Explanatory Statement

Proposed variation of Conditions 2 and 5 of Application 4/24/2035/0B1

Residential development at Harras Dyke Farm, Harras Dyke, Whitehaven, CA28 6SH

1. Introduction

This Explanatory Statement accompanies an application under Section 73 of the Town and Country Planning Act 1990 seeking the variation of Conditions 2 and 5 attached to planning permission 4/24/2035/0B1.

Planning permission 4/24/2035/0B1 relates to the approval of reserved matters for 85 dwellings at Harras Dyke Farm. The present application does not seek to alter the approved housing layout, house types, housing mix or any other aspect of the approved development. Its purpose is limited to updating the approved ground improvement and earthworks methodology and ensuring that the approved document for protection of the existing water mains remain aligned with that revised methodology.

Condition 2 identifies the approved plans and documents. It includes the Geotechnical Assessment prepared by Sword Geotechnical, dated April 2021 and received by the Council on 29th June 2021, together with the later Sword Geotechnical assessment referenced SG-Harras-001b, which was received by the Council on 15th June 2022. Both documents are proposed to be superseded by the JPG documents submitted with this application.

Condition 5 requires details of the means of protecting the United Utility water mains within the site from construction and post-completion impacts.

The requirements of Condition 5 were discharged under Application 4/24/2163/DOC on the basis of the following documents: Construction and Traffic Management Plan; the 'Plan Showing Drainage Crossovers with United Utilities Water Mains (Drawing No. 40A); and a supplementary letter from the applicant's engineers, R G Parkins, dated 26th July 2024. The approved Construction and Traffic Management Plan refers to the original Sword Geotechnical methodology of ground improvements.

As the approved method of ground improvement is proposed to be amended, the approved details associated with Conditions 2 and 5 must be varied to reflect the revised methodology.

2. Reason for the proposed variation and the revised methodology

The central portion of the site is a backfilled former opencast mine. The materials used for the backfilling operation were previously excavated and stockpiled inert materials

(natural soils, etc) placed and compacted using heavy construction machinery. It has been proven through ground investigation that the structural performance of this backfill is not suitable for development without appropriate ground improvement.

The current approved remediation strategy (prepared by Sword Geotechnical) proposes consolidation of the ground (i.e. placing weight onto the ground) to compress it and improve its structural characteristics. Under the approved strategy, the proposed weight to be used is imported fill materials that would be placed on top of the ground and left in place until sufficient consolidation takes place. While this approach is logical in engineering/scientific terms, testing and proving that sufficient consolidation of the opencast backfill has taken place is extremely difficult in practice.

Discussions with regulatory bodies and warranty providers, such as Building Control, Highway Authority and the National House Building Council, have identified difficulties in demonstrating, with sufficient certainty, that the required level of ground performance will be achieved under the approved methodology. It is imperative that the dwellings and infrastructure to be constructed are capable of satisfying the requirements of the regulatory bodies and warranty providers.

Consequently, extensive additional ground investigation has been carried out and an updated ground improvement and earthworks methodology has been provided by the engineering consultancy 'JPG'. This revised methodology provides regulatory bodies and warranty providers with the performance certainty they require.

The revised methodology proposes the removal of the upper layer of existing opencast fill material (which will be temporarily stored on site); the use of dynamic compaction to improve the geotechnical properties of the exposed fill; and the reinstatement of the site to the approved ground levels using the stockpiled excavated materials. If necessary, additional clean and inert imported fill materials will be used to make up levels.

Full details of the updated methodology are provided in the Earthworks Strategy and Geotechnical Design Report produced by JPG.

The revised scheme provides a comprehensive process for the design, implementation and verification of the ground improvement works. It will create a suitably engineered platform for the approved development and will allow the effectiveness of the works to be demonstrated through testing and formal validation.

The revised ground improvement methodology has also been designed with the existing water mains as a specific constraint. No dynamic compaction treatment is to take place within 10 metres of the water mains. The earthworks contractor is also required to liaise with United Utilities to confirm that the relevant method statements are appropriate for works close to the mains. The revised methodology continues to meet the purpose of Condition 5 by ensuring that the water mains are identified and protected from the effects of the earthworks and ground improvement operations.

3. Proposed changes to the wording of Condition 2

Condition 2 lists all the plans and documents that relate to the approved reserved matters application in a series of unnumbered bullet points and requires the development to be carried out in accordance with those plans/documents.

The list includes:

- Geotechnical Assessment, written by Sword Geotechnical, dated April 2021, received 29th June 2021; and
- Geotechnical Assessment, written by Sword Geotechnical, document reference SG-Harras-001b, received 15th June 2022.

The proposed change to the wording of Condition 2 would replace both Sword Geotechnical documents with the JPG documents submitted with this application, which set out the revised ground improvement and earthworks methodology.

All other plans and documents listed in Condition 2 would remain unchanged.

4. Proposed changes to the wording of Condition 5

The wording of Condition 5 currently states:

"No development must commence (including any earthworks) until details of the means of ensuring the water mains that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details must include a survey of the exact location of the water mains (line and depth) and outline the potential impacts on the water mains from construction activities and the impacts post completion of the development and identify mitigation measures, including a timetable for implementation, to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures must be implemented in full in accordance with the approved details."

The pre-commencement requirements of Condition 5 were formally discharged under Application 4/24/2163/DOC. The measures to safeguard the water mains were encapsulated within the Construction and Traffic Management Plan and illustrated on the drawing provided by R G Parkins titled 'Plan Showing Drainage Crossovers with United Utilities Water Mains' (Drawing No. 40A).

A revised Construction and Traffic Management Plan has been submitted, which omits reference to the approved method of ground improvement. This is the principal change to this document and the measures to safeguard the water mains are unchanged from what was previously approved. The revised document does not include the supplementary letter from the applicant's engineers, dated 26th July 2024, as this letter simply conveyed what was illustrated on Drawing No. 40A.

It is important to note that whilst the focus of this application relates to the proposed change to the method of ground improvement, Condition 5 is not centered solely on that matter but the means of protecting the water mains both during construction and post completion of the development.

It is proposed that the condition is reworded to refer to the revised Construction and Traffic Management Plan that accompanies this application. The suggested revised wording of Condition 5 is as follows:

"The development shall be carried out in accordance with the measures for the protection of the existing water mains set out in the revised Construction and Traffic Management Plan [Revision no. 3.01], received by the Local Planning Authority on [Council to insert date]. *Those measures shall be implemented in full throughout the construction period and, where applicable, retained following completion of the development."*

5. Conclusion

The application seeks to modify the approved ground improvement methodology with a revised methodology that will ensure that the requirements of the regulatory bodies and warranty providers are satisfied. This is imperative to ensure the delivery of this scheme.

The proposed variation of Condition 2 would ensure that the ground improvement and earthworks are undertaken in accordance with the revised JPG documents.

The revised methodology safeguards the existing water mains during the ground improvement works stage and the revised Construction and Traffic Management Plan ensures that the water mains are protected during subsequent construction phase, as well as post occupation of the dwellings.

The proposed variations would ensure that the planning permission accurately reflects the proposed method of ground improvement, whilst ensuring the protection of United Utilities assets.

Ultimately no change is proposed to the layout or form of the approved residential development as the variations relate only to the means by which the approved development will be undertaken.

Prepared by:

Sam Greig
Sam Greig Planning
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