



**DEPARTMENT OF
OPERATIONS**

Dean Clapworthy
Bury Council Planning Department

Date 7 June 2024
Reference CL823.070624.1

Dear Dean

**Land between Butterstile Close and Hilton Lane, Prestwich, Bury, Planning Application:
67816 – Contaminated Land**

I write regarding the discharge of Conditions 3 and 4 of the above planning application. The Environment Section has received a copy of the following report:

- Site Completion Report, Hilton Lane (Butterstile Close), Prestwich, LK Consult, Reference: CL-602-LKC 21 1545-03, 18 March 2024.

The Environment Section has reviewed the above information in order to assess whether the following items requested in my [previous correspondence](#) of 30 June 2023 have been adequately addressed:

1. 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 site was formerly used as a garden. Current land uses in the surrounding area include residential, a garage, open space and a burial ground. Previous uses at the site have included infilling or land raising activities and garages. Part of the site is located within the boundary of a former landfill known as Butterstile Lane Landfill (Reference: C082). This site was given planning permission for tipping in 1949 and is shown on the 1952, 1953, 1960 and 1970 historical maps as an area of filled or disturbed ground. A second landfill known as Rainsough Brow Landfill is located approximately 15m to the west. Based on the historic OS maps it is likely that a tributary of the River Irwell is culverted close to the northern boundary of the site. The site is situated on fluvio-glacial sand and gravel deposits over the Manchester Marls Secondary B Aquifer and Sherwood Sandstone Principal Aquifer.

The development has comprised the construction of 8 no. residential dwellings.

1. **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 agreed remedial actions were proposed in the following report:

- Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy, Hilton Lane, Prestwich, LK Consult, Reference: CL-602-LKC 21 1545-02 R1, 12 May 2023.

Remedial Actions Required

- **Watching brief** – In order to identify and deal with any previous unforeseen contamination at the site, a watching brief will be kept during the development. If any visual or olfactory evidence of contamination is encountered, further investigation and assessment will be required. Details of any contamination encountered will be included in the validation report.
- **Clean Cover System** will be installed in all garden and landscaped areas and comprise the following:
 - **Garden areas (600mm)** – 500mm clean imported soil over 100mm physical break layer, or 600mm clean imported soils over geotextile membrane.
 - **Landscaped areas (450mm)** – 350mm clean imported soil over 100mm physical break layer, or 450mm clean imported soils over geotextile membrane.

The imported cover soils will be tested at a rate of 1 per 50m³ for topsoil and subsoil with a minimum of 3 samples from each source. Recycled stone for the break later will be tested a rate of 1 per 500m³. Samples will be tested for a suite of analysis that will include metals, speciated PAHs and asbestos as a minimum. The results will be compared to generic assessment criteria for residential with homegrown produce (C4SL and S4UL).

The depth of cover will be validated using trial holes and photographic evidence. Photographs of the physical break layer/geotextile will be provided.

- **Gas Protection Measures** - CS2 / Amber 1 measures in Plots 1 to 5 (in the vicinity of the former landfill) and will comprise the following:
 - Gas resistant membrane (Visqueen Gas Barrier) continuous across the cavity wall.
 - 150mm well-ventilated subfloor void with telescopic vents to air bricks.
 - Beam and block floor slab.
- **Re-Use and Excess Soil Material** - Any re-use of soil material should have the appropriate U1 and T5 exemptions or be undertaken under the CL:aire Definition of Waste Code of Practice. If the CL:aire Code of Practice is to be used a copy of the Materials Management Plan will be required. Excess soil material will be disposed of at a suitable waste disposal facility. Waste transfer documentation will be included in the validation report.

- **Asbestos Management Plan** – Due to the potential presence of asbestos containing materials within the made ground, an appropriate Asbestos Management Strategy should be developed and implemented during groundworks to protect site staff and nearby residents.
- **Piling in Contaminated Land** – Environment Agency guidance will be followed to ensure the underlying Principal Aquifer is not impacted during piling works. A statement has been provided that the steel-cased piles installed terminated within the clay layer.

Validation Information Submitted

- **Watching brief**

A statement has been provided that no additional contamination was encountered during the development works.

