



**DEPARTMENT OF
OPERATIONS**

Dean Clapworthy
Bury Council Planning Department

Date 28 March 2024
Reference CL1046.280324.1

Dear Dean,

137 The Rock, Bury, BL9 0ND, Planning Application: 69572 – Contaminated Land

I write regarding the above planning application. The Environment Section has received a copy of the following report:

- Geoenvironmental Site Investigation, The Rock, Bury, e3P, Reference: 16-948-L1-1, dated: 12 December 2023.

We have considered the desk study information [previously](#) and found it to be acceptable.

The Environment Section has reviewed the above information in order to assess the following points:

1. [The adequacy of the site investigation.](#)
2. [The adequacy of the final risk assessment.](#)
3. [The acceptability of the proposed remediation strategy.](#)
4. [Whether the information submitted is sufficient to determine that the site presents a low risk to human health and the environment.](#)

As noted previously, the site has historically been in use as a public house, a pump, a yard, surrounded by sawmills, a timber yard, cotton mills, and residential. Currently the site consists of a three-story building and a disused concrete surfaced yard, the yard is overgrown, contains rubbish, wooden pallets and gas cannisters.

The site is surrounded by commercial premises and car parking areas. It is within 250m of a registered landfill site and is situated above the Lower Coal Measures Secondary A Aquifer which is overlain by Glacial Till.

The proposal is for the part demolition, conversion and extension of existing building to provide 10 no. supported living units; and the construction of a detached building to the rear containing a further 3 no. supported living units.

1. The adequacy of the site investigation

The desk study report submitted to support the initial application included a proposal for site investigations works which this section found acceptable. It is noted that works carried out by the current consultant are different to those previously agreed as no ground gas assessment has been undertaken. However, a qualitative ground gas risk assessment was put forward which this Section found to be acceptable and as such agree with the decision not to undertake a ground gas investigation.

The site investigation was undertaken on the 20th November 2023 with limited site access and comprised the following:

Technique	No.	Comments
Manually Excavated Hand Pit	5	Excavated to depths of between 0.5 and 1.15 m bgl.
Soil sampling		Samples analysed for a suite of analysis that included: • Metals. • Cyanide. • Phenols. • Total and speciated polycyclic aromatic hydrocarbons (PAHs). • Asbestos identification. • Banded total petroleum hydrocarbon (TPH). • Total Organic Carbon (TOC).

Site Ground Conditions: Ground conditions at the site comprise of cohesive made ground to 0.7m bgl comprising greyish black/brown gravelly clay with fragments of brick, concrete and sandstone and ashy inclusions. The natural strata comprise drift deposits; generally a yellowish brown sandy gravelly CLAY to the base of each location. Bed rock was not encountered.

Site Water Conditions: No groundwater strikes were encountered during the ground investigation.

2. The adequacy of the final risk assessment

Ground Assessment: The soil analysis results have been compared to the CIEH/LQM S4ULs for residential with homegrown produce land use and a SOM of 1%.

The following elevated concentrations of contaminants were found in the made ground: Arsenic, lead, Benzo(b)Fluoranthene, Benzo(a)Pyrene and Dibenzo(a,h)Anthracene all at 0.2mbgl in HP104.

Given the proposed development has a communal garden only, the results were reassessed using the residential end use without plant uptake approach. This found exceedances for



Benzo(b)Fluoranthene, Benzo(a)Pyrene and Dibenzo(a,h)Anthracene and as such a potential risk remains.

It should be noted that the exploratory locations were all in areas of proposed hard standing or buildings as the area of the communal garden/soft landscaping was not accessible. The report stated that the ashy material encountered was mostly likely a “subbase type layer, rather than being an isolated hotspot”. As such if the material is encountered during removal of hard standing which currently covers the site, it should be removed from garden areas.

The consultant has concluded that there is a potential risk to human health and consequently remedial action is required. This assessment appears reasonable.

