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Your Ref:

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Jennifer Atkinson
Development Management North
Planning Building Control and Licensing – Growth and Development
Manchester City Council
Town Hall Extension
Lloyd Street,
Manchester
M2 5DB

Dear Ms Atkinson

**Red Bank Neighbourhood, Victoria North, Manchester: City River Park (Phase 1) and
Future Development Platforms**

**Statement of Conformity with the findings reported in the Environmental Statement
dated March 2022 that accompanied Planning Application 133143/VO/2022**

We are writing on behalf of our client, Manchester City Council ('the Applicant'), to submit a planning application under Section 73 of the Town and Country Planning Act 1990 proposing minor material amendments to vary conditions attached to full planning permission ref: 133143/VO/2022.

Background

Planning permission (Permission ref: 132252/VO/2021) was granted on 23 December 2021 by the Manchester City Council (MCC) for enabling works in association with the future delivery of the new Red Bank Neighbourhood. This application was accompanied by an Environment Statement (ES) which set out an assessment of the likely significant effects of the proposed development along with a series of mitigation measures. This ES was prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations) and the works form part of the wider works being proposed by MCC to be funded by the Housing Infrastructure Fund (HIF).

This was followed by a planning permission (Permission ref: 133143/VO/2022) granted on 14 July 2022 by MCC for the creation of development platforms for the future delivery of the new Red Bank Neighbourhood including remediation and earthworks, construction of a new road and priority junction from Red Bank road, utility and services connections and diversions, street works for new utilities including ducting up to the Queens Park substation, preparatory tree and shrub clearance, demolition of certain existing structures, along with the creation of new and

improved green infrastructure and landscaping including the improvements of St Catherine's Wood to form part of a City River Park, and other associated works. Similarly, this application was also accompanied by an ES (Infrastructure Works ES) prepared in accordance with the EIA Regulations and these works also form part of the wider works being proposed by MCC to be funded by the HIF.

The Applicant has since been working to discharge pre-commencement planning conditions attached to the main works permission ref: 133143/VO/2022, in order to start to development and undertake the approved works in accordance with the HIF programme.

Current Situation

Following the grant of planning permission site clearance works have begun. In late 2022, an area of emerging water was identified within the site which sampling and analysis found to contain the contaminant, PFAS. A series of site investigation works and sampling was undertaken which demonstrated that the incoming flow was discharging PFAS onto the site from an off-site source. To determine the impact of this contamination Arup produced a conceptual site model which mapped the movement of the incoming flows across the site, and which has been discussed with the Environment Agency.

On the basis of the conceptual model and ground investigations undertaken, an area where earthworks at the site should be able to proceed has been defined but this would result in a phased approach to the remediation works required. This is necessary to allow certain works, including groundworks and remediation to some areas of the site to come forward in the immediate term in line with the time-critical HIF funding programme. Groundworks and remediation in other areas could then come forward in subsequent phases, with other consented works such as the surface water drainage infrastructure and green infrastructure works intended to come forward as the later/ final phases of development.

However, as it was not originally intended for the works consented under permission 133143/VO/2022 to be phased, there was no phasing plan submitted with the original application and none of the planning conditions attached to the permission, as currently drafted, facilitate the phased or partial discharge of conditions to allow the development to come forward in phases, as now proposed. As a result it is proposed to amend the planning permission to allow the proposed phased delivery of the development including the time-critical earthworks and site remediation which will come forward first.

The Proposed Changes

The Applicant is seeking planning permission to amend permission 133143/VO/2022. This application is submitted in accordance with Section 73 of the Town and Country Planning Act 1990. The application proposes minor material amendments to vary conditions attached to full planning permission ref: 133143/VO/2022 to allow their phased discharge.

It is also proposed to discharge a number of conditions attached to permission 133143/VO/2022 so that these are not required to be conditioned through the S73 application. The conditions to be discharged relate to matters already addressed in the ES and do not change ES and so are not addressed further in this letter.

The proposed amendments relevant to the Environmental Statement are:

- A new phasing condition requiring the submission / agreement of a phasing plan to be agreed prior to commencement of development. As a minimum the first iteration of the phasing plan would identify the detailed phase boundary and list the scope of works to be carried out within the first phase of development. If necessary, an updated phasing and delivery plan will be submitted prior to the commencement of each subsequent phase of works.
- Amendments to the detailed wording of existing planning conditions 4 (CMP), 7 (ground conditions and remediation), 10 (surface water drainage strategy) and 16 (invasive species management) to link them to the proposed phasing strategy and allow the conditions to be discharged in relation to the separate phases of work to be undertaken.

The Section 73 application anticipates that the earthworks would be completed over two work phases. One phase would include areas in the south and west of the site which are considered not to be impacted by the emerging water. It would also include Plot RB05b and adjacent areas of St. Catherine's Wood and would include earthworks critical for the HIF programme (including the remediation of the former gas works area and the provision of key utilities from the P&P bridge area). A separate phase would comprise the north and east of the site which is the area potentially affected by contaminated emerging water. Within this area further ground investigation is currently underway to confirm the conceptual site model which has been presented to the Environment Agency previously for discussion. This ongoing further site investigation will inform any necessary remediation and future design of the works in this area.

