

DELEGATED REPORT

Report by Helen Leach	Date of report: 02/10/2025	Ref: 72210/CONDIS
Registration: 12/08/2025	LDFC:	Expiry Date: 07/10/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 4 (construction environmental management plan - CEMP), condition 5 (construction traffic management plan - CTMP) and condition 6 (method statement for invasive species) on planning permission 67946

Location: Land on south east side of Milltown Street, Radcliffe, Manchester, M26 1WN

Description

The applicant seeks the discharge of conditions 4 (construction environmental management plan - CEMP), condition 5 (construction traffic management plan - CTMP) and condition 6 (method statement for invasive species) from planning permission 67946.

Relevant Planning History

67946 - Replacement of Milltown Street Footbridge with new foot/cycle bridge at land on south east side of Milltown Street, Radcliffe. Approved with conditions- 27 July 2022

Publicity

None required.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - No comments.

Traffic Section - No objections.

GM Ecology Unit - No objections.

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected

equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Condition 4 - (Construction Environmental Management Plan - CEMP) - The working methodology and a license from the Environment Agency have been provided for the proposed works. These documents provide the information required to discharge parts 1 & 2 of the condition.

Detailed information is still to be provided for part 3. However, given that this cannot occur until completion of the bridge and inns treatment, the condition cannot be fully discharge at this time. However, GM Ecology Unit has no objections to the part discharge of this condition, based on the outline proposals to reinstate based on native species, with full discharge when final details have been provided.

Condition 5 - (Construction Traffic Management Plan - CTMP) - The CTMP has been submitted and assessed by the Traffic Section. The Traffic Section has no objections to the discharge of the condition, providing the measures and facilities in the plan are retained for the duration of the works.

Condition 6 - (method statement for invasive species) - An invasive species management plan has been provided. Given the location within the river corridor with reinfestation inevitable once construction is complete, GM Ecology Unit is satisfied that the method statement is adequate. Therefore, there are no objections to the discharge of this condition.

Recommendation: Approve

Conditions and Reasons:

The following conditions have been approved:

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Condition 4 - Construction Environmental Management Plan

Construction Ecological Management Plan, dated March 2025,

Method statement, dated 04/01/2024,

Construction Environmental Management Plan, June 2025,

EA permit

Preliminary bat roost inspection & bat emergence survey report, dated June 2025

Otter & white clawed crayfish survey report, dated June 2025

Part s 1 - 3 are discharged. Part 4 is part discharged

Condition 5 - Construction Traffic Management Plan

Construction Traffic Management Plan, dated 01/04/2025

Condition 6 - Invasive species

Invasive species management plan, dated 10/04/2025

This condition is part discharged

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 02/10/2025			