

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

Partial approval of details reserved by condition

Applicant

Network Rail
One Eversholt Street
London
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Agent (if used)

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M1 2NY

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 4 (landscaping) and 6 (temporary signage) attached to planning permission referenced 133209/FO/2022

Location: Land At Clayton Vale Country Park, East Of Berry Brow, Manchester, M40 1GG

Date of application: 2 November 2022

Application number: CDN/22/0791

Part 2 – Particulars of decision (a)

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

6 (temporary signage)

The following information has been submitted in respect of this planning condition;

The information contained within the application form, stamped as received on the 2 November 2022.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 6 is therefore formally discharged.

Part 2 – Particulars of decision (b)

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

4 (landscaping)

The information contained within the Landscape and Ecological Management Plan, stamped as received on the 2 November 2022 is sufficient to allow partial discharge of condition 4. To allow full discharge of condition 4 the issues below need to be addressed:

*The plan whilst referencing the need to control Himalayan balsam and Japanese knotweed and including treatment and monitoring in the timetable of works does not actually provide details on how the species will be controlled and on the prevention of spread as required by the condition and;

*The woodland planting mix includes species that are not locally native (though admittedly widely planted). I would prefer substitution of field maple and beech with species such as silver birch, downy birch or rowan.

With regards the habitat re-creation proposals and recommend amendments to the planting schedule and more detail on the bio security issues relating to Himalayan balsam and Japanese knotweed is required to fully satisfy condition 4.

Date: 24 November 2022

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.