

Laura

Many thanks for your swift response, and apologies for the delay in reply.

The further SI has now been completed and we are in the process of compiling the updated SI to capture this. Lab results still pending.

On the private courtyard, a number of these are formed on podium structures with undercroft parking. Please see attached sketch indicating the building footprints, hard landscaping and other areas. The orange soil cells/green paving are part of the street scape and not private. The soil cells being a 1200mm deep crated system backfilled with planting medium and the green paving a mix of hard paving with intermediate grass/sedum strips.

As can be seen, significant portions of the site are in affect hard standing, meaning exposure to occupiers from contaminated soils is minimal. Would you accept an approach which targets public open space screening only to the marked green areas? Given their size, this should be manageable from a earthworks management perspective.

Kind regards,

Mike

From: [REDACTED]
Sent: Monday, November 13, 2023 3:09 PM
To: [REDACTED]
Subject: Re: Environmental Health Soil Screening Criterial - Permission 136814/FO/2023

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Hi Mike,

I have been passed your email as I provided the contaminated land comments for this site.

I have looked back at my comments and there was further site investigation to be undertaken including delineating TCE impact and some more gas monitoring. Has this now been undertaken?

In terms of your proposals below I have looked at the drawings and there is a fairly large private courtyard associated with NT04, as such I am not sure if commercial/industrial re-use criteria will be sufficient, even with the 600mm clean cover. I will need further justification for your choice of criteria as POSresi may be more appropriate given no private gardens are proposed.

To support any change in the site classification you will need to provide an associated DQRA, I have no objections to the change in reuse criteria below buildings and hardstanding and any small areas of landscaping, it is only with respect to private court yard areas/terraces/any areas of public realm and as such the site may need to be zoned accordingly.

I am happy to discuss your proposals with you and we can do this via teams (or similar).

Kind Regards

Laura

Laura Miller (MRes, MA, BSc(Hons))

Please note that due to working compressed hours Wednesdays are a non-working day for me, I will respond to your email when I return to the office

Environmental Protection Officer
Environmental Protection Section
Environmental Health
Neighbourhoods Directorate
Manchester City Council



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Please consider the environment before printing an e-mail

From: [Redacted]
Sent: Friday, November 10, 2023 10:23 AM
[Redacted]
[Redacted]
Subject: Environmental Health Soil Screening Criterial - Permission 136814/FO/2023

Some people who received this message don't often get email from mike.newman@roconconsulting.com. [Learn why this is important](#)

Morning Graeme/Sharon

I am hoping you can assist, or point me in the right direction. We are completing the remediation strategy for permission 136814/FO/2023 and we would like to discuss the screening criterial for contaminated soils.

Given the following considerations, we would like to make a case for Commercial/Industrial screening criteria for the development.

1. The proposed development for Plots NT02-04 comprises high rise apartment style residential development with limited soft landscaping in public realm
2. The proposed ground floor plans (ref RDB-HBA-2X-LG-DR-AR-080098, RDB-HBA-2X-IT-DR-AR-080099 and RDB-HBA-2X-UG-DR-AR-080100, attached for reference) submitted with the planning app indicate there are no residential aspects to the scheme at GF level (NT02 and NT03), with internal space comprising either lobby areas, lift pits, stairwells or commercial end uses.
3. Given the absence of more sensitive development on GF level the adoption of less stringent "Commercial / Industrial" Human Health Soil Screening criteria (GAC's) would be an appropriate classification for the development.
4. In addition, any areas of soft landscaping would require a 600mm clean natural soil capping systems that would require the use of imported soil screened against the more stringent apartment style residential end use criteria.

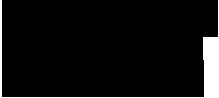
The use of less stringent commercial end use criteria for the soil reuse within our detailed Phase 3a Rem Strat would seem to be an appropriate measure for the site given ground floor usages. The adoption would also allow the retention of more site won material and soils on site, thereby reducing associated environmental impacts of its disposal from site.

