



Planning Department
Bury Council
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Our Ref: RG/G267/L001
Date: 23rd January 2025

Dear Sir/Madam

**APPLICATION SEEKING DISCHARGE OF CONDITIONS 5 AND 6 OF PERMISSION 65923
HAWKSHAW RISE / BLEAKLOW HALL, BOLTON ROAD, HAWKSHAW, BL8 4QT**

We are instructed by *Jeremy Buckley Properties* to submit the enclosed application seeking the discharge of Conditions 5 and 6 of S73 permission ref: 65923, which (in October 2020) approved the following:

Variation of condition no. 2 (approved plans) and no. 3 (materials) of planning permission 65260 (4 no. dwellings) to allow for minor alterations to the site plan, floor plans and elevations

Condition 5 states:

Following the provisions of condition 5 of the original planning consent 63388, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and a Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation.

This condition (then Condition 6) was first attached to the original planning application ref: 63388, which was approved on 20th February 2019 for the following development:

'Demolition of existing bungalow and erection of 4 no. dwellings with associated parking and access'

Condition 5 of that original condition stated that no development was to commence until contamination and/or ground gas/landfill gas risks had been submitted to, and approved in writing by, the Local Planning Authority. It also required - where potential contamination and/or ground gas/landfill gas risks were identified - detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority. It also required a detailed Remediation Strategy to be submitted to, and approved in writing by, the Local Planning Authority. An asbestos survey was to be carried out by an appropriately



qualified contractor, and any asbestos identified was to be disposed of in an appropriate manner.

An application was submitted to discharge that condition, which was approved by the LPA on 24 September 2019. The discharge letter stated that the condition was 'part-discharged', suggesting it could only be fully discharged pursuant to:

"Verification report required on completion."

We suggest that that statement was not correct because Condition 5 did not in fact require the submission of a Verification Statement. Rather a Verification Statement was required by Condition 6 of the original permission, which has subsequently been carried forward as Condition 5 of S73 permission ref: 65923 (the subject of this application).

In response to the requirements of the condition, our client has confirmed that his development team adhered to the recommendations ('remediation') contained in the suite of ground-related reports prepared by Ian Farmer Associates that were submitted and approved as part of the discharge of original condition 5, including those below.

GROUND INVESTIGATION REPORT (Ian Farmer)

This report states:

'The results of chemical laboratory testing were compared to screening criteria for a residential end use with plant uptake. Arsenic and Lead in Made Ground in WS02, WS03, TP02 and TP04 exceeded the relevant screening criteria. Loose fibres of Amosite were identified in WS03.

The elevated levels of lead in WS02 and WS03, and the presence of asbestos in WS03, present hazard during the construction phase of the development as, once complete, the concrete slab will break the pollutant linkage with site occupiers. Therefore, a moderate risk may be posed to construction workers.

The elevated levels of lead and arsenic identified in TP02 and TP04 may present a low to moderate risk to site users, site occupants and maintenance workers.

Based on this risk evaluation, remediation of the garden areas of Plot 2 and Plot 4 in the north of the site should be carried out. This may comprise either the removal of made ground and replacement with clean material or the capping of the made ground to provide a break layer between end users and the underlying made ground. Results of the gas monitoring visits indicated the risk posed by ground gases to be very low. As such, no gas protection measures are required.



Section 8.1 of the above report is entitled ‘*Remediation and Verification*’ and includes the following statement:

- 8.1.4 The remediation strategy will need to review methods of reducing or controlling the identified unacceptable risks. This could be done by removing or treating the sources of contamination, removing or modifying the pathways or removing or modifying the behaviour of the receptors, to ensure there is no significant risk of significant harm to either human health or controlled waters from the identified contamination, in relation to the proposed end use.

ADDITIONAL GEO-ENVIRONMENTAL INVESTIGATION REPORT (Ian Farmer)

This report states:

‘Elevated concentrations of arsenic and lead were recorded in an ash pit exposed by the archaeological excavations.

