



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2484/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 27 OF PLANNING APPLICATION 4/13/2235/001
3.	Location:	LAND BOUND BY WOODHOUSE TO NORTH & HIGH ROAD/WILSON PIT ROAD TO WEST & SOUTH, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	N/A.
7.	Report: Site and Location: <p>The Application Site comprises an element of the residential development known as Edgehill, Whitehaven.</p> <p>The residential development is partially developed and construction is continuing.</p> <p>Outline planning permission was approved for this development under application ref. 4/13/2235/001.</p> Proposal: <p>Planning Condition 27 imposed on application ref. 4/13/2235/001 states the following:</p> <p><i>"If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority</i></p>	

detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution."

This application seeks to partially discharge the requirements of Planning Condition 27 so far as it relates to the area identified on Contamination Discharge Location Plan – Drawing No. 20078.90.9.CDLP Rev. C.

The information submitted in support of the application comprises the following:

- Application Form
- Covering Letter
- Contamination Discharge Location Plan – Drawing No. 20078.90.9.CDLP Rev. C.
- Phase 3A, Edgehill, Whitehaven; Plots 156 - 162 – Verification of Absence of Contamination Letter - Reference: 4046-G-LR029 Rev A
- SUPPLEMENTARY GEOENVIRONMENTAL APPRAISAL of land at PHASE 3, EDGEHILL PARK, WHITEHAVEN, CUMBRIA Prepared for STORY HOMES - Report No. 4046-G-R019 - Date: November 2020

Consultee:	Nature of Response:
Environment Agency	We have reviewed the following documents in so far as they relate to the remit of the Environment Agency: <ul style="list-style-type: none">• Supplementary Geoenvironmental Appraisal, dated November 2020• Verification of Absence of Contamination, dated 13 December 2022 We are now satisfied that condition 27 can be partial discharged for plots 156-162, forming part of phase 3A.
Copeland Borough Council - Environmental Health Officer	No consultation response received.
Neighbour Responses:	

None received.

Development plan policies:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP):

Policy DM11 – Sustainable Development Standards

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

Policy DS6PU - Design and Development Standards

Policy DS10PU - Soils, Contamination and Land Stability

Policy SC1PU - Health and Wellbeing

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N5PU - Protection of Water Resources

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

	<p>The Conservation of Habitats and Species Regulations 2017 (CHSR).</p> <p>Assessment:</p> <p>The works outlined within the submitted verification report demonstrates the absence of unforeseen historic contamination on the land and confirms the findings of previous ground investigation data.</p> <p>There is no evidence of historic contamination likely to cause unacceptable derogation of groundwater and surface water quality.</p> <p>The Environment Agency supports the partial discharge of requirements of Planning Condition 27.</p> <p>No comments have been required from the Copeland Environmental Health Officer.</p> <p>Conclusion</p> <p>Approve partial discharge of Planning Condition 27 so far as it relates to the area identified on Contamination Discharge Location Plan – Drawing No. 20078.90.9.CDLP Rev. C.</p>	
8.	<p>Recommendation:</p> <p>Approve partial discharge of Planning Condition 27 so far as it relates to the area identified on Contamination Discharge Location Plan – Drawing No. 20078.90.9.CDLP Rev. C.</p>	
9.	<p>Condition(s):</p> <p>N/A</p>	
Case Officer: Chris Harrison		Date : 10.02.2023
Authorising Officer: N.J. Hayhurst		Date : 13.02.2023
Dedicated responses to:- N/A		