Would MCC EHO be acceptable to this approach?

Kind regards,

Mike

Mike Newman
BEng (Hons) CEng MStructE



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Far East Consortium (FEC)
UK (London Office)
12 Stanhope Gate
London
W1K 1AW

Our ref:
SO/2023/123379/04-L01
Your ref:
'Application '5' - 136814/FO/2023
Date of Issue:
05 January 2024

FAO: Far East Consortium (FEC) 'Application 5' Project Team: John Sherrington / Mike Newman / Alex Smiles

CHARGEABLE PLANNING AGREEMENT ENVPAC/1/GMC/00443 – VICTORIA NORTH – APPLICATION 4 & APPLICATION 5 (REDBANK & NEWTOWN NEIGHBOURHOOD)

ENVIRONMENT AGENCY / FAR EAST CONSORTIUM:

- 1. PRELIMINARY VIRTUAL DISCUSSION MEETING 20TH DECEMBER 2023
[13:00-15:00]**
 - 2. PRELIMINARY TECHNICAL REVIEW OF DRAFT REPORTING SUBMISSIONS ADDRESSING THE REQUIREMENT(S) OF CONDITION 17 (GROUND INVESTIGATIONS, REMEDIAL STRATEGY AND REMEDIAL VERIFICATION PLAN) ATTACHED TO PLANNING PERMISISON 136814/FO/2023 (GRANTED 18TH DECEMBER 2023)**
-

Dear Far East Consortium (FEC) 'Application 5' Project Team,

Thank you again for requesting and undertaking preliminary engagement with the Environment Agency (EA) regarding addressing relevant conditional requirements, relating to the protection and enhancement of controlled waters, placed upon planning permission 136814/FO/2023 for 'Application 5' (Plots NT02-NT04) of the wider Victoria North strategic regeneration.

Further to virtual (MS Teams) collective meeting discussions held on the 20th December 2023 (refer to separate meeting record email issued 21/12/2023 - 10:39), as instructed, we have progressed under chargeable planning agreement ENVPAC/1/GMC/00443 a further technical review of the reporting submissions listed below. The intention of this review is to identify any wider matters to be addressed by the FEC project team in the progression of condition discharge efforts associated with Application 5 / Plots NT02-NT04.

Condition 4 (Enabling Works Phase Plan / Strategy) Related Submissions Received:

- I. Plots NT02,NT03, NT04 Enabling Works- Rev 03 08/12/2023.

- II. Block XX Enabling Works Soil Remediation Phasing Plan. Drawing No: RDB-ROC-xx-xx-DR-C-PP01 Rev P02
- III. Block XX Groundwater Remediation Phase Plan, drawing No: RDB-ROC-XX-XX-DR-C-PP02 Rev P01.

Condition 17 (Site Investigation / Remedial Strategy / Verification Plan) Related Submissions Received:

- IV. Phase 2 Site investigation, NT02, NT03 and NT04 Dantzic Street, Far East Consortium Ltd-Rev 05 dated 15/12/2023.
- V. Plots NT02, NT03 and NT04, Northern Gateway, Dantzic Street, Phase 3a Detailed Remediation Strategy Report- Rev 01dated 15/12/23.
- VI. Plot NT02 Dantzic Street, Controlled Waters Risk Assessment – Rev 01 15/12/2023

N.B – Further to the above listed reporting, we note we are in receipt of email correspondence from Alex Smiles / RSK providing the missing initial ‘Discovery Strategy’ of the Phase 3a Remedial Strategy report (V).

