

Cumberland Council  
Development Control  
The Copeland Centre Catherine Street  
Whitehaven  
Cumbria  
CA28 7SJ

**Our ref:** NO/2024/115863/01-L01  
**Your ref:** 4/24/2009/DOC  
**Date:** 07 February 2024

Dear Sir/Madam

**DISCHARGE OF CONDITIONS 4, 6 AND 7 OF PLANNING APPROVAL  
4/22/2184/001.**

**LAND TO THE NORTH EAST OF LECONFIELD INDUSTRIAL ESTATE, CLEATOR  
MOOR**

Thank you for consulting us on the above planning application.

**Environment Agency position**

We are unable to recommend the discharge of Condition 6 and 7 for the following reasons:-

Assessment of development overlaying large swathes of fused slag requires a pragmatic understanding of site-specific sub-surface conditions. Disturbance of slag can result in release of polluting substances into the water environment and in review of environmental impact the costs for its removal outweigh the benefits in many cases. This should be evaluated in any master plan for development of the estate given that existing properties overlie slag deposits, but it has not been done. Proposals for any groundwater infiltration SUDs scheme cannot be evaluated in the absence of ground investigation and risk assessment where excessive infiltration/soakaway. It appears there is no site investigation data in area where swales are proposed, and further detail is required to confirm if dedicated soakaway will result in a negative impact of groundwater quality as there are no proposals for removing made ground to avoid potential problems.

Foundation design is briefly outlined from a geotechnical perspective in the document for piling through the slag, but there has been no site-specific risk assessment of impact to groundwater. This may have been initially overlooked but is expected in accordance with the condition regarding land contamination assessment.

Environment Agency  
Ghyll Mount (Gillan Way) Penrith 40 Business Park, Penrith, Cumbria, CA11 9BP.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

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Currently there is insufficient information to recommend discharge of the conditions and several issues need to be addressed:

- What is the rational for the sampling strategy? Not all trial pits have recovered samples for analysis, not all samples tested for leachable assessment, TP1&3 are only samples with aliphatic and aromatic analysis.
- Groundwater strikes are noted (p.8.12) at TP 6 and recorded in the log. However, in review of the logs and photographs ,TP 2,3,5,11 contain water and yet TP6 is dry. A further explanation is required to understand ground conditions and reasons why samples taken.
- TP3 recording fused slag recovered as gravel shows elevated contaminants of concern in the leachate tests.

The ground investigation report surmises the risk based sensitivity to groundwater resources as low. However, in following the EA Remedial Targets Methodology, there is clear evidence of soluble contaminants of concern present in soils and groundwater that exceed water quality criteria. In following the rational of the RTM, there is a requirement to quantify the risk at the next level or undertake remedial works.

Therefore, the remediation strategy should not be discharged until further levels of risk assessment to support the proposal for no remediation are provided or, a remedial programme and /or evidence based justification of how development will reduce leachable risk. The other aspects of concern highlighted above should also be considered.

Yours faithfully

**Hui Zhang**  
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