

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0088

Date registered valid: 1 February 2021

Proposal: Discharge of conditions 32 (canal protection measures), 33 (non-native invasive species protocol) and 43 (construction risk assessment) of planning permission ref: 125596/FO/2019

Address: Coleshill Street, Manchester, M40 8HH

Ward(s): Miles Platting & Newton Heath Ward

Applicant: ENGIE Services Ltd & Landcare (East Manchester) Ltd C/o Agent

Agent (if any): Mr Ed Harvey Avison Young Norfolk House, 7 Norfolk Street, Manchester, M2 1DW

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 April 2021

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 1 February 2021 Expired: 22 February 2021

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Canals and Rivers Trust - The submitted information is considered acceptable from the Trusts perspective to discharge these conditions and the applicant has already signed up to the Trusts Code of Practice for works likely to affect us.

Environment Agency

07.04.2021- Environment Agency Position – Condition 32 (Canal Protection Measures)

Having reviewed the reporting outlined above, as submitted, they are unable to recommend the discharge of condition 32 attached to planning permission

125596/FO/2019.

Please see outlined below an explanation of our rationale for this determination.

Groundwater and Contaminated Land Commentary

They have reviewed the submissions detailed above in the context of the advice and guidance given during a series of technical workshops between the EA, the developer and their environmental consultants and advisors in November 2020; whereby a standalone workshop (17th Nov.2020) was held for the feature in question and way forwards agreed.

At the workshop noted, they discussed that under normal circumstances and assessment, a standard sheet-pile wall would not be considered by the EA to constitute a low permeability barrier and therefore it would be deemed unsuitable for the task of removing the pollutant pathway.

However, it was further clarified to the EA that the sheet-pile walled intervention presented would utilise interlinking panels in conjunction with an interwoven impermeable membrane placed between the sheet-piles to enhance the low permeability performance of the wall. This approach was deemed potentially viable. However, it was agreed as part of meeting discussions that further technical details, justification and evidence would be needed to enable the EA to support this approach and to enable determination of the suitability of the barrier wall intervention.

Further to the above, it was identified that the barrier feature in question would need situated in a position which did not hinder improvement to the canal -side of the barrier and would not prevent the expectations and conditional requirements of the Canal and Rivers Trust being met or vice versa.

The EA identified as part of workshops and discussions held with the applicant's environmental consultants that the remediation strategy developed for this area of the site should ensure that any residual contamination on the canal-side of the barrier does not pose an unacceptable risk to water environment receptors. It was also noted that it would be considered good practice to include sentinel monitoring wells at the end of barrier wall(s) to ensure no adversely impacted groundwaters move perpendicular and circumnavigate the defence/barrier feature.

At present the January 2021 report noted above does not include the level of detail expected for the barrier feature. Furthermore, the April 2021 letter report now refers to a membrane being installed behind the canal wall and not interwoven as described / anticipated above. Consequently, at this time, the EA are not willing to recommend the discharge of condition 32 attached to planning permission 125596/FO/2019.

In addressing condition 32, they recommend that the main E3P January 2021 report is revised and updated to include details of the intervention methodology - ensuring that the report fully details the sheet piled wall and interwoven membrane approach or the alternative installation of the membrane behind the canal wall (as detailed within the April letter report). The updated reporting should include details as to depth, installation, validation and later protection measures. We would also recommend for the purpose of ensuring good practice is adhered to that any updated reporting includes details of the location of any sentinel wells to be installed.

To summarise the above, as the canal has already been identified as being adversely impacted by existing site conditions and that the management /barrier wall report will be referred to later in the later stages of planning as a part of the wider validation and verification process for the site (particularly the former Manox parcel of land), we consider this to be sufficient justification to require the reporting/submissions for condition 32 to be revised in the manner detailed above.

12.04.2021- (LB) Advise if the developer is happy to make it absolutely clear in writing that they intended to address the below ground part of Condition 32 as a part of the detailed remediation strategy (Condition 59) then as long as the LPA are satisfied with that approach then the EA are.

The caveat is that if they install the sheet pile wall without the membrane in between and the

sentinel wells at either end (or some such combination) then they will have two options; a low permeability cut off all installed immediately behind (landward side) of the sheet pile wall or, they rip out the sheet pile wall and do it properly again. Either way that is going to be very costly and time consuming and will mean that verification and validation is not going to happen.

