

27 January 2025

Environment Agency comments on Spelthorne Borough Council, Local Plan review- Strategic Flood Risk Assessment (SFRA) Level 1 and 2, October 2024 (Updated version).

Prior to the Spelthorne local plan Examination in Public (EiP), the Environment Agency (EA) has done a high-level review/assessment of the level 1 and 2 SFRA (October 2024 as published on Spelthorne Borough Council (SBC) EiP website November and December 2024 respectively. We recently became aware of the updated SFRA (October 2024).

The review/assessment is to identify any outstanding concerns as we previously raised in our letter of 7 October 2024. We note that our concerns have been largely addressed by Spelthorne Borough Council however we wish to highlight that we have not yet undertaken an in-depth assessment of the SFRA documents. The EA is happy to do so when required.

E3 Policy

We have no further comments to make on Policy E3. The most updated version is the one attached in the SoCG agreed between the EA and SBC in October 2024.

EA previous comments as in our & October 2024 letter in Grey and SBC actions in Red.

Level 1 SFRA Main Report

Action: As mentioned above there is no mention of Spelthorne's position where no detailed modelling is available in the SFRA level 1 in regard to functional floodplain (FZ3b). Please provide us with this information.

This has been addressed in section 3.2.14 of the SFRA Level 1 (October 2024) where it states "Where a watercourse does not have modelling available for the 1 in 30 year (3.3% AEP) flood event, a conservative approach should be applied and the extent of Flood Zone 3 used to define Flood Zone 3b, until such a time as modelling is available"

Action: There seems to be no reference to the SPD document in the SFRA Level 1 especially within section 6.2 (Access and Egress). This should be rectified. As we said, the SPD will safeguard the council's position, so production is essential before applications are made for the adopted allocated sites.

This has been addressed in section 6.2.10 of the SFRA Level 1 (October 2024) where it states "Spelthorne BC have committed to prepare a Supplementary Planning Document / Guidance or Supplementary Plan (as appropriate) on flood risk and safe access and egress"

Action: We previously suggested for the following to be paragraph (6.2.9) be removed but it has been retained. Are SBC comfortable that this supports planning policy mindful access and egress challenges highlighted in allocations and Level 2 SFRA?

"In exceptional circumstances, safe access above the 1% annual probability (1 in 100 year) flood level for river flooding and surface water flooding including climate change may not be achievable. In these circumstances the Environment Agency, Spelthorne BC and emergency planners should be consulted to determine whether the safety of the site occupants can be satisfactorily managed. This will be informed by the type of development, the number of occupants and their vulnerability and the flood hazard along the proposed egress route. For example, this may entail the

designation of a safe place of refuge on an upper floor of a building, from which the occupants can be rescued by emergency services. It should be noted that sole reliance on a safe place of refuge is a last resort, and all other possible means to evacuate the site should be considered first. Provision of a safe place of refuge will not guarantee that an application will be granted"

Paragraph 6.2.9 of the SFRA Level 1 (October 2024) has been amended as follows;
"The Environment Agency, Spelthorne BC and emergency planners should be consulted to determine whether the safety of the site occupants can be satisfactorily achieved. This will be informed by the type and vulnerability classification of the development, the number of occupants and their vulnerability and the flood hazard along the proposed egress route. It should be noted that sole reliance on a safe place of refuge is a last resort, and all other possible means to evacuate the site should be considered first. Provision of a safe place of refuge is not an adequate proxy for safe access and will not guarantee that an application will be granted"

We have no further comments.

Action: Section 1.1.3 needs to be updated as does the Executive Summary to state "... comments received during consultation with the Environment Agency between May 2023 and **October 2024**"

This has been addressed in section 1.1.3 of the SFRA Level 1 (October 2024)

Action: In section 7.3.6 We highlighted future updates and to refer to Updates to national flood and coastal erosion risk information - GOV.UK (www.gov.uk) for more information. There is no reference to this added to section.

This has been addressed in section 7.3.6 of the SFRA Level 1 (October 2024)

Advisory:

- Section 1.2.8 it states, ***"Where the Sequential and Exception Tests have been applied as necessary and not met, development should not be allowed"***. In our previous response we asked for an explanation on how this approach was applied for their allocated sites. Furthermore, in section 4.2 we asked for more information on how Spelthorne applied the sequential test as it was unclear if it was being updated. We have not seen this amended document as of 4 October 2024.