Preamble - EA Review Context & Understanding of Proceedings Associated with Application 5 Condition Discharge

As preamble to our wider technical review commentary below, we advise the EA’s understanding for the benefit of this further technical review is as follows:

1. Planning permission for 136814/FO/2023 / ‘Application 5’ has now been granted by Manchester City Council planning authority on the 18th December 2023. As such, conditional requirements and numbers are formalised / ‘frozen’ and conditional discharge is now possible to progress by the FEC project team.
2. As per virtual discussions held on the 20th December 2023 and wider associated email correspondence, it remains the intention of the FEC Project Team to further update the Phase 3a Detailed Remedial Strategy Submission to ensure this includes robust and appropriate details of:
 - a. A discovery strategy - how any unsuspected contamination (of adverse levels) will be monitored for and identified (with defined criteria for this).
 - b. The anticipated parameters for a groundwater monitoring programme (of benefit to contingency planning, remedial strategy refinement and unforeseen contamination identification).
 - c. Details of the anticipated ‘contingency plan’ to be enacted should adverse mobilisation of groundwater contamination be observed and / or unforeseen contamination be identified during the progression of site enabling / development works.
3. In connection with (2) above and HIF funding, the assignment of a remedial contractor to progress remedial works within the ‘Application 5’ development area

is premised and fully dependent upon condition 17 attached to 136814/FO/2023 being effectively discharged prior.

4. In connection with (3) above, it is the intention of FEC the project team, alongside relevant final technical submissions supporting / seeking the formal discharge of condition 17 attached to 136814/FO/2023 to also submit in connection with this reporting a 'Statement of Intention'. The submitted 'Statement of Intention' will:
 - Clearly outline a recognition that further elements of the remedial strategy will only be possible to refine and fully delineate upon assignment of a remedial contractor which (as per 3 above) is premised and critically dependent upon the effectual discharge of condition 17.
 - Noting the limitations of detail which can be provided prior to remedial contractor assignment, a written commitment to work further with key stakeholders (EA and Manchester City Council Environmental Health) to ensure that the final detailed strategy enacted and developed (post-condition 17) is sufficient to address the requirements of condition 18 (remedial strategy verification) and, as appropriate, support condition 21 (groundwater monitoring) and condition 22 (piling risk assessment).
5. Further to (1) above and conversations held on the 20th December 2023, the FEC Project Team has now formally submitted for Condition 4 (Enabling Phase Plan) for full discharge under planning application CDN/23/0876.

Should any of the EA's understanding outlined above prove incorrect, then we ask that we are notified by the FEC project team at the earliest possible opportunity to make further representation.

EA Technical Review Commentary – Condition 4 (Enabling Works Phase Plan / Strategy) Related Submissions

As identified within preamble above (refer to point 5), from third-party correspondence with the Local Planning Authority (LPA) we are aware that the FEC project team has now formally submitted for the discharge of Condition 4 under CDN/23/0876.

From a review of the separate formal submissions made under CDN/23/0876, we have identified that the updated iterations of documents (I), (II) and (III) listed above have been submitted, responding to preliminary feedback provided by the EA in December 2023 post-meeting.

We advise the FEC project team that we have reviewed these revised Condition 4 submissions and are satisfied that they are sufficient to address the conditional requirement of condition 4 in so far as the EA is concerned.

An EA formal planning response for CDN/23/0876, to the effect to the of the above, will be issued to the LPA shortly. However, noting the intrinsic link of the Condition 4 Enabling Phase Plan to site remedial requirements, we wish to take this opportunity to provide the following notes and observations to benefit the FEC Project Team's further efforts:

As per the written wording of the Condition 4 Enabling Phase Plan formally submitted under CDN/23/0876, it will be necessary for the remedial strategy (subject of condition

17) to include sufficient details of the 'discovery strategy', 'contingency plan' and 'groundwater monitoring' programme to be undertaken in association. As per EA understanding points (3) and (4) written above, the EA accepts that full exact details for these elements of the remedial strategy will not likely be possible to provide prior to remedial contractor assignment. However, for the purpose of formal discharge of condition 17 submissions, it will need to be ensured sufficient details are provided to enable the EA confidence that matters associated with the protection and enhancement of controlled waters will be achieved. In the absence of 'full and 'final' details of these three elements of the remedial strategy, we consider a 'Statement of Intention' as a formal submission will be critical to address this limitation.

