Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0287
Date registered valid:	11 April 2024
Proposal:	Discharge of Conditions 3 (Construction Management), 4 (environmental management) and 14 (surface water drainage) attached to planning permission 129197/FO/2021.
Address:	Former Jacksons Brickworks Site , Ten Acres Lane, Manchester
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Nuvu Development Limited
Agent (if any):	Mr John Cooper Deloitte LLP
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**4th October 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 24 April 2024 Expired: 16 May 2024

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

Environmental Heath – 29.04.2024 – CMP (condition no.3 can be discharged).

Further comments 13.05.2024 - have looked at the CMP/CEMP and have no comments to make from a contaminated land point of view.

Further comments 30.07.2024- as long as all the aspects are covered by either the CMP and CEMP we have no objections to the discharge of conditions 3 and 4.

Further comments 26.09.2024 - They accept the updated CEMP rev.B and have no comments to make.

Highways Services – 01.05.2024 -Condition 3) The information provided is sufficient to allow us to recommend the discharge of this condition from a Highways perspective.
The applicant should be advised to make contact with the council's Highway Network Management teams by email -highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk to discuss the following:
- Pedestrian and traffic management plans:
*What will be the effect on vehicular and pedestrian movement?
*Are there any temporary road/footway closures or diversions, including Section 50, required to facilitate the development?
*Are works to the back of kerb or right on the kerb edge?
*Any requirements for licensing, hoarding / scaffolding, skips.
-Are new utility connections, i.e new electricity supply, required? if so, where will these be coming from?

LLFA – 11.04.2024 - asked for United Utilities consent in principle in respect of :

- Details of how the remediation works will impact on the existing site drainage of the site and identify if an increase in surface water run-off will be created as a result of the works.
- Evidence that measures have been put in place to ensure that the works does not impact offsite drainage and does not divert flows off the site.
- The proposed surface water management plan (D1932_25) indicates run-off will discharge into a combined public sewer. Has a discharge rate/point of connection been agreed with United Utilities, the developer will need to supply evidence of this agreement.

Further comments 19.06.2024 – Advise they would be unable to discharge condition 14 without the requested agreement in principle from United Utilities. Once this agreement in principle has been submitted, the LLFA will be able to reconsider their position on this application.
20.06.2024

Further comments 20.06.2024- Thank you for the attached United Utilities (UU) consultation response regarding condition 14. As discussed, UU have requested confirmation the Section 106 connection application has been approved before they can provide any further comments.

We would advise the condition is not discharged until an updated response from United Utilities has been provided, recommending condition 14 can be discharged..

Further comments 14.08.2024 - On a re-review of evidence presented, the surface water runoff on the existing site is currently collected and processed as trade effluent. This will continue to be the requirement for processing surface water runoff in the remediation phase. The LLFA does not regulate trade effluent. They do not require any SuDS scheme for this Site in the remediation phase and therefore this SuDS condition is discharged.

Informative for inclusion in Decision Notice:
The applicant must ensure all required permissions are obtained from regulators of the trade effluent surface water.

The Letter dated 20th August 2024 ref: 1932YOU-CDN/24/0287-DISlt01and Temporary Surface Water Drainage Strategy rev.B dated August 2024 has been sent to the LLFA , but no further comments have forthcoming.

United Utilities - 11.06.2024- Advise that they are aware of the scheme and is currently reviewing the submission documents in more detail to understand the potential impact of the proposal on their infrastructure. A detailed letter setting out their formal response will be sent as soon as possible and they will try to work within your deadlines.

United Utilities asked for the consultation expiry date along with the anticipated determination date, and requested that the scheme was not determined until their formal response had been issued.

Further comments 12.06.2024 - United Utilities recommends that condition 14 is not discharged, as they require confirmation that the Section 106 connection application has been approved before any further comments can be provided.
The applicant can discuss their drainage proposals with our Developer Services team by email at SewerAdoptions@uuplc.co.uk .
Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.
They request that a copy of their letter and Appendix be made available to the applicant.

