

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2016/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 5, 6, 7 AND 10 OF PLANNING APPLICATION 4/22/2466/0F1
3.	Location:	LAND ADJACENT TO BORDER YARD, COACH ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Main River Consultation Area - Main River Consultation Area
6.	Publicity Representations & Policy	See report.
7.	Report: Site and Location: The Application Site comprises 0.96 hectares (2.36 acres) of previously developed land located to the north of Coach Road, Whitehaven. The Application Site is bounded by further previously developed land and residential development to the west; a commercial development and residential development to the east; a retail development to the north; and a combination of recreational fields/facilities and residential development to the south. The Application Site is currently vacant with many of the previous buildings and structures demolished, leaving behind a concrete slab and hardstanding.	

A footway/cycleway is located adjacent to the east and north boundaries of the Application Site.

There are no conservation areas or listed buildings on or directly adjacent to the Application Site.

The Application Site is located within a combination of Flood Zone 1, 2 and 3 and a Coal Advice Area

Full Planning Application ref. 4/22/2466/0F1 approved the erection of 35no. dwellings subject to planning conditions and a Section 106 Agreement.

Proposal:

This Application seeks approval of details reserved by Planning Conditions 5, 6, 7 and 10 of Full Planning Application ref. 4/22/2466/0F1.

5. No development other than site clearance and preparatory works 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.

6. No development shall commence on any individual dwelling plot, highway, public open space or drainage infrastructure until:

- a) a scheme of intrusive site investigations for that specific dwelling plot, highway, public open space or drainage infrastructure has been submitted to and approved in writing by the Local Planning Authority to establish the risks posed by past coal mining activity; and*
- b) any remediation works and/or mitigation measures identified as necessary for that specific dwelling plot, highway, public open space or drainage infrastructure to address land instability arising from the coal mining legacy have been fully implemented on site.*

All intrusive investigations, remediation works and mitigation measures shall be undertaken in accordance with authoritative UK guidance.



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7. No development other than site clearance and preparatory works shall commence until a detailed site-specific risk assessment in relation to any deep foundation piling techniques in made ground to be used in the construction of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The assessment should include details that demonstrate any techniques do not cause or exacerbate existing contamination. Some techniques may not be suitable. The development shall be completed in accordance with the approved details.

10. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of: • pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense; • details of proposed crossings of the highway verge; • retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development; • cleaning of site entrances and the adjacent public highway; • details of proposed wheel washing facilities; • the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway; • construction vehicle routing; • the management of junctions to and crossings of the public highway and other public rights of way/footway; • Details of any proposed temporary access points (vehicular / pedestrian) • surface water management details during the construction phase • specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety. The approved CTMP shall be adhered to throughout the construction period.

The information submitted in support of the application comprises the following:

Application Form

Condition 5 – Remediation Strategy

- Phase 2 Ground Investigation Report – Report Ref. 2025-7009
- Coal Mining Investigation Report – Report Ref. 2026-7101
- Coal Mining Risk Assessment (CMRA) - Project No: GEO2025-7009 - 15.12.2025
- Underground Storage Tank (UST) Remediation Plan Site: Coach Road, Whitehaven, Cumbria, CA28 9DF – February 2026
- Ground Gas Protection System Verification Plan - Building Warrant Application - GESL Ref: V1 Draft
- Email – 4th March 2026 - Subject: RE: App. Ref.. 4/26/2016/DOC - RECONSULTATION, LAND ADJACENT TO BORDER YARD, COACH ROAD, WHITEHAVEN

Condition 6 – Site Investigation

- *Phase 2 Ground Investigation Report – Report Ref. 2025-7009*
- *Coal Mining Investigation Report – Report Ref. 2026-7101*
- *Coal Mining Risk Assessment (CMRA) - Project No: GEO2025-7009 - 15.12.2025*
- *Underground Storage Tank (UST) Remediation Plan Site: Coach Road, Whitehaven, Cumbria, CA28 9DF – February 2026*
- *Ground Gas Protection System Verification Plan - Building Warrant Application - GESL Ref: V1 Draft*
- *Email – 4th March 2026 - Subject: RE: App. Ref.. 4/26/2016/DOC - RECONSULTATION, LAND ADJACENT TO BORDER YARD, COACH ROAD, WHITEHAVEN*

Condition 7 – Foundation Risk Assessment

- *Phase 2 Ground Investigation Report – Report Ref. 2025-7009*
- *Coal Mining Investigation Report – Report Ref. 2026-7101*
- *Coal Mining Risk Assessment (CMRA) - Project No: GEO2025-7009 - 15.12.2025*
- *Underground Storage Tank (UST) Remediation Plan Site: Coach Road, Whitehaven, Cumbria, CA28 9DF – February 2026*
- *Ground Gas Protection System Verification Plan - Building Warrant Application - GESL Ref: V1 Draft*
- *Email – 4th March 2026 - Subject: RE: App. Ref.. 4/26/2016/DOC - RECONSULTATION, LAND ADJACENT TO BORDER YARD, COACH ROAD, WHITEHAVEN*
- *Letter from Menard – Project Ref. CL/V29777/CMC/Rev B*
- *WORKS PACKAGE PLAN - CONTROLLED MODULUS COLUMNS – Contract No. V29777 Rev. 03*

