

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2268/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 5 AND 7 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; 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 and 7 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.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or is adversely affected by pollution in accordance with the provisions of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013-2028.Framework.

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



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contamination. Some techniques may not be suitable. The development shall be completed in accordance with the approved details.

Reason

To ensure that the proposed foundation design and installation does not harm groundwater resources in accordance with the provisions of the National Planning Policy Framework and Policy ST1 of the Copeland Local Plan 2013- 2028.

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

Application Form

Covering Letter – 24 August 2026

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*
- *Remediation Strategy - Site: Land adjacent to Border Yard, Coach Road, Whitehaven*
- *Planning Application: 4/22/2466/0F1 - Condition: 5*
- *Menard - Coach Road – Whitehaven Cumbria - TECHNICAL REPORT RELATING TO CONTAMINATION - Reference V29777 Rev. A*

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 Remediation Strategy - Site: Land adjacent to Border Yard, Coach Road, Whitehaven - Planning Application: 4/22/2466/0F1 - Condition: 5
- Menard - Coach Road – Whitehaven Cumbria - TECHNICAL REPORT RELATING TO CONTAMINATION - Reference V29777 Rev. A

Consultee:	Nature of Response:
Environment Agency	<i>Response 1</i> Environment Agency Position Condition 7 The risk assessment provided for the piling proposal in the Menard document "Technical report relating to contamination" has been reviewed. The information satisfactorily assures development using this technique should not cause detriment to groundwater quality and therefore the discharge of condition 7 can be supported. Condition 5 We can agree in principle, the works outlined in the remediation strategy and this should not delay progress of the remediation works outlined in The Underground Storage Tank Remediation Plan (February 2026) and Prima Homes Group note. Discharge of this condition can be agreed once the underground tank has been remediated and soils validated. The term "verification plan" suggests a pre-cursor action for any verification required. However, the paragraph references the verification plan to the works set out in the Remediation Strategy as being complete. In referencing the Prima Homes Note of proposals, the work proposed has yet to be undertaken and therefore in accordance with the Remediation Strategy5(2), which is referenced in Verification Plan 5(3), the condition should not be discharged until receipt and approval of the verification of completed work. <i>Response 2</i> Environment Agency position Condition 7 The risk assessment provided for the piling proposal in the Menard document "Technical report relating to contamination" has been reviewed. The information satisfactorily assures development using this technique should not cause detriment to groundwater quality and therefore the discharge of condition 7 can be supported.



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Condition 5

We can agree in principle, the works outlined in the remediation strategy and this should not delay progress of the remediation works outlined in The Underground Storage Tank Remediation Plan (February 2026) and Prima Homes Group note. Discharge of this condition can be agreed once the underground tank has been remediated and soils validated.

The term "verification plan" suggests a pre-cursor action for any verification required. However, the paragraph references the verification plan to the works set out in the Remediation Strategy as being complete. In referencing the Prima Homes Note of proposals, the work proposed has yet to be undertaken and therefore in accordance with the Remediation Strategy5(2), which is referenced in Verification Plan 5(3), the condition should not be discharged until receipt and approval of the verification of completed work.

Emails of Clarification

Email to Environment Agency

Thank-you Hui,

The below is very useful.

For clarity and certainty, please can you confirm the following:

Planning Condition 7 - You are happy for the submission requirements of this planning condition to be confirmed as approved; however, the condition cannot be confirmed as fully and formally discharged until the required groundworks have been completed in accordance with the approved details.

Planning Condition 5 - You are happy for the submission requirements of this planning condition to be confirmed as approved; however, the condition cannot be fully and formally discharged until the required remediation works have been completed in accordance with the approved details and a verification plan has been submitted confirming completion of the remediation works and demonstrating that the site has been made safe for its intended use.

Thanks in anticipation.