Further comments 27.06.2024 - the details in your email are acknowledged and understood. The drainage solution proposed is temporary but there is wider complication regarding the temporary connection of land drainage which we are not bound to take via a Section 106. The fact that the land drainage has wider contamination concerns adds to the consideration. The wider trade effluent discharge consent adds to the complications regarding remediation proposals. The proposed method of management is to dispose of groundwater / leachate to sewer under a trade effluent agreement with UU. This proposal makes the Section 106 much more complex than being under usual circumstances for temporary connection.

Their position regarding CDN/24/0287 will stand as the trade effluent position will impact any Section 106 consent. Discharging the planning condition without an acceptance of the strategy could lead to complications post determination for the applicant, United Utilities and the Council.

Further Comments 27.08.2024- United Utilities still cannot recommend that condition 14 is discharged.
The details in the letter with additional information to support the discharge of condition 14 (dated 24th July) are acknowledged and understood. However, the position of United Utilities has not changed since our first response on 12th June 2024 and further email provided on 27th June 2024.
While they have not yet seen any formal application to United Utilities, the information available regarding in the submission outlines that the proposed connection appears to contain flows which United Utilities are not bound to receive. There is therefore a strong possibility that any proposed connection to the public sewer will be refused. They wish to note that as part of the additional information the applicant has outlined that there is an alternative method in place to transport the liquids away by tanker to an appropriate location. United Utilities welcomes the alternative and recommends the LPA explore why that is not the proposed method of discharge due to the complications outlined above.
Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.

Further comments 12.09.2024 following consideration of Letter dated 20th August 2024 ref: 1932YOU-CDN/24/0287-DISlt01and Temporary Surface Water Drainage Strategy rev.B dated August 2024 - Further to our review of the submitted Temporary Surface Water Drainage Strategy, Rev B, dated August 2024, United Utilities has no objection to condition 14 being discharged. The details in the strategy state that treated water will be transported via tanker to an appropriate facility for further treatment and/or disposal, and not communicate with the public sewer.

Environment Agency – 21.06.2024 –
Summary
Condition 3 (CMP)– No EA position statement but note combined nature of CMP addressing condition 4 also.

Condition 4 (CEMP) – EA unable to recommend discharge + seek clarification from LPA on whether in agreement with planning agent's assessment of condition.
Condition 14 (Surface Water Drainage Strat) – EA unable to recommend discharge.
The EA have reviewed the following information with regard to the protection of controlled waters and handling/movement of waste materials:

I. Construction Management Plan and Construction Environmental Management plan (Rev.006). Prepared by Vertase FLI. Dated January 2024.

II. Temporary Surface Water Drainage Strategy (issue 1 Rev.A). Prepared by Vertase FLI. Dated February 2024.

III. Application Covering Letter – Discharge of Conditions 3, 4 and 14 attached to Planning Permission Ref: 129197/FO/2021. Prepared by Deloitte LLP. Dated April 2024.

In considering the submissions listed above and respective discharges of condition sought under CDN/24/0287, we note our (the Greater Manchester Merseyside and Cheshire (GMMC) EA Area Teams) awareness to recent discussions held by the applicant's chosen environmental consultant with our National Permitting Service (NPS) regarding the likely environment permitting needs for site preparatory works encompassed via the 129197/FO/2021 permission i.e. the needs for excavation, treatment of potential re-use of waste material on-site.

Whilst acknowledged as separate regimes (i.e. planning regime / permitting regime), for the benefit of review CDN/24/0287 submissions, it has been considered that first gaining clarity on the position/considerations of our NPS service towards the handling and treatment of waste materials has been an important exercise, in particular to aid our assessment of the latest formal submission(s) made for condition 3-4 (CMP). Although separate it is important that alignment between the two regimes is achieved for the overall effectual progression of development, this being particularly important in so far as the handling of materials classified as waste is concerned. We note the grant of planning permission(s) does not necessitate the grant of an environmental permit(s) however, a misalignment between regimes may warrant revision under one or both of the regimes to become required i.e. it is important any construction management plan approved achieves alignment to the intended waste material management permitting approach.

