

Engie Regeneration Ltd
The Lighthouse
The Quays
Salford
M50 3BF

Our ref: SO/2021/120858/01-L01
Your ref: CDN/19/0662
Date: 09 February 2021

FAO:	
Engie - Client	Oscar Mackay / Elliot Hook / Ed Carroll
iD GeoEnvironmental Limited (IDG) - Technical Consultant	Liam Murphy

Dear Sirs

ENVPAC/1/GMC/00307 - ENGIE / ID GEOENVIRONMENTAL LIMITED - LETTER REPORT REVIEW RELATING TO CDN/19/0662: DISCHARGE OF CONDITION NUMBERS 8 (LANDSCAPING), 16 (CONTAMINATED LAND), 18 (EXTERNAL PLANT EQUIPMENT), 19 (ACOUSTIC INSULTATION), 21 (HIGHWAY DETAILS) AND 24 (CYCLE STORAGE FROM PLANNING APPROVAL REFERENCE 110179/FO/2015/S1.

LAND BOUND BY ROYCE ROAD, CITY ROAD AND CHORLTON ROAD, HULME MANCHESTER, M15 5LY

Thank you for requesting review by the Environment Agency's (EA) Contaminated Land Team of the following letter:

- IDG Letter Report – Reference: 4529-G-L004. RE: EA Letter Ref. SO/2020/119974/01-L01. Discharge of Condition 16 - 110179/FO/2015/S1 for Site at Royce Road, Manchester. Prepared by iD GeoEnvironmental Limited. Date: 15th October 2020.

N.B. – In order to provide review and response we have used 6 hours of charge agreement ENVPAC/1/GMC/00307 (2 hours remaining).

Please see outlined below our commentary and conclusions following review of the letter report detailed above.

Environment Agency Commentary - 4529-G-L004

We understand that the intended purpose of the letter report noted above is to address the EA commentary and recommendation made to Manchester City Council (MCC), via formal EA planning consultation letter SO/2020/119974/01-L01, to withhold from discharging condition 16 attached to planning permission 110179/FO/2015/S1 until the matter of decommissioning of three abstraction boreholes identified on site can be resolved.

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

Further to our initial formal planning consultation letter (SO/2020/119974/01-L01) and recommendations details above, we been subsequently informed that prior to relevant planning condition sign-off that the final development, constituting the three residential blocks, has now been completed and that these units are occupied.

For future occurrence / planning applications we would remind the applicant /agent that all relevant prior commencement / prior occupation conditions attached to a planning permission should be addressed prior to construction and/or utilisation of a development. Failure to follow correct procedure may risk enforcement action, reputational damage and avoidable adverse consequences/costs.

Having reviewed the letter report provided (4529-G-L004), we agree that three long-standing historic pump/ well features identified beneath the developed site are mostly like to have been installed to provide historical high density housing with a supply of water directly from the underlying Principal aquifer. Given the likely age of these three abstraction features it is reasonable to conclude that it will not be possible to fully ascertain the construction details of the features.

We understand that it is recognised by IDG (instructing the client) that in line with the planning condition requirements set out within condition 16 of 110179/FO/2015/S1, the three abstraction features in question should have been decommissioned prior to the development commencing - thereby removing the direct pollutant pathway from ground surface to the underlying aquifer.

Further to the above, we also acknowledge that the method of development and layout progressed as part of constructing the three residential blocks has resulted in a lower permeability covering being placed/situated over the areas of the three abstraction features in question.

However, we disagree with parts of the IDG (4529-G-L004) assessment. We consider that the number and range of groundwater abstractions signifies that the aquifer beneath the development site is a high value resource. We also consider that whilst surface features placed above the boreholes might be covered by a low permeability layer/covering, this will not provide full account for any sub-surface migration of mobile contamination. Conversely however, we note and acknowledge from the IDG letter report that the ground investigation reporting presented as part of planning evidence did not identify any significantly elevated concentrations of contamination being present across the site.

We have undertaken a check of our records and those available online from the Manchester City Council planning portal website but have been unable to locate the ground investigation report referred to (Report 6066B). We would note that the EA have not previously reviewed the aforementioned site investigation report and that consultation with the EA has not been previously requested by MCC on any applications made for the development site prior to consultation on application CDN/19/0662. We understand and acknowledge from the IDG letter report that the 2015 sub-surface investigation report in question has been previously approved and accepted by the planning authority and do not seek to challenge this.

Overall, considering the evidence presently available to the EA, we are willing acknowledge that the site (within the redline boundary defined for 110179/FO/2015/S1) is unlikely to have been impacted by significant and adversely elevated concentrations of contamination. As such it is possible to consider that the site in current state is

unlikely to pose a risk to controlled waters.

However, it should be recognised that this does not rule out the possibility of the three abstraction features becoming preferential pathways for contamination migration in the future; especially from an uncontrolled offsite source, incident or future change in site conditions. As per our initial planning response letter, SO/2020/119974/01-L01, whenever possible to ensure that development proceeds in accordance with relevant good practice and policy structures such as the abstraction features in question such be properly decommissioned once deemed redundant and/or when the opportunity to improve upon previous historical actions is presented.

In terms of the recommendation for discharge of condition 16 of planning permission 110179/FO/2015/S1 we note that the wording of the permission requires the work to be submitted "*Before the development hereby approved commences*" and that the remediation strategy should be implemented according. As development has been completed and occupied prior to condition sign-off and agreement from MCC, in effect, the wording requirements of the condition have been breached.

As the EA are not planning authority we are unable to make final determination on whether to accept, given present day circumstance, the discharge condition 16. However, we would not object to the contents of this letter being presented to the planning authority to assist in their determination. If the local planning authority decide that the site in its current state provides sufficient protection from uncontrolled contamination migration and that the documented work undertaken on site as part of the construction process is sufficient then we will be willing acknowledge that position.

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We trust that you will find the contents of this letter useful however, should you have any queries or questions further to this response then please do not hesitate to contact me.

Yours sincerely

Mr Andy Davies
Sustainable Places Advisor

Direct e-mail andy.davies1@environment-agency.gov.uk