


morgan tucker
consulting engineers

INVESTORS IN PEOPLE

FLOOD RISK ASSESSMENT
LAND AT HALLSTEADS, DOVEHOLES, DERBYSHIRE
-
JALO ENTERPRISES CO. LTD

JALO ENTERPRISES CO. LTD.

PROPOSED RESIDENTIAL DEVELOPMENT

LAND TO REAR OF HALLSTEADS, DOVE HOLES, DERBYSHIRE

FLOOD RISK ASSESSMENT

NOVEMBER 2012

MT/NWK/VRG/1345

Version	Detail	Prepared by	Checked by	Issued by
FINAL	CLIENT ISSUE 4	V ROSS-GILMORE	P WALKER	V ROSS-GILMORE
	SIGNATURE			
	DATE	NOVEMBER 2012	NOVEMBER 2012	NOVEMBER 2012

Morgan Tucker Ltd
65 Northgate
Newark
Nottinghamshire
NG24 1HD

Tel 01636 610766
http://www.morgantucker.co.uk

CONTENTS

APPENDICES

1 INTRODUCTION

1.1 Morgan Tucker Ltd has been commissioned by Jalo Enterprises Co. Ltd. to prepare a Flood Risk Assessment (FRA) to support an outline planning application for residential development at Land to rear of Hallsteads, Dove Holes, Derbyshire.

1.2 The development site is located on vacant fields.

1.3 The Environment Agency Flood Map indicates that the development site is located within Flood Zone 1, i.e. land having a 1 in 1,000 annual probability of river flooding (0.1%).

1.4 Central Government has placed increasing priority on the need to take full account of the risks associated with flooding at all stages of the planning and development process. This seeks to reduce the future damage to property and the risk to life from incidents of flooding. Guidance is contained in the National Planning Policy Framework (2012), Section 10 'Meeting the challenge of climate change, flooding and coastal change'.

1.5 Local Plans should be supported by strategic flood risk assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards.

1.6 A site-specific flood risk assessment is required for:

- proposals of 1 hectare or greater in Flood Zone 1
- all proposals for new development in an area within Flood Zone 1 which has critical drainage problems (as notified by the Environment Agency)
- all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3
- where proposed development or change of use to a more vulnerable class may be subject to other sources of flooding.

1.7 **Table 1** below summarises the three flood risk zones

Flood Zone Category	Risk of Flooding (AEP)	Probability of Flooding
1	River, tidal & coastal: less than 0.1%	Low
2	River: 0.1 – 1.0% Tidal & coastal: 0.1 – 0.5%	Medium
3a	River: 1.0% or greater Tidal & coastal: 0.5% or greater	High
3b	River: 5.0% or greater	Functional Flood Plain

Table 1 – Flood risk and Flood Zone

1.6 A site-specific flood risk assessment should be produced to determine the risks of flooding at a development site and/or the likely impact on neighbouring sites or receiving watercourses from increased site runoff or drainage. As such a FRA is an essential element in the overall assessment of the economic viability of the development as well as its acceptability in planning terms.

1.8 The Technical Guidance to the National Planning Policy Framework (2012) divides land use into five classifications;

- essential infrastructure e.g. essential transport infrastructure and utility infrastructure, wind turbines
- water compatible e.g. docks, marinas and wharves, amenity open space
- highly vulnerable e.g. caravans, mobile homes and park homes intended for permanent residential use
- more vulnerable e.g. hospitals, residential institutions, dwelling houses
- less vulnerable e.g. shops, land and buildings used for agriculture

1.9 **Appendix A** contains further information regarding flood zones and classification of vulnerability. The development proposal is categorized as a less vulnerable development.

1.8 The following land use categories are appropriate in each Flood Zone as summarized in **Table 2** below:

Flood Risk Vulnerability Classification	Essential Infrastructure	Water Compatible	Highly Vulnerable	More Vulnerable	Less Vulnerable
Zone 1	√	√	√	√	√
Zone 2	√	√	Exception Test required	√	√
Zone 3a	Exception Test required	√	x	Exception Test required	√
Zone 3b	Exception Test required	√	x	x	x

Table 2 – Flood Risk Vulnerability and Flood Zone Compatibility

1.9 Flooding can arise from a range of causes; from rivers and seas, directly from rainfall, from rising groundwater, overwhelmed sewers and drainage systems. **Table 3** below shows the possible risk of flood at the development site, as assessed from site observation and consultations, and flood levels advised by the Environment Agency.