Records available to the EA confirms that the development site formerly benefitted from a Waste Management Licence (EA. Ref. F008, RD/LIC/013/76) which supported the disposal of waste materials to site between 1973 and 1984. Those records show that the waste management licence boundary covered a significant proportion of the development site area (~80 % of the redline boundary of the current application). In line with this observation, the identification an appropriate environment permit for the treatment for the treatment of waste material is of notable importance and is consider by the EA to have relevance to the efforts being made to discharge site preparatory conditions placed upon the 129197/FO/2021 permission.

Separate to this correspondence letter, EA NPS has recently provided to the applicant/developer's chosen environmental consultant, further advice and guidance on potential environmental permitting requirements for the handling of waste materials, we have offered and intend to discuss these matters further.

Environment Agency Position - CDN/24/0287

Further to the above introductory context, please see detailed below our present position statement for each of the conditions sought for discharge as part of CDN/24/0287.

EA Position - Condition 3 (Construction Management Plan)

As per prior EA correspondence provided for former discharge application 129197/FO/2021, we consider that condition 3 seeks to address matters outside of the EA's direct planning remit and focus. In line with this, we continue to consider that it is not appropriate for the EA to provide a firm position statement as to whether the discharge of condition 3 is appropriate. However, would like to take this opportunity to provide to the local planning authority (LPA) the following advice and guidance of relevance to condition 3:

Until the correct type of environmental permit(s) required to facilitate intended site remedial operations is established and in association with this agreement reached as to what remediation and earthworks are required/appropriate to bring about a comprehensive remediation of the development site, we consider that there remains a material risk that the layout and features presented in the combined construction management plan report (Rev 006) could be subject to change in reaction to the scope and quantum of waste materials which may need to be processed (via site remedial / preparatory works).

Further to the above, as previously, due nature of combined construction management plan report submitted (addressing both condition 3 and 4 co-currently), we note additional complexity may arise should this report been deemed acceptable for one planning condition addressed by the report submission and not the other. Associated with this please note the EA's position to condition 4 below.

EA Position – Condition 4 (Construction Environmental Management Plan)

As submitted, we are unable to recommend the discharge of condition 4 attached to planning permission 129197/FO/2021. Insufficient clarity has been provided in regards of the handling of waste materials, quantum of waste and materials requiring management and the process of replacement of materials into a void created by the development process.

We would presently recommend that this condition is re-visited once confident of quantum of material to be handled and, in association with this, the intended methodology for waste material management. We note and acknowledge that is not necessary for the purpose of planning regime to demonstrate securement of appropriate environmental permit/license(s). However, we consider it appropriate to demonstrate as part of a Construction Environmental Management Plan confidence in intended environmental permitting approach to be taken/applied (refer to observation for condition 3 above).

Addressing the planning agent's covering letter, we consider that policies JP-S1 of the adopted Places for Everyone Plan (superseding SP1 listed), and Manchester Core Strategy Polices EN119 and DM1 listed under the 'reasons' of condition 4 to be of relevance to matters which the EA's seeks to address via our commentary /postion statement above; with these policies collectively recognising the importance of protecting human health, management environmental impacts and improving the environment. However, we respect that decision as to scope of matters addressed via condition 4 is ultimately for determination by the local planning authority. Should it be deemed that intention of condition 4 is to solely "safeguard the amenities of nearby residents and highway safety" then we request that we are notified of this decision.

In relation to scope of CEMP, we advise that, if it should subsequently be determined by the applicant/developer that a phased/stepped approach is to be taken to site preparatory works, to demonstrate measures taken will offer sufficient protections during construction works a combined construction management plan should either address how site management will be achieved for each phase/step or alternatively individual management plans produced for each

phase/step. We note a stepped/phased approach to site preparatory works will require steer from local planning authority, noting that 129197/FO/2021 is not currently fully conducive to a phased delivery approach.

