

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

Our ref: NO/2025/117095/01-L01
Your ref: 4/25/2349/OR1
Date: 05 November 2025

Dear Sir/Madam

APPLICATION FOR APPROVAL OF RESERVED MATTERS RELATING TO APPEARANCE, LAYOUT, LANDSCAPING AND SCALE FOR THE ERECTION OF 300 DWELLINGS WITH ASSOCIATED OPEN SPACE & INFRASTRUCTURE PURSUANT TO OUTLINE PLANNING APPROVAL 4/18/2287/001 (THE OUTLINE WAS NOT AN EIA APPLICATION)

LAND AT HARRAS MOOR, WHITEHAVEN

Thank you for consulting us on the above application, received 17 October 2025.

Environment Agency position

Please refer to our previous response to the outline planning permission 4/18/2287/001, our reference NO/2018/110942/01-L01 and dated 19 July 2018. We do not wish to make any additional comments. Please find attached below a copy of our comments to the outline application.

Yours faithfully,

Miss Soraya Moghaddam
Planning Advisor

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

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

Our ref: NO/2018/110942/01-L01
Your ref: 4/18/2287/001

Date: 19 July 2018

Dear Sir/Madam

OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 370 HOUSES; LAND AT HARRAS MOOR, WHITEHAVEN

Thank you for referring the above application which was received on 9 July 2018.

Environment Agency position

The Environment Agency has no objection to the proposals as submitted provided the condition requested below is included in any planning approval.

Land affected by past contaminative uses

We have reviewed the Phase 1 NQMS report for the Harras Moor site and would offer the following comments:-

The site report identified:

- The previous use of the proposed development site as overlying potentially mined coal seams;
- An infilled quarry site containing potentially waste materials;
- Mounds of unknown materials on the site.

These present a high 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 for housing is located upon Secondary aquifer A.

The Phase 1 Report and Desk Study submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion 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

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condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 109 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

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site 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; and
 - 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.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

To prevent deterioration of a water quality element to a lower status class of the adjacent water courses.

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

The Phase 1 report entitled 'Geo-Environment and Geotechnical Desk Study and Coal Mining Risk Assessment for Planning ref no 60562211_01 dated 26/01/2018 by AECOM for the Homes and Communities Agency constitutes an acceptable desk study report for this site (part 1), and recommends that further site investigation is necessary. We would concur with this recommendation.

Flood risk

The site is located within Flood Zone 1 as defined in Table 1 of Planning Policy Guidance, Flood Risk & Coastal Change.

With reference to the Agency's Flood Zone Mapping the site is indicated as being at little or no risk of flooding and having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3). It should be noted that this designation is likely to be a default designation as the Environment Agency does not undertake hydraulic modelling work on catchments less than 3km².

In Flood Zone 1, where the risk of flooding from rivers or the sea is classified as low, a Flood Risk Assessment (FRA) is still required but it should be focused on the management of surface water run-off.

Development that increases the amount of impermeable surfaces can result in an increase in surface water run-off, which in turn can result in increased flood risk both on site and elsewhere within the catchment. This is particularly important for larger scale sites, which have the potential to generate large volumes of surface water run-off. In addition, the site may also still be at risk from other sources of flooding (e.g. groundwater and overland runoff), which are not considered in the mapping of Flood Zones.

The Environment Agency no longer comment on, or are resourced to comment on the disposal of surface water.

The pre-application discussion comments provided by Copeland Borough Council's drainage engineer and included the appendices of the FRA, confirm that that the two catchments referred to in the supporting planning documents drain to the watercourses of Midgley Gill and Snebra Beck. Both of these watercourses are designated main rivers and ultimately discharge into Whitehaven inner harbour.

We have reviewed the FRA, referenced A090070-410, produced by WYG, dated May 2018, submitted with the application and we are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. 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 as part of an amended planning application.

Environmental permitting: flood risk activities

The developer may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the bank of Midgley Gill, which is designated a Main River.

In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines (including outfalls) or any other structure erected within 8 metres of the top of the bank of the Main River, or landward toe of any flood defences, without an environmental permit. Some activities are also now excluded or exempt.

For further information, the developer should refer to the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The applicant should note that the Agency has a period of two months to determine a valid application for a Permit for Flood Risk Activities (PfFRA). We would advise that this period is taken into account when planning works which require an Environmental Permit.

Yours faithfully

Jeremy Pickup
Planning Advisor - Sustainable Places

E-mail clplanning@environment-agency.gov.uk