- **Clean Cover System**

Suitable of imported soil

It is understood that a total of 56m³ topsoil and 69m³ subsoil were imported to site from Drapers, Bickerstaff, Lancashire. Delivery notes for this material are required.

Based on the remediation strategy, a minimum of 3 validation samples were required from each type/source of soil. Composite soil samples were taken from in-situ soil within plots and landscaped areas - 3 no. topsoil samples (TS101-TS103, DETS, Reference: 24-02421, 13 March 2024) and 3 no. subsoil samples (SS101-SS103, DETS, Reference: 24-02421, 13 March 2024). The samples were tested for a suite of analysis that included metals, speciated PAH, TPHCWG, BTEX, MTBE, phenols and asbestos. It is understood that the samples were taken from Plots 6, 7 and 8 only.

No elevated concentrations of contaminants were identified in any of the three samples when compared to generic assessment for residential with homegrown produce. No asbestos was identified. Therefore, the material is considered suitable for use.

Depth Validation

It is understood that the clean cover system (topsoil/subsoil) over a geotextile was only installed in the rear gardens of Plots 6, 7 and 8. Where the rear gardens comprised a block paved patio and a grassed area. Photographs of the depth validation (trial holes) have been provided for the rear gardens of these three plots.

The front gardens of all plots are hardstanding comprising block paving. The rear gardens of Plots 1-5 are described in the completion report as 'hardstood'. However, based on the photographs in the Appendix, the rear garden comprise a block paved patio and a gravel area where the lawn should have been. It is understood that artificial grass will be installed in this area. The gravel used on the site are quarried limestone and grit sand supplied by DHI Ltd. Further details regarding the depth of gravel placed in the rear gardens of Plots 1-5 is required as well as confirmation as to whether a geotextile layer was used.



The landscaping in Plots 1 to 5 does not match the landscaping plan submitted with application. Where the agreed remediation strategy has not been followed, justification of changes and where necessary, additional risk assessment, should be provided.

- **Gas Protection Measures**

It is understood that CS2 / Amber 1 measures were installed in all eight plots at the site, rather than only Plots 1 to 5 which are located in the vicinity of the former landfill. The measures have included:

- Gas resistant membrane (Visqueen Gas Barrier) continuous across the cavity wall.
- 150mm well-ventilated subfloor void with telescopic vents to air bricks.
- Beam and block floor slab.

It is understood that verification of the gas protection measures was undertaken by Assent Building Control. An email dated 5 March 2024 from Kevin Bunsell of Assent Building Control confirms that the gas membrane was inspected during their site inspections. Verification information has been provided which includes delivery notes for the Visqueen Gas Barrier, tape, top hats and jubilee clips used on-site, and photographs taken during the construction showing the membrane (blue in colour) laid over the cavity wall, the installation of preformed top hats and how corner details were dealt with. Copies of the Building Inspector's inspection records are required.

- **Re-Use and Excess Soil Material**

It is understood that approximately 950m³ of material was removed from site by DHI Excavations Ltd and Farrell Civil Engineer Ltd to Whitehead Landfill Site, Lower Green Rd, Astley, M29 7JZ. Waste transfer documentation has been provided. It is understood that there was no re-use of site won material within the clean cover system.

- **Asbestos Management Plan**

No information has been regarding the Asbestos Management Plan which was to be developed and implemented. A copy of the Asbestos Management Plan is required.

- **Piling in Contaminated Land**

No information regarding this action has been included in the completion report but it is understood from a previous statement provided was that steel-cased piles installed would terminated within the clay deposits.

Conclusion

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) An updated verification report which includes the following information:

- Delivery notes for the imported topsoil and subsoil from Drapers at Bickerstaff, Lancashire.
- Further details regarding the depth of gravel placed in the rear gardens of Plots 1-5 and confirmation to whether a geotextile layer was installed.
- Copies of the Building Inspector's inspection records for the gas protection measures.
- A copy of the Asbestos Management Plan which was used in the development.

This Section cannot recommend discharge of Condition 4 until item (i) above has been submitted and approved.

Condition 3 has previously been recommended for [discharge](#).

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 'Rebecca Jones', with a stylized, cursive script.

Rebecca Jones
Environmental Protection Officer

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