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**High Peak Borough Council**

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TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995

FULL PLANNING APPLICATION

## PERMISSION

Applicant Stephen Welsh  
Lower Mount Farm  
Shore  
Todmorden  
OL14 8SD

Application no. HPK/2007/0346

Registered on 14/05/2007

Determined on 05/07/2007

Agent

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High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

**Resubmission of HPK/2007/0129 : Hydro-electric generating station at Torr Weir The Torrs New Mills**

in accordance with the submitted application, details and accompanying plans listed below because having regard to the existing development in the area and the provisions of the development plan the proposal would be in accordance with the plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers subject to the following conditions and reasons:-

### Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.
2. Notwithstanding the details submitted on the approved plans, and prior to the commencement of development, full details of the design and external appearance of the structure, including the archemidian screw, sluice system and protective screening and

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Adrian Fisher  
Head of Planning & Development

High Peak Borough Council Planning and Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF  
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- details of appearance shall be submitted in writing and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
3. Prior to the commencement of development details of the final technical specifications of the archimedean screw intake screen shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.
  4. Prior to the commencement of development details of the design and construction of the bed-check weir across the River Sett shall be submitted to and approved by the Local Planning Authority and thereafter shall be implemented in accordance with the approved plans.
  5. No development shall take place until the applicant or their successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) submitted by the applicant and approved by the Local Planning Authority.
  6. No development or other operations shall commence on site in connection with the development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Works.
  7. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
  8. Details of maximum noise levels arising from the equipment on site shall be submitted in writing and approved by the Local Planning Authority prior to development.

## Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to ensure a satisfactory appearance for the development within the conservation area and historic park, in accordance with policies BC5 and BC11 of the Adopted High Peak Local Plan.

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3. To ensure a sustainable and satisfactory form of development through the protection of the fishery in the River Goyt and River Sett, in accordance with policy OC9 of the adopted High Peak Local plan
4. To prevent erosion of the bed of the river and in accordance with policy GD10 of the Adopted High Peak Local Plan
5. In order to ensure the proper recording of archaeological remains on site in accordance with policy BC10 of the Adopted High Peak Local Plan.
6. To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.
7. To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.
8. In the interests of the amenity of the area and in order to preserve the character of the historic park

### **Notes to Applicant**

All archaeological work should be undertaken by a suitably qualified archaeological contractor appointed by the applicant. A brief from which the WSI may be developed and contact details for contracting archaeologists can be provided by the Development Control Archaeologist upon request.

The River Goyt and the River Sett are designated as main rivers and any works within, over or under the channel of the rivers and any works within 8 metres of the top of the river wall require the Agency's prior written consent in accordance with the provisions of the Water Resources Act 1991 and the Environment Agency's Land Drainage Byelaws.

Under the Salmon and Freshwater Fisheries Act, 1975, any person who wilfully disturbs any spawn or spawning fish, or any bed, bank or shallow on which any spawn or spawning fish may be, shall be guilty of an offence. In addition, under the Salmon and Freshwater Fisheries Act, 1975, it is an offence to cause or knowingly to permit to flow, or put, into any waters containing fish, any liquid or solid matter to such an extent as to cause the water to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish.

An abstraction licence will be required in order to implement this consent. The applicant is advised to contact the Environment Agency in this regard.

The Environment Agency recommends that a structural survey of the Torrs weir is carried out to ensure that the weir is stable and does not require remedial works.

### **Plans**

The plans to which this Notice refers are listed below:

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Head of Planning & Development

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Tel 0845 129 77 77 Fax 01457 860290 Minicom 0845 129 48 76  
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Location Plan  
Photo  
01  
02  
03  
04  
Planning3.drg

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## 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 may appeal to the Office of the Deputy Prime Minister in accordance with Section 78 & 79 of the Town and Country Planning Act 1990. **PLEASE NOTE the time period for appeal has changed.** If your application was registered as received before 14<sup>th</sup> January 2005 you can appeal within 3 months of the date of this decision. **If your application was registered on or after 14<sup>th</sup> January 2005 you can appeal within 6 months of the date of this decision.** The Office of the Deputy Prime Minister has power to allow a longer period for the giving of a notice but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal, if it appears to him 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 direction 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 Office of the Deputy Prime Minister, 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 development which has been or would be permitted, he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 137 & 138 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. This permission relates to planning control only. Approval under the Building Regulations may also be required from this authority. Any other statutory consent necessary must be obtained from the appropriate authority.
5. If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0117 3728000, fax. 0117 – 3728624.
6. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or the strengthening of a footway, as the Authority considers necessary, or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority, Derbyshire County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.
7. Developers should be aware of their statutory obligations with regard to access to buildings

and their surroundings, in particular:

Building Regulations 2000 Approved Document M, 1999 Edition  
The Work Place (Health, Safety & Welfare) Regulations 1992  
The Disability Discrimination Act 1995  
The Disability Discrimination (Employment) Regulations 1996

8. Developers should also be aware of the provisions of the Gas Safety Regulations 1972 and Gas Safety (Installation and Use) Regulations 1984. It is possible that the existing gas service pipe which lies within the area of the proposed extension of alterations which will contravene the provisions of these Regulations. It is necessary that you contact British Gas, North West House, Gould Street, Manchester, M4 4DJ, who will advise if the existing gas service pipe requires alterations.