Elevated concentrations of lead were recorded at four locations and elevated PAH at 3 locations.

In order to mitigate risks from materials with elevated concentrations of contaminants it is recommended that the materials from the ash pit and Stockpiles E, F and G are not used in garden areas. This material may be used to backfill the excavated basement and restore site levels in areas beneath roadways and buildings. If the material is not suitable for these purposes, from an earthwork perspective, then it may be necessary for it to be removed from site.

The contaminant concentrations in the remaining stockpiles were all below their respective guideline values. On this basis these materials may be re-used as appropriate to suit development proposals and material types.’

The wording of Condition 5 only requires action (ie formal discharge) in the event that remediation is/was required. Our reading the Ian Farmer reports is that it did seem that some form of ‘remediation’ was being recommended. It is also evident from the outcome of Condition 5 of the original permission that the LPA considered the same, as it stated explicitly in the part-discharge of Condition 5 that a Validation Report was required.

Our client has advised that:

“Some of the inert waste from the site was buried in the large basement cellar. This was capped off and sealed over with concrete, and the houses were built over.

I attach a waste transfer certificate to demonstrate that all of the remainder of the inert waste was safely and legally removed from site to a licenced processing facility. [see Annex A]



Additionally, attached are invoices proving that we purchased in excess of 160 tons of topsoil to use in the gardens and as such no contaminated soil was utilised in any garden areas. [see Annex B]

I recall at the time that the local building inspector from the council was in regular attendance on site and was aware of the back filling of the cellar (and ultimately signed off the development). [see Annex C]

Moreover, this location was piled and the houses built over, hence there is no risk of contamination to gardens or landscaped areas.

I attach a photo of the cellar exposed prior to being backfilled."



The above appears to be entirely in line with the recommendations set out in the approved Ian Farmer reports, and specifically the part below:

*'In order to mitigate risks from materials with elevated concentrations of contaminants it is recommended that the materials from the ash pit and Stockpiles E, F and G are not used in garden areas. **This material may be used to backfill the excavated basement** and restore site levels in areas beneath roadways and buildings.'*



On the basis of our client's explanation above and the enclosures in the annexes of this letter, we accordingly seek the discharge of Condition 5 of S73 permission ref: 65923.

Condition 6 states:

If during the works on site, excess or waste soil material is removed from site, details of where and how the soil material was disposed of, including copies of waste transfer documentation, shall be submitted to the Local Planning Authority for approval.

As highlighted above in our client's comments, part of the inert waste was transferred from the site by Park House Services NW Ltd, certification for which is provided at *Annex A*.

We accordingly seek the discharge of Condition 6 of S73 permission ref: 65923.

We look forward to receiving confirmation of receipt and validation of the application, and please do not hesitate to contact Richard Gee at the above offices if further information is required.

