

Our Ref: 04C100762
Your Ref: PP-12175532

24 May 2023

Jennifer Atkinson
Planning and Regeneration
Manchester City Council
P.O. Box 532
Town Hall
Manchester
M60 2LA

Dear Jennifer

**RED BANK NEIGHBOURHOOD, VICTORIA NORTH – SECTION 73 APPLICATION (PP-12175532)
FOR MINOR MATERIAL AMENDMENTS TO PERMISSION REF: 133143/VO/2022**

INTRODUCTION

We are writing on behalf of our client, Manchester City Council ('the Applicant'), to submit an 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. The permission relates to infrastructure works including (among other things) earthworks, remediation and the creation of development platforms to allow the delivery of future strategic-scale residential-led development at the Red Bank Neighbourhood.

For completeness, the description of development for permission ref: 133143/VO/2022 is set out below:

"City Council Development for the creation of development platforms, including remediation and earthworks, and change in site levels, to allow delivery of future residential-led development at the Red Bank Neighbourhood, together with the construction of a new road and priority junction from Red Bank, new drainage infrastructure, utility and services connections and diversions, preparatory tree and shrub clearance, and 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."

PLANNING BACKGROUND AND CONTEXT

Victoria North is a developing regeneration scheme adjoining Manchester City Centre which aims to deliver up to 15,000 new homes and social and physical infrastructure on approximately 155 hectares of land between Victoria Station and Queens Park. Seven interconnected neighbourhoods are proposed as part of the Victoria North regeneration project and the above

referenced permission relates to land controlled by the Joint Venture (JV) Partnership between MCC and its investment and delivery partner, Far East Consortium (FEC), within the emerging Red Bank and New Town neighbourhoods, located to the north-east of Victoria Station, to the south of Red Bank road, and immediately adjacent to Manchester City Centre (hereafter referred to as 'the Site').

The works consented under permission ref: 133143/VO/2022 benefit from £51.6m Government funding through the Homes Infrastructure Fund (HIF), to prepare the land for new strategic residential-led development. The consented works represent a crucial phase in the delivery of a new residential neighbourhood within Victoria North, with the HIF funding intended to be used to address a series of up-front requirements to support the delivery of a new residential neighbourhood. Further planning applications (136812/OO/2023 and 136814/FO/2023) have subsequently been submitted by FEC (registered in May 2023) for new development including over 4,500 new homes in the area.

Since MCC's planning permission (ref: 133143/VO/2022) was granted, the Applicant has been working to discharge pre-commencement planning conditions attached to the consent, with a view to making a meaningful start to development and undertaking the approved works in accordance with the HIF programme. The HIF funding is subject to strict spending deadlines and MCC therefore needs to commence development of certain critical work stages, including groundworks, remediation and the creation of development platforms at the site, so that the availability of the HIF funding and overall project delivery is not jeopardised.

However, during site clearance works carried out in late 2022 following the grant of planning permission, an area of emerging water was identified within the permission boundary which sampling and analysis found to contain the contaminant, PFAS. A series of site investigation works and sampling were 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 extensively with the EA.

On the basis of the conceptual model and the findings of the ground investigations undertaken to date, an area where earthworks should be able to proceed at the site has been defined and is referred to as Phase 1 within this Section 73 Application. However, as it was not originally intended for the works consented under permission ref: 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, allow for the phased or partial discharge of conditions to allow the development to come forward in phases, as now planned.

In light of the above there is now a requirement to amend the planning permission to facilitate the proposed phased delivery of the development. 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.

THE PROPOSED AMENDMENTS

The proposed amendments from the original permission are limited to the intended introduction of phasing to the permission, namely through the introduction of a new planning condition specifically related to phasing and requiring details of the phase boundary and scope of works within each phase to be submitted before it commences, together with amendments to the wording of certain existing planning conditions to allow them to be discharged in phases.

Additionally, the Applicant is seeking to address certain other planning conditions attached to the original permission with information which has been prepared subsequently, such that those conditions are not required to be reapplied to the new permission generated as a result of this Section 73 application. The information to address these conditions has already been prepared and submitted to MCC previously under existing stalled conditions applications. Whilst the LPA has advised previously that the information submitted to address these conditions is acceptable, their formal discharge has been held up by delays associated with condition 7 (ground conditions and remediation).

A summary overview of the proposed amends is set out below:

- New phasing condition – introduction of a new planning condition requiring submission/ agreement of a phasing strategy prior to commencement of development. As a minimum the first iteration of the phasing strategy would identify the detailed phase boundary and scope of works to be carried out within the first phase of development. If necessary, an updated phasing strategy 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 tie them to the proposed phasing strategy and allow the conditions to be discharged as necessary, in relation to the separate phases of work to be undertaken across the site.
- The Section 73 application is also seeking to address existing pre-commencement planning conditions 5a (local labour), 9 (piling), 18a (tree replacement, ecology and BNG), and 20 (boundary treatments) attached to the original permission with information which has been prepared subsequently and has already been submitted to the LPA as part of previous discharge of conditions applications.

Where relevant, the amendments proposed have been discussed with the LPA and statutory consultees. The principle of introducing phasing to the planning permission through the Section 73 process has been agreed with the LPA and the EA and the Applicant would be happy to engage further with officers and consultees around the detail of the proposals and specific condition wording during determination of the application, if necessary.

The Section 73 application is supported by a suite of information to inform MCC's review of the proposed amendments to the permission. The submission comprises:

Plans

- Location Plan (ref: VNIF-ARP-00-YYY-DR-G-0009_P06)
- Earthworks and Remediation Outline Phasing Plan

Documents

- This Supporting Planning Letter (dated 24 May 2023)
- Application Forms and Certificates (dated 24 May 2023)
- Earthworks Delivery Strategy and Outline Phasing Strategy note (dated May 2023)
- Schedule of Proposed Amended Condition Wording (dated May 2023)
- EIA Statement of Conformity (dated 23 May 2023)

Information to Address Previous Conditions

- Condition 5a (Local Labour Proposal) – Main Works (dated August 2022)
- Condition 9 (Piling and Penetrative Methods During Construction) Justification Note (dated July 2022)
- Condition 18a Tree Replacement, Ecology and Biodiversity Net Gain Mitigation Strategy report (dated March 2022)
- Condition 20 (Boundary Treatment) – Hardworks General Arrangement Plan (VNIF-PLA-ZZ-YYY-DR-L-1010 P03)

Appendix A includes a schedule outlining the reason for each proposed amendment to specific conditions, and/or signposts the information being submitted to address conditions attached to the original permission (ref: 133143/VO/2022).

The application has been submitted electronically to the Planning Portal (reference: PP-12175532).

PROPOSED PHASING APPROACH**Earthworks and Remediation Phasing**

The main purpose of the Section 73 application is to introduce phasing to the planning permission such that the pre-commencement planning condition regarding ground conditions and remediation (condition 7) can be discharged on a phased basis. This would allow the commencement of time-critical earthworks and remediation on the area of the site which has been demonstrated to not be affected by PFAS contamination associated with the emerging water.

Accordingly the Section 73 application is supported by an Earthworks and Remediation Outline Phasing Plan which is submitted illustratively to show the current intended phasing of the earthworks and remediation, and defining indicatively the proposed phase boundaries. It is currently intended that the earthworks would be completed over two work phases as discussed in detail with the EA previously.

The Phase A area is shown in green on the Earthworks and Remediation Outline Phasing Plan. Phase A.1 includes those areas in the south and west of the site which are considered not to be impacted by the emerging water. Phase A.2 includes Plot RB05b and adjacent areas of St. Catherine's Wood and has been defined to 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).

The Phase B earthworks area comprises the north and east of the site which is the area potentially impacted by contaminated emerging water. This area is shown in purple on the plan. Within the Phase B area further ground investigation is currently underway to verify the conceptual site model which has been presented to the EA previously for discussion. This ongoing further site investigation will inform any necessary remediation and future design of the works in the Phase B area going forward.

Phasing of Later Workstreams

Further to the Earthworks and Remediation Outline Phasing Plan, which obviously deals directly with the proposed earthworks phasing, an Earthworks Delivery Strategy and Outline Phasing Strategy note (dated May 2023) is also submitted. The strategy note, which is also indicative, 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 Phase A and B earthworks and remediation.

This note also provides an overview of the anticipated phasing approach for the other consented works at the site (i.e. Phase C - drainage infrastructure and utilities, Phase D - construction of the plateau road and temporary highway finishes, and Phase E - green infrastructure and landscaping works), albeit timescales for these subsequent phases of development are not yet known. Therefore no start or end dates are provided for these phases at this stage. It should also be noted these later workstreams (Phases C, D and E) could feasibly come forward in any order.

RELATIONSHIP TO PREVIOUS ENVIRONMENTAL STATEMENT

The original planning application for infrastructure works (133143/VO/2022) was supported by an Environmental Statement (ES) (dated March 2022) which was then approved as part of the permission. Accordingly, this Section 73 application is accompanied by an EIA Statement of Conformity which considers the proposed amendments to the permission within the context of the approved ES.

The context and considerations in respect of EIA are set out in detail within that statement. However, in summary, the statement finds that 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.

SUMMARY

We trust that this submission will enable the timely validation of the application. If you require any further details or have any queries relating to the above, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'E. Harvey', written in a cursive style.

Ed Harvey
Associate Director
+44 (0)7831 402681
ed.harvey@avisonyoung.com
For and on behalf of Avison Young (UK) Limited

APPENDIX A – REASON FOR AMENDMENT AND INFORMATION SUBMITTED IN SUPPORT

Condition Number	Reason for Amendment and Information Submitted
XX: Phasing Strategy (new condition)	A new condition is proposed (see submitted Schedule of Proposed Amended Condition Wording) to introduce phasing to the permission and allow the timely discharge of pre-commencement conditions in respect of specific workstreams/ phases of development. Facilitating the phased discharge of pre-commencement condition 7 (ground conditions and remediation) is particularly important to the Applicant as this would allow the commencement of time-critical earthworks and remediation on the area of the site which has been demonstrated to not be affected by PFAS contamination associated with the emerging water. The introduction of phasing to the permission will also necessitate amends to the wording of other conditions to ensure the LPA would retain control over the discharge of information ahead of each relevant phase of work commencing.
4: CMP	As a result of the proposed phasing approach to development, there will likely be a requirement to update the CMP as the detailed phase boundary and scope of works within each phase is confirmed. Accordingly, amendments/ additional text are proposed to the detailed wording of this pre-commencement condition to introduce a requirement for a detailed CMP to be submitted for approval prior to commencement of each phase of works. The amends are set out within the submitted Schedule of Proposed Amended Condition Wording.
5: Local Labour Proposal	The application is seeking to address the previous Condition 5 Part (a) requirement to agree a Local Labour Proposal prior to commencement of development. A Local Labour Proposal – Main Works (dated August 2022) has been prepared previously and submitted to the LPA as part of previous discharge of condition application ref: CDN/22/0623. Whilst we understand from previous discussions that the information is considered acceptable by MCC, it was not be formally discharged owing to it being grouped with other pre-commencement conditions where further work is required, namely condition 7 (ground conditions and remediation). Provided the Local Labour Proposal is still acceptable to the LPA, we would expect this to be included as an approved document attached to the new permission with no further local labour information required prior to commencement of development. It is acknowledged that Part (b) of the current condition would still be required, and this is reflected within the submitted Schedule of Proposed Amended Condition Wording.

**7: Ground
Conditions/
Remediation**

It is proposed to introduce phasing to the planning permission such that pre-commencement planning condition 7 can be discharged on a phased basis for the reasons set out above. Accordingly, amendments/ additional text are proposed to the detailed wording of this pre-commencement condition such that separate Site Investigation and Risk Assessment Reports and Detailed Remediation Strategies can be submitted/ agreed relevant to each proposed phase of earthworks and remediation.

The amends, which are set out within the submitted Schedule of Proposed Amended Condition Wording, would require this information to be submitted before each phase of earthworks within the development commences. Part (b) of the condition is also proposed to be amended to require a Completion/ Verification Report to be prepared and submitted relevant to each phase of earthworks.

9: Piling

The application is seeking to address the previous condition 9 requirement to submit details of the method for piling, or any other foundation design using penetrative methods, prior to commencement of development. A Piling and Penetrative Methods During Construction Justification Note (dated July 2022) has been prepared previously and submitted to the LPA as part of previous discharge of condition application ref: CDN/22/0531.

Given the previous note (which is also submitted with this Section 73 application) confirms that 'no piling works will be undertaken as part of any foundation construction and no other penetrative methods will be required to be undertaken as part of the works', we would expect this condition to be removed for the from the new permission. This is reflected within the submitted Schedule of Proposed Amended Condition Wording.

**10: Surface
Water Drainage**

It is intended that surface water drainage will come forward as one of the later workstreams at the site, after all phases of earthworks and remediation have been completed. Whilst condition 10 as originally drafted allows certain works (including 'enabling works including groundworks, tree clearance and vegetation removal') to take place prior to commencement of development, we are nonetheless seeking to amend the wording of this condition so it is clear that 'earthworks and remediation' can proceed before the required scheme for the drainage of surface water has been submitted to and approved by the LPA. Clearly the surface water drainage scheme would still need to be submitted in due course ahead of later workstreams taking place.

**16: Invasive
Species
Management**

As a result of the proposed phasing approach to development, there will likely be a requirement to update the Invasive Species Management Strategy as the detailed phase boundary and scope of works within each phase of development is confirmed. Accordingly, amendments/ additional text are proposed to the detailed wording of this pre-commencement condition to introduce a requirement for an

	Invasive Species Management Strategy to be submitted for approval prior to commencement of each phase of works. The amends are set out within the submitted Schedule of Proposed Amended Condition Wording.
18a: Tree Replacement, Ecology and BNG	The application is seeking to address Part (a) of previous condition 18 requirement to submit an updated Tree Replacement, Ecology and Biodiversity Net Gain Mitigation Strategy prior to commencement of development. A Tree Replacement, Ecology and Biodiversity Net Gain Mitigation Strategy report (dated March 2022) has been prepared previously and submitted to the LPA as part of previous discharge of condition application ref: CDN/22/0623. Whilst we understand from previous discussions that the information is considered acceptable by MCC, the condition was not be formally discharged owing to it being grouped with other pre-commencement conditions where further work is required, namely condition 7 (ground conditions and remediation). Provided the Tree Replacement, Ecology and Biodiversity Net Gain Mitigation Strategy report is still acceptable to the LPA, we would expect this to be included as an approved document attached to the new permission with no further ecology information required to be submitted prior to commencement of development. It is acknowledged that Parts (b), (c) and (d) of the current condition would still be required, and this is reflected within the submitted Schedule of Proposed Amended Condition Wording.
20: Boundary Treatment	The application is seeking to address the previous condition 20 requirement to submit details of the siting, scale and appearance of the proposed boundary treatment prior to commencement of development. A Hardworks General Arrangement Plan (VNIF-PLA-ZZ-YYY-DR-L-1010 P03) has been prepared previously and submitted to the LPA as part of previous discharge of condition application ref: CDN/22/0531. Provided the submitted Hardworks General Arrangement Plan (VNIF-PLA-ZZ-YYY-DR-L-1010 P03) is acceptable to the LPA, we would expect this condition can be removed from the new permission. This is reflected within the submitted Schedule of Proposed Amended Condition Wording.