Source / Pathway	Low / Medium / High Risk	Comment / Reason
Fluvial	Low	The northern development site boundary is passed by the nearest watercourse (Black Brook).
Tidal / Coastal	Low	
Pluvial (Urban Drainage)	Low	
Groundwater	Low	
Overland Flow	Low	
Blockage	Low	
Infrastructure Failure	Low	
Rainfall Ponding	Low	

Table 3 - Possible Flooding Mechanisms

2 SITE DESCRIPTION

2.1 Site Location

2.1.1 **Figure 1** below confirms the approximate boundary of the development site, and location within the context of the surrounding area (for further details and an accurate plan of the site please see the planning application, location plan, and other supporting plans):

Figure 1 – Location of Development Site (Source: Google 2012)

2.1.2 The development site is accessed from the A6 Hallsteads. The A6 connects to Station Road and Dale Road in the village of Dove Holes to the south of the development site, then continues on to the town of Buxton where it connects to the A53. The A6 then continues through Derbyshire passing through the towns and villages of Bakewell, Matlock, Matlock Bath, Belper amongst others, before reaching Derby and terminating. To the north of the development site, the A6 connects to the A623, A624 and B5470 at the town of Chapel-en-le-Frith. The A6 then continues to Stockport, Manchester where it terminates.

2.2 Previous Use

2.2.1 The development site is located on vacant land.

2.3 Planning History / Policy

2.3.1 Research into the planning history for land to the rear of Hallsteads site has ascertained that the site has not had any recent planning applications. There have been a number of planning applications made for neighbouring properties on Hallsteads e.g. new dwelling house, garage, extension, and conservatory.

2.3.2 High Peak Borough Council is currently preparing its local development framework, as there are many similar issues and challenges facing the two areas, Derbyshire Dales District Council and High Peak Borough Council have decided to prepare a Joint Core Strategy for the area for which they are the planning authorities. The area covered by the Core Strategy excludes the Peak District National Park, who are a separate local planning authority responsible for preparing their own Core Strategy. The Core Strategy plan period will cover the period up to 2026 and when adopted will supersede many of the policies contained in the local plan.

2.3.3 To reflect the change to the planning system, the council is now preparing a Local Plan as an alternative to the Core Strategy. Like the Core Strategy, the new High Peak Local Plan will provide strategic planning guidance on matters such as housing, employment, the natural and historic environment, transport and retail. In addition, the new High Peak Local Plan will also include details of specific sites identified for future development or protection. The new Local Plan went out to public consultation September - October 2012, with a consultation on the Local Plan preferred option due February/March 2013. The new Local Plan will cover the period from 2006 to 2028.

2.3.4 In addition, High Peak Borough Council currently uses the old Local Plan (adopted in March 2005). Policy 76 CF10 Renewable Energy states ‘Planning Permission will be granted for renewable energy development, provided that: the benefits of the renewable development outweigh any adverse impacts; and the proposals demonstrate that any harm to the environment or local amenity either individually or cumulatively is minimised and can be kept to an acceptable level. In all cases consideration will be given to the impact of proposals on

- the environment and local amenity

- the appearance of the landscape
- flora, fauna and other nature conservation interests
- noise, shadow flicker and vibration levels including electromagnetic interference;
- air and water quality
- features and areas of natural, cultural, historical and archaeological interest
- the reduction of the emissions of greenhouse gases and the wider social and economic benefits of a proposal'.

2.4 Development Proposals

2.4.1 The planning application is outline with all matters reserved for housing. The site area is 4.05 hectares. It is thought that this site could accommodate approximately 58 dwelling houses

2.4.2 The new dwellings and associated infrastructure, such as access roads, will result in an increase to the site's impermeable area. It is proposed that this will be discharged to infiltration drainage systems designed in accordance with BRE 365 and/or swales utilising Sustainable Urban Drainage Systems (SUDS) techniques.

3 FLOOD RISK

3.1 High Peak Borough Council Strategic Flood Risk Assessment

3.1.1 The High Peak Borough Council Level 1 Strategic Flood Risk Assessment was prepared by Halcrow Group Ltd on behalf of the council, and was published in September 2008. The report assesses flood risk from all sources of flooding and assists with the sustainable development and planning spatial allocations.