In association with the above, as per discussions held on the 20th December 2023, we strongly recommend early perspective on this matter is sought from the LPA and their Environmental Health Department as to whether the 'Statement of Intention Approach' will be more widely acceptable. We note final determination of whether to grant planning condition discharge is the responsibility of the LPA not the EA i.e. whether the 'Statement of Intention' approach is viable cannot be determined by the EA.

As per the revised Groundwater Remediation Phase Plan, drawing No: RDB-ROC-XX-XX-DR-C-PP02 formally submitted, we note the 'groundwater remediation' area now extends to encompass the built development area of plot NT03.

Further to discussions held on the 20th December, identifying need for revision (in reflection to latest TCE groundwater monitoring), we can confirm we are satisfied with the revised extend of the 'groundwater remediation zone' presented. However, noting the encroachment of the revised zone area into the spatial footprint of plot NT03, we advise that going forwards careful consideration will need to be given to this as part of any subsequent Construction Phase(s), subject of condition 11.

Completion of groundwater remediation ahead of attempted progression of built-form development within Plot NT03 is advisable. If it is considered that built-form development within plot NT03 needs to be progressed prior to full groundwater remediation, then we ask that we are notified and advocate for further early discussion with the EA regarding this matter, noting the wording of condition 18 (remedial verification report) and potential complication for interim verification reporting sign-off.

Linking to the above, we note to the formally submitted iteration of the Enabling Phase Plan/Strategy does not include reference or detail as to when in sequence basement excavations within 'Area B' will be undertaken. Whilst we do not consider the omission of this detail to prevent the discharge of condition 4, we note from the lower ground floor plans approved under 136814/FO/2023 that 'basement excavations' may be required as part of the progression of Plots NT02-NT04.

As above, we would advocate for the completion of all groundwater remedial works prior to extensive excavation / void creation and encourage preliminary engagement with the EA if it anticipated basement excavation in Area B will occur prior to the conclusion of groundwater remedial works.

Finally, we note that no reference is currently made within the enabling phase plan to addressing pre-commencement condition 21 (borehole management). We presume it is the intention of the FEC project to address the requirement of condition 21 upon remedial contractor assignment i.e. post-discharge of condition 17 given the level of detail required to be supplied for the purpose of condition 21. However, we request we are notified if an alternative intention exists.

EA Technical Review Commentary – Condition 17 (Site Investigation / Remedial Strategy / Verification Plan Related Submissions)

Whilst, in conjunction with the preamble detailed above for the purpose of this preliminary review, we do not consider the current suite of reporting submissions provided sufficient to address the full extent of the requirements detailed under condition 17 attached to 136814/FO/2023, the following points pertinent to further discharge efforts are noted:

- Additional fully detailed information regarding the implementation of the remedial strategy cannot be provided until the remedial contractor has been appointed, which is contingent on the condition 17 being discharged.
- Plots NT02, NT03 and NT04 have been subjected to a sufficiently detailed level of characterisation, with the identified contaminants of potential concern assessed via way of a DQRA. Conclusions reached about the level of risk posed and the identification of suitable remedial options are considered robust.
- Whilst it is acknowledged and considered by the EA that further ground investigation and groundwater monitoring maybe required to fully develop the remedial strategy in detail, it is considered by the EA unlikely that any further ground investigations / monitoring undertaken will result in material changes or impact the viability of the risk assessment and remedial options appraisal. However, the EA do consider that additional groundwater monitoring is required as part of the contingency plan (see below comments below).

