

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2048/DOC
2.	Proposed Development:	PARTIAL 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 - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations & Policy	See report.
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</i></p>	

local planning authority 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. D.

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

- Application Form
- Contamination Discharge Location Plan – Drawing No. 20078.90.9.CDLP Rev. D.
- SUPPLEMENTARY GEOENVIRONMENTAL APPRAISAL of land at PHASE 3, EDGEHILL PARK, WHITEHAVEN, CUMBRIA Prepared for STORY HOMES - Report No. 4046-G-R019 Rev. B - Date: January 2021
- Phase 3A, Edgehill, Whitehaven (Incl. Plots 206-208, 233-235 & 241-308); Verification of Absence of Contamination or Ground Gas Risk – Reference: 4046-G-LR031

Consultee:	Nature of Response:
Environment Agency	<p>Thank you for consulting us on the above discharge of condition.</p> <p>Environment Agency position</p> <p>The reports confirm there to be no visual evidence of contamination as evidenced by the walkover survey and site photographs following topsoil strip and removal of materials.</p> <p>The former stabilisation and capping of mine working is a geotechnical matter and remedial works for gas assessment is a matter for Environmental Health. Both are outside the remit of this Authority.</p> <p>Therefore, we agree the discharge of condition 27 for this area of the Planning Permission.</p>
Copeland	No consultation response received.



Cumberland Council

Borough
Council -
Environmental
Health Officer

Neighbour Responses:

None received.

Development Plan:

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

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):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Assessment:

The works outlined within the submitted verification report demonstrates the absence of unforeseen historic contamination on the land and generally confirms the findings of previous ground investigation data.

Letter/report reference: 4046-G-LR031 confirms that the site preparatory works to create the development platform during September 2021 identified a small area of artisanal underground shallow mineworkings and associated opencast coal workings beneath the Phase 3 development within the zone depicted on Drawing 4046-G-D079A. It is confirmed that opencast workings had been infilled with reworked natural clay, mudstone and sandstone, capped with up to 2.0m of clean yellowbrown reworked Glacial Till and detailed records are presented in Report Reference 4046-G-R027.

It is confirmed that the site has previously been subject to ground gas monitoring; however, given the presence of shallow underground mine workings it was concluded that supplementary ground gas monitoring was required to further establish potential risks associated with mines gases and that no significant ground gas concentrations or positive flow rates were detected. It was therefore concluded that the site classification of Characteristic Situation 1 remained appropriate.

The Environment Agency supports the partial discharge of requirements of Planning



Cumberland Council

	<p>Condition 27.</p> <p>No comments have been required from the Copeland Environmental Health Officer.</p> <p>In the context of the above, during development, contamination not previously identified has not been found to be present in the area identified on Contamination Discharge Location Plan – Drawing No. 20078.90.9.CDLP Rev. D and partial discharge of Planning Condition 27 so far as it relates to that area can be approved.</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. D.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
9.	<p>Condition(s):</p> <p>N/A</p>	
Case Officer: Chris Harrison		Date : 06.04.2023
Authorising Officer: N.J. Hayhurst		Date : 12.04.2023
Dedicated responses to:- N/A		