

Manchester City Council
Planning, Building Control & Licensing
PO Box 532
Manchester
M60 2LA

Our ref: SO/2023/123081/01-L01
Your ref: CDN/23/0209
Date: 19 April 2023

FAO Jennifer Atkinson

Dear Jennifer

**Discharge of planning conditions 3 (Drainage), 4 (Archaeology), 6 (Construction Management Plan), 7 (Ground Conditions) and 13 (temporary surface finish) attached to planning permission 133406/VO/2022
Jersey Street, Manchester**

Thank you for referring the above application which we received 05 April 2023.

Thank you for the submission of a technical note by Civic Engineers Ltd (dated Feb. 2023) regarding Condition 7 – GeoEnvironmental Investigation attached to planning permission 133406/VO/2022.

Having reviewed the note we are not satisfied that this addresses our earlier concerns regarding the initial phase of ground investigation (dated Jan 2023) and does not address the possible risks to controlled waters and further investigation is required of the infilled Prussia Canal arm.

I have attached a copy of our previous response to planning permission 133406/VO/2022 where the applicant can refer to the advice and guidance. commentary (our ref. SO/2022/122047/01-L01 dated April 2022).

Yours faithfully

Kerrie Ginns
Planning Specialist
Team e-mail SPPlanning.RFH@environment-agency.gov.uk

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

Our ref: SO/2022/122047/01-L01
Your ref: 133406/VO/2022
Date: 22 April 2022

FAO: Jennifer Atkinson

Dear Jennifer

[CITY COUNCIL DEVELOPMENT]

**DEMOLITION OF A REDUNDANT BRIDGE AND ASSOCIATED WORKS
REQUIRED TO FACILITATE THE CREATION OF A NEW AT-GRADE
PEDESTRIAN AND CYCLE ROUTE WITH ENHANCED PUBLIC REALM.**

JERSEY STREET, MANCHESTER

Thank you for consulting the Environment Agency (EA) on the above development proposal. Initial referral for this application was received on the 29th March 2022.

Environment Agency Position

As submitted, we have no objection in principle to the proposed development provided that the conditions detailed below are included as part of any subsequent planning granted.

Without inclusion of conditions recommend, as submitted, we would minded to object to the proposed development in accordance with paragraphs 174 and 184 of the National Planning Policy Framework (NPPF) which collectively recognise that it should be ensured that proposed development is suitable for intended end use, taking into account ground conditions and, where required, ensuring that proposed will not contribute to, be put a unacceptable risk from or adversely affected by unacceptable levels of pollution (notably soil and water).

Please see outlined below further explanation of our reasoning for this position and our conditional requirements.

Groundwater and Contaminated Land Commentary

To inform our position statement above, our GWCL team has undertaken a review of the following reporting with regards to the protection of controlled waters:

- Phase I GeoEnvironmental Site Assessment for Jersey Street Prepared by E3P for Civic Engineers, Report Ref: 15-798-R1-1 Date Issued: March 2022

The previous use of the proposed development site, including an infilled canal and electricity Substations presents a 'medium risk' of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located partially upon a Principal and Secondary B Aquifers and within 50m of Rochdale Canal.

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Having undertaken review of the Phase 1 report submitted (detailed above) we consider that it will be possible to manage any risks posed to controlled waters by the proposed development. However, further detailed information will 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. We also recognised that the applicant may wish to make submission, relevant to our current conditional recommendations, prior to planning determination.

In virtue of the above, in alignment with paragraphs 174 and 184 of the NPPF, we advised the proposed development will be acceptable, as submitted, for matters associated with the protection of controlled waters provided that the following conditions, listed below, are included as part of any subsequent planning approval.

Condition [1] – Site Investigation / Remediation Strategy / Verification Plan

No development approved by this planning permission 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. A preliminary risk assessment which has identified: · all previous uses · potential contaminants associated with those uses · a conceptual model of the site indicating sources, pathways and receptors · potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) 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
4. 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 (3) 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.

Reason [1]

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.

Note to Planning Authority [1]

The submission of the Phase 1 report (9809G-WML-XX-ZZ-RP-G-0001 Rev A), detailed above, is considered sufficient to address part 1 of recommend condition [1] and can be omitted if preferable.

Condition [2] – Remedial Verification Report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation

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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 [2]

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.

Condition [3] – Previously Unidentified Contamination

If, during the undertaking of site works, contamination not previously identified is found to be present, then further site works shall be suspended until the extent of contamination has been determined and defined in agreement with local planning authority. Written agreement shall then be obtained from the local planning authority to enable onsite works to recommence within the area(s) not affected by the contamination identified.

Works shall not recommence with the defined area of contamination until the developer has submitted and obtained written approval, from the local planning authority, of a remediation strategy detailing how the identified contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason [3]

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

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Please forward a copy of this letter to the applicant / agent. Should you have any queries or questions regarding this response, then please do not hesitate to get in contact.

Yours sincerely

Mr Andy Davies
Sustainable Places Advisor

Direct e-mail andy.davies1@environment-agency.gov.uk