SBC have now produced a sequential test and exception test document and should refer to it in this section.

Actions completed so no further action required:

- In our previous response we felt that the PPG 042 had not been interpreted correctly. In this version of the SFRA, section 3.2.35 has been amended to now read as ***"In accordance with the PPG (paragraph 042) residual flood risk should be minimised using each stage of the planning process (avoid, control, mitigate). Measures to manage any remaining residual risk need to be designed to avoid internal flooding from residual risk from flood risk management infrastructure wherever possible and ensuring people are not exposed to hazardous flooding, irrespective of the development's vulnerability classification"***.

Level 2 SFRA Main Report

- **Action:** As mentioned above there is no reference to the SPD and that for some sites developers should refer to the document.

There seems to be no emphasis in the SFRA level 2 that the allocated sites which with access and egress constraints cannot be brought forward until the SPD is in place.

Currently, in Table 3.2 and section 3.3.4 it mentions for some sites ***“Before planning permission can be granted on this site for residential use (or other use at similar vulnerability), it will be required to be demonstrated that safe access and egress (dry, or at Low hazard) is provided for occupants, to an area outside the floodplain during the design flood event (1% AEP), including an allowance for climate change. The plan for safe access and egress (dry, or Low hazard) will be developed in consultation with the Lead Local Flood Authority (Surrey CC) and Emergency Planning teams”***

As mentioned, the only reference to a SPD is in the E3 policy as a footnote. There is no date when the SPD will be ‘finalised’, but we note that there is mention that is proposed to be finalised after the local plan is adopted.

This has been addressed, and the SPD is now referenced in Table 3.2 and sections 3.3.4 to 3.3.6 of the SFRA Level 2 (October 2024).

- **Action:** In Table 3.2, the site (ST4/025) for Land at Coppermill Road has a blank section under local plan period. Please can Spelthorne confirm when in the plan this site will be delivered?

This site delivery period has been confirmed as being within plan years 11 to 15.

- **Action:** We note in Table 3.2 that some sites it states they will be delivered on years 1-5 of the plan – is this still correct as some require an SPD to be in place e.g. ST1/037?

SBC confirmed on a call with the EA (on 24 January 2025) that this is a Council owned site and therefore the LPA is aware of the need to have the necessary measures in place regarding ‘safe’ access and egress prior to site development. The LPA are also committed to producing the SDP soon after the adoption of the local plan. This site delivery period has been confirmed as being within plan years 1 to 5.

Advisory:

- SBC should include all sites (which includes - Land at Staines and Laleham Sports Club, Worple Road, Ashford Community Centre, Woodthorpe Road, Land at Coppermill Road, Coppermill Road) that have been identified with access and egress constraints within the SPD document.

Though advisory is still outstanding.

- Has there been any discussions with Emergency Planners and LLFA regarding sites where there are access and egress constraints? Please include the details of the discussions and outcomes in the SFRA and also the SPD.

Though advisory is still outstanding. SBC should include this information in the SPD.

Actions completed so no further action required:

- We note that the 2 sites which we previously highlighted (ST4/002 and ST4/010) have now been removed from the site allocation and local plan. The SFRA Level 2 confirms that 5 sites are no longer being considered.

Appendix B of Level 2 SFRA

Action: As previously mentioned, there is no reference to SPD for sites with access and egress constraints.

Within appendix B, under the site-specific recommendations additional text has now been added *"Spelthorne BC have committed to prepare a Supplementary Planning Document / Guidance or Supplementary Plan (as appropriate) on flood risk and safe access and egress"* for the following sites - SH1/15 (Shepperton Youth Centre), SH1/010 (Shepperton Library), SH2/003 (Shepperton Delivery Office), ST1/028 (Leacroft Centre), ST1/037 (Thameside House), ST4/004 (96-104 Church St), ST4/009 (Elmsleigh Centre), ST4/019 (Debenhams), ST4/023 (Two Rivers), ST4/024 (Travelodge), ST4/025 (Coppermill Rd), ST4/026 (Communications House), ST4/028 (William Hill), ST4/010 (Riverside) and ST4/002 (Hanover House).

