



Mining
Remediation
Authority

Design & Access Statement

Ground Investigation Works at North Wall

Whitehaven Harbour



Contents

1.	Introduction	2
2.	Rationale	3
3.	Understanding of the Heritage Asset	3
4.	Design Principles	4
5.	Access Arrangements	5
6.	Assessment of Impacts	5
7.	Conclusion	7

1. Introduction

This Design and Access Statement has been produced to support an application for Listed Building Consent which is required to facilitate temporary and reversible ground investigation works at the Grade II listed “North Wall and Old North Wall” in Whitehaven harbour. However, it should be noted that the proposed works will directly affect only the North Wall section of this designated heritage asset. Following completion of such works, all boreholes and other excavations will be sensitively repaired with surface materials reinstated. Therefore, as the HIA concludes, such minor interventions will result in less than substantial harm, and are necessary to inform a potential pipeline solution for the removal of ochreous water from the harbour, which if, subject to the necessary consents, is implemented will result in long-terms environmental and heritage-conservation benefits.

This statement provides: a summary of the rationale for the proposed works; consideration of the significance of the heritage asset which will be directly affected; the design principles and access arrangements for the proposed works; and consideration of main impacts in the context of temporary and permanent effects. It should be read alongside other submitted documents which include:

1. Ground Investigation Methodology (Bentley)
2. The Heritage Impact Assessment (SLA Consulting).
3. The Habitats Regulations Assessment (Mining Remediation Authority)
4. Technical Note: Assessment of Potential Bat Disturbance Associated with Construction Noise (Mining Remediation Authority)
5. Location Plan, Proposed Site Plan, and Sections (Bentley)

This statement and the application it accompanies have been produced with regard to the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF policy guidance on conserving and enhancing the historic environment, relevant Historic England guidance and relevant ‘Built and Historic Environment’ policies of the Copeland Local Plan 2021-2039.



2. Rationale

Since 2022, it has become apparent that ochreous water from historical coal mine workings is seeping in the Network Rail owned Bransty tunnel, which is then draining via the Bransty Beck inlet culvert into Whitehaven Harbour. The consequent accumulation of rust-coloured water not only causes an immediate aesthetic problem but also detracts from the character and appearance of Whitehaven Town Centre Conservation Area and the settings of Listed Buildings within it, which include the harbour walls. The contaminated water is also staining such heritage assets and vessels moored in the harbour.

A multi-stakeholder taskforce is now considering potential solutions to the problem, and concepts being considered include the option of diverting polluted water out to sea via a pipeline which would be suspended from the harbour wall. The technical feasibility of such a pipeline is dependent on the structural suitability of the wall. Ground investigations are therefore required to understand the structural characteristics and condition of the wall. The necessary information cannot be obtained without limited intrusive investigation.

Although temporary and to be reversed, the proposed investigative works involve physical intervention in the fabric of a Grade II listed harbour wall and therefore constitute works of alteration requiring Listed Building Consent under section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. While national validation requirements do not necessitate a Design and Access Statement for all applications for Listed Building Consent, Cumberland Council's own Planning Validation Checklist Guidance requires that a Design and Access Statement is to be provided.

The proposed works are of a minor scale and temporary nature, and subject to there being no abnormal restrictions, all operations on site are expected to be completed within 8 weeks. No permanent significant alterations to built fabric are proposed. As such, the works do not constitute "development" under the terms of Section 55 of the Town and Country Planning Act (1990). Therefore, planning permission is not required.

3. Understanding of the Heritage Asset

As detailed in the submitted Heritage Impact Assessment, The North Wall and Old North Wall are designated as a Grade II listed structure in recognition of their special architectural and historic

interest. Formed and extended over a series of construction phases from the eighteenth century onwards, they embody the evolution of Whitehaven Harbour and the town's emergence as a nationally significant commercial port. Their heritage significance is derived from their evidential value as well-preserved examples of historic harbour engineering, their architectural interest as substantial masonry maritime structures, and their historic associations with the commercial and industrial growth of Whitehaven. As mentioned in the introduction, only the North Wall section of this Grade II listed heritage asset will be directly affected by the proposed works.

4. Design Principles

The proposed work is limited to essential ground investigation activity, which has been designed to yield the required information concerning the structural composition of the harbour walls whilst minimising harm, followed by sensitive reinstatement and repair of fabric.

All ground investigations will be undertaken under an archaeological watching brief in accordance with a Written Scheme of Investigation (WSI) approved by the Local Planning Authority's archaeological advisor, thereby ensuring that any archaeological remains encountered are appropriately monitored, recorded and managed.

The proposed works as detailed in the Ground Investigation Methodology statement include:

- Four horizontal cores in the harbour wall to 500mm deep. Two of these will be in the adjacent section of wall at Queen's Dock – so not directly affecting the designated heritage asset.
- Seven boreholes - each to begin with 1.2m deep trial pit to check for services, then to progress with cable percussion rig until bedrock level. Rotary drilling rig then to be used to recover samples of rock core. Two of the boreholes will be in the car park adjacent to Queen's Dock, and two within the running surface of the quayside, east of North Wall, so not directly affecting the designated heritage asset.
- Two further proposed trial pits.