3.1.2 The Level 1 SFRA contains an assessment for the borough based on EA flood zones and other information from High Peak Borough Council, various water companies and the Environment Agency.

3.1.3 The study area comprises High Peak Borough Council's administrative area which is outside the area of the Peak District National Park. The plan area falls in two separate sections; the north western side of the Borough, including Glossop, Gamesley and much of Tintwistle; and the western and south western side of the Borough, including New Mills, Hayfield, Whaley Bridge, Chapel-en-le-Frith and Buxton.

3.1.4 The plan area of High Peak Borough Council drains into two major river catchments. The northern and central parts of the plan area drain into the Goyt and Etherow catchments, which ultimately drain into the River Mersey. The southern part of the plan area drains into the River Wye catchment, which ultimately drains into the River Trent.

Nearest Watercourse

3.1.5 The nearest watercourse is the Black Brook (a tributary of the River Goyt) which passes the northern boundary of the development site.

3.1.6 The River Goyt is a major watercourse in the study area and there are three main tributaries of the River Goyt: River Etherow, River Sett and Black Brook, all of which drain into the Goyt from the High Peak Borough area. The total area of the River Goyt and Etherow catchments is approximately 365km2.

3.1.7 The Main River section of Black Brook forms the boundary of the Borough with the Peak District National Park area for approximately 1.8km, flowing in a northerly direction. To the west of Chapel-en-le-Frith, an unnamed drain enters the Black Brook from the west. Black Brook then flows in a westerly direction along the north western side of Chapel-en-le-Frith.

Flood Risk Potential

3.1.8 There have been no historic flooding events from fluvial pathways or sources in the vicinity of the development site.

3.2 Environment Agency

3.2.1 The Environment Agency has indicated that the development site is not at threat of flooding. **Figure 2** refers:

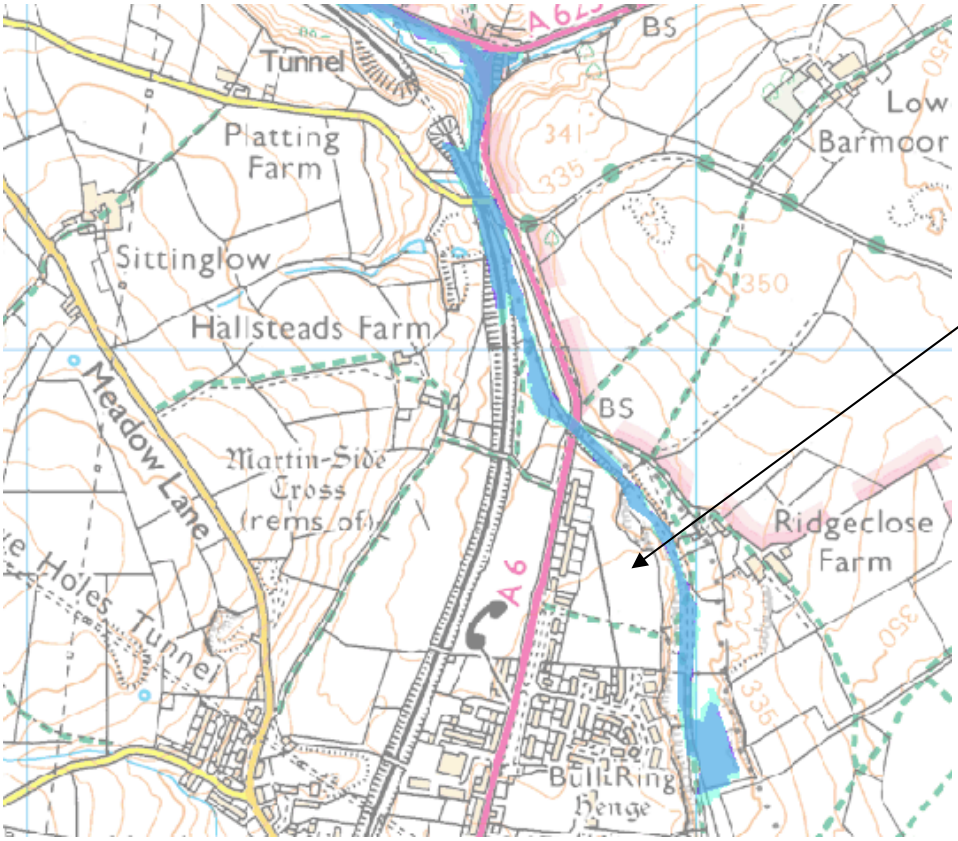


Figure 2 – Location of nearest Watercourses
(Source: Environment Agency Website 2012)

3.2.2 The information provided by the Environment Agency website identifies that Black Brook passes the northern boundary of the development site.

