

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

Our ref: NO/2025/116875/01-L01
Your ref: 4/25/2198/0F1
Date: 15 July 2025

Dear Sir/Madam

ERECTION OF VISITOR CENTRE WITH CAFÉ/SHOP, GROUP ROOM, STAFF/VOLUNTEER, TOILET FACILITIES AND CAR PARK; CONSOLIDATION, REPAIR AND INSTALLATION OF INTERPRETIVE SCULPTURE TO TOWSEY HOLE WINDMILL; REFURBISHMENT OF EXISTING TERN HIDE; NEW BIRD HIDES/VIEWING SCREENS, PATHWAYS, GATEWAY FEATURES, STREET FURNITURE AND DEMARCATION OF SPACES AT EXISTING CAR PARK; ENHANCEMENT OF WILDLIFE HABITATS; ASSOCIATED LANDSCAPING AND DRAINAGE INFRASTRUCTURE; AND MAINTENANCE OF BYWAY WITH RESTRICTED VEHICULAR ACCESS (THE IRON LINE PROJECT)

LAND AT HODBARROW NATURE RESERVE, MILLOM

Thank you for consulting us on the above application, received 25 June 2025.

Environment Agency position

We have no objections to the development as proposed, however we do wish to make the following comments and request that the conditions stated below are included within any subsequent planning approval:-

Groundwater and Contaminated Land

We have reviewed the following reports:

- Report titled 'Phase 1 Preliminary Risk Assessment', prepared by Curtins Limited (referenced: 080874-CUR-00-XX-RP-GE-001, Revision P03; dated: 8th April 2025)
- Report titled 'Remediation Strategy', prepared by Curtins Limited (referenced: 080874-CUR-XX-XX-T-GE-00008, Revision P02; dated: 08 April 2025)
- Report titled 'Phase 2 Ground Investigation Report The Iron Line, Millom (Zones 3-10)', prepared by Curtins Limited (referenced: 080874-CUR-XX-XX-T-GE-00007,

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
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Cont/d..

Revision P02; dated: 08 April 2025)

- Report titled 'Phase 2 Ground Investigation Report, The Iron Line, Millom (Visitors Centre)', prepared by Curtins Limited (referenced: 080874-CUR-XX-XX-RP-GE-00006, Revision P03; dated: 08 April 2025)

The Phase 1 Preliminary Report highlights the previous iron mine extractive industry and landfill. The former Redhills County Council landfill and Civic Amenity site is adjacent to the Northeastern boundary of the site. Redhills landfill received 75000 tonnes/year of difficult waste, sludges, Special waste, household, commercial and industrial wastes. The Resolution was surrendered in 1994. The report refers to the presence of fill material containing waste, overburden from quarrying and slag on the development site and outside the permitted landfill area. This material is therefore likely to pre-date regulatory control under Control of Pollution Act 1974 landfill and should have limited pollution potential. Made ground comprising overburden from mineral extraction should offer no additional contamination from background levels. However, slag is present and there was an iron and brass foundry operating from 1924-1968.

Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary A aquifer. The shallow ground investigation did not encounter groundwater and given the absence of groundwater or leachate sample test results, it is not possible to determine risk to water quality. Test results also highlighted high total lead concentrations. The investigations and remediation strategy have addressed human health concerns. There is no evidential sampling to ascertain risk to water quality.

Therefore, it is recommended further testing is undertaken to address the risk to Controlled Waters from soluble contaminants. Further detailed information will be required to supplement the Ground Investigation and Remediation Strategy submitted with the application before built development is undertaken.

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 site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.

3. 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 (2) 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

Fisheries, Biodiversity and Geomorphology

We have reviewed the following documentation provided to support the planning application 4/25/2198/0F1 for the Iron Line Project on the land at Hodbarrow Nature Reserve, Millom:

- Ecological Impact Assessment and Preliminary Ecological Appraisal Update report
- Shadow Habitat Regulations Assessment
- Shadow Appropriate Assessment
- Construction Environmental Management Plan
- Biodiversity Net Gain Assessment – Amended July 2025
- Drainage Strategy

The proposed development will only be acceptable if the following planning condition is included.

Condition

No development shall take place a Landscape and Ecology Management Plan (LEMP) has been submitted to, and agreed in writing by, the local planning authority and implemented as approved. Thereafter, the development shall be implemented in accordance with the approved plans and any subsequent

variations shall be agreed in writing by the local planning authority.

The plan should include the following elements:

- Invasive Species Management Plan
- Details of Toolbox talks
- Monitoring measures to ensure habitat enhancement is successfully delivered and managed accordingly in the medium to long term

Reason(s)

This condition is required to ensure that the development does not pose a risk to the aquatic environment.

This approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

Advice to LPA/applicant

Evidence shows that the proposed development poses a risk to a priority habitat or species that is, i.e. Natterjack Toads and Overwintering and Nesting Birds. We strongly recommend that this is taken into account when the application is considered for approval. Failure to take relevant habitats and species into account may leave the determination of the application open to challenge.

Yours faithfully

Miss Soraya Moghaddam
Planning Advisor

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