Condition 14 – Temporary Surface Water Drainage

As submitted, we are unable to recommend the discharge of condition 14, insufficient information has been submitted that the proposed surface water drainage strategy will ensure the protection of controlled waters is achieved during site preparatory works.

Upon commencement of the remediation process the proposed scheme may no longer adequately manage the surface accumulation of water. Further to this, the present system drainage strategy proposed is not appropriately designed to support the wider intrusive development of the site which will include waste handling and management as well as dewatering of the resulting void(s) and liquor arising from these operations. In certain circumstances arising liquor could be considered a waste in its own right.

We have additionally identified that some of the proposed infrastructure to support this is located on areas which will be subject to excavation and level alterations. This, in itself appears not to be considered in the submissions relevant to condition 14 nor does the design of the trench and drain system which appears capable of intercepting shallow groundwater flow from within the site which, in many locations, could be considered a waste or leachate.

In virtue of the above, whilst we have no objection, in principle, to the use of a surface water catchment trench and/or raised 1m peripheral bund, or the discharge to sewer, due to present limitations in design and detail, we cannot support the approach that has been proposed.

Further to the above, noting the intention to connect to surface water sewer, we note the current surface water drainage strategy is premised upon the grant of trade effluent consent from the sewerage undertaker / utility provider who we understand in this circumstance to be United Utilities.

Further comments 25.07.2024
In terms of the condition 3, as per the EA's most recent formal response to CDN/24/028 (EA letter: SO/2024/124163/01), their current position remains that condition 3 is outside of the focus/remit of the EA. In line with this, despite the request made with the Condition 3 Cover Letter (Vertase FLI, 19th July 2024) for the supply of an EA discharge recommendation, they continue consider that that is not appropriate for us to provide a formal position statement as to whether the discharge of condition 3 is or isn't appropriate to discharge based on the latest reporting submission(s) made.

Regarding condition 4 and addressing the following section (see screen snip below) of the Vertase FLI cover pertaining to this, whilst they accept the recognition made to the advice/statement our NPS counterparts (i.e. agreement of a remedial strategy (condition 7) traditionally precedes the securement of relevant environmental permit(s) for associated operations (e.g. movement/treatment of waste materials)), they would note to the attention of the applicant/consultant that (as per the section of the screen snip below highlighted) their considerations towards the EA's inability to confidently determine the suitably of activities detailed under Construction Environmental Management Plan (CEMP - condition 4) are not singularly limited to matters associated with an in determination of environmental permitting requirement(s). Their response state that they also concerned by the fact that a firm/agreed remedial approach has not yet been determined (these activities having a material bearing upon the scope of activities which a CEMP will need to seek govern).

Until the correct type of environmental permit(s) required to facilitate intended site remedial operations is established and in association with this agreement reached as to what remediation and earthworks are required/appropriate to bring about a comprehensive remediation of the development site , we consider that there remains a material risk that the layout and features presented in the combined construction management plan report (Rev 006) could be subject to change in reaction to the scope and quantum of waste materials which may need to be processed (via site remedial / preparatory works).

It has been established and accepted through discussion with the Environment Agency National Permitting Service that the Remediation Strategy (Condition 7) to deal with existing contamination at the site must be agreed first. The permitting mechanism to enable the implementation of the remediation strategy is an important follow-on consideration. It is the detailed risk assessment for land contamination (already agreed through Condition 6) that determines the scope of the remediation strategy, not the permit. As stated in Paragraph 1.1.6 of the CMP, the CMP is a 'working document' that can be updated during implementation of the remediation works should further risks or issues be identified. Therefore, the environmental permit should not be a reason to prevent discharge of Condition 3.

In line with the above, the suitability of retaining a document which contains sections rendered null and void via separate submission notwithstanding (although your thoughts on the suitability of this would be welcomed) , they must advise that, as submitted, the EA will not be able to offer a position statement materially different to that which has been supplied previous (EA letter: SO/2024/124163/01).