3.2.3 The Environment Agency Flood Map indicates that the development site is located within Flood Zone 1. Residential Development is categorised as 'more vulnerable' development, and this is an appropriate use in Flood Zone 1.

3.2.4 This Flood Risk Assessment has been developed based on information provided by the Client, and the SFRA. Further information is included in **Appendix C**.

4 SEQUENTIAL & EXCEPTION TESTS

4.1 The Environment Agency Flood Map indicates that the development site is categorised as Flood Zone 1, therefore there is no requirement for a Sequential Test or Exception Test.

5 MITIGATION MEASURES

5.1 Flood Risk

5.1.1 The Environment Agency Flood Map and information gathered through site investigations and other enquiries suggest that the site is located within Flood Zone 1, an area which has a low probability of flooding i.e. land having a less than 1 in 1000 year annual probability of river flooding in any year (0.1%).

5.2 Surface Water Drainage Strategy

5.2.1 The standard requirement for the Environment Agency is that the drainage flow from the developed site in a 1 in 100 yr Event (+ an allowance for Climate Change) does not exceed the existing Greenfield run-off rate.

5.2.2 The development proposal consists of approximately 58 dwelling houses and associated infrastructure, such as access roads

5.3 Proposed Surface Water Drainage Methodology

5.3.1 In accordance with Part H of the Building Regulations (Rainwater Drainage, H3);-

> *"….(3) Rainwater from a system…..shall discharge to one of the following, listed in order of priority:*
> *(a) An adequate soakaway or some other adequate infiltration system; or, where that is not reasonably practicable,*
> *(b) A watercourse; or, where that is not reasonably practicable,*
> *(c) A sewer."*

5.3.2 Desktop research on the British Geological Survey website (www.bgs.ac.uk) has been undertaken and it is believed that the site consists of Monsal Dale Limestone Formation bedrock geology. **Figure 3** refers:

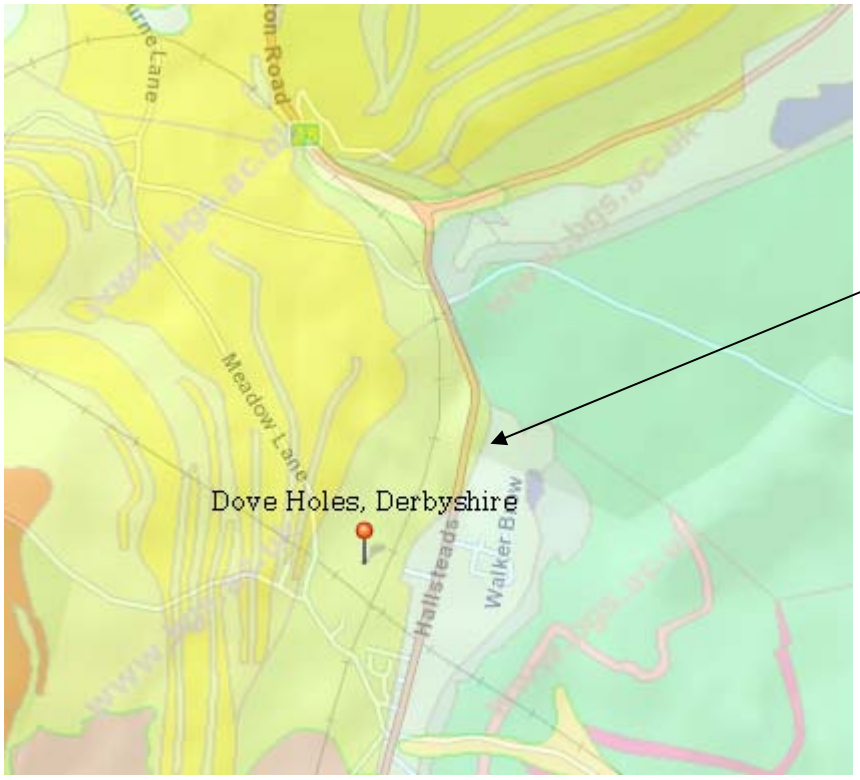


Figure 3 – Geology
(Source: British Geological Survey Website 2012)

5.3.3 Monsal Dale Limestone Formation is expected to have good permeability, allowing water to enter the water table slowly.