In virtue of the above, our considerations for the specifics listed requirements of condition 17 are as follows:

- Condition 17, Part 1 - Effectively addressed in relation to the EA's remit.
- Condition 17, Part 2 – In relation to the EA's remit, there is currently insufficient information to discharge this part of the condition, due to the requirement for full details of the remedial measures and how they will be implemented.
- Condition 17 Part 3 – In relation to the EA's remit, there is currently insufficient information to discharge this part of the condition as worded due to lack of details on the long-term monitoring, maintenance and arrange for a contingency action plan. Noted - the subject of the 'Statement of Intention Strategy' required needs to be discussed with Manchester City Council planning department.
- Condition 17, Part 4 - Effectively addressed in relation to the EA's remit.
- Condition 17, Part 5 – To be addressed via Manchester City Council's Environmental Health Officer. EA cannot advise.
- Condition 17, Part 6 – In relation to the EA's remit, this point is considered to have been addressed. There are numerous other investigation locations in proximity to TP214 which indicate the lack of a wider infilled area.

- Condition 17, Part 7 - As per Part 1 above, effectively addressed in relation to the EA's remit.
- Condition 17, Part 8 - To be addressed via Manchester City Council's Environmental Health Officer. EA cannot advise.
- Condition 17, Part 9 - As per Part 2 above, effectively addressed in relation to the EA's remit.
- Condition 17, Part 10 - This appears to duplicate the requirements of part 2, although is less prescriptive. A remediation strategy has been provided which, while not detailed, sets out a high-level strategy which is generally acceptable.
- Condition 17, Part 11 - Concluding paragraph sets out requirements for dealing with unexpected contamination. A discovery strategy has been provided, but it is considered that the wording should also be altered to ensure that the discovery strategy is consistent with the wording of this part of the condition. EA consideration is that Part 11 will remain live, but only triggered if unexpected contamination is encountered.

Expanding on the above, we wish to take this opportunity to provide the following additional element specific commentary to aid the further efforts of the FEC Project Team:

Discovery Strategy Commentary

The general approach set out in the discovery strategy is acceptable in principle. However, further to the iteration of reporting currently supplied to the EA, prior to formal submission, the report wording will need to be amended to ensure an accurate reflection and acknowledgement to the wording of part 11 of condition 17. This wording is as follows:

"In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present , at any time, before the development is occupied, then development on the relevant Phase or phases shall cease and on-site works not recommenced until a report outlining what measures, if any, are required to remediate the relevant land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as Local Planning Authority . In the event that the identified contamination can be isolated or is contained to a localized area of the site, subject to agreement, works can continue following submission of a plan identifying the area of contamination. Development shall then be carried out in accordance with the approved Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy of relevance."

So, for example, the discovery strategy will need to capture the requirements for works to cease, for the regulators to be informed, submission of a report detailing what remedial works, if any, are required etc.

Benzene and TPH Commentary

During the most recent groundwater sampling round (which included the new 500 series boreholes), concentrations of benzene and TPH were encountered. TPH was characterised as heavier with lower mobility fractions which, along with the localised nature of the contamination, is considered unlikely to pose a risk.

The distribution of benzene observed from current ground investigations is suggestive of a potential offsite source, although the potential for an on-site source cannot be fully discounted. Caution is therefore advised (linking to discovery strategy).

Based on lines of evidence and level of risk posed, we consider that requesting further ground investigation is undertaken at this stage would be disproportionate and that it would be more appropriate that consideration to this risk is given via way of the discovery strategy discussed above.

During slab breaking and groundworks within the TCE impacted soils area, there is the potential for additional contamination to be mobilised. As TCE has been confirmed as the main contaminant of concern in soils, rather than dealing with any additional leaching under unexpected contamination, it will be covered via a monitoring strategy and specific contingency plan.

Contingency plan and Monitoring Strategy Commentary

We note that Part 3 of condition 17 requires a long-term monitoring, maintenance plan and arrangements for contingency action plan, with respect to contamination.

It is noted that the Phase 2 Ground Investigation report includes some commentary on risks of slab removal and associated recommendations (10.0.12). While the contents of this are fine in the context of the phase 2 report, as identified within the meeting discussion and wider correspondence, it is not sufficiently detailed to be considered a contingency plan. As collectively identified and as recognised under the Enabling Phase Plan submitted in support of the discharge of condition 4, this will need to be a level of detail supplied within the remedial strategy itself.