Moving forwards, as per discussion held on the 2nd July with the developer and their chosen environmental consultants and further followed via associated EA email to Vertase FLI and YHG on the 3rd July, in the interest of expediency, they would strongly encourage that preliminary engagement is undertaken with the EA and wider relevant consultees (i.e. EHO / LLFA / UU) on the matters of conditions 4 (CEMP), 7 (remedial strategy) and 14 (temporary surface water drainage) attached to the 129197/FO/2021 permission.

Further comments 30.07.2024 – Thanks for your email below and the attached letter from Vertase FLI. Our immediate commentary towards the renewed effort to discharge of condition 3 and 4 under CDN/24/0287, which recommends as a first action the undertaking of preliminary engagement notwithstanding (see previous EA correspondence for CDN/24/0287 attached for ease of reference), in relation to the discharge of condition 14 I note the following argument/justification made by Vertase FLI :

FLI

Permission 129197/FO/2021 has been provided "to secure surface water drainage arrangements and to manage the risk of flooding and pollution, pursuant to national policies within the NPPF and NPPG and policies EN08 and EN14 of the Core Strategy for Manchester (2012)". The condition therefore clearly relates to surface water only. Other fluids arising from the remediation works (e.g., shallow groundwater and leachate) shall be managed separately and differently as set out in the Remediation Strategy submitted under Condition 7.

Whilst the argument being made by Vertase FLI within the latest letter isn't inherently clear, our understanding/ interpretation is that Vertase FLI are seeking to argue that water arising from

remedial operations should not be considered to constitute ‘surface water’. Should this understanding/interpretation prove correct…. to aid our assessment against this matter, please can you/ Manchester provide confirmation as to what definition of ‘surface water’ should be followed by consultees in so far as the wording and matters sought to be controlled by condition 14 are concerned?.... I.e. is the definition of surface water considered to include all water occurring on the surface irrespective of its point of origin (e.g. it can include the shed of water arising from an on-site remedial operation) or should an alternative definition be considered e.g. water arising from rainfall only.

As a note and observation to the above it is identified within the current Temporary Surface Water Drainage Strategy Report (Vertase FLI Rev A , February 2024) that whilst is envisaged that there will be a low ‘standard percentage runoff’ (SPR) during remediation works that it has been not possible to accurately quantify the amount of surface water runoff which will occur during remedial works due to the dynamic nature of site topography. However, it should be noted that a low SPR does not constitute a situation whereby no surface water run-off from remedial works will occur and no more immediate explanation has been provided by Vertase FLI as to how it will be ensured that such water would be prevented from entering the temporary surface water drainage network should this be intended to control surface water arising from rainwater run-off only.

In terms of responding the request for surface water definition clarification above, please can we kindly request that is provided by Manchester City Council in writing for the purpose of reference by the EA within any further formal EA planning response subsequently provided. Happy to discuss this matter further as required.

Dependent on the above, in terms of the now stated intention i.e. should Option A prove unviable (i.e. if unable to secure trade effluent consent) to progress Option B and tanker surface water arising, we would also welcome initial thoughts from MCC/LLLFA as to whether the sole statement to progress with Option B is sufficient or rather whether the viability of this proposal should be justified and evidence i.e. an amended condition 14 report submitted.

Further comments 06.08.2024 - they appreciate that pre-commencement conditions 3,4 and 14 subject of live discharge application CDN/24/0287 are also of bearing and consequently will need also need to discharged to the satisfaction of the Local Planning Authority prior to permission expiry. To this end, can you advise/update on the queries raised in the respective emails attached?

