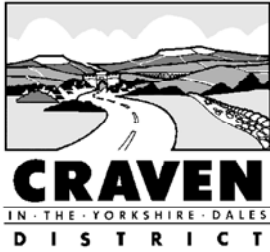


Planning Decision Notice

Decision No: 36/2014/14934



Craven District Council
Development Control Services
1 Belle Vue Square
Broughton Road
SKIPTON
BD23 1FJ
Telephone: 01756 700600
planning@cravencd.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF GRANT OF PERMISSION BY CRAVEN DISTRICT COUNCIL TO CARRY OUT DEVELOPMENT

Mr & Mrs S Moon
West Thornber
Wigglesworth
Skipton
BD23 4RS

C/o
Hallmark Power Ltd
Smisby Road
Ashby De La Zouch
LE65 2UE

Date of Valid Application: 07 August 2014

Date Decision Issued: 18 February 2015

Proposal: Installation Of An Additional 1 No. WTN 250KW Wind Turbine With A Tip Height Of 45m Including Underground Cabling And Temp Access.

Location: West Thornber, Wigglesworth, Skipton, BD23 4RS.

Craven District Council has considered your application and GRANTS permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

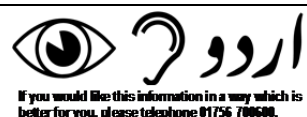
2. The approved plans comprise Drawing No MOON – 001, 002 and 250 – 00 -30 -300 received by the Local Planning Authority on 5th August 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To specify the terms of the permission and for the avoidance of doubt.

3. Within 25 years of the date of this planning permission, the turbine shall be permanently removed and a scheme for the restoration of the site to its former condition shall have been submitted to and approved in writing by the Local Planning Authority. This scheme shall then be implemented in accordance with a timetable approved within the scheme for the restoration of the site.



Paul Shevlin, Chief Executive
For general enquiries telephone 01756 700600
www.cravencd.gov.uk



If you would like this information in a way which is better for you, please telephone 01756 700600.

4. If the turbine hereby permitted fails to produce any electricity for a continuous period of 6 months the operator of the development shall notify the local planning authority in writing no later than one month after the end of that period. The wind turbine and its associated equipment shall be removed from the site no later than 12 months from the end of that period, and the site restored, in accordance with a decommissioning and restoration scheme, including a timetable for its implementation, which shall have been submitted to the local planning authority for written approval not later than 3 months after the date of the notification to the local planning authority.

Reason (for 3 & 4): To safeguard the landscape setting of the site and the general character and amenities of the area should the environmental benefits of the development cease.

5. The wind turbine hereby permitted shall precisely match the existing adjacent turbine (permitted under planning ref. 36/2012/12044) in terms of its external appearance, colour and finish.

Reason: To safeguard the visual amenities of the area.

6. All electricity and transmission lines leading from the turbine shall be laid underground in accordance with the details provided in the plans hereby approved.

Reason: For the avoidance of doubt and to safeguard the landscape setting of the site and the general character and amenities of the area.

7. The development shall not begin until a site specific scheme to prevent the potential for excessive noise (amplitude modulation) nuisance caused by blade 'swish' or 'thump' has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken by appropriately qualified persons(s) that have previously been approved in writing by the Local Planning Authority, and shall establish measures to prevent excessive amplitude modulation. Such measures could include the automatic shutdown of the wind turbine at times when weather conditions indicate that the turbine may unacceptably impact on the amenities of adjoining neighbours (for example, at times of high wind speed when the wind is blowing in the direction from the turbine to affected nearby residents). The approved scheme shall subsequently be implemented in full and retained for the life of the approved wind turbine.

Reason: The existing installation has resulted in a noise nuisance complaint. The matter has been investigated by Environmental Health and a period of monitoring undertaken. The outcome of this monitoring did not provide sufficient evidence of a statutory noise nuisance, but the outcome was inconclusive. It is therefore considered prudent to require further measures to protect the amenities of neighbouring properties.

Informative:

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0845 1300 228.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information



Mr Ian Swain
Development Control Manager

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under Section 195 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within the relevant period, 12 weeks for an Appeal against refusal or refusal of application to lift/amend conditions of a Householder application or within six months of the date of this notice.

Appeals must be made using a form, these are not downloadable but can be obtained from the Planning Inspectorates Customer Support team on telephone number 0303 444 50 00, alternatively an appeal can be submitted electronically via the Planning Portal at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

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, or provisions of the development order and to any directions given 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 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 carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District 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 of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.