

Manchester City Council
Development Control
PO Box 488
Manchester
Lancashire
M60 2JT

Our ref: SO/2020/120216/01-L01
Your ref: 126431/FO/2020
Date: 29 June 2020

FAO: Jennifer Atkinson

Dear Madam

ERECTION OF A MULTI-USE ARENA (USE CLASS D2) (61082 SQM) WITH A PARTIALLY ILLUMINATED EXTERNAL FACADE TOGETHER WITH ANCILLARY RETAIL/COMMERCIAL USES (CLASSES A1, A3 AND A4), WITH HIGHWAYS, ACCESS, SERVICING, LANDSCAPING, PUBLIC REALM AND OTHER ASSOCIATED WORKS

SITE SOUTH OF SPORTCITY WAY, EAST OF JOE MERCER WAY, WEST OF ALUN TURING WAY AND NORTH OF THE ASHTON CANAL AT THE ETIHAD CAMPUS

Thank you for consulting the Agency on the above application. This referral was received on the 16th April 2020.

Environment Agency Position

We have no objection to the proposed development provided that the following conditions, listed below, are included as part of any subsequent planning approval. Please see outlined below a further explanation of our rationale for this position.

Groundwater / Contaminated Land

Our Groundwater & Contaminated Land team have reviewed the reports noted below associated with the Environmental Statement in order to consider the condition of the land prior and post development completion and the significance of any possible pollutant linkages between the site and aquatic receptors.

- Volume 1 – Non Technical Summary report by Deloitte dated March 2020
- Volume 2 – Main report by Deloitte dated March 2020
- Volume 3:
 - Appendix 7.1 GeoEnvironmental and GeoTechnical desk Study report by BurroHappold Engineering dated Dec. 2019
 - Appendix 7.2 Coal Mining Assessment by BurroHappold Engineering dated Jan. 2020,
 - Appendix 7.3 Ground Engineering Interpretative Report by BurroHappold Engineering dated Jan. 2020, and
 - Appendix 13.2 Drainage Strategy; by BurroHappold Engineering dated Jan. 2020

From the information that has been made available, it is clear that the site has had a long history of industrial land uses which are likely to pose a significant risk to aquatic environment receptors.

The site is in a sensitive environmental location being above secondary aquifers (bedrock and superficial) as well as being located between the Ashton Canal and the River Medlock.

The National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being

adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178(c)).

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition are included as set out below. Without these condition, the proposed development on this site, as submitted, would poses an unacceptable risk to the environment and we would be minded to object to the application.

Condition [1] – Site Investigation / Remediation Strategy / Verification Plan

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the submissions to date, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason [1]

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Condition [2] – Verification Report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason [2]

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition [3] – Surface Water Infiltration Control

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason [3]

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition [4] – Piling / Penetrative Foundation Control

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason [4]

To ensure that works associated with development construction do not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

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Flood Risk

Our Flood Risk team have reviewed the Flood Risk Assessment (FRA) from BuroHappold Engineering (Ref BRA-BHE-XX-XX-RP-CW-0131 dated 27/02/2020) submitted with the application and we are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval.

Advice to Applicant / Agent

Flood Risk Activity Permit

Some activities associated with the development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres (either side of the center line) River Medlock culverted watercourse, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The Environment Agency has discretionary powers to carry out maintenance works on the channels of "main river" watercourses to remove blockages and ensure the free flow of water. Information on riparian landowner's rights and responsibilities can be found at <https://www.gov.uk/guidance/owning-a-watercourse>.

Groundwater / Contamination – Model Procedures and good practice

Due to the former land use(s), soil and /or groundwater contamination may exist at the site and the associated risks to controlled waters should be addressed by:
We recommend that developers should:

- Follow the risk management framework provided in [CLR11. Model Procedures for the](#)

- [Management of Land Contamination](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with BS 10175 (2001) Code of practice for the investigation of potentially contaminated sites. The competent person would normally be expected to be chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites. The Specialist in Land Condition (SiLC) qualification administered by the Institution of Environmental Management provides an accredited status for those responsible for signing off LCR's. For further information see - www.silc.org.uk

Where the remediation / redevelopment of the site will involve waste management issues we offer the following advice:

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of

Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Introduction of SUDS

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Piling and Penetrative ground improvement methods

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

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Environment Agency Chargeable Planning Advice Service

Given the likely technical issues regarding this phase of the development we have introduced a chargeable scheme whereby detailed technical advice and guidance can be sought from a dedicated technical officer in our groundwater and contaminated land team for the duration of the project.

Should you wish us to undertake a detailed review of your reports or want further advice to address the land contamination issues, we can do this as part of our charged service.

Further engagement at the prior to formal planning submission / review can speed up the formal planning application process and provide you with certainty as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100per hour plus VAT. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, then please do not hesitate to contact me.

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Note to LPA

Please forward a copy of this letter to the applicant / agent. Should you have any queries regarding this response, then please do not hesitate to contact me.

Yours faithfully

Mr Andy Davies
Sustainable Places Advisor

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Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.

Customer services line: [REDACTED]

www.gov.uk/environment-agency

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