

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

Our ref: NO/2020/113177/04-L01
Your ref: 4/20/2472/0F1
Date: 19 January 2024

Dear Sir/Madam

RESIDENTIAL DEVELOPMENT FOR 115 DWELLINGS

LAND TO THE NORTH OF CLEATOR MILLS, CLEATOR. CA23 3AE

Thank you for re-consulting us on the above planning application.

Environment Agency position

We maintain our flood risk objection as set out in our previous letter (ref: NO/2020/113177/03-L01; dated 11 August 2023). 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/2020/113177/03-L01 and dated 11 August 2023, we maintained our objection to the planning application referenced 4/20/2472/0F1 because of the Flood Risk Assessment (FRA) failed to satisfactorily address the requirements of the second part of the Flood Risk Exception Test. Our letter itemised the points and sections of the FRA that needed to be revised and improved. The draft FRA was issued in November 2020 and the document has been updated and revised on a piecemeal basis. The retention of the original document template with outdated references figures and data, much of which is no longer relevant detracts from providing coherent picture of flood risk.

We are now consulted on 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, Ref: SB/GCM and dated 20 December 2023.

The letter introduces the revised Flood Risk Assessment (FRA) prepared by RWO

Environment Agency
Ghyll Mount (Gillan Way) Penrith 40 Business Park, Penrith, Cumbria, CA11 9BP.
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Associates, referenced; RO/FRA/RES/19002.1 Version 5 and dated 28.11.2023.

The letter states that (with reference to the revised FRA):- *'this details a different approach to the proposed development with regards to the strategy regarding flood risk. It is now proposed to only develop the site outside of the 1:1000yr modelled flood level. This will be subject to further overland flood modelling from the unnamed watercourse to the northeast, once an agreement on the developable area has been reached considering flood risk from the River Ehen.'*

The letter goes on to say that *'we are aware that this will significantly reduce the developable area (and therefore the total number of units) and will require a full review and amended submission in due course. At this moment though we are just looking to receive some indication that the proposed strategy in the attached document is potentially acceptable.'*

It is not stated as to whom the author is looking to indicate that the 'proposed strategy is potentially acceptable'.

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. We would assume that the reason for reducing the developable is to address the exception test issues.

We have reviewed the revised V.5 of the FRA and consider that any flood risk issues arising directly from the River Ehen are now reasonably well understood and presented in the FRA. We are encouraged in principle with the proposal and agree with the proposal only to develop outside of the envelope of the 0.1% AEP modelled flood outline and level for the River Ehen.

This would also mean that any River Ehen flood risk specific comments as part of our reasons for objection are potentially no longer valid. However, this does not mean at this stage that we are satisfied that the FRA has addressed all the points we have raised, or that we are able to remove our objection at present.

The text and tables of your Cumbria Level 1 Strategic Flood Risk Assessment for Copeland Borough Council, Volume II - Technical Report, Final Draft Report, dated May 2018 currently identify the C14 site as a 3.82ha site, comprising 73.9% its area within FZ3a.

Section 5.5.2 (Strategic Recommendation B – Exception Test) of the SFRA goes on to say that *Strategic Recommendation B applies to eight potential development sites. Each of these more vulnerable sites will be subject to and must pass the second part of the Exception Test, assuming they have passed the Sequential Test and the first part of the Exception Test.*

And

Judging from the figures shown in Table 5-6, (in this case 73.9% of the site in Flood Zone 3a) it is highly unlikely that sites C14, MM4, MM9, SPN020, SPN021 and SPN050 would pass the second part of the Exception Test.

The LPA may wish to consider withdrawing these sites at this stage and therefore it is recommended to have pre-application discussions with the EA.

Section 6 of the revised V.5 FRA is titled 'Recommended Development Area' refers to a parcel of land in Flood Zone 1 and includes and extract from and Environment Agency Product 4 Flood Data set. The graphic indicates flooding from the River Ehen only, and not the Unnamed Drain Nr Catholic Church.

The above assumption about Flood Zone 1 may be erroneous, as there remains and acknowledged threat of flooding and a Flood Map for Planning Flood Zone constraint from the designated Main River- Unnamed Drain Nr Catholic Church, referred to as the 'unnamed watercourse' in the letter and the FRA. Flooding from this source alone presents potential problems for even the reduced developable area, if the developed area is impacted by the design flood event arising from Unnamed Drain Nr Catholic Church.

The Flood Map for Planning shows the modelled exceedance flows from the River Ehen and Unnamed Drain Nr Catholic Church combined at this location to indicate 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.

So, when the letter refers '*to It is now proposed to only develop the site outside of the 1:1000yr modelled flood level*' and '*a parcel of land in Flood Zone 1*', It is our understanding that this refers to the modelled flood extents arising from the River Ehen, but not Unnamed Drain Nr Catholic Church.

For the purposes of flood risk assessment, we agree that even based on the reduced developable area, it will be necessary for any proposals for the site to be subject to further overland flood modelling from the Unnamed Drain Nr Catholic Church.

While we would be happy to find agreement on the developable area considering flood risk from the River Ehen, were this to be the only source of fluvial flood risk, the solutions in this instance are not so simple, and we will not make assumptions, accept or predetermine any findings.

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.

It may be the case that the natural flooding that may occur on the site as it currently exists from Unnamed Drain Nr Catholic Church, is relatively shallow and short duration flooding, and is directed and contained by existing topography and features.

What we do not know and cannot be know at this stage, are the results of any site-specific baseline overland flood modelling study, or how any development proposed will interact with the nature of this flooding, either now or over the lifetime of the development.

Where there is an accepted modelled flood constraint, Flood Map for Planning will not show dry islands representing development platforms or individual properties. Therefore, there is a likelihood as discussed earlier the site will remain in Flood Zone 2 or 3 with all the attendant problems, including insurance related problems for those purchasing any houses that could be subsequently built in the flood risk area.

In light of all above, we would recommend the application be withdrawn to allow the applicant time to model the risk and revise the application.

Yours faithfully

Hui Zhang
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