Chris

		<u>Email From Environment Agency</u> We agree with your interpretation below regarding Condition 5. In relation to Condition 7, following review of the Menard Contamination Technical Report, we are satisfied that the requirements of the condition have been addressed and can support its full discharge. Hope that explains our position better. Best regards, Hui
	The Coal Authority	The Coal Authority's particular interest in planning permission 4/22/2466/0F1 lies with coal mining legacy related planning conditions: 6 and 17. As such, we have no comments to make regarding the current application which relates to the discharge of Conditions 5 and 7 which are connected with contamination matters.
	Environmental Health	• Condition 5 – Ground Conditions Based on the submitted information, Environmental Health are satisfied with the proposed approach to dealing with contamination and ground gas on the site. Remediation Final Verification Reports are suggested when works to install the proposed geomembrane and clean cover system, remove the underground storage tanks, and install the Ground Gas protection system respectively are completed and planners may wish to condition these. Additional comments from the Environment Agency are required in respect of risk to controlled waters. However Environmental Health are happy for condition 5 to be discharged otherwise. • It is noted within the 'Phase 2 Ground Investigation Report (Part 1)' that Japanese Knotweed was previously identified on part of the site. The report suggests that surveys and advice from a specialist remediation contractor is provided to ensure that Japanese Knotweed will not provide a hazard to property and ground conditions on the site. Planners may therefore wish to seek this information separately. • Condition 7 – Piling Techniques This condition was requested by the Environment Agency and is primarily their responsibility to respond upon. The proposed Controlled Modulus Columns piling technique, however, would appear not to cause or exacerbate existing soil contamination
	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.

Copeland Local Plan 2021 - 2039 (LP):

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

Policy N5: Protection of Water Resources

Other Material Planning Considerations:

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

Assessment:

Condition 5 – Remediation Strategy

The Coal Authority has confirmed no comments.

Cumberland Council Environmental Health Officer has confirmed they are satisfied with the proposed approach to dealing with contamination and ground gas. It is confirmed that

Remediation Final Verification Reports are suggested when works to install the proposed geomembrane and clean cover system, remove the underground storage tanks, and install the Ground Gas protection system respectively are completed and planners may wish to condition these.

This condition effectively approves the remediation strategy to be implemented and the data that will be collected as part of the verification plan to demonstrate completion of the remediation in the future once the works have been completed. The condition does not explicitly require submission of the completed verification plan; however, the planning condition does require that the development be completed in accordance with the submitted details. The planning condition could not however be discharged fully until the remedial works have been completed and evidenced via the submission of the verification plan.

Japanese Knotweed is a known issue in this area and is understood to have originated from the adjacent parcel of land, which has now been developed into a supermarket. The Japanese Knotweed was treated/removed as part of that development.

The Environment Agency has confirmed that they are happy for the submission requirements of this planning condition to be confirmed as approved; however, the condition cannot be fully and formally discharged until the required remediation works have been completed in accordance with the approved details and a verification plan has been submitted confirming completion of the remediation works and demonstrating that the site has been made safe for its intended use.

Condition 7 – Foundation Risk Assessment

The Coal Authority has confirmed no comments.

The Environment Agency have confirmed they are happy for the submission requirements of this planning condition to be confirmed as approved; however, the condition cannot be confirmed as fully and formally discharged until the required groundworks have been completed in accordance with the approved details.

Conclusion:

Planning Condition 5 – The informational requirements of this planning condition are confirmed as approved. The condition cannot be fully and formally discharged until the required remediation works have been completed in accordance with the approved details and a verification plan including the data requirements hereby approved has been submitted.

Planning Condition 7 - The informational requirements of this planning condition are confirmed as approved. The condition cannot be confirmed as fully and formally discharged until the required groundworks have been completed in accordance with the approved details.



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8.	Recommendation: Approve	
9.	Condition(s): N/A	
Case Officer: C. Harrison		Date : 07/10/2026
Authorising Officer: N.J. Hayhurst		Date : 16/10/2026
Dedicated responses to:- N/A		