For ease, they note the EA queries from within the attached emails are as follows:

Condition 4 / EA Correct of Vertase FLI interpretation – Noting the EA’s observation that our concerns regarding the ability to determine the suitability of the CEMP are not singularly premised upon environmental permitting matters as suggested by Vertase FLI, with the final remedial strategy intended also considered to be of significance, has this observation been forwarded onto Vertase FLI / the planning agent and, in turn, has any return response been received yet ? For note to your internal conversations, stemming from the meeting held on the 2nd July the EA have made efforts to reinvigorate the pre-application planning agreement we have in place with Vertase FLI with the intention of this being reporting requirements for the pre-commencement conditions in question. However, the efforts made by the EA have, so far, gone unanswered.

Condition 4 /Suitability of CEMP despite redundant elements – With the submission of a standalone report for condition 3 (CMP) , this is has effectively rendered elements of the pre-existing Combined Environmental Management Plan still sought for approval null and void.

However, this combined management plan is still being sought to support the discharge of condition 4. Please can MCC advise on the suitability of this action i.e. whether a report with redundant elements is considered appropriate in terms of approval/discharge.

Condition 14 / Suitability of statement of intention to tanker in instance of trade effluent consent not being granted – Please can MCC advise as to whether, for the purpose of condition 14, singular statement that, if an approach of securing trade effluent consent for surface water discharge proves unviable, arising surface water discharge will be tanked and disposed of off-site is sufficient i.e. should the developer / environmental consultant not be providing details as to how this 'back-up operation' would otherwise effectually occur? I also note that reference to this 'back-up' operation is not made/reflected within wider reporting submissions i.e. latest condition 4 and condition 7 submissions.

Condition 14 / Definition of 'Surface Water' - Please can MCC advises as to what definition of 'surface water' the EA should consider for the purpose of this condition. I.e. should the definition be naturally occurring (rainfall) surface water run-off as presumed to be argued by Vertase FLI in their latest correspondence on the matter or should the definition of surface water considered to be more general (all occurring surface water irrespective of its origin.

Further comments 29.08.2024- Condition 14 – Temporary Surface Water

Applicant Revision Action Required - In relation to Condition 14, they note that Appendix A (Drawing D1932_25) associated with the revised Temporary Surface Water Drainage Strategy Report (Vertase FLI, Rev B, August 2024) has not been provided as part of this latest submission. Noting that our understanding that this will illustrate a revised drainage system which relies upon the tankering of surface water it is critical we are sighted upon this for the benefit of our technical review. Please can this be requested from the applicant/their agent and formally submitted, preferentially as part of revised submission of the surface water drainage strategy report itself.

Applicant Revision Action Required - Action Section 2.2.5 of the latest iteration of the drainage report states the following verbatim: "Collected surface water can be pumped into the southern trench from sumps as required to enable treatment prior to discharge to disposal of the treated water". From review, it is presently unclear what is meant by this sentence. Based on wider narrative provided within the report, we would anticipate that all surface water arising on site is to be collected and transferred to the final trench situated on the southern boundary of the development site. Further confirmation should be provided regarding what is meant within this sentence by 'as required' (presumably this is whereby natural gravity drainage isn't occurring). Revisitation of 'prior to discharge to disposal of the treated water' is needed, I'd presume that there is an element of explanation missing from this section of the 2.2.5.

LPA Query / Confirmation Required - As per section 2.2 of the revised drainage strategy report now submitted, an acknowledgement made within that the temporary surface water drainage scheme is intended to be utilised during remedial works. On this basis, further to prior condition/application correspondence for CDN/24/0287, can we confirm that the definition of surface water for the purpose of condition 14 is no longer disputed to singular relate to naturally occurring surface water flows (i.e. rainfall) and there is an acknowledgment that remedial strategy intended for the proposed development site is therefore of relevance to the condition 14?

Further comments 19.09.2024-
regarding the last CEMP submission and timescales for response, cognisant to the expiry date of the enabling works permission, we will endeavour to complete a technical review of the latest CEMP submission as quickly possible. However, we are presently unable to confirm that it will be possible to complete this review within a period of 10 days (working or calendar) as initially requested.