It must be noted that ST4/010 and ST4/002 refer to an SPD but they have been confirmed as being removed from the local plan.

In the site-specific recommendations it also states that the site will not be available for development until Years X. For example, for SH1/015 it states *"this site will not be available for development until Years 11-15 of the Local Plan period to allow time for the provision of a safe route of access and egress"*. However, for site ST4/025 there is no such wording for this site. This site is currently in Year 11-15 of the plan. ST1/037 also does not include such wording, however following discussions with SBC it will be in Year 1-5. Can this be added to the document.

Action: We note that for some sites e.g. ST1/037 now has wording added in the site-specific recommendations regarding significant infrastructure. Suggested wording below:

"Any residential development on the site will be subject to providing safe access (dry, or Low hazard) for occupants to an area outside the floodplain during the design flood event (1% AEP) to include climate change.

~~Significant infrastructure (would need to be in place to reduce the risk and ensure a safe access and egress can be provided and maintained during flood events~~

Any necessary infrastructure to be provided by the developer to facilitate safe access and egress must be in place before any built development can commence on the site or in accordance with a timetable to be agreed with the Local Planning Authority, (and secured by a legal agreement to ensure the infrastructure to be provided on the site and be part of the allocation for its lifetime)."

The following sites in Appendix B have now been updated to state; *"Spelthorne BC have committed to prepare a Supplementary Planning Document / Guidance or Supplementary Plan (as appropriate) on flood risk and safe access and egress"*.

Action: We note that on some of the maps, the proposed access route is not shown e.g. SH1/015. For consistency, this should be provided for those allocated sites.

This has been addressed on the hazard maps for SC1/006, RL1/011, ST1/031, ST3/004, ST3/012, ST3/014, AT1/012, ST1/037, ST4/009, SH1/010, SH1/015, SH2/003, ST4/004, ST4/019, ST4/023, ST4/024, ST4/028, ST1/028, ST4/010, ST4/026, ST1/029, ST1/030, ST4/002, ST4/011 and on a Depth Map for ST4/025.

Action: Where the sites have an element of flood risk which could impact access and egress arrangements within their site boundary this should be considered. For example, site AT1/012 acknowledges the level of flood risk within the boundary but access and egress/hazard description starts offsite (Appendix B).

This has been addressed. Site AT1/012 has now been updated, the Access/Egress Route Summary section now states, *"The site is at Low to Moderate hazard"*. SBC may want to check other sites also reflect what the hazard is within site boundary.

No further action required:

- We note that for some sites in the Appendix B it specifies when sites can be delivered e.g. ST4/009 which states ***"The site will not be available for development until Years 11-15 of the Local Plan period to allow time for provision of a safe route for access and egress"***
- We note that a section has now been added for the appendix B document called ***"access/egress route summary"*** for some sites (Group 5 -SC1/006, RL1/011, ST1/031, ST3/004, ST3/012, ST3/014), (Group 6 -AT1/012), (Group 7 – ST1/037, ST4/009), (Group 8 -SH1/010, SH1/015, SH2/003, ST4/004, ST4/019, ST4/023, ST4/024, ST4/025, ST4/028), (Group 9 – ST1/028, ST4/010, ST4/026) and (Group 10 – ST1/029, ST1/030, ST4/002, ST4/011)
- We note that the appendix B has been updated in that the status has been updated for the 2 sites no longer being considered and have been removed from the local plan – ST4/002 and ST4/010

27/01/25

Environment Agency comments on Spelthorne Sequential Test and Exception Test Statement.

1. Background and National Policy

- 1.1. **[Action - administrative]** This document refers to an older version of the NPPF (pre-September 2023). The document refers to the older paragraphs 159-165. The latest update was 12 December 2024 with the new paragraphs now being 170-182. [Reference [National Planning Policy Framework - 14. Meeting the challenge of climate change, flooding and coastal change - Guidance - GOV.UK](#)]

- 1.2. **[No Action]** No comment as using wording from Paragraph 174 of NPPF

- 1.3. This paragraph states; *"The sequential approach is a decision-making tool designed to ensure that sites at little or no risk of flooding are developed in preference to sites at higher risk. The subsequent application of the Exception Test, where required, will ensure that new developments in flood risk areas will only occur where flood risk is outweighed by other sustainability drivers."*

