MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Refusal of details reserved by condition

Applicant

Mr John Barnes
Electricity North West Ltd
Frederick Road
Salford
M6 6QH

Agent (if used)

Mr Juan Murray
The Environment Partnership
401 Faraday Street
Birchwood Park
Warrington
WA3 6GA

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 3a (Ground Conditions), 6 (RAMS) and 7 (BAPA) attached to planning permission reference 135348/FO/2023

Location: Electricity Sub Station, Philips Park Road, Manchester,

Date of application: 20 February 2024

Application number: CDN/24/0122

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Refused** in accordance with the information set out below.

Ground contamination
Condition 03 a) cannot yet be discharged as insufficient information has been provided. The following has not been submitted:

No desk study information has been provided for this development; this is inadequate. Submission of this missing information is required before this application can be processed. A satisfactory desk study would be expected to include:

The purpose and aims of the study.

Site location and layout plans.

Reference to historical maps and an appraisal of the sites history.

A geological, hydrogeological and hydrological assessment of the site.

Information of coal workings and other mining or quarrying activities.

Information from the Environment Agency and Local Authority on abstractions, pollution incidents, water quality classification and landfill sites.

An assessment of current site use and surrounding land uses.

A review of any previous site contamination studies (desk based or intrusive) or remediation works.

A preliminary (qualitative) assessment of risks based on proposed site use including an appraisal of actual and/or potential contaminant sources, pathways and receptors, along with the production of a conceptual model (visual and/or written).

Recommendations for intrusive contamination investigation and/or ground gas monitoring, if necessary.

The site investigation information that has been provided for this development is inadequate. In addition to the information provided, further information should be submitted which addresses the following issues:

Justification needs to be provided for the borehole locations as they are within the access road and not where the development is being undertaken.

Further SI required within the area being developed.

Groundwater monitoring is stated as being ongoing.

A soil waste assessment has been undertaken which has found some soil to be hazardous due to elevated hydrocarbons. Further assessment has been recommended using PAH double ratio plots.

Controlled Waters Assessment: No controlled waters risk assessment has been provided. It has been stated that the groundwater monitoring is still ongoing.

In the report the technical paper 'Risk and Reliability in Gas Protection Design' by Card et al 2019 has been used to classify the site. This paper has not been used as intended as it is based on continuous gas monitoring which has not been undertaken. They therefore need to reassess the gas risks using more appropriate guidance.

The final risk assessment provided for this development is inadequate. In addition to the information provided, the following issues require further clarification:

An updated ground gas risk assessment in accordance with current best practice due to a technical paper being used inappropriately in the current assessment.

Controlled waters risk assessment to be provided once the monitoring has been completed.

Not remediation strategy has been submitted to date.

The development is low risk so a detailed remediation strategy may not be required but site investigation works are still ongoing and amendments to the risk assessment have been recommended. As a minimum a watching brief will be required for unexpected contamination.

Before this Section can recommend discharge of conditions from this application, the following information needs to be submitted to the Council for approval:

(i) Submission of a Preliminary Risk Assessment

(ii) Submission of an addendum Site Investigation and Risk Assessment Report on completion of the groundwater monitoring.

(iii) An updated ground gas risk assessment in accordance with current best practice due to a technical paper being used inappropriately in the current assessment.

(iv) Submission of a Remediation Strategy (if applicable)

(v) After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by this Section.

RAMS
Condition 06 cannot yet be discharged as insufficient information has been provided. The following has not been submitted:

-Confirmation of submission to assetportectionnorthwest@networkrail.co.uk and subsequent agreement

BAPA
Condition 06 cannot yet be discharged as insufficient information has been provided. The following has not been submitted:

-Confirmation of submission to assetportectionnorthwest@networkrail.co.uk and subsequent agreement

Date: 23 April 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.