

Copeland Borough Council
Development Control
The Copeland Centre Catherine Street
Whitehaven
Cumbria
CA28 7SJ

Our ref: NO/2020/113177/05-L01
Your ref: 4/20/2472/0F1
Date: 12 December 2024

Dear Sir/Madam

**REVISED FRA | RESIDENTIAL DEVELOPMENT FOR 115 DWELLINGS
LAND TO THE NORTH OF CLEATOR MILLS, CLEATOR, CA23 3AE**

Thank you for reconsulting us on the above application, received 27 November 2024.

Environment Agency position

We maintain our flood risk objection as set out in our previous letter referenced NO/2020/113177/04-L01 and dated 19 January 2024. Please also note that our objection on fisheries, biodiversity & geomorphology as outlined in our response dated 18 January 2021 (letter ref: NO/2020/113177/01-L03) still applies.

Flood Risk

In our letter referenced NO/2020/113177/04-L01 and dated 19 January 2024, we maintained our objection to the development as proposed in the absence of an acceptable flood risk assessment (FRA) and recommended that planning permission is refused. Please refer to our detailed comments for further information, if required. Our standing flood risk objection is based on the inadequacy of the FRA based on the failure to address the requirements of the second part of the Flood Risk Exception Test.

The previous consultation included a version 5 of the FRA and also a covering letter titled 'Planning App. Ref. 4/20/2472/0F1 - Land to the North of Cleator Mills, Cleator Amended Flood Risk Assessment', prepared by SRE Associates (Cumbria) Limited, (Referenced: SB/GCM; dated: 20 December 2023).

The letter and the FRA introduced the concept of a '*Recommended Development Area*' referring to an apparent parcel of land within the site area said to be in Flood Zone 1.

We said that assumptions about Flood Zone 1 could be erroneous, and we reminded the applicant that the published Flood Map for Planning shows the modelled exceedance flows from both the River Ehen and the Unnamed Drain Nr. Catholic Church combined at the site location. This indicated the Flood Zone 2 and 3 undefended extents and the 'natural flooding' that would occur without the presence of buildings or structures in the flood extents.

We said that, should the applicant wish to pursue their proposals and undertake further overland flood modelling from Unnamed Drain Nr Catholic Church, they do so at their own risk.

The application is now accompanied by a further iteration of a Flood Risk Assessment (FRA) prepared by RWO Associates Limited (referenced RO/FRA/RES/19002.1 version 6; dated 08/11/2024).

We have reviewed the FRA in so far as it relates to our remit, and our stance remains as before that we are not currently in a position to consider removing our objection for the following reasons:-

The FRA includes the conclusion that;

'It is proposed to only develop the site outside of the 1:1000yr modelled flood level. The River Ehen and Unnamed Watercourse have been modelled as per the request of the Environment Agency, with the modelling confirming the area of site which is not impacted by flood waters and therefore classified as Flood Zone 1.'

We cannot agree with this statement as this does not reflect the current Flood Map for Planning (FMfP) outputs, which show much of the site in Flood Zone 3. We have not carried out a detailed review of the modelling undertaken Aegaea Limited and have not been approached to do so.

For us to consider changing published information on Flood Zones, this would require a formal challenge to Flood Map for Planning (FMfP), and a detailed hydraulic model review and successful acceptance of the modelling undertaken. Only then would we consider making changes to FMfP.

This cannot be considered at the present time and the applicant should be aware that we have recently published updates to national flood and coastal erosion risk information. <https://www.gov.uk/guidance/updates-to-national-flood-and-coastal-erosion-risk-information>

The Environment Agency is publishing new national risk information for flooding and coastal erosion. This includes future scenarios accounting for climate change. We are focusing our resources on this area of our work and we plan to publish the following:

December 2024: A 'National assessment of flood and coastal erosion risk in England 2024' report - this report will use our new national flood risk assessment (NaFRA2) data and our updated National Coastal Erosion Risk Map (NCERM)

Early 2025: NaFRA2 'Risk of flooding from rivers and sea' and 'Risk of flooding from surface water' data on 'Check your long term flood risk' and available on data.gov.uk

Early 2025: an updated NCERM on Check coastal erosion risk for an area in England, Shoreline Management Plan Explorer and available on data.gov.uk

Spring 2025: NaFRA2 'Flood zone' data on 'Flood map for planning' and available on data.gov.uk

Therefore, all the information currently published could be subject to change and there is no merit in considering challenges to current published FMfP.

Temporary pause to regular updates of flood risk data

The Environment Agency update the flood risk information for rivers and sea every 3 months to reflect new local information. We have paused these regular updates in the lead up to publishing the new flood risk maps. This is to make sure that when we publish our improved maps, they are consistent with our current flood risk data. We are also using this time to focus on making the newer data as good as it can be.

We have paused updates to:

- Flood zones, on the Flood map for planning portal, which was last updated 1 November 2023
- Risk of flooding from rivers and sea, on the Check your long-term flood risk, which was last updated 6 December 2023

We plan to publish our new flood risk information by spring 2025. In mid-2025, we will resume regular updates of these maps every 3 months.

As per our previous letter, we advise that the application be withdrawn until new information is available and the application can be revised based on this basis.

If required, this could involve pre application detailed review of any updated hydraulic modelling undertaken by the applicant engineers, prior to considering any challenge to published data, if this would still be deemed necessary.

Yours faithfully,

Miss Soraya Moghaddam
Planning Advisor

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