

**CUMBERLAND COUNCIL
CONSULTATION RESPONSE**

Proposal: LISTED BUILDING CONSENT FOR TEMPORARY GROUND INVESTIGATION WORKS TO THE NORTH WALL OF THE HARBOUR

Address: NORTH WALL, WHITEHAVEN HARBOUR

Reference: 4/26/2253/OL1

Date: 08/09/2026

Description: North Wall and Old North Wall date from 1766-1804 and enclose the north and west sides of the North Harbour. They are grade II listed. Queen's Dock, on the landward side, is later, and was extensively repaired 1880-82 only shortly after it opened in the 1870s due to structural movement caused by poor foundations. This is the location of the outlet discharging orange ochre-containing water into the harbour.

There is suggestion that at least the older structures in the harbour would have been constructed by sinking blocks of oak into the sea bed and then building off it. This was apparently a common method of construction, so it is plausible or likely that North Wall and Old North Wall are constructed in this manner.

The structure is additionally within Whitehaven Conservation Area.

Conclusion: No objection.

Assessment:

- The scope of this proposal is a series of boreholes drilled into the historic structures in order to ascertain their construction. This is to inform preparation of a potential solution to the ochreous water discharge (a pipe installed along the harbour wall, passing through the Old North Wall, and discharging on the beach to the north).
- This is a scheme of ground investigations (GI) comprising 7no. boreholes, 4no. horizontal investigation cores, and targeted trial pits.
- Of the seven boreholes, only BH5-8 are into the listed structure. This entire section of the harbour is surfaced in concrete, although it is likely that the historic masonry surfacing still lies below it. Care should therefore be taken when starting the boreholes not to damage historic surfaces underneath the concrete if this can be avoided.
- Of the four horizontal cores, two are in the adjacent, unlisted Queen's Dock wall and one is in the unlisted bulwark. Only HC01 is within the listed fabric.
- Of the two trial pits, one is in the same location as BH5, within the listed area, but the other is outside the listed area on the wall of Queen's Dock.
- The unlisted structures are non-designated heritage assets. Impact on them should be weighed against the benefits and a balanced judgement made. In this case, I would suggest the effect is minimally harmful and justified by facilitating a step toward finding a long-term solution to the ochreous discharge.
- The boreholes and trial pits are to establish geotechnical and structural information on ground conditions for future detailed design work.

- The horizontal cores are to establish the construction, thickness and condition of the harbour walls.
- Following GI, all affected materials and surfaces will be reinstated on a like-for-like basis.
- Some harm is anticipated directly to the North Wall and Old North Wall, although this is mitigated on the basis that it is the minimum necessary to secure the benefit, and justified in contributing to resolving the ochreous discharge problem, which has a significant negative effect on the appearance and function of the harbour. Resolving the ochreous discharge is a high priority.
- Benefit is expected from the resolution of the ochreous water problem to the broad settings of numerous heritage assets and this part of the conservation area inasmuch as the orange water currently harms their settings. This proposal will not in itself affect that, but will contribute to finding a solution.
- An archaeological watching brief will mitigate risk of harm befalling unknown archaeological remains, safeguarding the assets' evidential value.

Summary:

I view the proposal as justified in providing information that will inform the creation of a solution to the ochreous water discharge problem. It appears limited to the minimum necessary, and is in service of a high priority of the preservation and enjoyment of the harbour.

Relevant Policies and Guidance:

Planning (Listed Buildings and Conservation Areas) Act 1990:

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [**Section 16(2)**]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [**Section 66(1)**].

Section 72 of the 1990 Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

National Planning Policy Framework (2026):

Chapter 20. Conserving and Enhancing the Historic Environment:

Decision-making policy **HE4(1)**: Development proposals affecting the significance of a heritage asset, including its setting, should maintain or secure a use consistent with its conservation, and should conserve instead of harm (or minimise where not possible) that significance.

HE4(2): Any harm to the significance of a *designated* heritage asset (including from development within its setting) should have clear and convincing justification.

HE5(1): Proposals affecting heritage assets should be accompanied by an assessment of significance (including the contribution of setting) and of potential effect on significance. Detail should be proportionate to the assets' importance, and no more than necessary to

understand the potential effect. This should draw on the Historic Environment Record, and appropriate expertise where necessary.

HE5(2): Assessments of these effects on significance should identify whether the proposals would have a positive effect, no effect, a harmful effect, or result in total loss of significance.

HE6(1): Substantial weight should be given to conserving the significance of a designated heritage asset, irrespective of the potential effect on significance.

HE6(3): “Any harm to a designated heritage asset will be a matter of considerable importance and weight...”

HE6(4): Harm to the significance of a designated heritage asset should be weighed against the public benefit.

HE6(5): Substantial harm to a designated heritage asset is grounds for refusal unless it is necessary to achieve substantial public benefits, or all of a list of conditions apply (see full text).

HE7(2): Harm to the significance of a non-designated heritage asset should be weighed against the benefits, and a balanced judgement made. This should have regard to the importance of the asset and the scale of the harm.

HE7(3): Substantial harm to or total loss of a non-designated heritage asset should only be supported where the harm is outweighed by the benefit.

HE9(1): Proposals that are within, or which affect the significance of, a conservation area should retain and conserve buildings or other features that make a positive contribution to its character or appearance where possible, and consider the area’s special architectural and historic interest.

HE9(2): Where a proposal would result in the loss of an element a conservation area that it is desirable to conserve, impact assessment should take into account the element’s relative significance and its contribution to the significance of the conservation area in accordance with HE5 and HE6.

HE10(1): Where a proposal would result in the loss of all or part of a heritage asset, the development should not be approved unless all reasonable steps have been taken to ensure the new development will proceed, and the applicant should record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact on it. They should make this evidence accessible in the relevant Historic Environment Record and public depository, as appropriate.

Copeland Local Plan 2021-2038 (2022):

BE1: Heritage Assets

Decision-making should provide for the preservation and enhancement of built heritage assets by:

- Requiring a heritage impact assessment or heritage statement where the proposal would affect a heritage asset;
- Giving great weight to the conservation of Copeland’s designated heritage assets when decision making;

- Ensuring that new development is sympathetic to local character and history;
- Supporting proposals for the appropriate reuse of vacant historic buildings, recognising that putting buildings into viable uses consistent with their conservation can help sustain and enhance their significance;
- Supporting proposals that increase the enhancement, promotion and interpretation of Copeland's architectural and archaeological resources;
- Strengthening the distinctive character of Copeland's settlements, through the application of high-quality design and architecture that respects this character and enhances the setting of heritage assets.

BE2: Designated Heritage Assets

- Development should preserve or enhance designated heritage assets (or important archaeological sites) and their settings. The more important the asset, the greater weight that will be given to its conservation. Proposals that better reveal the significance of heritage assets will be supported in principle. Any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification.

BE4: Non-designated Heritage Assets:

- Development should preserve or enhance non-designated heritage assets and their settings. Proposals that better reveal the significance of heritage assets will be supported in principle. Proposals affecting non-designated heritage assets or their settings should demonstrate that consideration has been given to their significance.

Sammy Woodford

Conservation and Design Officer