



BARNSLEY
Metropolitan Borough Council

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/0847

To Miss Joanna Berlyn
Entec UK Ltd
Princes Exchange
Princes Square
Leeds
LS1 4BY

DESCRIPTION Variation of condition 21 of approved application 2008/0171.

LOCATION Wind Farm, Whitley Road, Whitley Common, Barnsley,

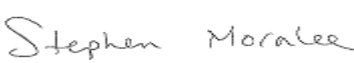
Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 09 July 2009 and described above.

The approval is subject on compliance with the following conditions:

Planning Permission 2009/0847

1. The permission hereby granted shall only be implemented in conjunction and compliance with planning permission reference 2008/0171 including all conditions; except for condition 21 of that permission which is hereby removed and replaced by condition 2 of this permission which is set out below.
Reason: This planning permission is granted under the provisions of Section 73 of the Town and Country Planning Act 1990.
2. The Rating Noise Levels from the combined effects of the wind turbine generators on the development hereby approved shall not at any time exceed the levels shown in Table 1 and Table 2 below. Rating Noise Levels shall be derived from levels measured, and corrected if necessary for tonal quality, in accordance with procedures in the Schedule of Noise Guidance Notes attached to this decision.

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 Transportation

Dated 27 January 2010

Table 1 – Maximum permitted noise levels 23:00 – 07:00 (dB LA90, 10min)

Wind speed at 10m above ground level (m/s)										
Location	3	4	5	6	7	8	9	10	11	12
New Maythorn	43.0	43.0	43.0	43.0	43.0	44.0	45.8	47.7	49.6	51.5
Spicer House	43.0	43.0	43.0	43.0	43.0	43.0	43.2	45.0	46.8	48.6

Table 2 – Maximum permitted noise levels all other times (dB LA90, 10min)

Wind speed at 10m above ground level (m/s)										
Location	3	4	5	6	7	8	9	10	11	12
New Maythorn	37.6	39.3	41.1	42.8	44.5	46.2	48.0	49.7	51.4	53.2
Spicer House	35.5	37.1	38.8	40.5	42.1	43.8	45.5	47.1	48.8	50.4

The noise limits specified shall also apply to all other dwellings which lawfully exist at the time of this consent. Noise limit values shall be taken from the nearest non-financially involved dwelling having pre-established background noise to the dwelling in question.

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 farm operator shall, at its expense, employ a consultant approved by the LPA to measure the level of noise emissions from the wind farm 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) following the procedures described in the attached Schedule of Noise Guidance Notes. The results of the independent 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.

The wind farm operator shall continuously log wind speed and wind direction data and power generation data for each wind turbine and provide it to the LPA on its request and in accordance with the attached Schedule of Noise Guidance Notes within 28 days of receipt in writing of a request.

Reason: In order to ensure that the levels of turbine noise at residential property does not exceed acceptable limits, as considered in The Assessment & Rating of Noise from Wind Farms, ETSU-R- 97 and in order to monitor effectively wind speed and direction as conditions may affect noise.

Informatives/Notes to applicants

1. The development hereby permitted must be carried out in accordance with the conditions attached to this planning permission and any approved plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution. If at any stage it becomes necessary to vary any of the approved plans or details, you should contact the Local Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.

Schedule Of Guidance Notes Relating To Condition

These notes are to be read with Condition 2 of planning permission 2009/0847. They further explain the condition and specify the methods to be deployed in the assessment of complaints about noise emissions from the wind farm.

Note 1

Values of the LA90,10min noise statistic shall be measured at the complainant's property using a sound level meter of IEC 651 Type 1, or BS EN 61672 Class 1, standard (or the equivalent relevant UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response. This shall be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

The microphone shall be mounted on a tripod at 1.2 – 1.5m above ground level, fitted with a two layer windshield or suitable equivalent approved by the LPA, and placed in the vicinity of, and external to, the complainant's dwelling. Measurements shall be made in "free-field" conditions, so that the microphone shall be placed at least 3.5m away from the building façade or any reflecting surface except the ground.

The LA90,10min measurements shall be synchronised with measurements of the 10-minute arithmetic average wind speed and with power generation data from the turbine control systems of the wind farm.

To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed and arithmetic mean wind direction data in 10-minute periods by direct measurement of 10m height wind speeds at a location within the permission site to be agreed by the LPA prior to commencement of the development.

Note 2

The noise measurements shall be made so as to provide not less than 100 valid data points as defined below. Such measurements shall provide valid data points for the range of wind speeds, wind directions, times of day and power generation requested by the LPA. In specifying such conditions the LPA shall have regard to those conditions which were most likely to have prevailed during times when the complainant alleges there was disturbance due to noise.

Valid data points are those that remain after the following data have been excluded:

- All periods during rainfall;
- All periods during which the measurement position is not within 45 degrees of being downwind of any wind turbine; and
- All periods during which turbine operation was not normal.

A least squares, “best fit” curve of a maximum 4th order shall be fitted to the data points and define the rating level at each integer speed.

The precise definition of “normal operation” shall be agreed in writing with the local authority prior to commencement of the development on the basis of data available but shall generally be taken to mean when the turbine power output is not significantly different from the reference power curve, which may be a noise optimised power curve if appropriate, using the nacelle anemometer.