We appreciate that SBC have referred to texts within the section on 'the sequential approach to the location of development' in the PPG. However, the differences between sequential approach and Sequential Test should perhaps be clarified in this paragraph. At the initial stage of plan making/production, the 'sequential approach' to selecting 'areas' within the Borough which will be suitable for development is adopted. Following this the Sequential Test which is a decision-making tool used to rank and select the sites taking all sources of flood risk into consideration is undertaken. This exercise informs and justifies the suitability of sites allocated for development within the Borough. At the site development stage, again a risk-based approach which ensures development on the site is not located in areas at high risk of flooding from all sources is used when designing a site for any proposed development. We refer you to Paragraph: 023 Reference ID: 7-023-20220825] of the PPG for further information. In that regard, the paragraph should perhaps read;

The Sequential Test is a decision-making tool designed to ensure that sites at little or no risk of flooding are developed in preference to sites at higher risk. The subsequent application of the Exception Test (which involves the use of the sequential approach to design on site), where required in relation to any site development, will ensure that new developments in flood risk areas will only occur where flood risk is outweighed by other sustainability drivers."

It may also be useful to include a story line about how SBC have approached the Sequential Test exercise during the making/preparation of the plan.

- 1.4. **[Action – administrative]** There is missing word at the end of the sentence, possibly formatting as Table 1 is referred as bullet point 1.5. It may be worth adding Annex 3 to the sentence and perhaps make it clear it is referred to as Table 1 within this document as you have done under bullet point 1.6.

- 1.5. **[Action – administrative]** it appears that this may be a continuation of bullet point 1.4.
- 1.6. **[Advisory]** it may be worth stating in the sentence “Diagram 1: Taking flood risk into account in the preparation of strategic policies [Ref Paragraph: 007 Reference ID: 7-007-20220825]
- 1.7. **[Advisory]** it may be worth stating in the sentence “Diagram 2: Application of the Sequential Test for plan preparation” [Paragraph: 026 Reference ID: 7-026-20220825]
- 1.8. **[Advisory]** may wish to amend to say instead of stating incompatibility matrix in PPG Table 2 to state instead “Table 2: Flood Risk Vulnerability and Flood Zone ‘incompatibility’ [ref Paragraph: 079 Reference ID: 7-079-20220825].

[Action – administrative] – Table 1 – Water Compatible Development is shown as a bullet point rather than a heading like other type of developments.

- 1.9. **[Action – administrative]** The paragraph refers to both Runnymede and Spelthorne. SBC confirmed on a call with the EA (on 24 January 2025) that this paragraph has been corrected.
- 1.10. **[Action – administrative]** The paragraph refers to Runnymede rather than Spelthorne. SBC confirmed on a call with the EA (on 24 January 2025) that this paragraph has been corrected.
- 1.11. **[No Action]** No comment
- 1.12. **[No Action]** No comment
- 1.13. **[No Action]** No comment

SBC confirmed on a call with the EA (on 24 January 2025) that there have been some amendments made to paras 1.11 to 1.13.

- 1.14. **[Action – administrative]** There is no mention to the Colne and Ash modelling being assessed for the relevant sites. This should be mentioned.
- 1.15. **[Advisory]** Suggest adding PPG Table 1: Flood Zones [Ref: Paragraph: 078 Reference ID: 7-078-20220825]. Advisory, please note the proposed changes coming shortly (NaFRA2)

2. Sequential Test Statement

- 2.1. **[Action – administrative]** The sentence stops after “Table 5 through to....” we believe it continues into para 2.2
- 2.2. This paragraph states “*Table 14 present the sites in groups with increasing risk of flooding from all sources. The tables contain justification for those sites that have not*

been taken forward in the Local Plan. Sites that have been put forward in the Local Plan are highlighted in bold along with the number of units and an indicative plan period for delivery.” Are the tables intended to be a paper trail/repository/record for all sites being considered by SBC, including those put forward into the local plan chapter 10? If that is the case, SBC should state that this table of sites is for record purposes and may wish to link this to the narrative to be provided in paragraph 1.3 regarding how they have selected the sites in Chapter 10 of the emerging local plan.

