

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

Our ref: NO/2024/116163/01-L01
Your ref: 4/24/2159/DOC
Date: 03 July 2024

Dear Sir/Madam

DISCHARGE OF CONDITIONS 3, 4, 5, 6, 7, 8 AND 13 OF PLANNING APPLICATION 4/22/2364/0F1.

FORMER CLEATOR MILLS SITE, CLEATOR

Thank you for re-consulting us on the above discharge of conditions application, received 25 June 2024.

In our response letter referenced NO/2023/115008/03-L01 and dated 29 June 2023, we were satisfied with the discharge of the first 1st part of our 4-part condition on contaminated land (condition 8) of planning application 4/22/2364/0F1. The remaining 3 parts of the condition, listed in our previous response letter referenced NO/2023/115008/02-L01 and dated 13 April 2023, are yet to be discharged.

We have now received the following additional supporting information:

- Report titled 'Contamination Validation Report', prepared by Geo Environmental Engineering (referenced: GEO2024-6332; dated: 19.06.2024)

Environment Agency position

We are unable to recommend the full discharge of condition 8 and we offer the following comments:-

The Validation Report does not address the outstanding matters as highlighted in our previous response letters in regards to the proposed development at this site.

The report does not include any new lines of evidence to support the risk assessment and there is no analytical data to support the comment (paragraph 3, page 2), that *"no evidence of hydrocarbon contamination was encountered in any of the trial pits"*. Concrete capping of contaminated soils should reduce infiltration of water to shallow

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
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soils, but compacted gravels will not.

To ensure confidence that the development does not pose an unacceptable risk to water quality, there is a need to verify that either:

- a) The excavated soils requiring disposal at landfill included those areas affected by contaminants, as identified in the ground investigation report; or,
- b) Confirmatory soils testing will be undertaken for total and leachable contaminants

Without the verification of either of the above, we are unable to recommend the complete discharge of condition 8. The other aspects of concern highlighted above should also be considered.

Yours faithfully,

Miss Soraya Moghaddam
Planning Advisor

Direct e-mail clplanning@environment-agency.gov.uk