CDN/24/0287 - Discharge of Conditions 3 (Construction Management), 4 (environmental management) and 14 (surface water drainage) attached to planning permission 129197/FO/2021.

EA - Position - Condition 3 (Construction Management Plan)

As per prior EA correspondence provided for former discharge application 129197/FO/2021, the EA consider that condition 3 seeks to address matters outside of the EA's direct planning remit and focus. In line with this, the EA 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.

Further comments -06.08.2024

EA position

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 14.08.2024

Condition 14 – Thanks for the update. We recognise that condition 14 was not originally requested by the EA (reflected in our former correspondence) but observe that it holds potential relevance to matters with EA remit and focus. Once we understand what MCC is willing to define as 'surface water' for the purpose of the condition we will be able to re-visit or position to this accordingly. However, generally, there is still a question as to whether the drainage strategy will be functional noting that current levels suggested within don't necessarily allow it to operate effectively. We welcome the opportunity to be sighted on the LLFA thoughts on the matter generally as well.

Condition 13 – Noted. Potential for infiltration is still of relevance, our latest response to condition 7 raises we have concerns regarding potential discharge to ground and how it will be ensured that these are not adverse or will not result in adverse impact are still unclear to us.

Condition 4 – If the current submissions were approved this would be a standalone CMP report for condition 3 and the old/previously submitted combined CMP+CEMP report for the purpose of Condition 4. Our initial perspective is that an approach of seeking discharge against a report with elements which are redundant within (in so far as condition 3 is concerned) does not represent good practice. EA recommendation has previously to pursue an approach of reports individually addressing the conditions… the current approach attempted to be employed falls someway short of achieving that recommendation. The issue of discharge approach notwithstanding , our chief concern is that the argument presented with Vertase FLI's latest response letter fails to recognise EA concern is not related to permit and is also in-determination of the remedial approach to be taken which will understandably guide to some degree construction actions undertaken on site. As example to this, if PFAS contamination is present in at adverse levels then efforts will need to made to ensure that any water supply is isolated.

Further comments 29.08.2024

As per previous correspondence and my latest email attached (remarking on the relevance of the surface water strategy to the remediation), whilst we recognise condition 4 and 14 are not directly dependent upon condition 7, we continue to consider that the remedial strategy subject of condition 7 holds a strong level of relevance to the suitability technical submissions made against these conditions (reflected in previous EA formal response commentary). To this end, we consider continued to attempt to address these wider conditions in isolation of remedial strategy is generating a complexity which we consider otherwise resolvable via discussion and forward preliminary engagement which is encompassing to all three of these conditions. To this

end, we note the EA has previously approached the applicant YHG/Vertase FLI offering to undertake pre-application engagement on all three conditions in question.

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.

