

Carlisle City Council
Development Control
Civic Centre Rickergate
Carlisle
Cumbria
CA3 8QG

Our ref: NO/2023/115008/02-L01
Your ref: 4/22/2364/0F1
Date: 13 April 2023

Dear Sir/Madam

**DEMOLITION OF DILAPIDATED FORMER MILL BUILDINGS AND CONSTRUCTION
OF NEW WAREHOUSE UNIT WITH ANCILLARY OFFICES**

FORMER CLEATOR MILLS SITE, CLEATOR

Thanks for re-consulting us on the above planning application on 11 April 2023,
following the submission of a revised FRA.

Environment Agency position

In our letter referenced NO/2023/115008/01-L01 and dated 23 January 2023, we
objected to the development as proposed pending the submission on an acceptable
FRA.

The planning application is now accompanied by a revised Flood Risk Assessment
(FRA) prepared by Unda Consulting Limited (ref: 92276-ManningElliott-CleatorMills v2;
dated 24 March 2023).

We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that
any particular deficiencies have been met and that the development would be safe
without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures
are implemented. Therefore, we are now satisfied that our objection on Flood risk could
be removed.

The proposed development must proceed in strict accordance with this FRA and the
mitigation measures identified as it will form part of any subsequent planning approval.
Any proposed changes to the approved FRA and / or the mitigation measures identified
will require the submission of a revised FRA.

Emergency response - advice to LPA

Environment Agency
Ghyll Mount (Gillan Way) Penrith 40 Business Park, Penrith, Cumbria, CA11 9BP.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
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The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

We have considered the findings of the FRA in relation to flood risk hazard employees, users and visitors may be exposed to in the design flood event. Section 6.10 of the FRA has not attempted to assess the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. We are therefore not in a position to agree or otherwise any findings. However, with reference to FD2320 flood hazard ratings, the depth of flood water alone (irrespective of velocity of water) during the design flood event would indicate that there will be a danger to most people (e.g. there will be danger of loss of life for the general public)

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services to confirm the adequacy of the evacuation proposals.

Although we are now satisfied to remove our objection on Flood risk, we still recommend that any subsequent approval is conditioned to address the following issue:

Land contamination

The previous use of the proposed development site as a mill presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is adjacent to the River Ehen and located upon a secondary B aquifer.

Further detailed information is required before built development is undertaken to determine if existing and proposed infrastructure and foundation design will cause detriment to land and water quality. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by,

unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a 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 preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
4. 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 (3) 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 174 of the National Planning Policy Framework.

Land contamination: risk management and good practice – advice to applicant

We recommend that developers should:

- Follow the risk management framework provided in [Land Contamination: Risk Management](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

Yours faithfully

Hui Zhang
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