

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

Our ref: SO/2023/123425/01-L01
Your ref: 137401/FO/2023
Date: 23 August 2023

Dear Jennifer Atkinson,

ERECTION OF THREE BUILDINGS (GROUND FLOOR 12,14 AND 41 STOREYS) TO CREATION PURPOSE BUILT STUDENT ACCOMMODATION (PBSA) (USE CLASS SUI GENERIS), COMPRISING 1,100 BEDROOMS IN TOTAL AND 506SQM OF GROUND FLOOR ANCILLARY USES (CAFE/ COMMERCIAL AND CONVENIENCE STORE - USE CLASSES E (A)/(B)/(C)) TOGETHER WITH THE ERECTION OF THREE BUILDINGS (GROUND FLOOR 5,7 AND 9 STOREYS) FOR SCIENCE AND INNOVATION USES (USE CLASS E (G)(I) & (II)) AND 834SQM GROUND FLOOR COMMUNITY USES (RETAIL/ CAFÉ) AND MEDICAL FACILITY (USE CLASSES E (A)/(B) AND (E)), AND THE PROVISION OF NEW PUBLIC REALM, TWO NEW PUBLIC SQUARES, NEW ACCESS AND PARKING, AND ASSOCIATED WORKS FOLLOWING DEMOLITION OF EXISTING BUILDINGS.

LAND BETWEEN UPPER BROOK STREET, KINCARDINE ROAD AND GROSVENOR STREET MANCHESTER.

Thank you for consulting us on the above application, on 4th August 2023.

Environment Agency position

We have reviewed the submission of a Phase 1 Desktop Study by RoC Ltd (dated May 2021) and a Geoenvironmental Site Review by e3p Ltd dated March 2022 for the proposed redevelopment of land off Upper Brook Street, Manchester for residential purposes.

We have reviewed this report as a part of the wider masterplan and Environmental Impact Assessment submission pursuant to the full planning permission application for erection of three buildings to create Purpose Built Student Accommodation (PBSA) together with the erection of three buildings for Science and Innovation uses and the provision of new public realm, two new public squares, new access and parking, and associated works following demolition of existing buildings on land between Upper Brook Street, Kincardine Road and Grosvenor Street, Manchester.

The documents submitted as a part of this application demonstrates that it should be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning

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Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

Prior to each development phase approved by this planning permission no development beyond works to demolish existing structures to ground level shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority.

This strategy will include the following components:

1. Additional site investigation, based on the information already submitted 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To facilitate safe and open access to parts of the development that require further investigation and assessment but prevent further, below ground works until the significance of the risk is known and assessed such that below ground works do not worsen the current situation.

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 174 of the National Planning Policy Framework.

Condition

No drainage systems for the infiltration of surface water to the ground where adverse concentration of contamination are known or suspected to be present are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development shall be carried out in accordance with the approved details.

Reason

The previous industrial land uses on the proposed development site presents a risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters.

To ensure that the final 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 174 of the National Planning Policy Framework.

Condition

Piling or other ground improvement conditions using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement J of the [‘The Environment Agency’s approach to groundwater protection’](#).

Condition

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason

To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement J of the [‘The Environment Agency’s approach to groundwater protection’](#).

Condition

Prior to each phase of development being occupied/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

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 174 of the National Planning Policy Framework.

Advice to applicant

Model Procedures and good practice

This development site appears to have been the subject of past industrial activity which may pose a risk of pollution to controlled waters.

We recommend that you should:

- Follow the risk management framework provided in Guidance on Land contamination risk management (LCRM) [Land contamination risk management \(LCRM\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344242/LCRM-Guidance.pdf), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344242/LCRM-Guidance.pdf) 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](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344242/LCRM-Guidance.pdf) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344242/LCRM-Guidance.pdf) pages on gov.uk for more information
- Refer to [‘The Environment Agency’s approach to groundwater protection’](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344242/LCRM-Guidance.pdf)

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.

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.

Dewatering

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. Any dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site. More information is available on gov.uk:

<https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

Regulatory position statements

Discharges from dewatering to surface water or groundwater will require an Environmental Permit unless you can meet the conditions of the RPS or exemptions or exclusions for groundwater activities. The following Regulatory Position Statement will apply: 'Temporary dewatering from excavations to surface water.'

<https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water>

Seeking additional advice and support

Should you wish us to review any technical documents or want further advice to meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service.

Further engagement will provide you with the opportunity to discuss and gain our views on potential options before formally submitting further information as part of your planning application. 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 £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. 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, please contact us at spplanning.rfh@environment-agency.gov.uk

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Should you have any queries regarding this response, please do not hesitate to contact me.

Yours sincerely,



Planning Advisor

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