

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

Our ref: NO/2024/115903/01-L01
Your ref: 4/24/2044/0F1
Date: 23 February 2024

Dear Sir/Madam

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A DISCOUNT FOOD STORE, ALTERATIONS TO VEHICULAR AND PEDESTRIAN ACCESS, PROVISION OF CAR AND CYCLE PARKING, SERVICING AREA, HARD AND SOFT LANDSCAPING AND ASSOCIATED WORKS.

LAND AT EAST ROAD, EAST ROAD, EGREMONT

Thank you for consulting us on the above planning application.

The previous use of the proposed development site as a fuel filling station and garage presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary A aquifer.

We have reviewed the following documents in so far as they relate to our remit:

- Ground Investigation Report, prepared by Hydrock (ref: 28850-HYD-XX-XX-RP-GE-0001; dated 20 December 2023)
- Phase 1 Geo-environmental Assessment, prepared by 3e Consulting Engineers (ref: P21-172/P1; dated 2 September 2021)

Environment Agency position

Vibro-stone column foundations can result in risks to groundwater quality causing / enhancing risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. We object to this development because there is insufficient information to demonstrate that the risk can be appropriately managed. We therefore object to this application.

Reasons

The Hydrock Ground Investigation recommendations support the need for further investigations to assess hydrocarbon contamination in the superficial deposits. The additional proposal for deeper boreholes to monitor groundwater conditions is required

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

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to refine risk and determine geotechnical considerations for foundation proposals.

The proposal for vibro-replacement stone columns is currently unacceptable due to the uncertainty of risk and potential for the structures to cause or exacerbate contamination transmission into underlying strata and groundwater. This unacceptable risk could be reviewed with a proposal for an alternative methodology / design as referenced in 13- Foundations of the ground investigation report i.e. piled foundations and /or if the source of contamination is removed or remediated to an acceptable standard.

This planning application has therefore failed to meet the requirements of paragraphs 180 and 189 of the National Planning Policy Framework.

The SUDs scheme as proposed utilising the underground cellular storage tank is acceptable which is fortunate because a soakaway system to ground would be rejected due to unacceptable risk to groundwater quality based on current known information.

Overcoming our objection

The applicant should provide information to demonstrate to the local planning authority that the risk of contamination has been fully understood and can be addressed through appropriate measures.

Please note that, if the applicant revises foundation design to an acceptable piled foundation and we would be able to remove our objection, we are likely to recommend the following conditions to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

Condition 1 – Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the Hydrock Ground Investigation Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2 – Piling

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Waste to be taken off-site – advice to applicant

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Yours faithfully

Hui Zhang
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