

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

**Our ref:** NO/2024/115903/02-L01  
**Your ref:** 4/24/2044/0F1  
**Date:** 21 May 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 re-consulting us on the above application, received 1 May 2024.

Further to our previous response, referenced NO/2024/115903/01-L01 and dated 23 February 2024, we have received addition information from the applicant who contacted us to request further assistance through our chargeable advice service. As a result of these discussions, the applicant has confirmed that they will be undertaking further investigations regarding the suitability of foundation proposals.

Based on this, we can withdraw our objection, provided that any subsequent approval includes the below 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.

Without these conditions, we would maintain our objection to the above application.

**Environment Agency position**

We **withdraw** our objection to the above application provided that any subsequent approval includes the following conditions:-

**Condition 1 – Remediation Strategy**

No development approved by this planning permission shall commence until a

Environment Agency  
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

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.

### **Reason**

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 2 – Verification Report**

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

### **Reason**

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

### **Condition 3 – Piling**

No development approved by this permission shall include the use of vibro-stone foundations unless it can be demonstrated to the satisfaction of the local planning authority that they will not cause or exacerbate the transmission of contamination into underlying strata and groundwater. Vibro-stone foundations or piling using penetrative methods shall not be used other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

## **Reason**

To ensure that the site does not pose any further risk to the water environment.

## **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 you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

Yours faithfully,

**Miss Soraya Moghaddam**  
**Planning Advisor**

Direct e-mail [clplanning@environment-agency.gov.uk](mailto:clplanning@environment-agency.gov.uk)