5.3.4 Therefore, initial appraisals suggest some of the ground conditions may be suitable for infiltration techniques. To ensure the soakaways or similar are sized accordingly to accommodate proposed development flows, they will need to be designed in accordance with Part H of the Building Regulations and BRE 365 and/or as swales utilising appropriate SuDS techniques.

5.3.5 This is of course subject to obtaining suitable infiltration rates on the site through further ground investigation / percolation testing, and subject to confirmation that there are no ground contamination issues associated the site, where the use of infiltration techniques would introduce a pollution pathway from the contamination to a sensitive receptor.

5.3.6 If due to poor percolation results or adverse contaminated ground conditions, the infiltration techniques suggested above are shown to be unsuitable, then in accordance with the hierarchy

shown in **5.3.1** above, the surface water runoff from the dwelling houses will be attenuated at source to an existing greenfield run-off rate (storage for 1 in 100 years plus Climate Change) through the use of small-scale attenuation facilities, and the outfalls directed to a watercourse. (i.e. all drainage would be kept at or above the existing ground surface).

5.3.7 The exact volume will be dependent on a number of factors relating to the type of attenuation facility used, the efficiency of any flow control device, and the efficacy of the facility as a whole.

6 SUMMARY & CONCLUSIONS

6.1 Morgan Tucker Ltd was commissioned by Jalo Enterprises Co. Ltd. to prepare a Flood Risk Assessment (FRA) to support a planning application for an outline planning application for residential development at Land to rear of Hallsteads, Dove Holes, Derbyshire

6.2 This Flood Risk Assessment has been developed based on information provided by the Client, the Level 1 Strategic Flood Risk Assessment and Environment Agency.

6.3 The Environment Agency Flood Map indicates that the development site is categorised as Flood Zone 1 by the Environment Agency.

6.4 Residential Development is categorised as 'more vulnerable' development, and this is an appropriate use in Flood Zone 1.

6.5 The new dwellings and associated infrastructure will result in an increase to the site's impermeable area. It is proposed that this will be discharged to infiltration drainage systems designed in accordance with BRE 365 and/or swales utilising Sustainable Urban Drainage Systems (SUDS) techniques.

6.6 Should infiltration techniques prove impracticable dues to poor infiltration rates, or the presence of contaminated ground that might be adversely affected, then surface water run-off will be attenuated at source to an existing greenfield run-off rate (storage for 1 in 100 years plus Climate Change) through the use of small-scale attenuation facilities, and the outfalls directed to a watercourse (i.e. all drainage would be kept at or above the existing ground surface).

6.7 In light of the above, it is considered that the proposed development will be at a low risk of flooding, and it will not exacerbate the risk of flooding to more vulnerable sites downstream.

APPENDIX A

indicates the need to apply the Exception Test (as set out in the National Planning Policy Framework), the scope of a Strategic Flood Risk Assessment will be widened to consider the impact of the flood risk management infrastructure on the frequency, impact, speed of onset, depth and velocity of flooding within the flood zones considering a range of flood risk management maintenance scenarios. Where a Strategic Flood Risk Assessment is not available, the Sequential Test will be based on the Environment Agency flood zones.

5. The overall aim should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities allocating land in local plans or determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses (see table 2) and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required (see table 3). Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

Table 1: Flood zones

(Note: These flood zones refer to the probability of river and sea flooding, ignoring the presence of defences)

Zone 1 - low probability

Definition

This zone comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

Appropriate uses

All uses of land are appropriate in this zone.

Flood risk assessment requirements

For development proposals on sites comprising one hectare or above the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off, should be incorporated in a flood risk assessment. This need only be brief unless the factors above or other local considerations require particular attention.

Policy aims

In this zone, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems[2].

[2] Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible.

Zone 2 - medium probability

Definition
This zone comprises land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% – 0.1%) in any year.

Appropriate uses
Essential infrastructure and the water-compatible, less vulnerable and more vulnerable uses, as set out in table 2, are appropriate in this zone. The highly vulnerable uses are *only* appropriate in this zone if the Exception Test is passed.

Flood risk assessment requirements
All development proposals in this zone should be accompanied by a flood risk assessment.

Policy aims
In this zone, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development, and the appropriate application of sustainable drainage systems.

