

Planning Consultation Response

Initial Planning Application

Environment Section – Contaminated Land

Application Reference:	72240		
Site:	Spurr House, Pole Lane, Bury, BL9 8QL		
Proposed Development:	Demolition of existing buildings, site clearance works including removal of areas of hardstanding and the erection of two blocks of apartments, comprising 60 no. residential units, relocation of existing site access, and associated landscaping.		
To:	Jennie Townsend	From:	Sally Shaw
Our Reference:	CL1036.240925.1.	Date:	23 September 2025

Recommendations
Whilst information and assessment has been submitted to support this application which considers all stages of development, this Section has concluded that further work is warranted. All assessments were initially undertaken for a previous development plan and whilst the reports have been revised to reflect the current development proposal, the level of investigation and assessment undertaken does not sufficiently address the proposed end use of a managed residential development. Given the site history it is not proportionate to request further pre-commencement investigation, but it is recommended that further assessment and investigation is warranted alongside the post demolition watching brief during site enabling works. This can be considered as an addendum to the submitted Remediation Strategy and a proposal for this work should be submitted before a decision is made of this application. 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: • CL02 - REMEDIATION STRATEGY & VERIFICATION PLAN • CL03 - REMEDIATION & VERIFICATION • CL04 - UNEXPECTED CONTAMINATION • CL05 - CONTAMINATED LAND CONDITION 05: IMPORTED SOIL • CL06 - COMMENSURATE REMEDIATION MEASURES • 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, 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) A enabling works site assessment and investigation proposal.
- (ii) Confirmation of remedial actions post enabling works.
- (iii) A materials management plan, if the [CL:AIRE Definition of Waste Code of Practice](#) is to be used.
- (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: Former care home (built c1981). Off-site: Residential, school and cricket pitch.
Previous potentially contaminating land uses	On-site: Agricultural fields. Off-site: Works (70m NW, 1956-65) and smithy (81m NW, 1891-1932).
Environmental setting	Geology: Glacial Deposits overlying the Pennine Middle Coal Measures Formation. Hydrogeology: Secondary (A) Aquifer Hydrology: No significant watercourse within the vicinity. Mining: Not affected by mining. Landfill/Waste: No known landfill sites within 500m. Radon: Not affected by radon.

Assessment / Comments	
Information Reviewed	- Phase I Geo-Environmental Assessment Report, Brownfield Solutions Limited, ref CM/C5102/11348 Rev A, September 2024. - Phase II Geo-Environmental Assessment Report, Brownfield Solutions Limited, ref CM/C5103/11367 Rev B, September 2024. - Remedial Strategy, Brownfield Solutions Limited, ref CM/C5102/12216 Rev A, September 2024.

	An earlier version of the Phase 1 report (dated August 2022) was submitted to support a previous application, 69361, for a change of use to the building and was considered under our review CL1036.16323.1. The Phase II was also first issued in 2022, but was not submitted for planning consideration. Both reports have been revised for the current development proposal, but no further works have been undertaken.
LCRM Stage 1 - Site Characterisation and Risk Assessment	
Preliminary Risk Assessment	The report includes a description of the site including its past historical uses. An appraisal of the site environmental setting is presented including its geology, hydrogeology and hydrological regime, mining activities, waste management issues, and identification of additional environmental sources, pathways and receptors. A conceptual model has been created from this information, though reference is made to a <i>commercial/public end use</i> rather than a residential one. No amendments have been made to the conceptual model with the change to a more sensitive end use.
Site Investigation and Generic Quantitative Risk Assessment	Site investigation works were carried out in 2022 to test the conceptual model for a commercial/public end use which was the previous development proposal. No further works have been done to supplement this given the more sensitive end use and demolition proposed, but recommendations for additional works are made in section 10.3 of the report. Site works were carried out between the 15th and 24th August 2022 and comprised: • 4 Window sample boreholes to 5.45m bgl • 3 hand excavated pits to maximum of 1.2m bgl • 6 representative soil samples were screened for a general suite of determinands. • Ground gas monitoring in line with CIRIA C665 for a low (commercial) source – 4 visits over 1 month, targeting the natural clay strata. A gravelly clay made ground was found across the site to a maximum of 1.95m bgl, but on average was to a depth of 0.61m bgl. No evidence of contamination was observed at the site. The resulting soil analysis was compared to LQM/CIEH S4ULs and DEFRA C4SLs for a residential end use without homegrown produce. This identified one exceedance for arsenic (43mg/kg in HP02) and four exceedances for lead (maximum of 11,000mg/kg in HP03). It should be noted that considering the change of development proposal to residential as shown in the proposed layout, there only appears to

	be one location for environmental sampling with the garden/landscaped areas (HP01). With regards ground gas, the conceptual model identified a very low risk/likelihood of the site being affected, though felt it necessary to investigate to confirm the risk. The resulting investigation targeted the natural strata, with the chosen monitoring period based on the previous development proposal. Whilst carbon dioxide was recorded at over 5% on occasions, good science was used (ternary plots) to conclude gas protection was not justifiable. Whilst this assessment is welcomed, given the site information gathered a similar approach using lines of evidence could have been made without undertaking gas monitoring. However, the report then goes on to state: <i>as the proposed development has now been altered, additional gas monitoring is recommended and the above assessment should be re-assessed following completion of this.</i> Given the above, whilst the investigation undertaken may have been appropriate and proportionate for the previous development proposal, given the change to demolish and rebuild as a residential end use (albeit a managed facility) there are uncertainties regarding the assessment. It would be prudent to carry out post demolition investigations during enabling works to confirm that the remedial proposals below are appropriate and no other risks are present.
Detailed Quantitative Risk Assessment	Not relevant to this site.
LCRM Stage 2 - Options Appraisal	
Remediation Strategy & Verification Plan	Whilst the Phase II report recommended further investigations at the site due to the changed development plan, a remedial strategy was still proposed. A remedial options appraisal was undertaken with regards the potential risk to human health from elevated concentrations of heavy metals (lead and arsenic) in soils. This concluded that a clean cover system was the best approach comprising: • 450mm “clean” validated topsoil/subsoil; over 100mm hard dig layer (ideally “clean” quarried MOT Type 1 or similar), or • 450mm “clean” validated topsoil/subsoil; over a warning barrier membrane/geotextile. Confirmation as to which option is to be undertaken should be provided prior to construction commencing. Whilst no mitigation measures with regards ground gas are

	proposed, section 3.3 of the Remedial Strategy stated: <i>further monitoring has been proposed to confirm the risk for the new proposed residential development</i>. This was not brought into the site remedial requirements, though a watching brief for unexpected contamination was recommended. It is unclear whether this proposal is to be undertaken. As noted in the previous section, given the change to the development proposal since the reports were commissioned, further work is recommended which can be undertaken during the enabling works phases. A proposal for this should be submitted and considered as an Addendum to the submitted Remedial Strategy. Such works should comprise a proportionate post demolition watching brief and site investigation to confirm remedial proposals. Should additional contamination be encountered revisions to the remedial actions may be warranted. Particular emphasis should be in garden/landscaped areas where there has been limited assessment to date.
Materials Management	It was stated that <i>production and declaration of a Materials Management Plan (MMP) under the DoWCoP prior to any works commencing or confirmation of waste exceptions (U1) to be in place prior to commencement</i>.
LCRM Stage 3 - Remediation and Verification	
Verification	Verification of the proposed cover system was put forward. All verification information must be submitted prior to occupation.

Notes	
- Bury Council's Developers Guide for Contaminated Land provides an overview of the assessment of contaminated land in Planning and developing potentially contaminated land. - 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.