- 2.3. **[Action – administrative]** We notice the headings for Table 4, are similar to the Level 2 SFRA with one exception - Table 12 states primarily in Flood Zone 1 and 2... but in the Level 2 SFRA it did not have this mentioned. Please can you amend the SFRA to reflect the description in the Sequential Test document.
- 2.4. **[Advisory]** This paragraph states, *“Of the sites at lowest risk of flooding, whether on brownfield or greenfield land, there is capacity for 629 dwellings (sites highlighted in bold in Table 5 and Table 6)”* May be worth expanding to total (cumulative) number of units of the number of units for both Tables 5 and 6. Maybe apply to the other figures quoted in this sentence.
- 2.5. **[No Action]** No comments
- 2.6. **[Advisory]** May want to add “number of sites” highlighted in bold in Table 11 and similarly for Table 12.
- 2.7. **[Advisory]** In Table 13, is the Riverside Carpark, marked red because it was removed from plan if so may want to add a line to explain this – like SBC has done for Table 15.
- 2.8. **[Advisory]** In Table 14, there are 4 sites marked red we assume this is because it was removed from plan if so may want to add a line to explain this. – like done for Table 15
[Action – administrative] the sentence stops at *“sites highlighted in bold from...”* but suspect it continues on bullet 2.9
- 2.9. **[Action – administrative]** It appears that may be a continuation of bullet point 2.8
- 2.10. This paragraph states: *“All the sites highlighted in bold in Table 5 through to Table 14 are considered to pass the Sequential Test, as there are no available alternative sites at lower risk of flooding in Spelthorne.”* It would be useful for SBC to refer the reader here to the methodology for site selection or to section 1.3 (following the required update).
- 2.11. **[No Action]** No comment

3. Exception Test

- 3.1. **[No Action]** No comment
- 3.2. **[Action – administrative]** This paragraph states *“This Test requires two additional elements to be satisfied (as set out in paragraph 170 of the NPPF) before allowing*

development to be allocated.” This is now mentioned in paragraph 178 of the NPPF (updated in December 2024). We ask that SBC amend this paragraph.

- 3.3. **[No Action]** No comment
- 3.4. **[Action – administrative]** Formatting – reference to Table 14 is on the next page
- 3.5. **[No Action]** No comment as quoting PPG wording under paragraph 36.
- 3.6. **[No Action]** No comment as relates to 12 SA objectives
- 3.7. **[No Action]** No comment
- 3.8. **[No Action]** No comment
- 3.9. **[No Action]** No comment
- 3.10. **[No Action]** No comment
- 3.11. **[No Action]** No comment as wording has been taken from the SFRA Level 2 for sites within the design flood extent.
- 3.12 to 3.17 **[Action – administrative]**
These paragraphs relate to access considerations for certain sites. It appears some of the wording is from the SFRA level 2 (October 2024). However, in this section of the ST document there is no reference to SBC to prepare an SPD on flood risk and safe access and egress. SBC should add reference to SPD in this section.
- 3.18 **[No Action]** Relates to requirements for surface water and groundwater management which has been taken from SFRA Level 2. No comments

4.0 Summary

- 4.1. **[No Action]** No comment
- 4.2. **[Advisory]** suggest additional wording as mentioned in 2.4
- 4.3. **[No Action]** No comment
- 4.4. **[Advisory]** suggest additional wording as mentioned in 2.6
- 4.5. **[Advisory]** suggest adding “three sites in Staines (highlighted in Table 13)” to make it clear - We believe SBC are referring to the following sites: Leacroft, Riverside and Communications House. It must be noted that Riverside has been removed from the local plan.
- 4.6. **[Advisory]** suggest adding “four sites in Staines (highlighted in Table 14)” to make it clear - we believe SBC are referring to the following sites Surrey CC buildings, Fairways Day Centre, Hanover Car Park and Thames Lodge. These have been removed from the local plan.

4.7. Please refer to our comments under paragraph 2.10.

4.8. **[No Action]** No comment

4.9. **[Advisory]** Refers to PPG Table 2, do you also want to refer to Table 3 which it is labelled as within document?

