

Cumberland Council (Copeland Area)  
The Market Hall  
Market Place  
Whitehaven  
CA28 7JG

## Via Planning Portal Only

24 August 2026

To Whom It May Concern

**Re: Discharge of Conditions Submission re Planning Permission 4/22/2466/OF1  
Land adjacent to Border Yard, Coach Road, Whitehaven, CA28 9BXY**

Permission 4/22/2466/OF1 which proposed the redevelopment of the Site for residential purposes was granted by the LPA on 13 May 2024 subject to 23 conditions.

3 discharge of condition (DOC) applications were submitted in late 2025 and a subsequent non-material amendment (NMA) application in 2026, all of which were required to address pre-development conditions, and all were determined by the LPA on 11 August 2026.

The Applicant requested that the LPA determine these submissions by the 11 August to ensure the development could be lawfully implemented within a timeframe that ensured the funding for the development of the 35 new homes could be secured.

A late consultation response from the Environment Agency (EA) meant that it was not possible to fully satisfy the requirements of Conditions 5 and 7 although the NMA

enabled the development to be lawfully implemented and it was agreed with the LPA that a further DOC application would be made to address those elements of Conditions 5 & 7 for which the EA sought further information. These conditions are therefore the subject of this submission.

For consistency, all the relevant information submitted with the previous DOC application in respect of Conditions 5 & 7 has been resubmitted to ensure all elements of the respective conditions are addressed, even those to which statutory consultees have already confirmed their agreement.

The information below details the conditional requirements and the details which have been submitted to seek relevant discharge.

Condition 5 requires the following:

*'No development 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.'*

The following were submitted pursuant to 4/26/2016/DOC and have been resubmitted with this application:

- 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; and
- Email – 4th March 2026 - Subject: RE: App. Ref.. 4/26/2016/DOC - RECONSULTATION, LAND ADJACENT TO BORDER YARD, COACH ROAD, WHITEHAVEN.

The above documents have been resubmitted along with the following:

- V2 Prima Homes Group – Strategy and Methodology

The Strategy and Methodology document sets out a specific remediation strategy for controlled waters as requested in the consultation response from the EA dated 3 August 2026.

Condition 7 requires the following:

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*'No development 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.'*

The following were submitted pursuant to 4/26/2016/DOC and have been resubmitted with this application:

- 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.

The last of the documents referenced above, the Works Package Plan, had been submitted to the LPA as part of the previous DOC application however, as the

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Applicant had requested that the submissions were determined by 11 August, the EA had not had the opportunity to respond as to whether or not the information contained therein satisfied their requirement of a foundation piling risk assessment. This document is to be read in conjunction with the V2 Prima Homes Group – Strategy and Methodology in terms of the manner in which any contaminated groundwater / materials would be treatment and remediated.

We have reached out to the EA separately in order to try and ensure that any concerns they may have as to the proposed remediation methodology can be highlighted and addressed as soon as possible. As any input from the EA outside of the formal application process is considered via a separate work stream they have advised that the application be submitted and they will subsequently respond to all additional documentation. We have therefore requested that should the EA require additional information we are copied into their response to the LPA to help expedite the DOC process - the development cannot proceed further than site clearance and preparation until these conditions are satisfied and as the EA took over 6 months to respond to consultation on the previous DOC the Applicant is fearful that there could be further significant delay to this development.

We trust that the remainder of the elements of these conditions and the respective consultees remain satisfied by the information submitted as was the case with the previous submission of the same.

We trust that the enclosed information is acceptable to satisfactorily address the requisite conditions however should you require any further detail please do not hesitate to contact us.

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Yours faithfully

*Clare Bland*

Clare Bland BA (Hons) BTP MRTPI