

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2192/DOC
2.	Proposed Development:	PARTIAL DISCHARGE OF CONDITION 27 OF PLANNING APPLICATION 4/13/2235/001
3.	Location:	LAND BOUND BY WOODHOUSE TO NORTH & HIGH ROAD/WILSON PIT ROAD TO WEST & SOUTH, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, PROWs - Public Right of Way, High Pressure Pipeline - High Pressure Pipeline
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location: <p>The Application Site comprises an element of the residential development known as Edgehill, Whitehaven.</p> <p>The residential development is partially developed and construction is continuing.</p> <p>Outline planning permission was approved for this development under application ref. 4/13/2235/001.</p> Proposal: <p>Planning Condition 27 imposed on application ref. 4/13/2235/001 states the following:</p>	

“If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.”

This application seeks to partially discharge the requirements of Planning Condition 27 so far as it relates to the area identified on Remediation Strategy Location Plan – Drawing No. 20078.90.9.RSLP Rev. P1

The information submitted in support of the application comprises the following:

- Application Form
- Covering Letter dated 2nd June 2025
- Remediation Strategy Location Plan – Drawing No. 20078.90.9.RSLP Rev. P1
- Remediation Strategy For Phases 5, 6 and School Land at Edgehill Park, Whitehaven
- Report Ref. 4046-G-R022 Rev A

Consultee:	Nature of Response:
Environment Agency	We have no objections to the partial discharge of condition 27 associated with Phase 3 Edgehill Park. Unsuspected contamination has been identified, risk assessed and remediated where necessary, as per the Remediation Strategy. Continued development on Phase 3 should not cause unacceptable detriment to water quality.
Copeland Borough Council - Environmental Health Officer	There are no objections from Environmental Health to the partial discharge of Planning Condition 27.
Neighbour Responses:	

None received.

Development Plan:

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Policy DS4: Design and Development Standards

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy SC1: Health and Wellbeing

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N5: Protection of Water Resources

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Assessment:

The Environment Agency have confirmed that unsuspected contamination has been identified, risk assessed and remediated where necessary, as per the details outlined within Remediation Strategy For Phases 5, 6 and School Land at Edgehill Park, Whitehaven - Report Ref. 4046-G-R022 Rev A.

	<p>The works have been confirmed as acceptable by the Environment Agency and the Cumberland Council Environmental Health Officer.</p> <p>In the context of the above, the requirements of Planning Condition 27 can be approved in relation to the area identified on Remediation Strategy Location Plan – Drawing No. 20078.90.9.RSLP Rev. P1</p> <p>Conclusion</p> <p>Approve partial discharge of Planning Condition 27 so far as it relates to the area identified on Remediation Strategy Location Plan – Drawing No. 20078.90.9.RSLP Rev. P1.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: C. Harrison		Date : 14.07.2025
Authorising Officer: N.J. Hayhurst		Date : 14/07/2025
Dedicated responses to:- N/A		