Yours faithfully
for Roman Summer Associates Ltd

Richard Gee
Director



Annex A Waste Transfer Certificate



Waste Duty of Care Transfer Note

Transferor Details		Waste Description																												
Name and Address <u>Bleaklow Hall,</u> <u>Bolton Road,</u> <u>Hawkshaw,</u> <u>Bury,</u> <u>BL8 4JF</u>		Soil and Stones																												
SIC Code (2007)		List of Waste Code(s) e.g. 17.05.04 Soil & Stones																												
Signature _____		17.05.04																												
Date <u>10/09/2020</u>		I confirm that I have fulfilled my duty to apply the waste hierarchy as required by Regulation 12 of the Waste (England & Wales) Regulations 2011 ☐																												
Transferee Details		Waste Container (bin, skip, tanker, tipper)																												
Name and Address: Park House Services NW Ltd Park House Park Road Bury <u>BL9 5BQ</u>		Tippers																												
Registration Number: <u>CBDU170008</u>		Volume/Weight of the waste (tonnes)																												
Signature _____																														
Date <u>10/09/2020</u>																														
Site of Transfer Details		Broker or Dealer arranging transfer (if applicable)																												
Name and Address: <u>Bleaklow Hall,</u> <u>Bolton Road,</u> <u>Hawkshaw,</u> <u>Bury,</u> <u>BL8 4JF</u>		Name and Address:																												
		Registration Number:																												
Details about Recycling, Recovery or Disposal Site																														
Name and Address: Park House Services NW Ltd Park House Park Road Bury <u>BL9 5BQ</u>		<table border="1"> <tr> <td>Park House Transfer Station</td> <td><u>WE3118AA</u></td> <td>☒</td> </tr> <tr> <td>Rakehead Transfer Station</td> <td><u>AB3405MG</u></td> <td>☐</td> </tr> <tr> <td>Lower Gollinrod SR2010 No12</td> <td><u>LB3106CM</u></td> <td>☐</td> </tr> <tr> <td>Mobile Plant Landspreading</td> <td><u>WE3178AA</u></td> <td>☐</td> </tr> <tr> <td>Mobile Plant Land Reclamation</td> <td><u>HB3004UC</u></td> <td>☐</td> </tr> <tr> <td>ABP Registered License</td> <td><u>U1414042</u></td> <td>☐</td> </tr> <tr> <td>Registered Deployment*</td> <td></td> <td>☐</td> </tr> <tr> <td>Registered Exemption*</td> <td></td> <td>☐</td> </tr> <tr> <td colspan="3">Details*</td> </tr> </table>		Park House Transfer Station	<u>WE3118AA</u>	☒	Rakehead Transfer Station	<u>AB3405MG</u>	☐	Lower Gollinrod SR2010 No12	<u>LB3106CM</u>	☐	Mobile Plant Landspreading	<u>WE3178AA</u>	☐	Mobile Plant Land Reclamation	<u>HB3004UC</u>	☐	ABP Registered License	<u>U1414042</u>	☐	Registered Deployment*		☐	Registered Exemption*		☐	Details*		
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Registered Deployment*		☐																												
Registered Exemption*		☐																												
Details*																														
Permit Number	<u>WE3118AA</u>																													
SIC code (2007)	38.21																													
Signature _____	Date <u>10/09/2020</u>																													
From: 10/09/2020		To: 20/10/2021																												



Annex B

Invoices in respect of purchase of in excess of 160 tons of topsoil for use in the gardens

SR & RJ BROWN LTD

Lower Gollinrod Farm
Walmersley
Bury
Lancashire
BL9 5NB

Tel: 01706 825460
Stephen: 07733 125561

Email: info@brownsfarmbury.co.uk

VAT Reg No: 785 5073 00
Co Reg No: 5085749

INVOICE

Page 1

Keystone Projects Limited

Centric House
E2 Waterfold Business Park
Bury
Lancashire
BL9 7BR

Invoice No	21959
Invoice Date	20/04/2021
Order No	
Account Ref	KEYSTONE

Quantity	Description	Unit Price	Disc Amt	Net Amt	VAT %	VAT
1.00	17/04/2021 - 2 x Loads of TopSoil Delivered @ £300.00 P/L	600.00	0.00	600.00	20.00	120.00

Any discrepancy must be notified in writing within 7 days.

ALL GOODS REMAIN THE PROPERTY OF SR & RJ BROWN LTD
UNTIL PAYMENT HAS BEEN RECEIVED IN FULL.