Point 2 of paragraph 10.0.19 identifies the need to protect boreholes at a level of detail appropriate for the phase 2 report but not considered sufficiently detailed to form a monitoring plan. As collectively identified and as per the Enabling Phase Plan submitted in support of the discharge of condition 4, this will need to be a level of detail supplied within the remedial strategy itself.

As above, the EA's expectation is that a monitoring strategy and contingency plan is included within further updated iteration of the Phase 3a remedial strategy. As per our meeting discussion and associated correspondence, it is acknowledged that it will not be possible to provide full details until such a time as the specialist remedial contractor has been appointed. However, it has been collectively agreed as possible for the FEC project team to provide further details at this stage on these matters, thereby enabling the EA confidence that the protection and, where possible, enhancement of controlled water resources can be achieved.

In terms of a further updated Phase 3a remedial strategy, examples of the information the EA expect to see includes:

- Identification of the minimum number of monitoring rounds required to establish baseline conditions.
- Parameters to be monitored for.
- Further monitoring undertaken should include benzene and TPH.

NB - The EA considers that this monitoring will seek to further confirm conditions, (especially with the 500 series boreholes currently subject to a single monitoring round).

- Detailed methodology for establishing trigger values and / or intended trigger values.
- An indicative contingency plan, as a minimum, identifying what the contingency plan should achieve in its enactment.

There would be benefit at this stage in establishing where responsibility for these various actions sit.

Importation criteria:

Plots NT02, NT03 and NT04, Northern Gateway, Dantzic Street, Phase 3a Detailed Remediation Strategy Report (Rev 01 dated 15/12/23) Table 11: Criteria for the simple soil cover system are to be used as importation criteria. Excavated soils being imported from another site meeting these criteria would be considered waste and cannot be placed without an Environmental Permit.

The DoWCoP document and subsequent FAQs provide detail on requirements for importing soils from donor sites and the criteria that must be met.

In order for soils being imported from a donor site (irrespective of whether it is brownfield or not), to meet the requirements of DoWCoP (and demonstrate that they are not waste) they need to meet the definition of “clean naturally occurring material” as per the DoWCoP main document. Please update the documents accordingly.

Summary

In summary to the above, we do not believe our technical further review (post 20th December 2023) of the Condition 4 and Condition 17 submissions provided under ENPAC/1/GMC/00443 has identified any further matters which have not already been identified to the FEC project team during prior conversations to be addressed as part of further iteration / revision. However, as collectively agreed and identified prior, further update to the current iteration of the Phase 3 remedial strategy (Revision 1) will be required to ensure the elements of the discovery strategy, groundwater monitoring approach and contingency plan are effectually addressed (in alignment to the Phasing Plan submitted for Condition 4).

Further to the above, in virtue of the outlined contractual assignment limitations / challenges, we strongly recommend the viability of the ‘Statement of Intention’ approach for Condition 17 is discussed and agreed with Manchester City Council’s Planning and Environmental Health Departments. Understandably, if the ‘Statement of Intention’ approach is not deemed acceptable, we envisage this will materially alter the scope and level of detail required to be submitted to enable the effectual discharge of condition 17 and forward proceedings.

Finally, we ask that we are provided clarification on the queries raised under letter section ‘*EA Technical Review Commentary – Condition 4 (Enabling Works Phase Plan / Strategy) Related Submissions*’, as appropriate. Although, as stated, we do not anticipate these queries to impact the ability of the EA to recommend the discharge of Condition 4 as submitted under CDN/23/0876.

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We trust that the FEC project team finds the contents of this letter beneficial. However, any queries or questions regarding the contents of this letter, then please do not hesitate to get in contact with the EA Project Team.

Yours sincerely,

Mr Andy Davies
Green Growth Team Project Manager & Planning Advisor

Direct e-mail [REDACTED]