As part of the latest correspondence received from MCC, we have been advised of a timescale/deadline no later than the 12th October (presumably 11th as 12th is a Saturday) for the effective discharge of condition 7. Noting this previously relayed timescale, please can you further advise as to whether this timescale for the resolution of condition 7 would also equally apply to the requirements of condition 4 (CEMP), 8 (Ground Stablisation) and 14 (Temp Surface Water) or, if not, what is current reasoning requiring us to review and respond on condition 4 (CEMP) within the shorter 10-day period initially stated.

In relation to the continued validity of the CEMP irrespective of the status of condition 7 (remedial strategy), technical matters/contents of the CEMP notwithstanding, I note initially note for awareness the following:

Section 2.0 'Key Documents' of the iteration of the CEMP submitted, see screen snip below, refers to following key documents (highlighted) as being required to be read in conjunction with the CEMP.



CEMP
FORMER JACKSONS BRICKWORKS, TEN ACRES LANE, MANCHESTER

Vertase FLI

2.0 Key Documents

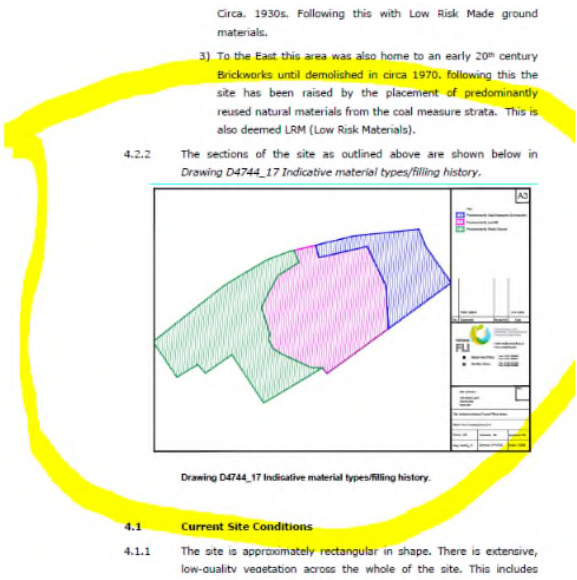
2.1 Additional Key Documents

2.1.1 The following additional documents have been written by others in relation to planning conditions 4 and should be read in conjunction with this CEMP.

Document Title	Document Author	Document Ref	Location
Remediation Options Appraisal & Remediation Strategy	VertaseFLI	Revision A	Planning Portal
Noise and vibration Management Plan	Wardell Armstrong LLP		Section 8.8, 8.9 & Appendix B
Air Quality Statement	Wardell Armstrong LLP		Section 8.4 & Appendix B

As per the email attached from VFLI attached (post 11th Sept workshop) , we advise is our understanding that VFLI intends to revise the remedial strategy formally submitted against condition 7. In virtue of this, update to Section 2.0 of the report would reasonably be required to be updated to reflect the latest/approved iteration of the remedial strategy.

Expanding on the above, Section 4.2.2. refers to the drawing D4744_17 (see screen snip below), although not noted within Vertase FLI's email / letter attached, as part of conversations held during the 11th September workshop it was identified and collectively agreed that drawing D4744_17 and the classifications of material (LRM, HRM CLRM) detailed in association were misleading of actual material risk (current classifications being derived from physical classification of material only and not factoring chemical/contaminant content). In virtue of this, it was agreed that VFLI would revisit this matter omitting drawing D4744-17 from future remedial strategy / reporting iterations. Provided this intention by VFLI remains true, it would prove appropriate to update the CEMP to remove D4744_17 from this also.



Circa. 1930s. Following this with Low Risk Made ground materials.

3) To the East this area was also home to an early 20th century Brickworks until demolished in circa 1970. following this the site has been raised by the placement of predominantly reused natural materials from the coal measure strata. This is also deemed LRM (Low Risk Materials).

4.2.2 The sections of the site as outlined above are shown below in *Drawing D4744_17 Indicative material types/filling history.*

Drawing D4744_17 Indicative material types/filling history.

