



Reference No. 14NP0079

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING ( DEVELOPMENT MANAGEMENT PROCEDURE )  
( ENGLAND ) ORDER 2010**

**Agent :**

I Need Planning Permission  
22 Allen View  
Catton  
Hexham  
Northumberland  
NE47 9QQ

**Applicant :**

Uswayford Farm Ltd  
Uswayford Farm,  
Harbottle  
Morpeth  
Northumberland  
NE65 7BU

Under the above Act, Northumberland National Park Authority hereby grants planning permission for:

**Dismantle existing Kingspan KW6 domestic wind turbine and re-erect in new location at Uswayford Farm, Harbottle, Morpeth, Northumberland, NE65 7BU.**

as described in application reference **14NP0079** and in the plans and drawings attached to it, subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 of the Town & Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
- Application Form received on 28th August 2014
  - Noise Performance Test December 2011 received on 28th August 2014
  - KW6 Planning Support Document received on 28th August 2014
  - Average Wind Speed Uswayford Document received on 28th August 2014
  - Design and Access Statement received on 28th August 2014
  - Location Plan received on 8th September 2014
  - Elevation Plan – KW6 on 9m Flange Bolted Tower received on 23rd October 2014

**Reason:** For the avoidance of doubt, to enable the Local Planning Authority to adequately control the development and to conform with Policies 1, 2, 3, 17, 18, 19 and 20 of the Northumberland National Park Authority Core Strategy and Development Policies Document and the National Planning Policy Framework.

3. If the turbine ceases to operate for a continuous period of six months (unless such cessation is due to the turbine being under repair or replacement) then, unless otherwise approved in writing by the Local Planning Authority, within three months of the end of that period a scheme shall be submitted to the Local Planning Authority for its approval in writing which sets out the following:
- i. Proposed details for the decommissioning and removal of that turbine and any ancillary equipment and structures relating solely to that turbine;
  - ii. A restoration scheme for the land where the turbine and any associated ancillary equipment and structures was removed from; and
  - iii. Proposals for the management and timing of the works.  
The approved scheme shall be implemented within 12 months of the date of its approval by the Local Planning Authority.

**Reason:** To ensure that the turbine provides a source of renewable energy generation whilst in situ, to ensure that it is removed from the land if it ceases to function, and to ensure that the land is reinstated in an acceptable manner in the interests of visual amenity and the landscape character of the National Park and for the development to accord with Policies 1, 3, and 20 of the Northumberland National Park Authority Core Strategy and Development Policies Document and the National Planning Policy Framework.



4. All cabling associated with the development shall be located underground.

**Reason:** In the interest of visual amenity and for the development to accord with Policies 1 and 3 of the Northumberland National Park Authority Core Strategy and Development Policies Document and the National Planning Policy Framework.

5. Prior to the commencement of the development, the existing turbine approved under application reference 12NP0007 shall be dismantled.

**Reason:** In order to prevent a proliferation of turbine developments in this location and the protect the landscape character and visual appearance of the area, in accordance with Policies 1, 3 and 20 of the Northumberland National Park Authority Core Strategy and Development Policies Document and the National Planning Policy Framework.

#### Informative Notes :

1. If the planning permission hereby granted is implemented, you should notify the Ministry of Defence (DIO Safeguarding) of the following:
  - The date construction starts and ends;
  - The maximum height of construction equipment;
  - The latitude and longitude of the turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

Contact can be made on 0121 311 2195, by email to: [DIOODC-IPSSG3a@mod.uk](mailto:DIOODC-IPSSG3a@mod.uk), or in writing to

Ministry of Defence  
Safeguarding – Wind Energy  
Kingston Road  
Sutton Coldfield  
West Midlands  
B75 7RL  
United Kingdom

2. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
  - (a) Any variation from the approved plans following commencement of development, irrespective of the degree of variation, will constitute unauthorized development and may be liable to enforcement action.
  - (b) You or your agent or any other person responsible for implementing this permission should inform the Northumberland National Park Authority's Development Management team immediately of any variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.
  
3. This Planning Application is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. If there is a condition that requires work to be approved prior to the commencement this is called a 'condition precedent'. The following should be noted with regards to conditions precedent:
  - (a) if a condition precedent is not complied with, the whole of the development will be unauthorized and you may be liable to enforcement action.
  - (b) In addition if a condition precedent is breached, the development is unauthorized and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.
  
4. The proposed location is approximately 80 metres to the east of public footpath 25 in Alwinton Parish. This Public Right of Way must be protected throughout. The planned works must have no effect on accessing this route. No action should be undertaken to disturb the surface of the path, obstruct the path or in any way prevent or deter public use of the path without the necessary legal diversion or closure order having been made.



### **Positive and Proactive Planning Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the relevant policies in the National Planning Policy Framework and the Northumberland National Park Core Strategy and Development Policies Document. As a result, the Local Planning Authority has been able to grant permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Dated this: **21 November 2014**

**National Park Officer**

**Please note that this is not approval of plans under the Building Regulations. Also, this Planning Permission does not convey any approvals required under any other legislation, or override property rights held by other parties. Your attention is drawn to the notes attached. Failure to discharge planning conditions may result in the development not being authorised and subject to legal challenge.**

## **NOTES**

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he or she may by notice served within six months of the date of this notice, appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990. Notice of Appeal may be submitted electronically via [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) or on the Planning Appeal Form which may be obtained from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to them that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he or she may serve on the Council within the boundaries of which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- (3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
- (4) Please note that only the applicant has the right to appeal. Third parties have no right to appeal against a planning decision.