Controlled Waters Assessment: The preliminary risk assessment concluded that the risks to controlled waters were very low. No elevated concentrations of mobile contamination were identified in the soil samples taken during the site investigation, therefore, the risks to the underlying aquifer are considered low. This assessment appears reasonable.

Please note that the Environment Agency is the regulator of controlled waters.

Ground Gas Assessment: The preliminary risk assessment concluded that the risks from gas ingress were low. No evidence of deep made ground or putrescible material was identified during the site investigation. This assessment appears reasonable.

The report also considered the potential risk from mines gas. Whilst it was noted that the risks associated with possible workings in underlying coal seams may be mitigated by low permeability drift, BGS boreholes located 150 m east recorded sand/gravel beyond c. 2.00 m. Given this may present a viable permeable pathway for gas migration precautionary measures have been recommended. Given the conceptual site model presented and the scale of the development, this is appropriate. Prior to the development commencing technical drawings and specifications of the precautionary CS₂ gas protection measures must be submitted.

The ground gas risk assessment appears reasonable.

3. The acceptability of the proposed remediation strategy

The following measures are proposed so that the contamination identified on site no longer presents a risk:

- Removal of ashy material, if encountered on removal of hardstanding.
- Watching brief for ashy material and unforeseen contamination.
- CS₂ gas protection measures.

Prior to the development commencing technical drawings and specifications of the precautionary CS2 gas protection measures must be submitted. Until this information is submitted the Remediation Strategy aspect of the condition is not satisfied.

If the [CL:AIRE Definition of Waste Protocol](#) is to be used, a copy of the Materials Management Plan will be required.

A [landscape plan](#) has been submitted as part of this discharge application. Areas of soft landscaping amongst hard landscaping are proposed. The plan refers to topsoil being laid. All imported soil should be tested to demonstrate that it is suitable for use and the supporting laboratory certification and documentation be included in the verification report.

Additionally, the following actions should also be undertaken once the remediation strategy has been agreed and the development can commence:

- Chemical testing results of any imported material for use in soft landscaped to demonstrate that the material is suitable for use.
- Excess soil material to be disposed of at a suitable waste disposal facility.

Confirmation is required that the above actions will be completed during the development.

A verification report will be required on completion of the development which includes the following information:

- Confirmation that no unforeseen visual or olfactory contamination was encountered during the development. This should include a photographic record of the development and should focus particularly on the excavations for the foundation in order to illustrate the ground conditions encountered.
- Details of any topsoil / subsoil imported to site including details of the source site for the soils, any chemical testing carried out and assessment criteria used to show that the material is suitable for use. A minimum of 3 samples is required which should be tested for a suite of analysis that includes metals, speciated PAH and asbestos. The test results should be compared to suitable generic assessment criteria.
- Details of any soil material excavated and removed from site including copies of waste management records.
- Confirmation that United Utilities did not require the use of barrier pipe at the site.

4. Whether the information submitted is sufficient to determine that the site presents a low risk to human health and the environment

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) Technical drawings and specifications of the precautionary CS2 gas protection measures.
- (ii) A materials management plan, if the CL:AIRE Definition of Waste Code of Practice is to be used.

- (iii) 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. The report would be expected to include the following:
- Summary of desk study, site investigation report and remediation strategy.
 - Details of who carried out the work.
 - Details and justification of any changes from original remediation strategy.
 - Substantiating validation data as detailed in the previous section.
 - Confirmation that remediation objectives have been met.

This Section cannot recommend discharge of Condition 4 until item (i) has been submitted and approved. Condition 5 requires the submission and approval of a verification report.

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.

Please Note: 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.

Please do not hesitate to contact me if you require any clarification of the above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sally Shaw', written in a cursive style.

Sally Shaw
Environmental Protection Officer

Privacy Policy: Please visit www.bury.gov.uk/privacy to read our recently updated Privacy Policy which explains how Bury Council uses and shares your personal data to give you the best possible experience across our services.