Payment Terms: 30 days from date of invoice
Cheques to be made Payable to: SR & RJ Brown Ltd
BACS Payments to: SR & RJ Brown Limited
Sort Code: 20-45-45 Account Number: 10395234

Total Discount	£	0.00
Total Net Amount	£	600.00
Carriage Net	£	0.00
Total Tax Amount	£	120.00
Invoice Total	£	720.00

**SR & RJ BROWN LTD**

Lower Gollinrod Farm
Walmersley
Bury
Lancashire
BL9 5NB

Tel: 01706 825460
Stephen: 07733 125561

Email: info@brownsfarmbury.co.uk

VAT Reg No: 785 5073 00
Co Reg No: 5085749

INVOICE**Page 1****Keystone Projects Limited**

Centric House
E2 Waterfold Business Park
Bury
Lancashire
BL9 7BR

Invoice No	21986
Invoice Date	21/04/2021
Order No	
Account Ref	KEYSTONE

Quantity	Description	Unit Price	Disc Amt	Net Amt	VAT %	VAT
1.00	16/04/2021 - 20T of Limestone MOT @ £20.00 P/T	400.00	0.00	400.00	20.00	80.00
1.00	16/04/2021 - 1 x Load of Crush Delivered	130.00	0.00	130.00	20.00	26.00
1.00	19/04/2021 - 20T of Limestone MOT @ £20.00 P/T	400.00	0.00	400.00	20.00	80.00
1.00	19/04/2021 - 1 x Load of Soil Delivered	300.00	0.00	300.00	20.00	60.00

Any discrepancy must be notified in writing within 7 days.

ALL GOODS REMAIN THE PROPERTY OF SR & RJ BROWN LTD
UNTIL PAYMENT HAS BEEN RECEIVED IN FULL.

Payment Terms: 30 days from date of invoice
Cheques to be made Payable to: SR & RJ Brown Ltd
BACS Payments to: SR & RJ Brown Limited
Sort Code: 20-45-45 Account Number: 10395234

Total Discount	£	0.00
Total Net Amount	£	1,230.00
Carriage Net	£	0.00
Total Tax Amount	£	246.00
Invoice Total	£	1,476.00

**SR & RJ BROWN LTD**

Lower Gollinrod Farm
Walmsley
Bury
Lancashire
BL9 5NB

Tel: 01706 825460
Stephen: 07733 125561

Email: info@brownsfarmbury.co.uk

VAT Reg No: 785 5073 00
Co Reg No: 5085749

INVOICE**Page 1**

Keystone Projects Limited
Centric House
E2 Waterfold Business Park
Bury
Lancashire
BL9 7BR

Invoice No	22558
Invoice Date	16/06/2021
Order No	
Account Ref	KEYSTONE

Quantity	Description	Unit Price	Disc Amt	Net Amt	VAT %	VAT
1.00	15/06/2021 - 20T of Grade 1 Top Soil Delivered @ £25.00 P/T	500.00	0.00	500.00	20.00	100.00
1.00	16/06/2021 - 20T of Grade 1 Top Soil Delivered @ £25.00 P/T	500.00	0.00	500.00	20.00	100.00

Any discrepancy must be notified in writing within 7 days.

ALL GOODS REMAIN THE PROPERTY OF SR & RJ BROWN LTD
UNTIL PAYMENT HAS BEEN RECEIVED IN FULL.

Payment Terms: 30 days from date of invoice
Cheques to be made Payable to: SR & RJ Brown Ltd
BACS Payments to: SR & RJ Brown Limited
Sort Code: 20-45-45 Account Number: 10395234

Total Discount	£	0.00
Total Net Amount	£	1,000.00
Carriage Net	£	0.00
Total Tax Amount	£	200.00
Invoice Total	£	1,200.00

**SR & RJ BROWN LTD**

Lower Gollinrod Farm
Walmersley
Bury
Lancashire
BL9 5NB

Tel: 01706 825460
Stephen: 07733 125561

Email: info@brownsfarmbury.co.uk

VAT Reg No: 785 5073 00
Co Reg No: 5085749

INVOICE**Page 1****Keystone Projects Limited**

Centric House
E2 Waterfold Business Park
Bury
Lancashire
BL9 7BR

Invoice No	22620
Invoice Date	23/06/2021
Order No	
Account Ref	KEYSTONE

Quantity	Description	Unit Price	Disc Amt	Net Amt	VAT %	VAT
1.00	22/06/2021 - 20T of Grade 1 Top Soil Delivered @ £25.00 P/T	500.00	0.00	500.00	20.00	100.00

Any discrepancy must be notified in writing within 7 days.