Condition 10 – Construction Traffic Management Plan

- *Construction /Traffic Management Plan (CTMP) Rev. 2 06.08.2026*

Consultee:	Nature of Response:
The Coal Authority	Response 1: We note that the applicant has applied to discharge Condition 6. Whilst the condition does not require the submission of any information for approval, they have nevertheless submitted a Coal Mining Risk Assessment report (15 December 2025, prepared by Geo Environmental Engineering Ltd) for consideration by the LPA. This report reviews coal mining and geological information relevant to the site, along with the results of previous intrusive investigations and

		concludes: ‘As a result of the conflicting information and resulting uncertainty, it is recommended that targeted intrusive investigation works are undertaken prior to the development commencing, in the form of rotary boreholes (at least 5 no.), should be undertaken targeting the northwestern portion of the site and western site boundary to determine the ground conditions with greater certainty and the level of risk posed to the site from known subjacent coal workings. These rotary boreholes are necessary to determine if the site requires remedial measures to stabilise the ground prior to development commencing (e.g., pressure grouting).’ The application is also accompanied by Phase 2: Ground Investigation Report (15 December 2025, again prepared by Geo Environmental Engineering Ltd). This report signposts the aforementioned Coal Mining Risk Assessment and reiterates its recommendations for the need for a rotary borehole investigation. The Coal Authority’s Planning & Development Team welcomes the apparent intention to undertake further intrusive investigations at the site to fully assess the risks posed by coal mining legacy. However, on the basis that no information has been presented to confirm that these have been carried out (as required by part a) of Condition 6) and that any necessary remediation works / mitigation measures have been implemented (part b) of the condition), we do not consider that it has been demonstrated that the requirements of Condition 6 of the issued consent have been satisfactorily addressed. In due course, we would be pleased to review and to provide comment on the statement/declaration submitted by the applicant to discharge Condition 17, which should include information on the findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. Response 2: The Coal Authority response: As you are aware, we commented in our previous consultation response letter that it had not been demonstrated that the requirements of Condition 6 of the issued consent have been satisfactorily addressed in full. This was on the basis that the applicant’s technical consultants, Geo Environmental Engineering Ltd, had advised that further borehole investigation or proof drilling and grouting was required in the locality of Plots 32 – 35.
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		We note that the LPA is now in receipt of an email dated 4 March 2026 from Curtis R. Evans of Geo Environmental Engineering Ltd. Mr Evans reiterates that the rotary drilling investigation undertaken has demonstrated that the majority of the site is minerally stable and is not at risk from shallow coal mine workings but acknowledges that further works are required in respect of Plots 32–35. On this basis, Mr Evans comments that ‘we believe that Conditions 6a and 6b can be formally discharged, and that Condition 17 [also coal mining legacy related] is not applicable to these areas.’ He goes on to comment that ‘Conditions 6a, 6b, and 17 should remain in place for Plots 32–35 until the recommended investigation and/or remediation works have been completed, subject to site access and budgetary considerations.’ We wish to comment that pre-commencement Condition 6 does not mention the phasing of development, and we note that neither the application covering letter or application form suggest that the applicant is seeking to demonstrate only partial compliance with Condition 6. Nevertheless, based on the submission of Mr Evans’ email, we assume that the applicant is seeking to demonstrate compliance with Condition 6 across the majority of the site in order to enable the commencement of development on these areas prior to the undertaking of the further works in the locality of Plots 32-35. On the basis of the submitted information and the professional opinions contained therein, the Coal Authority’s Planning & Development Team would have no objection to this phased approach, subject to the LPA being satisfied that the condition provides sufficient control to ensure the undertaking of the further works required in the locality of Plots 32-35 prior to the commencement of development in this part of the site.
	LHA and LLFA	Response 1: The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: Condition 5 - The above condition is not for the LHA and LLFA to discharge. Condition 6 - The above condition is not for the LHA and LLFA to discharge. Condition 7 - The above condition is not for the LHA and LLFA to discharge.

		Condition 10 - The LHA welcome the CTMP submitted in support of condition 10, unfortunately some of the points set out in the CTMP have not been completed, please see below points highlighted in red still needing addressed. • pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense; • details of proposed crossings of the highway verge; • retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development; • cleaning of site entrances and the adjacent public highway; • details of proposed wheel washing facilities; • the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway; • construction vehicle routing; • the management of junctions to and crossings of the public highway and other public rights of way/footway; • Details of any proposed temporary access points (vehicular / pedestrian) • surface water management details during the construction phase; • specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety. Response 2: Condition 10 - Additional details/information has now been submitted to the LPA to which the LHA and LLFA are content with, therefore condition 10 can now be discharged.
	E.H.O.	Response 1: Within its remit, Environmental Health have considered the Phase 2 Ground Investigation Report, ref 2025-7009, from Geo Environmental Engineering, dated 15 December 2025. This is in regard to condition 5, of which there are three distinct parts; Condition 5 (1) – Site Investigation. We are satisfied with the above report and investigation laid out with respect to the contamination risks to human health (the Environment Agency may comment further as regards risk to controlled waters). The