Zone 3a - high probability

Definition
This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

Appropriate uses
The water-compatible and less vulnerable uses of land (table 2) are appropriate in this zone. The highly vulnerable uses should not be permitted in this zone.

The more vulnerable uses and essential infrastructure should only be permitted in this zone if the Exception Test is passed. Essential infrastructure permitted in this zone should be designed and constructed to remain operational and safe for users in times of flood.

Flood risk assessment requirements
All development proposals in this zone should be accompanied by a flood risk assessment.

Policy aims
In this zone, developers and local authorities should seek opportunities to:

- reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems;

- relocate existing development to land in zones with a lower probability of flooding; and
- create space for flooding to occur by restoring functional floodplain and flood flow pathways and by identifying, allocating and safeguarding open space for flood storage.

Zone 3b - the functional floodplain

Definition
This zone comprises land where water *has* to flow or be stored in times of flood.

Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. But land which would flood with an annual probability of 1 in 20 (5%) or greater in any year, or is designed to flood in an extreme (0.1%) flood, should provide a starting point for consideration and discussions to identify the functional floodplain.

Appropriate uses
Only the water-compatible uses and the essential infrastructure listed in table 2 that has to be there should be permitted in this zone. It should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows; and
- not increase flood risk elsewhere.

Essential infrastructure in this zone should pass the Exception Test.

Flood risk assessment requirements
All development proposals in this zone should be accompanied by a flood risk assessment.

Policy aims
In this zone, developers and local authorities should seek opportunities to:

- reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems;
- relocate existing development to land with a lower probability of flooding.

.

Table 2: Flood risk vulnerability classification

Essential infrastructure • Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk. • Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood. • Wind turbines.
Highly vulnerable • Police stations, ambulance stations and fire stations and command centres and telecommunications installations required to be operational during flooding. • Emergency dispersal points. • Basement dwellings. • Caravans, mobile homes and park homes intended for permanent residential use[3]. • Installations requiring hazardous substances consent[4]. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as "essential infrastructure")[5].
More vulnerable • Hospitals. • Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels. • Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels. • Non–residential uses for health services, nurseries and educational establishments. • Landfill and sites used for waste management facilities for hazardous waste[6]. • Sites used for holiday or short-let caravans and camping, *subject to a specific warning and evacuation plan*.[7]
Less vulnerable • Police, ambulance and fire stations which are *not* required to be operational during flooding. • Buildings used for shops, financial, professional and other services,

[3] For any proposal involving a change of use of land to a caravan, camping or chalet site, or to a mobile home site or park home site, the Sequential and Exception Tests should be applied.
[4] See Circular 04/00: *Planning controls for hazardous substances* (paragraph 18) at: www.communities.gov.uk/publications/planningandbuilding/circularplanningcontrols
[5] In considering any development proposal for such an installation, local planning authorities should have regard to planning policy on pollution in the National Planning Policy Framework.
[6] For definition, see *Planning for Sustainable Waste Management: Companion Guide to Planning Policy Statement 10* at www.communities.gov.uk/publications/planningandbuilding/planningsustainable
[7] See footnote 3.

restaurants and cafes, hot food takeaways, offices, general industry, storage and distribution, non–residential institutions not included in “more vulnerable”, and assembly and leisure. • Land and buildings used for agriculture and forestry. • Waste treatment (except landfill and hazardous waste facilities). • Minerals working and processing (except for sand and gravel working). • Water treatment works which do *not* need to remain operational during times of flood. • Sewage treatment works (if adequate measures to control pollution and manage sewage during flooding events are in place).
Water-compatible development • Flood control infrastructure. • Water transmission infrastructure and pumping stations. • Sewage transmission infrastructure and pumping stations. • Sand and gravel working. • Docks, marinas and wharves. • Navigation facilities. • Ministry of Defence defence installations. • Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location. • Water-based recreation (excluding sleeping accommodation). • Lifeguard and coastguard stations. • Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms. • Essential ancillary sleeping or residential accommodation for staff required by uses in this category, *subject to a specific warning and evacuation plan*.

Notes to table 2:

a. This classification is based partly on Department for Environment, Food and Rural Affairs and Environment Agency research on *Flood Risks to People* (*FD2321/TR2*)[8] and also on the need of some uses to keep functioning during flooding.

