

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

Approval of details reserved by condition

Applicant

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

Agent (if used)

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M2 1DW

Part 1 – Particulars of the application/development

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

Location: Coleshill Street, Manchester, M40 8HH

Date of application: 1 February 2021

Application number: CDN/21/0088

Part 2 – Particulars of decision

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

Canalside 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.

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)

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

- o 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)
- o McAuliffe's Method Statement (dated January 2021) for Site Set Up, Site Clearance, Vegetation Clearance, Invasive Weeds.
- o McAuliffe's Risk Assessment (ref MC2906 dated 8 January 2021).
- o P2 Services' Japanese Knotweed Removal and Contaminations Treatment Programme
- o Treefellers' Job Sheet and Risk Assessment (ref 7740/077089/77089).
- o 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 .

Date: 23 April 2021

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

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

Notes

1. This permission refers 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.

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 his 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.