		phase 2 report does, however, raise the issue of Japanese Knotweed (p.26) that was previously noted on site and recommends that further specialist investigation is carried out on this. Condition 5 (1) is therefore not considered complete and this condition cannot be partly discharged at this point. Condition 5 (2) – Remediation We are satisfied with the draft remediation plan as an outline, notwithstanding any further EA input on this. Further works on the underground storage tanks on the site is required as well as clarification on possible remediation of Japanese Knotweed. Therefore this element of condition 5 cannot be partly discharged yet. Condition 5 (3) Verification An outline verification plan for the provision of ground gas barriers in the build is suggested in the report. Environmental Health would be happy to view this upon its completion in order that this element of condition 5 may then be discharged. Response 2: In light of the additional submitted information dated February 2026 and March 2026, Environmental Health would be satisfied that condition 5 may be discharged.
	Environment Agency	We are unable to recommend the discharge of Condition 5 and Condition 7 for the following reasons:- We cannot support the discharge of condition 5 in the absence of a specific remediation strategy for controlled waters as recommended in the 15 December 2025 phase 2 ground investigation. We cannot support the discharge of condition 7 regarding risk assessment for foundation design in the absence of a foundation piling risk assessment. The verification report of February 20026 GES Lref. V1 DRAFT refers to works required for ground gas only, which is a matter for Environmental health to assess in addressing risk of gas to human health. Hydrocarbon contamination associated with the underground storage tank was recorded within made ground from trial pit12 and 13 and in groundwater from borehole 3 and 5. The February 26 "underground storage tank remedial plan" outlines proposals for limited cleanup where the tanks are removed. This plan refers to removal of soils and contaminated water. It does not detail the

		sampling methodology or groundwater quality cleanup thresholds. There is no indication where and how pumped groundwater will be discharged. Proposed use of oxygen release compounds will need to comply with appropriate Regulations or exemptions and will need appropriate risk assessment. Details of proposals are required in a specific Remediation Strategy for soils and groundwater and validation of approved works should be provided in a specific Verification plan before the condition 5 can be satisfactorily discharged.
	Neighbour Responses:	
	N/A.	
	Development Plan: On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria. Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland. The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only. The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan. <u>Copeland Local Plan 2021 - 2039 (LP):</u> Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council. The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016. Policy DS4: Design and Development Standards Policy DS8: Soils, Contamination and Land Stability Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity Strategic Policy CO2: Priority for improving transport networks within Copeland	

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).

Assessment:

Condition 5 – Remediation Strategy

Cumberland Council Environmental Health have confirmed no objections to the approval of this requirement.

The Environment Agency has confirmed that they cannot support the discharge of Planning Condition 5 in the absence of a specific remediation strategy for controlled waters as recommended in the 15 December 2025 - Phase 2 Ground Investigation.

Condition 6 – Site Investigation

Post approval of the Full Planning Application, a non-material amendment has been approved amending Planning Condition 6 to permit the phased approval of the details. This is to permit the commencement of the development whilst the final investigations are completed.

The revised planning condition does not permit the commencement of development on those area of the site where the requirements of Planning Condition 6 have not been approved.

“6. No development shall commence on any individual dwelling plot, highway, public open space or drainage infrastructure until:

a) a scheme of intrusive site investigations for that specific dwelling plot, highway, public open space or drainage infrastructure has been submitted to and approved in writing by the Local Planning Authority to establish the risks posed by past coal mining activity; and
b) any remediation works and/or mitigation measures identified as necessary for that specific dwelling plot, highway, public open space or drainage infrastructure to address land instability arising from the coal mining legacy have been fully implemented on site.
All intrusive investigations, remediation works and mitigation measures shall be undertaken in accordance with authoritative UK guidance.”

The Coal Authority have been consulted and have confirmed that the details submitted are acceptable in relation to all areas excluding Plots 32–35.

Condition 7 – Foundation Risk Assessment

The Environment Agency has confirmed that they cannot support the discharge of Planning Condition 7 in the absence of a Foundation Piling Risk Assessment.



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	<i>Condition 10 – Construction Traffic Management Plan</i> The LLFA and LHA have confirmed that following the submission of additional details/information, Planning Condition 10 can be discharged. Conclusion Planning Condition 5 – Do not approve requirements of planning condition. Planning Condition 6 – Approve requirements of planning condition excluding Plots 32–35. Planning Condition 7 – Do not approve requirements of planning condition. Planning Condition 10 – Approve requirements of planning condition.	
8.	Recommendation: Approve	
9.	Condition(s): N/A	
Case Officer: C. Harrison		Date : 11.08.2026
Authorising Officer: N.J. Hayhurst		Date : 11.08.2026
Dedicated responses to:- N/A		