

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

Our ref: NO/2024/115863/03-L01
Your ref: 4/24/2009/DOC
Date: 12 March 2024

Dear Sir/Madam

**DISCHARGE OF CONDITIONS 4, 6 AND 7 OF PLANNING APPROVAL
4/22/2184/001.**

**LAND TO THE NORTH EAST OF LECONFIELD INDUSTRIAL ESTATE, CLEATOR
MOOR**

Thank you for re-consulting us on the above application, received 5 March 2023.

In our previous response letter referenced NO/2024/115863/02-L01 and dated 27 February 2024, we were unable to recommend the discharge of condition 6 and 7 for the above application.

We have reviewed the covering letter sent via email on 5 March 2024 (referenced 15C100104), prepared by the Agent.

Environment Agency response

We maintain our objection to the discharge of conditions 6 and 7 as the development is considered to pose an unacceptable risk to water quality.

The response does not address the queries regarding the sampling strategy we outlined previously, nor does it provide satisfactory justification for the samples that were taken and analysed.

The explanation for qualitative assessment and interpretation of water quality is explained in the EA Remedial Targets Methodology. Conservative threshold values are required at this first level of risk assessment due to uncertainty and low confidence levels when compared to higher levels of assessment which require a great deal of data for numerical modelling.

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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A gap analysis of information would help evaluate appropriateness of the sampling strategy and satisfactory representation of ground conditions for the development. If the origin and concept of data acquisition is flawed, this will have a bearing on the interpretation of the data and perceived risk.

Therefore, the remediation strategy should not be approved until the following information is provided:

- Further levels of risk assessment to justify why no remediation of the site is required; or,
- A remedial programme, and/or evidence-based justification is provided to demonstrate how development will reduce leachable risk.

The other aspects of concern highlighted above should also be considered.

Note to LPA

Based on the information provided within the letter from the agent, referenced above, our concerns in regard to SuDs and piling operations have been addressed.

Yours faithfully,

Miss Soraya Moghaddam
Planning Advisor

Direct e-mail clplanning@environment-agency.gov.uk