

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

Our ref: NO/2025/116686/02-L01
Your ref: 4/25/2097/0F1
Date: 28 May 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 re-consulting us on the above application, received 13 May 2025.

In our previous response referenced NO/2025/116686/01-L01 and dated 8 April 2025, we objected to the above application due to the absence of a Flood Risk Assessment (FRA).

The application is now accompanied by an FRA prepared by Kingmoor Consulting (referenced: 25-175r001B; dated: May 2025).

Environment Agency position

We wish to withdraw our objection, however we wish to make the following comments, and request that the conditions stated below are included within any subsequent planning approvals:-

Flood Risk

We have reviewed the FRA in so far as it relates to our remit and we are satisfied that a conservative approach has been applied and the recommended finished floor levels of 60.970m AOD for development would make it be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval.

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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Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Any remaining concerns we have are related to the lack of existing and proposed external works levels submitted with the application, and we would request the following condition be included on any planning approval to address concerns about ground raising and changes to flood routing in the flood risk areas.

Condition

The development hereby permitted must not be commenced until such time as a scheme to ensure no raising of ground levels has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason(s)

To ensure that there are no detrimental impacts to flood storage or flood flow routes

Additional comments – Climate change allowances

The table and reference to peak river flow climate change allowances in the FRA is incorrect. The correct peak river flow climate change allowance is the 30% Central Allowance for the South West Lakes Management Catchment peak river flow allowances as per the guidance and the peak river flow maps.

<https://environment.data.gov.uk/hydrology/climate-change-allowances/river-flow>

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.

Advice to LPA - Flood warning and emergency response

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do

not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. We agree that this indicates that there will be a danger to some people. This risk may increase on access routes in and out of the site and closer to the source of flooding, which may be the overtopping of defences from upstream, in combination with exceedance flows from the ordinary watercourse.

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services to confirm the adequacy of the evacuation proposals.

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.

Contaminated Land

We have reviewed the document titled 'Phase 1 Desk Study Report', prepared by Geo Environmental Engineering (referenced: 2023-5775; dated: 26.05.2023). The report references previous ground investigation and likelihood of contamination. The recommendation for further ground investigation to assess the nature of potential soluble contaminants in made ground within the conclusions of this report is supported.

Development of the car park and areas surrounding the existing concrete slab of the former textiles mill presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is adjacent to a high quality watercourse of the River Ehen and overlies a secondary A aquifer.

The application's desk study demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will

however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework

Yours sincerely

Miss Soraya Moghaddam
Planning Advisor

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