

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

Our ref: NO/2024/116421/01-L01
Your ref: 4/24/2374/0F1
Date: 25 November 2024

Dear Ms Papaleo

INSTALLATION OF THREE TOTEM POLES TO BE INSTALLED ON THE RIVER TRAIL.

VARIOUS LOCATIONS TO THE EAST OF THE RIVER EHEN, EGREMONT

Thank you for consulting us on the above application, received 7 November 2024.

We have reviewed the application details in so far as it relates to our remit, and we are not satisfied with the failure to acknowledge flood risk.

Section 12 of the application form 'Assessment of Flood Risk' has marked 'no' in relation reference to Flood Map for Planning and Flood Zones 2 and 3. The Project Outline document (prepared by West Cumbria Rivers Trust) includes no reference or acknowledgment to flooding and policy requirements have not been addressed.

It has not therefore been demonstrated that the development would be safe without exacerbating flood risk elsewhere.

Environment Agency position

In the absence of a flood risk assessment (FRA), we have no option but to object to this application and recommend that planning permission is refused.

Reason

The application site includes areas within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions.

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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In its absence, the flood risks posed by the development 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>

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.

FRA sources of information – advice to applicant

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please contact inforequests.cmbinc@environment-agency.gov.uk.

Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found in the planning practice guidance including a checklist: <https://www.gov.uk/guidance/flood-risk-and-coastal-change#para80>

Yours sincerely

Miss Soraya Moghaddam
Planning Advisor

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

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