

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

Our ref: NO/2025/116686/01-L01
Your ref: 4/25/2097/0F1
Date: 08 April 2025

Dear Mr Harrison

**FULL REFURBISHMENT OF VACANT INDUSTRIAL BUILDING TO OFFICES,
INCLUDING NEW WINDOWS AND DOORS ALONG WITH ANCILLARY EXTERNAL
WORKS TO SERVICE THE BUILDING.**

THE FLAXWORKS, MILL BUILDING 1, CLEATOR MILLS, CLEATOR

Thank you for consulting us on the above application, received 28 March 2025.

We note the application was registered 21 March 2025. You will be aware the Environment Agency is releasing new flood risk datasets, including updated Flood Zones, on Flood Map for Planning on 25 March 2025. To help LPAs and LLFAs transition to the new data, we committed to releasing the updated Flood Zones to them early. We released the data on 11 March 2025.

Area Environment Agency teams providing statutory planning consultation advice started using the updated Flood Zones in their advice from 11 March 2025. Any screening you undertake on planning application and any advice we now provide should not be based on the old Flood Zones.

The application is accompanied by a Drainage Report, produced by Kingmoor Consulting Ltd (referenced: 24-275r001B; dated: August 2024), which includes a Chapter titled 'Flood Risk Assessment' (FRA), on pages 3 and 4. However, this chapter refers to an FRA undertaken for another planning application on site, stating:- *'A detailed flood risk assessment has been conducted on the overall site and presented as part of planning application reference 4/22/2364/0F1. The report produced by UNDA indicates that the existing property is in a Flood Zone 2 location.'*

We do not consider this a satisfactory Flood Risk Assessment. Furthermore, the chapter refers to information that is now incorrect and obsolete.

You should be aware that Flood Zones have been updated in the study area and the

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Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
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www.gov.uk/environment-agency

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representation of flood risk, as referred to in the FRA and in the Drainage Report submitted, is now out of date and there has been some expansion of Flood Zone 3, particularly within the red line boundary. Therefore, the comments made in the FRA underestimates the modelled extent of fluvial flood risk.

Environment Agency position

Objection

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

Reasons

The application site lies within Flood Zones 2 and 3, which is land defined by the planning practice guidance as having a high to medium probability of flooding. The National Planning Policy Framework (paragraph 181, footnote 63) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development flood are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Guidance on how to prepare a flood risk assessment can be found at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

Our flood risk data packages (e.g. Product 4 package), which can be used to inform FRAs, can now be requested via the Flood Map for Planning service on GOV.UK: [Flood map for planning - GOV.UK \(flood-map-for-planning.service.gov.uk\)](https://www.gov.uk/flood-map-for-planning).

Alternatively, you may submit an information request by email to our local Customers and Engagement team at inforequests.cmbinc@environment-agency.gov.uk.

Advice to LPA/applicant

The Environment Agency is in the process of publishing new national flood and coastal erosion risk datasets. Some datasets have already been published with additional flood risk datasets, including updated Flood Zones and new climate change scenarios, due to be published on Flood Map for Planning on 25 March 2025. In due course we expect to make further datasets available, including flood depth information for rivers, sea and surface water. More information about our new data can be found in this Defra Data Services Platform announcement. Our planning advice will continue to be based on the best information available at the time. Further information is available on the Town and Country Planning Association website – [New national flood and coastal erosion risk information](https://www.townandcountryplanning.org.uk/news/new-national-flood-and-coastal-erosion-risk-information).

Environmental permit - advice to applicant

The River Ehen is a designated Statutory Main River.
The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Additional comments

Should the applicant re-consult us and overcome our flood risk objection, at that time we will provide additional comments in regard to groundwater and contaminated land.

Yours sincerely

Miss Soraya Moghaddam
Planning Advisor

Direct e-mail clplanning@environment-agency.gov.uk