In the interests of commercial confidentiality no information regarding the turbine output is required to be provided for individual turbines or information on the nature of any abnormality or for any period during which noise monitoring is not taking place.

Note 3

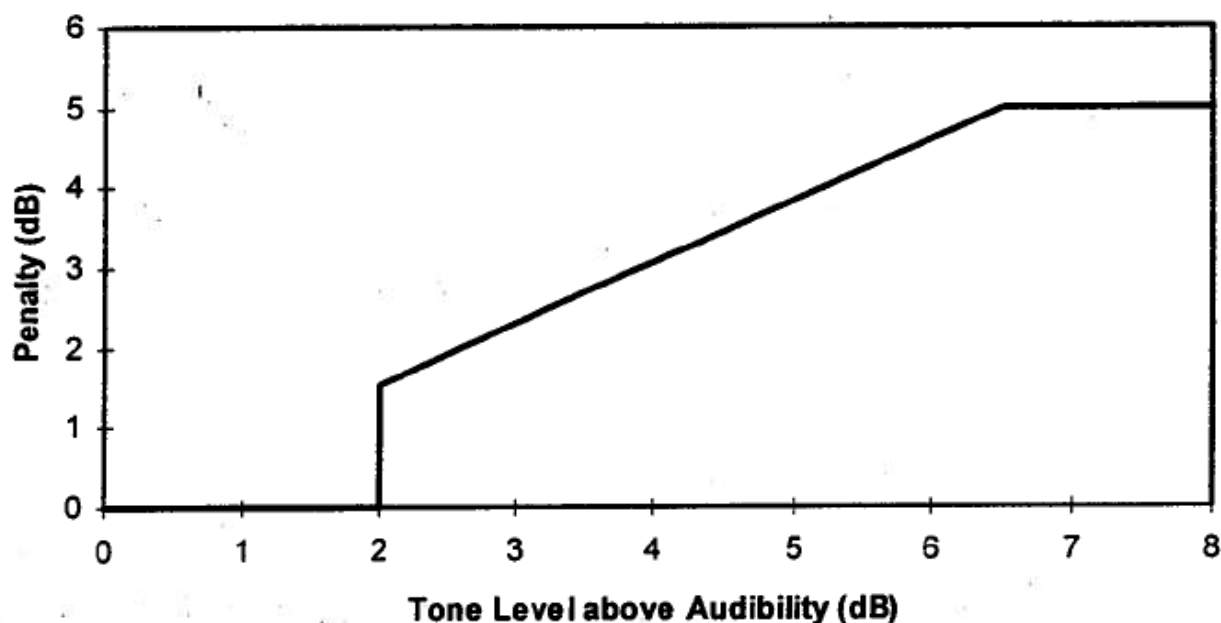
Where in the opinion of the LPA noise emissions at the location or locations where assessment measurements are being undertaken contain a tonal component, the following rating procedure shall be used.

For each 10-minute interval for which LA90,10min data have been obtained as provided for in Note 1 a tonal assessment is performed on noise emissions during 2-minutes of each 10-minute period. The 2-minute periods shall be regularly spaced at 10-minute intervals provided that uninterrupted clean data are obtained. Where clean data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from standard procedure shall be reported.

For each of the 2-minute samples the margin above or below the audibility criterion of the tone level difference, DeltaLtm, shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 – 109 of ETSU-R-97. The margin above audibility is plotted against wind speed for each of the 2-minute samples. For samples for which the tones were below the audibility criterion or no tone was identified, substitute a value of zero audibility.

A linear regression shall then be performed to establish the margin above audibility for each integer wind speed assessed. If there is no apparent trend with wind speed then a simple arithmetic average shall be used.

The tonal penalty is derived from the margin above audibility of the tone according to the figure below. The rating level at each wind speed is the arithmetic sum of the wind farm noise level, as determined from the best fit curve described in Note 2, and the penalty for tonal noise. If the rating level lies at or below those values set out in Condition 2, then no further action is necessary.



Note 4

If the rating level is above the limit set out in the Condition 2, measurements of the influence of background noise shall be made to determine whether or not there is a breach of condition. This shall be achieved by repeating the steps in Note 2, with the wind farm switched off, and determining the background noise at the assessed wind speed, L3. The wind farm noise at this speed, L1, is then calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L1 = 10 \log [10^{L2/10} - 10^{L3/10}]$$

The rating level is re-calculated by adding the tonal penalty (if any) to the derived wind farm noise L1. If the rating level lies at or below the values set out in the Condition 2 then no further action is necessary. If the rating level exceeds the values set out in Condition 2 then the development fails to comply with the Condition.

Reason for Decision

The Borough Council is of the opinion that the variation of condition 21 of planning permission 2008/0171 (noise levels) gives rise to no material harm and is in accordance with Government policy and guidance, and the policies in the Barnsley Unitary Development Plan as set out below:

Government Policy and Guidance
PPS22: Renewable Energy

Barnsley Unitary Development Plan
ES12: Wind Energy Generation

Furthermore, having considered all planning matters raised by consultees and representations, there are no other material considerations that indicate that the decision should be made otherwise and the proposed variation to the previously approved noise condition is therefore considered acceptable. It is further considered that any potential harm to the living conditions of neighbouring residents presented by noise would reasonably be mitigated by the imposition of the new condition.

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.