4.1 Current Site Conditions

4.1.1 The site is approximately rectangular in shape. There is extensive, low-quality vegetation across the whole of the site. This includes

Noting the above more immediate observations, please can more immediate clarification be sought from the planning agent as to whether it still considered that no further revision to the CEMP is necessitated**.**

Further comments 25.09.2024 - Just touching base regarding further to email chain below. As before, any updates/clarifications you can provide would be greatly appreciated.

R.E Condition 4, noting that the current CEMP version refers to the current iteration of the remedial strategy formally submitted and there is stemming from the workshop held on the 11th September an understood collective intention to revise the remedial strategy, has there been any response from the applicant/planning agent on this . I.e. should still be looking to review the latest condition 4 CEMP submission despite the discrepancy ? Also, is the 10-day review period still applicable and what is driving this?

R.E Condition 14, to enable our effective review on this, we more immediately require clarification and confirmation from MCC as the planning authority as to what is being constituted to be ‘surface water’ for the purpose of this condition. As per chain below, due to the wording of Section 2.2 of the latest report submission, our current more immediate perspective is that this encapsulates all surface water flows arising from the development (i.e. including that from remedial enabling works). However, to avoid providing an abortive EA response on this condition we still need confirmation and direction from MCC.

Issues

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 polices 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: Approve

Article 35 Declaration

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

Condition no. 3 (CMP)

3) The correspondence from Vertase FLI dated 19th July 2024 (ref: 1932YOU_DIS_PC3_lt01) and the Construction Management Plan rev,A dated 18th July 2024 received 24th July 2024 have been reviewed . On the basis that the development is implemented in accordance with the Construction Management Plan rev,A dated 18th July 2024 , condition no.3 is discharged.

Condition no.4 (CEMP)

4) The Construction Environmental Management Plan rev.C dated October 2024 prepared by Vertase FLI received 4th October 2024 has been reviewed.
On the basis that the development is implemented in accordance with the Construction Environmental Management Plan rev.C dated October 2024, condition no.4 is discharged.

Condition no.14 (Surface water drainage)

14) The letter titled Additional Information to Support Discharge of Condition 14 (Temporary Surface Water Drainage Strategy) associated with 129197/FO/2021 under CDN/24/0287 (ref: 1932YOU_DIS_CDN2402870 dated 24th July 2024 prepared by Vertase FLI has been reviewed. The content of this correspondence, however has been further clarified by the content of the letter titled Discharge of condition no.14 Temporary Surface Water Drainage Strategy dated 20thAugust 2024 (ref: 1932YOU-CDN/24/0287-DISlt01), and the Temporary Surface Water Drainage Strategy rev. B dated August 2024 received 28th August 2024 .

On the basis of the content of the letter titled Discharge of condition no.14 Temporary Surface Water Drainage Strategy dated 20th August 2024 (ref: 1932YOU-CDN/24/0287-DISlt01), and the Temporary Surface Water Drainage Strategy rev.B dated August 2024 received 28th August 2024 being implemented , in particular that that treated water will be transported via tanker to an appropriate facility for further treatment and/or disposal, and there will be no connection with the public sewer, condition no.14 is discharged.

Informative:

1) The applicant must ensure all required permissions are obtained from regulators of the trade effluent surface water.
2) The applicant should be advised to make contact with the council's Highway Network Management teams by email -highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk to discuss the following:

- Pedestrian and traffic management plans:
*What will be the effect on vehicular and pedestrian movement?
*Are there any temporary road/footway closures or diversions, including Section 50, required to facilitate the development?
*Are works to the back of kerb or right on the kerb edge?
*Any requirements for licensing, hoarding / scaffolding, skips.
-Are new utility connections, i.e new electricity supply, required? if so, where will these be coming from?

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Environment Agency

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Site of Biological Interest - Name: Rochdale Canal, Stott's Lane - Ducie Street Basin
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less)

Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA