

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

Our ref: SO/2022/122733/01-L01
Your ref: 134775/FO/2022
Date: 30 December 2022

Dear Sue Wills

**ERECTION OF 2 X 3 STOREY APARTMENT BLOCK COMPRISING 42 APARTMENTS AND ERECTION OF 29 X ONE AND THREE STOREY DWELLINGHOUSES (CLASS C3) WITH ACCESS FROM LOUISA STREET AND ASSOCIATED WORKS, FOLLOWING THE DEMOLITION OF ALL EXISTING BUILDINGS/STRUCTURES
LAND OFF LOUISA STREET MANCHESTER**

Thank you for consulting us on the above application, which we received on 6 December 2022.

Environment Agency Position

We have reviewed the Phase 1 GeoEnvironmental Desk Study (A4755/22/FDS) and the GeoEnvironmental Site Investigation Report (A4755/22/SI) by Earth Environmental & Geotechnical Ltd for the proposed development. We have no objection to the application, subject to the imposition of the following conditions.

Condition 1

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. An additional site investigation scheme, based on the submissions to date to provide additional information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the additional 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

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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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 express 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.

Condition 2

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason 2

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 3

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 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 3

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.

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.

We ask to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations. All work to discharge the conditions should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Environment Agency Comments

The previous uses of the proposed development site present a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal and Secondary aquifer.

The application's GeoEnvironmental Site Investigation Report demonstrates that it will

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. It is our opinion that additional ground investigation will be necessary to address identified information gaps prior to development.

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 only be acceptable if the planning conditions above are imposed on any permission granted.

Advice to applicant

In addition to our comments above we also have the following advice for the applicant.

Groundwater and Contaminated Land Model Procedures and Good Practice Guidance

Due to the former land uses, soil and /or groundwater contamination may exist at the site. To address the associated risks to controlled waters we recommend that developers 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), when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination 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 which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information
- Refer to 'The Environment Agency's approach to groundwater protection'

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.

Waste Management Guidance

Where the remediation / redevelopment of the site will involve waste management issues we offer the following advice.

On-site Waste

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; and
- 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 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:

- The Duty of Care Regulations 1991;
- The Hazardous Waste (England and Wales) Regulations 2005;
- The Environmental Permitting (England and Wales) Regulations 2016; and
- 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 hazardous waste material is produced, held, stored or taken off-site, 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.

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

If dewatering and discharging into surface water is required during development, 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, 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.

Should you require any further information or advice, please do not hesitate to contact me on the details below.

Yours sincerely

Jake Newby
Planning Specialist

Direct e-mail jake.newby@environment-agency.gov.uk

Team e-mail SPPlanning.RFH@environment-agency.gov.uk