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Mr Keith Brooks
14 Miles Bank
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PE11 3EZ

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H14-0423-17 **Date of Decision:** 29th June 2017

Applicant: Mr M Parker
Tate Business Park
Pode Hole
Spalding
PE11 3LX

Location: Tate Business Park Dozens Bank West Pinchbeck Spalding

Description: Erection of 25kW wind turbine and associated switch gear - approved under H14-0680-14 - Modification of Condition 2 to allow amendments to previously approved plans

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 The development must be begun not later than the 20th April 2018.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
-Site Plan Map (1:2500), Eocycle - Acoustics and Aesthetics, Technical Specifications and Dwg. No: 100D011, Letter from K Brooks dated 28th April 2107.
-Design and Access Statement (Horizon Power Ltd) including Dwg. No's: 5 and 6 accompanying planning permission H14-0680-14.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 No development shall commence until details of a concrete impact protection slab to be installed at the base of the wind turbine have been submitted to and approved in writing by the Local Planning Authority in accordance with National Grid specifications. The concrete impact protection slab shall be installed in accordance with the approved details prior to the commencement of the development and remain in situ until such time as the wind turbine is no longer in place.

Reason: To protect the high pressure gas pipeline in the vicinity of the site in the event that the wind turbine should fall over.
This Condition is imposed in accordance with Section 7 of the National Planning Policy Framework 2012.

4 Until such time that a satisfactory bat survey has been carried out and submitted to the Local Planning Authority, the wind turbine shall not operate between dusk and dawn. Should the Local Planning Authority deem that survey to evidence an adverse impact upon bats from the night time operation of the wind turbine then this time-related restriction on operation will continue to apply. Should the Local Planning Authority deem that the survey does not evidence an adverse impact upon bats from night time operation of the wind turbine then this time-related restriction will cease to apply.

Note: Please contact the Lincolnshire Bat Group for advice on carrying out a satisfactory bat survey.

Reason: To ensure that the proposal does not impact upon bats.
This Condition is imposed in accordance with Section 11 of the National Planning Policy Framework 2012.

5 Noise from the wind turbine shall not exceed a level of 5 dB(A) above the background noise level when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership.

Reason: In the interest of the amenities of the locality.
This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

6 Within three months of the wind turbine hereby permitted no longer being used to generate electricity, the turbine and all associated equipment shall be removed from the site, and the site re-instated.

Reason: In the interests of the visual amenity of the surrounding area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

7 All cabling between the wind turbine and power supply shall be installed underground.

Reason: To limit the effects of the development in the interest of the visual amenities of the rural locality.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

8 The design, dimensions and colour of the turbine shall be as specified in the design and access statement accompanying the application.

Reason: To ensure a satisfactory development in the interest of the visual amenities of the rural locality.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

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 grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online 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, to the

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 Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant 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 the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) 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 Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.