

Town and Country Planning Act 1990

## Grant of Full Planning Permission

Applicant:	OblinArk Ltd - Mr Brannan Tempest	Application Number:	12/02708/FU
Address	Barrowby Carr Cottage Barrowby Carr Drive Leeds West Yorkshire LS15 8FB England	Date Accepted:	26 June 2012
		Date of Decision:	21 August 2012

**Proposed Development At:** Lemonroyd Weir Off Fleet Lane Oulton Leeds

**Proposal:** Two hydrokinetic power barges

**Full planning permission granted in accordance with the approved plans and specifications and subject to the condition(s) set out below:-**

- 1) The development hereby approved shall be carried out in accordance with the approved location plan, layout plan, cable routing plan, (entitled: OblinArk power cable route) and section plan (entitled: elevation plan Lemonroyd Weir) date stamped 26th June 2012, the details of the meter box received on 15th August 2012 and in accordance with the following conditions which shall in all cases take precedence.

For the avoidance of doubt and to ensure the development is undertaken in accordance with the approved plans and documents.

- 2) The development hereby permitted shall cease and the land restored to its former condition on or before 21st February 2014.

As the environmental impacts of the proposal are require to be fully assessed prior to a permanent planning permission being granted.

- 3) No development shall commence until details (including colour) and samples of all external materials to be employed in the construction of the proposed hydrokinetic power barges and meter box have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

In the interests of visual amenity and in accordance with UDPR (2006) policy GP5.

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- 4) The development hereby permitted shall not commence until details of a monitoring programme to determine the impact of the development on fish migration (use of the fish pass) have been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The approved monitoring programme shall be implemented in accordance with the approved details and results shall be provided at the end of the agreed time period.

In the interests of avoiding harm to fish migration in accordance with UDPR (2006) policies GP5 and N49 and to comply with Salmon and Freshwater Fisheries Act (1975), Section 12.

- 5) The combined noise from the two hydrokinetic power barges and meter box shall not exceed a rating level as defined by BS4142 by more than 5dB(A) below the lowest background (L90) at the nearest noise sensitive premises.

In the interests of residential amenity and in accordance with UDPR (2006) policy GP5.

### Plans Schedule :-

**Plan Type**  
Other

**Plan Reference**  
SEE CONDITION 1

**Received**

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### Reason(s) for granting consent:-

- 1) In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policy GP5: Amenity and environmental considerations.

Policy N32: Green Belt and the Proposal Map

Policy N33: Development in the Green Belt

Policy N49: Nature Conservation

Policy N54: Development of Renewable Energy

On balance, the City Council considers there are very special circumstances to justify this development in the Green Belt.

### For information:-

- 1) The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust code - Code of Practice for Works affecting the Canal & River Trust.
- 2) The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

- 3) The applicant is advised that it would be prudent during the period of the temporary planning permission to undertake some noise sampling. BS4142 is the standard that would be expected and a measurement of the existing noise and impact assessment of the noise from the OblinArk would be required.

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The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from coal mining. If you have provided a Coal Mining Risk Assessment Report, you must comply with any requirements detailed in the conditions or information notes on this decision notice.

Where a report has not been provided, you must report any coal mining feature encountered to the Coal Authority and must get prior written permission before undertaking any intrusive activities eg site investigation boreholes, digging of foundations, piling activities etc. Failure to do so could result in court action. Property specific summary information on coal mining can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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Applicants are requested to remove any site notices related to this application from outside the property to which the application relates.

### **Important Information about Your Planning Permission**

#### **Town and Country Planning (Development Management Procedure) (England) Order 2010**

This decision notice only relates to the grant of planning permission. It does not give any approval or consent which may be needed under any legislation, enactment, bye-laws, order or regulation other than the Town and Country Planning Act 1990 as amended. You may need other approvals, consents or licenses for the development eg building regulations approval.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) A variation from the approved plans following commencement of the development is likely to constitute unauthorised development and may be liable to enforcement action.

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- (b) Variation to the approved plans will require the submission of a new planning application.

This planning permission is granted subject to conditions. Please read the conditions carefully and make sure that you understand what is required to comply with them. It is the responsibility of the owner(s) and the person(s) implementing the development to ensure that the approved plans and these conditions are complied with throughout the development and beyond. Failure to comply with any of the conditions may result in enforcement action.

Conditions which require work to be carried out or details to be approved prior to commencement are very important and are called '**conditions precedent**'.

This means:

- (a) If a condition precedent is not complied with, the whole of the development might be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify this is by the submission of a new application to obtain a fresh planning permission.

A fee of £85 per request or £25 if the request relates to a householder application is payable to discharge condition(s). The request needs to identify the planning application number and the condition(s) concerned; a form is available from our website [www.leeds.gov.uk/planningforms](http://www.leeds.gov.uk/planningforms) titled Approval of Details application form.

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 as amended.

If you want to appeal, you must do so within **six months** of the date of this notice, using a form which you can obtain from <http://www.planningportal.gov.uk/planning/appeals> or by email from [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or by phoning 0117 372 6372.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to do so unless there are special circumstances which excuse the delay in giving notice of appeal.

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You must send one copy of the completed form to [planning.appeals@leeds.gov.uk](mailto:planning.appeals@leeds.gov.uk) or Appeals Administration, Planning Services, Leeds City Council, The Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD as well as to the Planning Inspectorate at the address on the form.