12.04.2021 (AD)- the two approaches/solutions above email are the most viable routes should they wish to progress the discharge of condition 32 at this stage in time. However, the EA hold some concerns regarding if the above ground wall is to be considered just an interim solution to be removed at a later stage in time. Taking an interim wall approach could add some complexity from a wider remit / planning perspective necessitating re-consultation with other relevant authorities e.g. Canal and River Trust at a later stage in proceedings? The current wording of condition 32 is not designed to enable/govern this (i.e. its written as the final above ground wall solution not an interim). On this basis, they wonder if the approach of having a low permeability wall landward side would be more favourable? They suppose the third option is installation of the barrier beneath the above ground wall created, but do not see how this could be achieved successfully and would need significant evidencing / research.

In any instance, if either of two possible solutions in the earlier email (12.04.2021) indicated are to be progressed at this stage, then a written statement will be need to be submitted confirming that details of the final below ground barrier wall/solution will be provided as part of wider conditional requirements/submissions. Also if they do also intend to take an interim wall approach the EA believe due to the potential complexity they will need also need initial further details and confirmation on how they intend to achieve this safely (which will need to be deemed acceptable by the wider Canal and River Trust etc).

19.04.2021 -Re-referral for this application was received on the 19th April 2021. We acknowledge from email correspondence that in response to previous letter of recommendations and concern, SO/2021/120965/01-L01, the applicant / agent has provided further clarification for condition 32, detailed in the reporting below, on the interaction between the action(s) to be taken in fulfilling the requirements of condition 32 and potential remedial requirements to be addressed under the wider conditioning for 125596/FO/2019.

Documentation Reviewed: ♣ Letter – Former Manox Site – Miles Platting Condition 32 – Surface Canal Protection measures. Document Ref: 13-887-L5. Prepared by e3p on the behalf of Engie Services Limited. Date: 14th April 2021.

Environment Agency Position (Updated) – Condition 32 (Canal Protection Measures) Having reviewed the additional clarification letter detailed above, we can now confirm that we have no objection to the discharge condition 32 attached to planning permission 125596/FO/2019 subject to our understanding and commentary detailed below. Groundwater and Contaminated Land Commentary We have reviewed the submissions detailed above in the context of advice and guidance given during a series of prior technical workshops undertaken involving the EA, the developers and their environmental consultants and advisors in November 2020. At the workshop aforementioned, we discussed that, under normal circumstance, a standard sheet-pile wall, would not be considered a low permeability barrier and therefore would be deemed unsuitable for the task of removing the pollutant pathway. However, it was further clarified to the EA the sheet-pile wall would utilise interlinking panels in conjunction with an interwoven impermeable membrane between sheet-piles to enhance the low permeability performance of the wall. It was agreed that further technical details, justification and evidence will be needed to support this approach and enable determination of suitability. Further to the assurances provided in the correspondence dated 14 April 2021 detailed above, notably “the works proposed as a part of Phase 0 and Phase 1 remediation, will not preclude the provision of the piled wall with either interwoven membrane or chemical barrier” we are now in a position to recommend to the local planning authority the discharge of condition 32 of the planning permission subject to conformity with the statement detailed above and provided that: ♣ The

sheet piled wall includes the interwoven membrane or a suitable alternative methodology is included that describes the installation of the membrane behind the wall (including such details as to depth, installation, validation and later protection measures), and; ♣ Suitably installed and located sentinel wells are placed at either end of the sheet piled wall as to monitor lateral migration of any possible dissolved phased contamination arising from the former Manox site and the installation of the sheet piled wall.

They note that '[a] Supplementary investigation, due to be completed as part of condition 57 for the site, will seek to inform the pile design of the proposed wall as well as delineate areas of interest. We therefore anticipate further submissions for the barrier feature as part of the evidence required for condition 57 of planning permission 1255696/FO/2019. For addressing condition 57 would advise the applicant/agent to refer to discussions and notes taken from the technical workshops held late in 2020.

Environmental Health - no comments to make regards risk assessment, and advise that the methodology for the treatment of Japanese knotweed looks reasonable. In relation to the canal protection measures, they have advised that they will defer to the Environment Agency.

GMEU – Have made the following comments.

