Flood & Development Management
Parkhouse Building
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Copeland area Planning Department, Cumberland Council

For the attention of Sarah Papaleo

Date: 13 November 2026
Your reference: 4/26/2337/0B1

Dear Sarah Papaleo

CONSULTATION ON PLANNING APPLICATION

Appn:	**4/26/2337/0B1**
Site Address:	**HARASS DYKE FARM, HARASS DYKE, WHITEHAVEN**
Proposal:	**VARIATION OF CONDITIONS 2 (PLANS) AND 5 (PROTECTION OF WATER MAINS) OF PLANNING APPROVAL 4/24/2035/0B1 FOLLOWING OUTLINE APPROVAL 4/16/2415/0O1 FOR 85 DWELLINGS**

Thank you for your consultation on the above Discharge of Conditions Application.

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) have reviewed the submitted details and can confirm as follows:

Variation of Condition 2 - Approved Plans (specifically the Geitechnical Assessments)

The Highway Authority notes that the revised ground improvement strategy appears technically justified and potentially more robust than the approved surcharge and consolidation approach. By replacing reliance on long-term consolidation with active ground treatment and validation testing, the revised method offers the potential for greater confidence in long-term settlement performance.

However, because this submission seeks a change to an approved document, meaning there will be limited scope to introduce or amend requirements subsequent to any consent, the Local Highway Authority (LHA) must secure robust provisions at this stage. The Authority's primary concern remains the long-term integrity and future adoption of the proposed highway infrastructure.

Given the inherent risks associated with constructing adoptable highways on former opencast backfill, together with the geotechnical assessment's prediction of residual settlement of up to approximately 50mm over the development's design life, the Authority

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cannot accept the revised strategy without clear and enforceable engineering commitments secured prior to determination.

At present, the submitted information does not provide an equivalent level of assurance to the previously approved strategy, which relied upon a prolonged settlement and monitoring period. Consequently, **the Highway Authority maintains a formal holding objection to the submission** until the applicant provides the following outstanding technical information:

- Validation and Monitoring Specification: The exact testing methodology, instrumentation and monitoring techniques to be employed.
- Monitoring Duration: The full timeframe over which post-treatment settlement will be monitored prior to highway adoption.
- Intervention Trigger Levels: Specific, quantified engineering tolerances and threshold values that will trigger corrective action.
- Remedial Strategy: A detailed engineering response plan setting out the physical remedial measures to be implemented should out-of-tolerance settlement occur.
- Compliance Mechanism: The formal procedure by which compliance with the agreed tolerances will be demonstrated and certified prior to adoption.
- Construction Traffic Impact: Confirmation as to whether the revised earthworks methodology alters the assumptions, vehicle movements, agreed works access location or requirements set out within the approved Construction Traffic Management Plan (CTMP).

Whilst the Authority acknowledges the commercial pressures associated with advancing the planning process, securing these defined engineering tolerances and associated mitigation measures upfront is essential to protect the public purse from future maintenance liabilities, particularly given the restricted ability to impose additional requirements following approval of the proposed amendment.

Irrespective of the ground improvement methodology adopted, all highway infrastructure must be designed and constructed to the Local Highway Authority's adoptable standards and the requirements of any future Section 38 and/or Section 278 Agreement. The developer will be required to demonstrate, through detailed design, construction verification and post-construction monitoring, that the highway infrastructure is capable of achieving and maintaining the required standard throughout its design life.

Should the revised strategy ultimately be considered acceptable in principle, the Local Highway Authority reserves the right to secure enhanced monitoring requirements, extended maintenance periods and/or appropriate commuted sums through legal agreement where residual geotechnical risk remains. Any such commuted sum would be

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intended to offset the Authority's exposure to additional future inspection, maintenance, monitoring or remedial liabilities arising from the underlying ground conditions.

Furthermore, if the Local Highway Authority is ultimately not satisfied that the prevailing ground conditions, proposed treatment measures, validation testing and supporting evidence provide sufficient certainty regarding the long-term performance and maintainability of the highway asset, it reserves the right to decline adoption of the highway infrastructure, in whole or in part. The Authority will continue to actively assess and monitor the acceptability of the proposals throughout the Section 38 process, and no assumption should be made that future adoption will occur unless and until the Authority is satisfied that the highway can be maintained without undue risk or liability to the public purse.

Variation of Condition 5 - Protection of Water Main

The revisions should be assessed by United Utilities, the owner of the water main. They are best placed to assess whether the revised ground treatment proposals and protection measures are acceptable.

Yours sincerely

Shamus Giles
Lead Officer - Flood & Development Management