ALL GOODS REMAIN THE PROPERTY OF SR & RJ BROWN LTD
UNTIL PAYMENT HAS BEEN RECEIVED IN FULL.

Payment Terms: 30 days from date of invoice
Cheques to be made Payable to: SR & RJ Brown Ltd
BACS Payments to: SR & RJ Brown Limited
Sort Code: 20-45-45 Account Number: 10395234

Total Discount	£	0.00
Total Net Amount	£	500.00
Carriage Net	£	0.00
Total Tax Amount	£	100.00
Invoice Total	£	600.00

**SR & RJ BROWN LTD**

Lower Gollinrod Farm
Walmersley
Bury
Lancashire
BL9 5NB

Tel: 01706 825460
Stephen: 07733 125561

Email: info@brownsfarmbury.co.uk

VAT Reg No: 785 5073 00
Co Reg No: 5085749

INVOICE**Page 1****Keystone Projects Limited**

Centric House
E2 Waterfold Business Park
Bury
Lancashire
BL9 7BR

Invoice No	24326
Invoice Date	07/01/2022
Order No	
Account Ref	KEYSTONE

Quantity	Description	Unit Price	Disc Amt	Net Amt	VAT %	VAT
1.00	5/01/2022 - 20T of TopSoil Delivered @ £24.00 P/T	480.00	0.00	480.00	20.00	96.00

Any discrepancy must be notified in writing within 7 days.

ALL GOODS REMAIN THE PROPERTY OF SR & RJ BROWN LTD
UNTIL PAYMENT HAS BEEN RECEIVED IN FULL.

Payment Terms: 30 days from date of invoice
Cheques to be made Payable to: SR & RJ Brown Ltd
BACS Payments to: SR & RJ Brown Limited
Sort Code: 20-45-45 Account Number: 10395234

Total Discount	£	0.00
Total Net Amount	£	480.00
Carriage Net	£	0.00
Total Tax Amount	£	96.00
Invoice Total	£	576.00



Annex C Building Control Certificate

Paul Lakin
Director of Regeneration & Economic Growth



Our Ref: FP/19/20234
Your Ref:
Date: 20 October 2022
Please ask for: Steven Leach
Direct Line: 0161 253 5313
Direct Fax: 0161 253 5290
E-Mail: buildingcontrol@bury.gov.uk

Business Growth & Infrastructure

Jeremy Buckley Properties
62 Bolton Road
Hawkshaw
Bury
BL8 4JA

Dear Sir/Madam

COMPLETION CERTIFICATE

Building Act 1984
The Building Regulations 2010 (as amended)

Description of work: Construction Of 4 Dwellings
Location: Bleaklow Hall, Bolton Road, Tottington, Bury, BL8 4JF (1,2,3
&4 Hawkshaw Rise, Tottington, Bury, BL8 4QT)

Completion Date: 17 October, 2022

I refer to the Full Plans application deposited on 30 May, 2019 regarding the above works. As far as the Council are able to ascertain, having taken all reasonable steps, Bury Council confirm that the requirements of the Building Regulations, in connection with the above application, have been satisfied.

Limitations of certificate:

This certificate is issued in accordance with Regulation 17. It relates only to the work described and not to any work carried out to which the Building Regulations did not on this occasion apply or to any work carried out and independently supervised under a Competent Persons Scheme. It confirms only that Building Regulation matters, raised or identified during inspection, have been resolved. This certificate is not conclusive evidence that the Building Regulations have been complied with.

SIGNED:

DATED: 20 October, 2022

MARK SMITH
HEAD OF BUILDING CONTROL