Condition 32 – Protection of Rochdale Canal

A comprehensive method statement has been provided. They are satisfied that the temporary bund, new sheet piling, blocking of existing drains, new surface water to combined sewers and natural lie of the land will protect the canal from all but unforeseen events and the tools talk and emergency procedures should protect from an unplanned incident. They have no objection to the prior to development part of condition 32 being discharged.

Condition 33 – Invasive Species

Excavation and disposal off-site is proposed for all species, combined with spraying in the case of Japanese knotweed and balsam is proposed. They see no issues with the proposed method statements. They have no objection to the prior to commencement part of condition 33 being discharged.

Highway Services - Have advised that in connection with condition 32, the submitted Surface Water Management Plan is sufficient to allow them to recommend the discharge of this condition from a highway perspective.

Issues

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights

posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation:

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

Condition 32 (canal protection measures)

The submitted Surface Water Management Plan prepared by E3P ref: 13-887- R9 Dated January 2021, and Addendum Letter Report – Former Manox Site – Miles Platting. Condition 32 – Surface Canal Protection Measures. Reference: 13-887-L5. prepared by E3P. Date: 14th April 2021 confirming that :- *“a low permeability geotextile membrane will be installed to the inward side of the proposed sheet pile retaining wall to impede any migration of pollution during the construction period as stipulated by Condition 32.*

Groundwater monitoring wells will be installed at either end of the sheet pile wall to monitor dissolved phase and leachate concentrations at these positions for the duration of the remediation works. In the event that any elevated potential contaminants of concern are identified, the appropriate remedial action will be implemented.

Supplementary investigation, due to be completed as part of condition 57 for the site, will seek to inform the pile design of the proposed wall as well as delineate areas of interest. It must be noted that any supplementary investigation, in addition to the works proposed as a part of Phase 0 and Phase 1 remediation, will not preclude the provision of the piled wall with either interwoven membrane or chemical barrier. The design of which will be subsequently decided upon as a result of the further investigative works.”

has been considered .

On the basis of the further to the assurances provided in the correspondence dated 14 April 2021 detailed above, notably “the works proposed as a part of Phase 0 and Phase 1 remediation, will not preclude the provision of the piled wall with either interwoven membrane or chemical barrier” I can confirm that condition no.32 can be discharged in relation to Phase 0, subject to conformity with the statement detailed above and provided that the sheet piled wall includes the interwoven membrane, or a suitable alternative methodology is included that describes the installation of the membrane behind the wall (including such details as to depth, installation, validation and later protection measures); that suitably installed and located sentinel wells are placed at either end of the sheet piled wall as to monitor lateral migration of any possible dissolved phased contamination arising from the former Manox site and the installation of the sheet piled wall; and that any excavated materials stored in temporary stockpiles should be located away from the canal to prevent contaminated water run-off and the amount of exposed ground and stockpiles minimised.

Condition no. 33 (non-native invasive species protocol)

The submitted Invasive Species Survey and Management Strategy (reference: GC.J200737 dated November 2020) has been examined and the methodology considered. On the basis that

the Phase) enabling works are undertaken in accordance with the Invasive Species Survey and Management Strategy (reference: GC.J200737 dated November 2020), condition no.33 is discharged.

Condition 43 (construction risk assessment method statement (RAMS))

The information submitted in connection with condition and detailed below has been examined and considered to be acceptable.

- Plan ref: 3547A-LEV-00-GF-DR-A-1075 Rev P1) to show the geographic extent of 'Phase 0' , with the specific detail of the extent of works forming 'Phase 0' in the accompanying definition of 'Phase 0' (prepared by ENGIE dated October 2020)
- McAuliffe's Method Statement (dated January 2021) for Site Set Up, Site Clearance, Vegetation Clearance, Invasive Weeds.
- McAuliffe's Risk Assessment (ref MC2906 dated 8 January 2021).
- P2 Services' Japanese Knotweed Removal and Contaminations Treatment Programme
- Treefellers' Job Sheet and Risk Assessment (ref 7740/077089/77089).
- Fast Fence's standard Method Statements for Temporary Hoarding Installation including an addendum for Coronavirus (Rev 2).

On the basis that the Phase 0 enabling works are undertaken in accordance with the methodologies and details in the above documentation, condition no.43 is discharged in regard to Phase 0 of the development .

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Environment Agency
Canal & River Trust
Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

[illegible]