

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

Our ref: NO/2025/116834/01-L01
Your ref: 4/25/2181/0B1
Date: 25 June 2025

Dear Mr Harrison

VARIATION OF CONDITION 2 (PLANS) FOR REVISED HOUSE TYPES & LAYOUT OF PLANNING APPROVAL 4/20/2474/0R1 - RESERVED MATTERS APPLICATION (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE) FOR ERECTION OF 335 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE.

PHASE 3, EDGEHILL PARK, WHITEHAVEN

Thank you for consulting us on the above application, received 5 June 2025.

Environment Agency position

We have reviewed the supporting information accompanying this application and have no objections to the variation of condition 2 of planning approval 4/20/2474/0R1. We wish to make the following comments:-

The Remediation Strategy, prepared by iD GeoEnvironmental Limited (referenced: 4046-G-R022; dated: July 2021) has been reviewed in previous consultations, and comments and works have been satisfactory to ensure no unacceptable detriment to groundwater or surface water quality.

The proposed changes for the creation of landscaped mounds using the anhydrite stockpile should not cause detriment to water quality from dissolution of the mineral deposits, run-off or soakaway.

Advice to applicant - Use of waste on-site - authorisation or permit required

The applicant may need to apply to the Environment Agency for an environmental permit if their use, recycle, treatment, storage or disposal of waste. [Waste: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/permissions-and-regulations/waste-permits)

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, '*uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...*' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed at [Waste recovery plans and deposit for recovery permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/waste-recovery-plans-and-deposit-for-recovery-permits)

The applicant can find more information on the Waste Framework Directive here: [Environmental permitting guidance: The waste framework directive - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/waste-framework-directive)

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:AIRE Code of Practice), however the applicant will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The applicant can [check if your material is waste](https://www.gov.uk/government/publications/check-if-your-material-is-waste) or [get an opinion from the Environment Agency's definition of waste service](https://www.gov.uk/government/publications/get-an-opinion-from-the-environment-agency) on if a material is a by-product or meets 'end of waste' status. The service costs £125 an hour including VAT.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: [Waste duty of care code of practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice)

Yours sincerely

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Planning Advisor

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