

Planning Consultation Response

Initial Planning Application

Environment Section – Contaminated Land

Application Reference:	71607		
Site:	Land off Brownhills Close/Bury Road, Tottington, Bury, BL8 3QD		
Proposed Development:	Application for reserved matters approval (appearance, landscaping, layout and scale) following grant of outline permission (67243) for the erection of 5 dwellings and associated works		
To:	Claire Booth	From:	Rebecca Jones
Our Reference:	CL023a.240325.CL1	Date:	24 March 2025

Recommendations
A preliminary risk assessment, and initial site investigation and risk assessment have previously been submitted and reviewed under the outline application (67243). Contamination was identified. Further detailed investigation including gas and vapour monitoring, and risk assessment has been recommended. In line with the National Planning Policy Framework, there is the potential for contamination on this site, therefore, we recommend that the following contaminated land conditions are placed on any grant of permission: • CL01 - CONTAMINATED LAND CONDITION 01: SITE CHARACTERISATION & RISK ASSESSMENT <i>(Requirements for Preliminary Risk Assessment has already been met)</i> • CL02 - CONTAMINATED LAND CONDITION 02: REMEDIATION STRATEGY & VERIFICATION PLAN • CL03 - CONTAMINATED LAND CONDITION 03: REMEDIATION & VERIFICATION • INFORMATIVE Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024). If permission is granted, the following information will be required in order for this Section to be satisfied that this development does not pose a risk to human health or the environment,

the following information needs to be submitted to the Council for approval:

- (i) Further detailed site investigation and risk assessment report.
- (ii) Updated and detailed Remediation Strategy and Validation Plan.
- (iii) Confirmation that the Environment Agency is satisfied with the controlled waters risk assessment and any proposed remedial actions.
- (iv) After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by this Section.

Desk Study Information	
Current use	On-site: Area of informal public open space. Off-site: Housing and open land.
Previous contaminating land uses	On-site: Landfilling and waste disposal activities (Bury Road, Tottington Landfill). Off-site: Railway land and Leeman Hill Mill, Glen Mill (Cotton) and associated reservoirs, filter beds, a large laundry (later a works), and a brick field.
Environmental setting	Geology: Old Lawrence Rock overlain by glaciofluvial sand and gravel deposits and glacial till. Hydrogeology: Secondary A Aquifer (Old Lawrence Rock). Hydrology: A tributary of the Kirklees Brook flows beneath the site and is culverted in places. Mining: Not located within a Development High Risk Area. Landfill/Waste: Bury Road, Tottington Landfill located on-site. This landfill site is a former gravel pit which was filled with industrial, bleach & dye works waste, between 1875 and 1977 and in 1977 hardcore waste was tipped on top. The fill material is thought to be up to 14m deep. The site is unlicensed and was operated by Roberts Waste Disposal. A previous limited investigation (carried out for development to the north of the landfill) identified blue material with high concentrations of cadmium, lead and lubricating oil located towards the northern boundary of the landfill. Radon: Class 2 Radon Affected Area.

Assessment / Comments	
Information Reviewed	No new reports have been submitted with this application.

	However, the following reports have previously been submitted and reviewed in support of application: 67243 Outline: • Phase 1 Preliminary Risk Assessment, Land off Brownhills Close, Tottington, Curtins, Reference: 077025-CUR-00-XX-RP-GE-001 - Rev P02, 29 June 2021. • Phase 2 Geo-Environmental Investigation, Risk Assessment and Outline Remediation Strategy, Brownhills Close / Bury Road, Tottington, LK Consult, Reference: CL-602-LKC 22 1047-01 R0, July 2022.
LCRM Stage 1 - Site Characterisation and Risk Assessment	
Preliminary Risk Assessment	A preliminary risk assessment has previously been submitted and approved in letter CL23a.040821.1. The consultant considered that the site poses a risk to future site users and the environment, and that intrusive investigation is required to assess the risks to human health from soil contamination and ground gas/vapours and to controlled waters including the underlying aquifer and surface waters on the site. Due to the history of the site and proposed end uses, site investigation was required to be undertaken before a decision on the application can be made. The Environment Agency was consulted regarding potential risks to controlled waters and waste management issues.
Site Investigation and Generic Quantitative Risk Assessment	An initial site investigation and risk assessment report has previous received and reviewed in letter CL023a.100822.1: • An initial limited site investigation was undertaken on 27 April 2022 which comprised: - 5 no. window samples and 2 no. hand dug pits - 9 no. soil samples. - 3 no. soil leachability - 3 no. surface water sampling - 5 no. gas monitoring visits over 2 months. The site split into 2 main areas: <u>Area north of Bury Road and central public open space (WS101, WS102, WS103, HD101, HD102)</u> • Silty made ground to between 0.7 and 1.0m bgl over granular made ground to 5.5m (WS102), 6.00m (WS101) and in excess of 7.0m (WS103). Granular fill contains ash, clinker, brick, concrete, coal, plastic, ceramics, glass, timber, and appears to be representative of the main waste body under the south of the site.