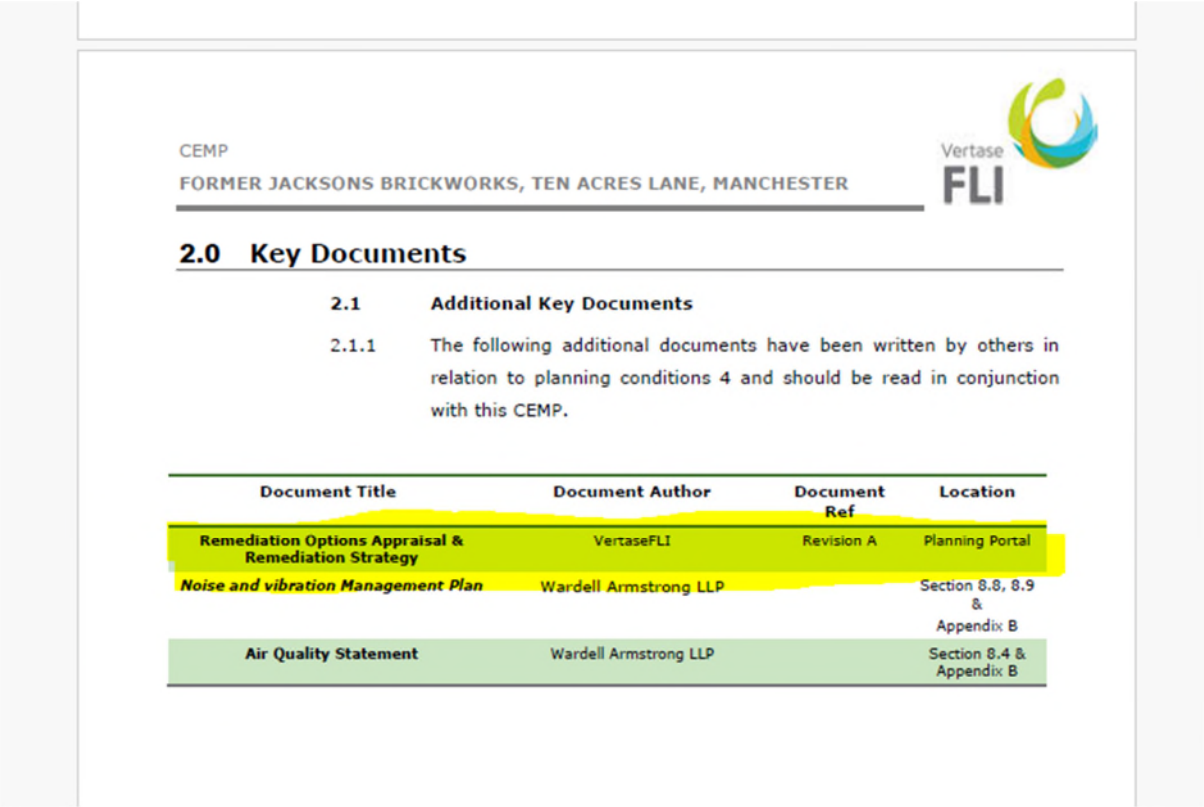
Applicant Revision Action Required - Action Section 2.2.5 of the latest iteration of the drainage report states the following verbatim: "Collected surface water can be pumped into the southern trench from sumps as required to enable treatment prior to discharge to disposal of the treated water". From 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?

The EA comments dated 29.08.2024 – were subsequently sent to the planning agent with the request that advise in relation to condition no.14 whether the matters raised by the EA could be easily actioned.

