

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2089/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, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, PROWs - Public Right of Way, HighPressurePipeline - High Pressure Pipeline
6.	Publicity Representations &Policy	N/A.
7.	Report: Site and Location: The Application Site comprises an element of the residential development known as Edgehill, Whitehaven. The residential development is partially developed and construction is continuing. Outline planning permission was approved for this development under application ref. 4/13/2235/001. Proposal:	

Planning Condition 27 imposed on application ref. 4/13/2235/001 states the following:

“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 Contamination Discharge Location Plan – Drawing No. CON 20106.90.9.CDLP Rev. C1.

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

- Application Form
- Covering Letter dated 18th March 2026
- Contamination Discharge Location Plan – Drawing No. CON 20106.90.9.CDLP Rev. C1
- iGEO Letter Ref. 4046-G-L031 Rev A
- Email from Jennie Taylor dated 8th April 2026
- Letter from Hui Zhang (Environment Agency) dated 4th December 2023
- Definition of Waste Code of Practice Declaration Receipt dated 2023-10-11

Consultee:	Nature of Response:
Environment Agency	<i>Response 1</i> The information dated 30 May 2023 from Geo Environmental Ltd outlines the works undertaken to remediate slag/concrete sub-base and metal contaminated made ground on the former phosphate storage area. Evidence has been provided for disposal of asbestos contaminated soils which were excavated, stored and transferred appropriately. Re-use of the arsenic/beryllium contaminated made ground under the

		access road is acceptable if the material is fit for purpose and does not cause unacceptable risk to the environment in accordance with CL:AIRE Definition of Waste Code of Practice. Otherwise it is regarded as Controlled Waste. Detail of the excavation, re-location and treatment under the road is provided for this contaminated made ground . However, there is no detail in the report outlining the appropriateness/ pollution mitigation for its re-use & re-location as required under the landfill Regulations or Definition of Waste Code of Practice. Partial discharge of condition 27 for this plot is not recommended in the absence of confirmatory evidence for re-use of contaminated made ground. <i>Response 2</i> We have reviewed the Definition of Waste Code of Practice Receipt and previous correspondence regarding re-use of materials. The information complies with necessary requirements allowing discharge of condition 27.
	Cumberland Council - Environmental Health Officer	The comments from the Environment Agency are noted. Whilst it appears that contaminants and pH levels within the soil samples tested are within safety thresholds set in the relevant soil guideline values, this matter is primarily for the EA to determine since it relates to their specific regulatory position statement. We would therefore defer to the EA to clarify their approval on this matter.
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 November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

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 initially requested confirmatory evidence for re-use of contaminated made ground and following receipt of this information confirmed that it is acceptable to allow discharge of condition 27.

The Environmental Health Officer confirmed that whilst it appears that contaminants and pH levels within the soil samples tested are within safety thresholds set in the relevant soil guideline values, this matter is primarily for the EA to determine since it relates to their specific regulatory position statement. They therefore defer to the Environment Agency to clarify their approval on this matter.

In the context of the above, the requirements of Planning Condition 27 can be approved in relation to the area identified in red on Contamination Discharge Location Plan – Drawing No. CON 20106.90.9.CDLP Rev. C1.



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	Conclusion Approve partial discharge of Planning Condition 27 so far as it relates to the area identified in red on Contamination Discharge Location Plan – Drawing No. CON 20106.90.9.CDLP Rev. C1.	
8.	Recommendation: Approve Partial Discharge	
9.	Condition(s): N/A	
Case Officer: C. Harrison		Date : 15.05.2026
Authorising Officer: N.J. Hayhurst		Date : 18.05.2026
Dedicated responses to:- N/A		