

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

Our ref: NO/2023/115491/04-L01
Your ref: 4/23/2191/0F1
Date: 20 June 2024

Dear Ms Burns

PROPOSED ERECTION OF A NEW DWELLING & DETACHED GARAGE.

LAND ADJACENT TO 21 SCURGILL TERRACE, EGREMONT

Thank you for re-consulting us on the above application, received 12 June 2024.

In our most recent response letter, referenced NO/2023/115491/03-L01 and dated 20 March 2024, we maintained our objection to the proposed development due to the lack of supporting information required to assess the risk to groundwater quality.

We have now received and reviewed the following supporting document:

- Report titled 'Supplementary Controlled Waters Risk Assessment', prepared by Geo Environmental Engineering Ltd (referenced: GEO2024-6348; dated: 11.06.2024)

Environment Agency position

We **withdraw** our objection to the proposed development, however we do wish to make the following comments:-

We have reviewed the document referenced above, which reviews the likelihood and consequence of the PAH contamination risk to water quality. In following the Remedial Target Methodology for risk assessment, the investigation results and assessment acknowledge a leachable contamination risk, but its significance is minor.

The justification for reducing infiltration in the building design, forming a partial cap in lieu of further quantitative assessment, is an acceptable form of remediation in this site specific case. As such, we have no further objections or comments to make.

Advice to applicant

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Yours sincerely

Miss Soraya Moghaddam
Planning Advisor

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