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

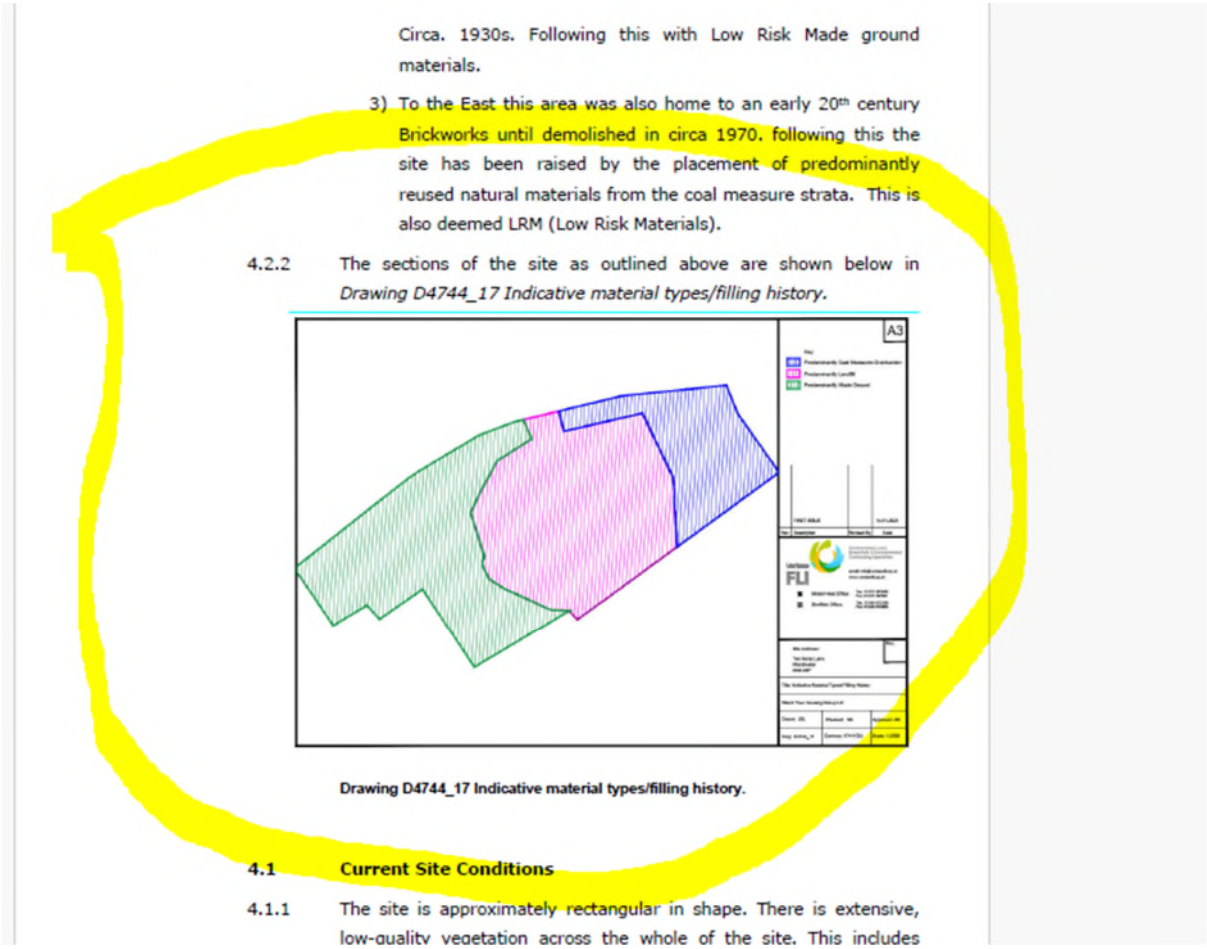
2.1.1 The following additional documents have been written by others in relation to planning conditions 4 and should be read in conjunction with this CEMP.

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

United Utilities - Condition no.14

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 - Condition 14 - following

- **Letter attached confirming that treated water from the site will be disposed of off-site via tanker vehicles.**
- **Updated surface water drainage strategy to reflect this**

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. 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'. We request that a copy of this letter and Appendix is made available to the applicant.

33223333 **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.**

As of 01.10.2024 no revised CMP or revised has been received

Condition no.14 - Surface Water Drainage

14 - On the basis the LLFA are happy for the condition to be discharged, and 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, there is a potential for condition no.14 to be discharged on the basis that the developer has to implement the alternative option which does not require the approval of a connection by United Utilities i.e all liquids have to be transported off site by tanker .

On the basis of the content ot the letter from Vertase dated 20th august 2024 confirming that treated water from the site will be disposed of off-site via tanker vehicles and the Updated surface water drainage strategy rev.B to reflect this United Utilities have advise that they have no objection to condition no.14 being discharged

In regard to the LPA position :-

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 Management Plan & Construction Environmental Management Plan (rev.006) dated 18th January 2024 prepared by Vertase FLI Received 11th April 2024 has been reviewed.

Agent awaiting updated standalone CEMP having provided comments to the team on 28.08.2024. This will include more distinction between the CMP and CEMP (ie limiting repetition / overlap as far as possible).

NEW CEMP arrived in my absence on 30.08.2024. However, this may need to be amended dependant on the outcome with condition no.7.

Condition no.14 - Surface Water Drainage

14 - On the basis the LLFA are happy for the condition to be discharged, and 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, there is a potential for condition no.14 to be discharged on the basis that the developer has to implement the alternative option which does not require the approval of a connection by United Utilities i.e all liquids have to be transported off site by tanker .

CDN/24/0060 - Condition no.7 (Remediation options appraisal and remediation strategy)

7) **Awaiting outcome from meeting with the developer , planning agent and EA on 11.09.2024.**

CDN/24/0060 - Condition no.7 (Remediation options appraisal and remediation strategy)

7) **Awaiting outcome from meeting with the developer , planning agent and EA on 11.09.2024.**