MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Refusal of details reserved by condition

Applicant	Agent (if used)
Manchester City Football Club Ltd C/o Agent	Mr John Cooper Deloitte LLP Hanover Building Corporation Street Manchester M4 4AH

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 5 (Metrolink) attached to Planning Permission 135764/FO/2022.

Location: Etihad Stadium, Ashton New Road, Manchester, M11 3FF

Date of application: 1 November 2023

Application number: CDN/23/0740

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Refused** in accordance with the information set out below.

Condition 5 Metrolink
The following information has been submitted in respect of this planning condition:

Drawings/Documents prepared by Buro Happold received by the City Council, as Local Planning Authority, on the 2 November 2023

The above information has been considered.

Correspondence was sent to Deloitte on the 8 December 2023 requesting the below information:

Any changes to Metrolink infrastructure must go through the Metrolink Engineering Assurance Process (MEAP) and there are aspects of this design that have not been through this process and are therefore not considered to be agreed.

I have included a few bullet points below in relation to this submission, not exhaustive but indicative of the incompleteness of the submission.

The fencing setting out drawing submitted is an earlier version (P10) than that shared with Metrolink (P11), the submission should be updated to include this later version. There is a slope stability report, that has been shared with Metrolink, that contains info regarding monitoring arrangements etc that has not been included in this submission and should be. These works have been agreed but only in so far as they relate to the temporary works, there is nothing included or agreed in relation to the permanent works. The Electrical and Mechanical drawings and the Concrete Specification have not been subject to the MEAP and can therefore not be considered approved.

The permanent corralling layout, lighting and CCTV and the installation of a canopy at the top of the slope have not been discussed/agreed/included in this submission.

In view of the foregoing Metrolink cannot support the discharge of Condition 5 relating to Planning Permission 135764/FO/2022.

We would urge the developer's representatives to continue to liaise with the Metrolink Engineer for this project to ensure that they comply with the MEAP with a view to enabling Metrolink to support the discharge of this Condition.

Condition 5 is not formally discharged.

Date: 5 February 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. 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, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

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 that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. 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 they can neither put the land to a reasonably beneficial use in its existing state nor 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 their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. 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.