

Ms Christie Burns  
Cumberland Council  
Development Control  
The Copeland Centre Catherine Street  
Whitehaven  
Cumbria  
CA28 7SJ

**Our ref:** NO/2024/115865/01-L01  
**Your ref:** 4/24/2037/0F1  
**Date:** 07 February 2024

Dear Ms Burns

**CHANGE OF USE FROM AGRICULTURAL TO COMMERCIAL STORAGE, TO MAKE  
A STORAGE YARD TO STORE AGGREGATES AND BUILDING EQUIPMENT.**

**STOUP DUB COTTAGE, HAWS LANE, HAVERIGG**

Thank you for consulting us on the above planning application.

**Environment Agency position**

We have no objection to the proposed development but we wish to make the following comments:-

**Flood risk**

The planning application is accompanied by a basic Flood Risk Assessment (FRA) prepared by JW Plant Solutions (dated 30 January 2024). We have reviewed the submitted FRA in so far as it relates to our remit and we consider that it is appropriate to the nature and scale of the change of use. We are therefore satisfied that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

The applicant, as owners of the existing property, will be aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

**Sequential test - advice to LPA**

We have not objected to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe

Environment Agency  
Ghyll Mount (Gillan Way) Penrith 40 Business Park, Penrith, Cumbria, CA11 9BP.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

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throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

### What is the sequential test and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 168), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test, which are consistent with the use for which the site was allocated.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

### Who undertakes the sequential test?

It is for you, as the local planning authority, to decide whether the sequential test has been satisfied, but the applicant should demonstrate to you, with evidence, what area of search has been used. Further guidance on the area of search can be found in the planning practice guidance [here](#).

### What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

### **Biodiversity Net Gain (BNG) – advice to applicant**

Applicants are encouraged to include biodiversity net gain (BNG) within their proposals. Paragraphs 180 and 185 of the National Planning Policy Framework (NPPF) recognise that the planning system should provide net gains for biodiversity. In England, providing

a minimum 10% biodiversity net gain in new development is becoming a legal requirement due to provisions within the Environment Act 2021. Applicants should have regard to the [latest planning practice guidance](#) on BNG in new development proposals.

Yours sincerely

**Hui Zhang**  
**Planning Advisor - Sustainable Places**  
e-mail [clplanning@environment-agency.gov.uk](mailto:clplanning@environment-agency.gov.uk)