The total area occupied by operations is anticipated to be less than 5000m², inclusive of any welfare facility present for the duration of the work.

To facilitate the horizontal cores, individual facing stones will first be carefully removed using hand tools. Such stones will then be returned to their original positions and refixed using traditional mortar to match the existing.

The vertical boreholes and trial pits will be refilled as discussed in the methodology statement. The concrete surface to the wall will be repaired on a like-for-like basis.

5. Access Arrangements

Access for investigation equipment and associated vehicles will be obtained via North Shore Road and existing operational harbour access routes under the control of the harbour authority. For access purposes, no new access points, alterations to the fabric of the listed structure, or changes to existing circulation arrangements are required.

For the duration of the works, to maintain safety, public access to operational areas will be prevented with the use of temporary fencing, as described in the submitted Ground Investigation Methodology statement. However, it should be noted that for the duration of the works, the temporary fencing arrangement will maintain pedestrian access to businesses in the Fish Hall and to the outer harbour wall.

6. Assessment of Impacts

The submitted Methodology Statement provides further detail of the specific operations to be undertaken and the equipment that will be utilised. The Heritage Impact Assessment confirms that the significance of affected heritage assets has been carefully considered, and that the proposed ground investigation works will have a minor adverse direct impact on heritage assets.

In the context of the application for Listed Building Consent, the principal issue for determination is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed harbour walls. However, as requested by Cumberland Council, ecological constraints and related potential effects have also been taken into account during project development and are addressed through a screening exercise which is discussed in the submitted Habitats Regulations Assessment. That exercise has confirmed that the Solway Firth Special Protection Area, which supports numerous bird species, lies within approximately 500m of the proposed site. However, it

has been determined that the project, when considered alone, is not likely to have any significant impact upon any National Network site.

Further to initial feedback from Cumberland Council, a supporting technical note: Assessment of Potential Bat Disturbance Associated with Construction has also been produced and is submitted with the application. It concludes that the proposed temporary works do not present a direct impact pathway to bat roosts or bat habitat.

The consideration of potential impacts has been considered in terms of likely effects during the works (anticipated to be completed within two days), and permanent effects after such operations have been fully completed and all related equipment has been removed from the site.

During the Works

The principal effects are anticipated to comprise:

- The temporary presence of drilling equipment (two drilling rigs) – which will be visually apparent.
- Temporary and intermittent noise generation associated with the creation of trial pits and drilling operations. Associated noise levels are anticipated to be approximately 100-115 dB at source, falling to approximately 68-75 dB at 130 metres. Although some local disturbance may be anticipated, this should be considered in the context of significant levels of ambient noise relating to the busy working harbour, nearby town centre and associated traffic movements.
- Temporary interruption to normal access to the North Wall and Old North Wall. To ensure public health and safety, temporary fencing will be used to secure the operational areas. Any related impacts on normal traffic movements will be minor and temporary.
- Temporary penetration and removal of sample areas of built fabric via trial pits, bores, and cores for the purpose of structural analysis. Following investigations, all surface materials will be carefully reinstated, including the precise reinstatement of individual stones that were removed to facilitate the cores. All works will be undertaken under an archaeological watching brief in accordance with a Written Scheme of Investigation (WSI) to be approved by the Local Planning Authority's archaeological advisor.

Permanent Effects

Following removal of equipment and reinstatement of built fabric, there will be no significant adverse permanent effects. Visually, the appearance of the affected walls will be as before. In terms of the direct impact on heritage assets, the intrusive investigations amount to less than substantive harm.

On the assumption that the ground investigations will ultimately facilitate development and implementation of a solution to remove ochreous pollution from harbour waters, significant longer-term indirect permanent positive effects would then include the improved appearance of the harbour. In addition to the intrinsic aesthetic benefit, this would also have positive effects on one's ability to appreciate the significance and setting of the Conservation Area, and other designated and non-designated heritage assets within it. The Heritage Impact Assessment considers such effects would be moderate beneficial long-term nature.

Of course, if all the above actions are to proceed to completion, it is recognised that the installation of a pipeline would require a subsequent application for planning permission and Listed Building Consent. The visual, heritage and other impacts of that development would require separate consideration.

7. Conclusion

The proposed works comprise limited and temporary ground investigation activities required to understand the construction and condition of the Grade II listed North harbour wall and adjacent areas. The investigations have been designed to minimise intervention in historic fabric, and the affected built fabric will be reinstated. The works will be of very short duration and will leave no visible residual effects upon completion and will not adversely affect the special architectural or historic interest of the listed structure. The information obtained is essential to inform future options for the management and discharge of mine water beyond the enclosed harbour, which when completed would be of benefit to improvement in the settings of heritage assets in the locality, one's appreciation of their significance, and their long-term preservation.

Chris Telford
Principal Development and Planning Consultant
Mining Remediation Authority
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