	Visible asbestos containing materials in WS102. Natural clay and sand deposits were encountered. • Boreholes were dry. • No methane, low levels of carbon dioxide and low flow rates were recorded. • Elevated concentrations of arsenic, cadmium, copper, lead, PAHs Benzo(a)pyrene, TPH Aliphatic C8-C10, TPH Aliphatic C10-C12, Asbestos were identified within the made ground when compared to GAC for residential with homegrown produce. The highest concentrations of metals, TPH and PAHs are within the deeper made ground (below 2mbgl) and are assumed to be associated with the older landfill material, with TPH found in WS102 only. Lead and asbestos are associated with the shallower made ground (construction waste). • Elevated metals, PAHs and petroleum hydrocarbons were found in soil leachability tests undertaken. <u>Area south of Brownhills Close (WS104, WS105)</u> • Silty made ground to 0.2m bgl over cohesive made ground to 3.5m (WS104) and 4.1m bgl (WS105). Cohesive fill contains clinker, brick, coal, plastic and glass. Natural clay and sand deposits were encountered. • Boreholes were generally dry. • Elevated concentrations of methane (max 43.4%v/v) and carbon dioxide (max 21.8%v/v), depleted oxygen (min 0.1%v/v) and low flow rates were recorded. • No elevated concentrations of contaminants were found in the soil samples. Further detailed investigation including gas and vapour monitoring, and risk assessment has been recommended.
Detailed Quantitative Risk Assessment	No information has been submitted.
LCRM Stage 2 - Options Appraisal	
Remediation Strategy & Verification Plan	The following outline remedial measures have previously been proposed as a minimum so that the site no longer poses a risk: • Clean Cover System - 600mm of suitably clean topsoil/subsoil over a geotextile membrane or a 100mm physical break layer (MOT Type 1). • Gas Protection Measures - CS3 / Amber 2 protection measures to include a passive subfloor or active subfloor ventilation system;

	methane and carbon dioxide resistant membrane installed as per manufacturer's instructions; ventilation of confined spaces within the building; minimum penetration of ground slab by services; and all joints and penetrations to be sealed. • Water Supply Pipe Protection Measures – depending on findings of United Utilities Water Pipe Risk Assessment. Based on the testing to date it is considered likely that barrier pipe will be required. • Asbestos Management Plan – to ensure that any asbestos present in soils does not impact site workers or surrounding residents. • Re-use of Site Won Material – potential for site won soils to be re-used under the CL:AIRE Definition of Waste Code of Practice and a Materials Management Plan. Please note that soils should be suitable for re-use without treatment. • Watching Brief – to identify and deal with any previously unforeseen contamination identified during the earthwork and development phase Further investigation and risk assessment will be undertaken, and the remedial proposal reviewed.
Materials Management	No information has been submitted. Please note that as the proposed development is on a registered landfill site, the Environment Agency will need to be consulted regarding materials and waste management issues.
LCRM Stage 3 - Remediation and Verification	
Verification	No information has been submitted.

Notes	
• The Environment Section has used all reasonable endeavours to determine the risk from contaminated land and ground gas based upon the information available to it. However, the comments made above should not be taken to imply that the land is safe or otherwise suitable for this or any other development. The ultimate responsibility for safe implementation of the development scheme resides entirely with the landowner and/or Planning Applicant.	

- Developments that are brought into use prior to the requirements of pre-occupation conditions being satisfied, would be result in breach of condition and could result in the site being considered under Part 2A.
- All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.