An Earthworks Delivery Strategy and Outline Phasing Strategy note (dated May 2023) provides more detail on the current anticipated phasing of works across the site including a list of works intended to be undertaken as part of each phase. The note includes anticipated start/ end dates for undertaking the above earthworks and remediation. It also provides an overview of the anticipated phasing for the other consented works at the site (i.e. drainage infrastructure and utilities, construction of the plateau road and temporary highway finishes, and green infrastructure and landscaping works), albeit timescales for these subsequent phases of development are not yet known.

Environmental Impact Assessment and Environmental Statement

The following considers the implications of the discovered PFAS contamination and the implications of the proposed phasing for the findings of the ES.

The ES which has been previously prepared in support of the Victoria North development identified contamination across the site. Assessment determined that the effect of this contamination on the two principal surface water receptors, would be significant (moderate adverse) for the bedrock principal aquifer, but not significant (minor adverse) for the River Irk.

Whilst PFAS was not tested for at the time, it has now been confirmed that the concentrations of PFAS contaminants in the identified source are lower than the maximum permissible drinking water standard (DWS) of 100mg/l. As such, the previous assessment of a significant (moderate adverse) effect on the principal aquifer remains correct.

On-site testing has confirmed that the River Irk is impacted by PFAS, prior to receiving inflows from the proposed development site. Therefore, against the current baseline, flows from the development site will not have a significant impact on river water quality and the previous assessment of not significant (minor adverse) impact still applies.

Therefore the PFAS contamination would not give rise to new or materially different impacts than those identified in the ES and the findings presented in the ES remain valid.

The ES identifies that mitigation measures will be required to manage the risk of existing contamination across the site. It is proposed that a Remediation Strategy is developed which will develop risk-based targets to determine the suitability of material for re-use across the site, and if these risk-based targets could not be met would look to remove materials to be disposed offsite. In the context of PFAS, this is still a reasonable approach to managing the risk and is the course of action which the project team are currently pursuing.

Whilst the specific remediation activities are yet to be defined in the Remediation Strategy, it is not anticipated that any non-standard remediation techniques will be required due to the presence of PFAS. Indeed, at the request of the drainage statutory undertaker, United Utilities, temporary plant to aerate these flows and discharge them to sewer under a temporary discharge agreement will be installed. No treatment is required for PFAS as the concentrations are below the limit of detection being applied by United Utilities for the temporary discharge.

Therefore the PFAS contamination and the phased remediation would not give rise to new or materially different mitigation measures to those identified in the ES and the measures proposed are 'tried and tested' so the mitigation measures identified in the ES remain appropriate and no additional mitigation measures are required.

The ES finds that there are significant and non-significant effects to controlled waters due to the presence of on-site contamination which will require the application of some remedial techniques. The ES also finds that once the full development is complete, these risks will be reduced compared to the current state. The presence of PFAS across the site does not alter either of these conclusions and therefore the existing ES conforms with the proposed S73 application.

Other ES Considerations

The Infrastructure Works ES was submitted in March 2022 and planning permission was granted in July 2022. Given the short period of time since the submission of the Infrastructure Works ES it is considered that the baseline environment has not materially changed since it was established last March and as such there is no requirement to provide updates in this regard.

The ES has been reviewed to determine whether there are any new schemes in the area around the site that would be likely to give rise to significant cumulative effects and so should be considered in the ES. The recently submitted applications at the Red Bank and New Town areas identified eleven additional cumulative schemes and these are listed below:

1. 121380/FO/2018 (Swan House)
2. 132416/FO/2021 (Great Ducie Street)
3. 122280/FO/2019 (Mirabel Street)

4. 127901/FO/2020 (Manchester Arena Expansion)
5. 131314/FO/2021 (39 Deansgate)
6. 130553/FO/2021 (Island, John Dalton Street)
7. 15/66806/FUL (Embankment Exchange)
8. 19/74205/FULEIA (Waterloo Place)
9. 130354/FO/2021 (Eliza Yard)
10. 130627/FO/2021 (Ancoats Mobility Hub)
11. 113914/FO/2016 (1 Lord Street)

Of these the first eight have been scoped out as they are situated more than 250m from the HIF site and the SRF therefore significant cumulative effects are unlikely due to the spatial separation from the site. The final three are within 250m. However, the assessment of these scheme in the recently submitted applications at the Red Bank and New Town areas noted that significant effects are unlikely with these schemes and the SRF as accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance will result in impacts being mitigated through embedded mitigation, good working practices and the use of an appropriate CEMP.

As a result of the review of the EIA reported in the Infrastructure Works ES it is concluded that there is no update required to this ES and it continues to provide a robust assessment of the effects of the infrastructure works proposed along with the other proposed HIF works, the SRF and cumulative schemes.

Yours sincerely



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For and on behalf of Avison Young (UK) Limited