend this condition so that the Turbine is not required to be removed until the expiry of 40 years.

2. Site and Background

The Turbine has been installed and generating electricity since 2015. It is located within a restored area of a former colliery, which in the past included spoil heaps, slurry, slag and open cast workings. The restoration scheme created an area of open space and rough grassland, with areas of open water to the north of the site approximately 350m from the turbine.

It is located 370m immediately to the east of the closest point of a large factory on the Pen Hill Estate. This employment area was also developed on land which formed part of a

WILSON INFRASTRUCTURE LIMITED

former colliery use. The nearest residential property is approximately 450m to the west on Coal Pit Lane, Cudworth.

The Planning Permission was granted resolution to approve at the Planning Regulatory Board Meeting 21 January 2014 (Appendix C). The main planning considerations related to:

- Principle of the Development
- Landscape and Visual Amenity
- Green Belt
- Residential Amenity
- Highways
- Ecology

3. Proposed Variation

As stated above, this application seeks to amend/vary Condition (8) on the current Planning Permission through the S.73 process. The Condition states:

- *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 restore[d] in accordance 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.*

WILSON INFRASTRUCTURE LIMITED

The Proposed Variation would mean that the Turbine is not required to be removed until the expiry of 40 years, instead of 25 years. The rest of the subject matter of the condition, relating to restoration and submission, would remain unaltered.

4. Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Council is also currently consulting on Draft Supplementary Planning Documents, Planning Advice Notes and Validation Requirements.

The Development Plan comprises the policies contained within the Barnsley Local Plan (Jan 2019), which was adopted after the grant of permission for the turbine. The Council is also currently consulting on Draft Supplementary Planning Documents, Planning Advice Notes and Validation Requirements.

The principles and guidance contained within the National Planning Policy Framework ('NPPF') and National Planning Guidance, are material considerations for the determination of applications, along with local Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs). Policies and sections of the NPPF relevant to the determination of this application are:

Barnsley Local Plan 2019

- Policy SD1 – Presumption in favour of sustainable development.
- Policy GD1 – General Development.
- Policy GB1 – Protection of Green Belt.
- Policy CC1 – Climate Change.
- Policy RE1 – Low Carbon and Renewable Energy.

WILSON INFRASTRUCTURE LIMITED

National Planning Policy Framework 2019

- Sustainable Development
- Renewable Energy in the Green Belt
- Planning for Climate Change

5. Planning Assessment & Conclusion

This Variation of Condition application, as stated above, seeks to extend the planning permission life by altering the wording of condition (8). The alteration would change the expiry date from being 25 years after first electricity generation, to 40 years. It is the view of the applicant that this change is acceptable in planning terms, is supported by development plan policies (SD1, CC1, RE1) and there are no over-riding material considerations which outweigh the benefits in granting the variation.

The current pace and scale of Climate Change has forced action with parliament and many councils declaring a 'climate emergency' and the government setting a commitment to achieving a zero-carbon goal by 2050. However, current uncertainty around policies relating to on-shore wind impacts the business plan as a long-term investor and renewable site owner. It has become necessary for longer-term planning of proven renewable energy sites to seek to extend the planning permission life. This enables strategic future planning of sustaining renewable generation on existing wind turbine sites, both in terms of finance and development. Wilson Infrastructure has decided to not delay in acting upon these challenges. Should the physical turbine require changing in the future, then this would be dealt with by a future planning application.

The turbine is in situ and generating, therefore it is not considered necessary to debate the impacts upon amenity, highways, ecology and other technical matters. These are addressed in the original submission and covered off by conditions which would remain unaltered.

WILSON INFRASTRUCTURE LIMITED

Sustainable Development

The NPPF and Policy SD1 of the Local Plan support the presumption in favour of sustainable development. Sustainability and addressing the challenges of Climate Change are 'over-arching principles' of the Local Plan, in accordance with the NPPF, with a fundamental aim being to mitigate the impact of Climate Change and moving to a low-carbon economy. The variation to the planning condition will support a site which contains a renewable energy generator which has been making an important contribution to these aims. The presumption in favour of granting the variation should therefore apply.

Green Belt

The site is located within the Green Belt whereby renewable energy projects may be considered inappropriate development, whereby developers would be required to demonstrate Very Special Circumstances. This is an existing and operating site, therefore granting the variation would have no material impact on the Green Belt. The planning permission retains the protections within the existing permission (e.g. requiring removal should the turbine stop generating) and the development is completely reversible, thereby not impacting upon the permanence of the Green Belt. The applicant considers that the conditions requiring removal if the site stops generating are sufficient in planning terms to protect the Green Belt.

Notwithstanding the above, the NPPF is very explicit in stating that Very Special Circumstances include the production of energy from renewable sources (para.147). Given the stated aim of achieving zero-carbon by 2050 and that the site is successfully generating renewable electricity, it is considered that these constitute Very Special Circumstances weighing heavily in favour of granting the variation. Therefore, the variation is not in conflict with Policy GB1 or the NPPF.

Need

The reason for submitting the variation is explained above, however it should be noted that the NPPF states that renewable energy generators are not required to demonstrate overall need. The site provides a valuable contribution to renewable energy generation

WILSON INFRASTRUCTURE LIMITED

and its impacts are demonstrably acceptable. Extending the life of the permission allows a strategic and long-term plan to sustain renewable energy sites and plan for their succession. This is extremely important at this time when the climate crisis is demonstrating that action and long-term planning is necessary.

Conclusion

The applicant considers that the proposed variation of condition application is supported by policy and is acceptable in planning terms, with no material considerations to justify refusal. The turbine is situ and generating with no reported adverse impacts upon amenity. The impact upon the Green Belt is acceptable in policy and the protections remain in place should the turbine cease generating.