4.10. **[Action – administrative]** It refers to para 31 of the PPG but the footnote is missing a digit (ref Paragraph: 031 Reference ID: 7-031-20220825) and the sentence refers to NPPF 164 for Exception Test but should be 178 instead.

4.11. **[No Action]** No comments

4.12. **[No Action]** No comment as confirms sites which have been removed from the local plan.

4.13. **[No Action]** No comment

4.14. **[No Action]** No comment

4.15. **[Advisory]** SBC may want to add a line to say that whilst the Table 15 summarises the sites that require the Exception Test, it also shows that some sites failed to meet the Exception Test and were no longer put forward in the local plan. These sites are referenced in 4.12 which are ST4/010, ST4/002, ST4/011, ST1/029 and ST1/030

4.16. **[No Action]** No comment

4.17. This paragraph states; *“4.17 The potential effect of a combination of multiple benefits resulting from development of the proposed, appraised sites are considered to demonstrate that Part 1 of the Exception Test is met. 4.18 It therefore remains for proposals on these sites to pass Part 2) of the Exception Test i.e., the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”*. This appears to refer to this requirement of the Exception Test as in the NPPF (178 a) – *“the development would provide wider sustainability benefits to the community that outweigh the flood risk.”* This aspect relies on the planning balance. Could this be clarified further?

4.18. This paragraph states: *“It therefore remains for proposals on these sites to pass Part 2) of the Exception Test i.e., the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”* We assume SBC imply here that all selected and allocated sites as in the adopted plan will have to pass the Exception Test part b (NPPF b). SBC should refer to the fact that the SFRA and Policy E3 ensures this.

4.19. **[Action]** Whilst the paragraph refers to SOCG where it states *“will not be available for development until a safe route for access and egress can be provided and maintained during the design flood event (1% AEP including climate change”* we would advise that reference to SPD is mentioned in the Sequential Test document for completeness.

4.20. **[No Action]** No comments as it states no increase in built footprint

Tables in the document have been compared with the Level 2 SFRA, and we note some discrepancies

- **[Advisory]** The headings for Tables 7 and 9 have slightly different headings to the Group 3 and 5.
- **[Advisory]** We note that some sites, the % breakdown figures for flood zones in the tables differ to the SFRA level 2 due to them appearing to have been rounded up.
- **[Query]** SE1/025 has a different number of dwellings proposed in ST document to the SFRA level 2. Please can SBC confirm which is correct?
- **[Query]** There are some sites where the local plan period (Yrs) differ between the ST document and the SFRA level 2 e.g. HS1/02b, SH1/010, ST4/019 etc. Please can SBC confirm which are correct?
- **[Query]** There are some sites where the % breakdown figures for the Flood Zones in ST document does not match the SFRA level 2 main report e.g. ST4/004, ST4/019. Please can SBC check and confirm which is correct?

[Query] Whilst comparing the SFRA and ST document we note that in the list in the SFRA level 2 main report SE1/003 has the wrong name – it is currently labelled as Builders Yard but we believe it should be 77 Staines Road. We also note that the % for each of the Flood Zones for the site RL1/011 appear incorrect.

[REDACTED]

From: Montford, Judith [REDACTED]
Sent: 27 January 2025 18:45
To: Robinson, Jane [REDACTED]
Cc: Hyde, Natalie [REDACTED]; Read, Nick [REDACTED]
Subject: EaAComments: Sequential Test and Exception Test, SFRA Level 1 and 2 (high level review)
Importance: High

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Hello Jane

Please find attached our comments on the;

- Spelthorne Sequential Test and Exception Test statement/document
- The SFRA level 1 and 2 October version

We do not have major concerns with the Sequential Test and Exception Test Statement/Document. The majority are administrative changes and the need for you to provide clarity on a few issues.

We have only done a high-level review of the SFRA Level 1 and 2. This is so you have something before the Hearing but there appears not to be major concerns. We could acknowledge the SFRA is a live document and any additional comments could be applied as part of the plan making process.

We have not been able to review the IDP particularly section 13. We will do a review of this in due course and send you comments.


Thank you and see you tomorrow.

Many thanks
Judith

Judith Montford

Sustainable Places | Thames Area

Environment Agency | Red Kite House, Howbery Park, Benson Lane, Crowmarsh, OX10 8BD



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