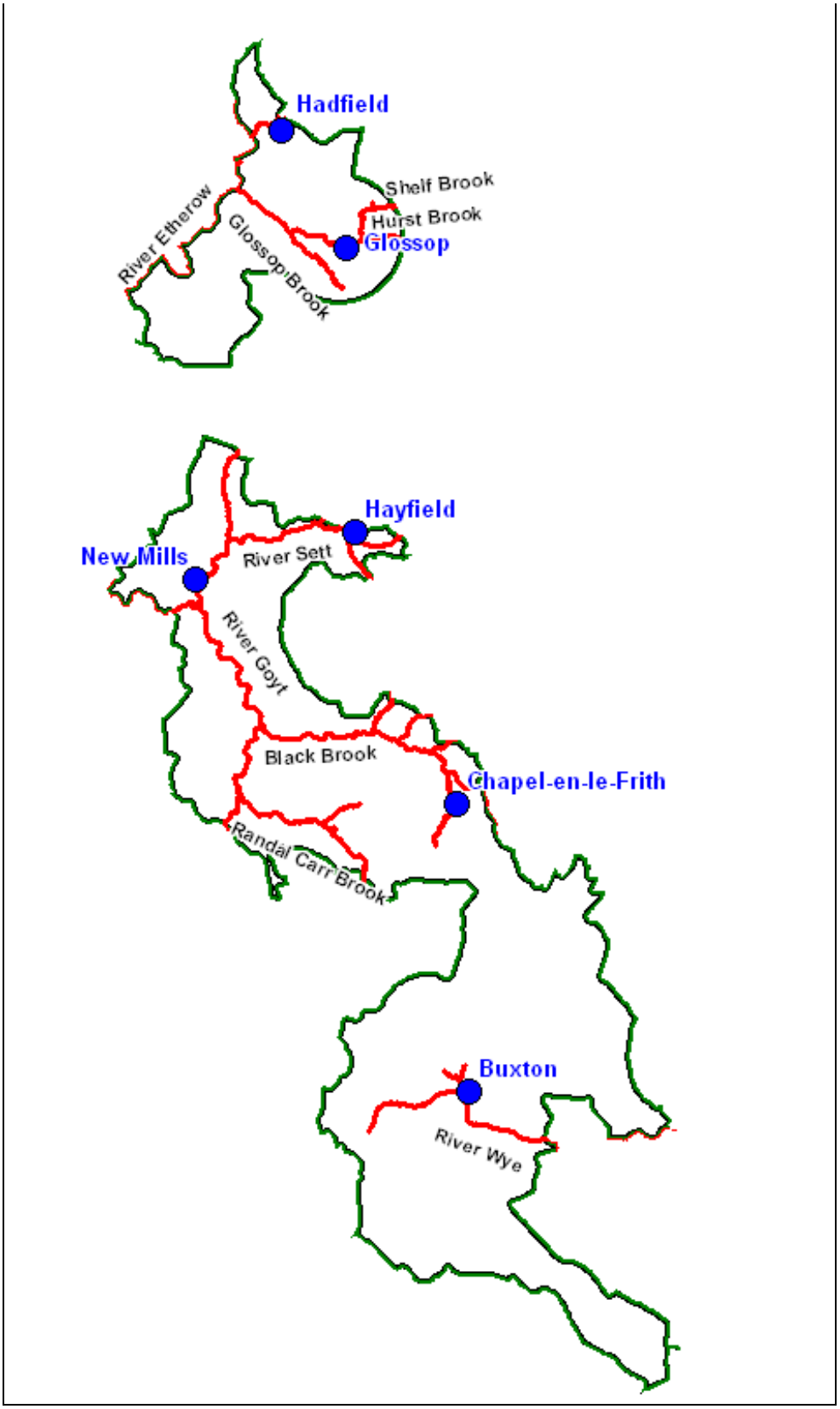
b. Buildings that combine a mixture of uses should be placed into the higher of the relevant classes of flood risk sensitivity. Developments that allow uses to be distributed over the site may fall within several classes of flood risk sensitivity.

c. The impact of a flood on the particular uses identified within this flood risk vulnerability classification will vary within each vulnerability class. Therefore, the flood risk management infrastructure and other risk mitigation measures needed to ensure the development is safe may differ between uses within a particular vulnerability classification.

[8] See website for further details.
www.defra.gov.uk/science/Project_Data/DocumentLibrary/FD2320_3364_TRP.pdf

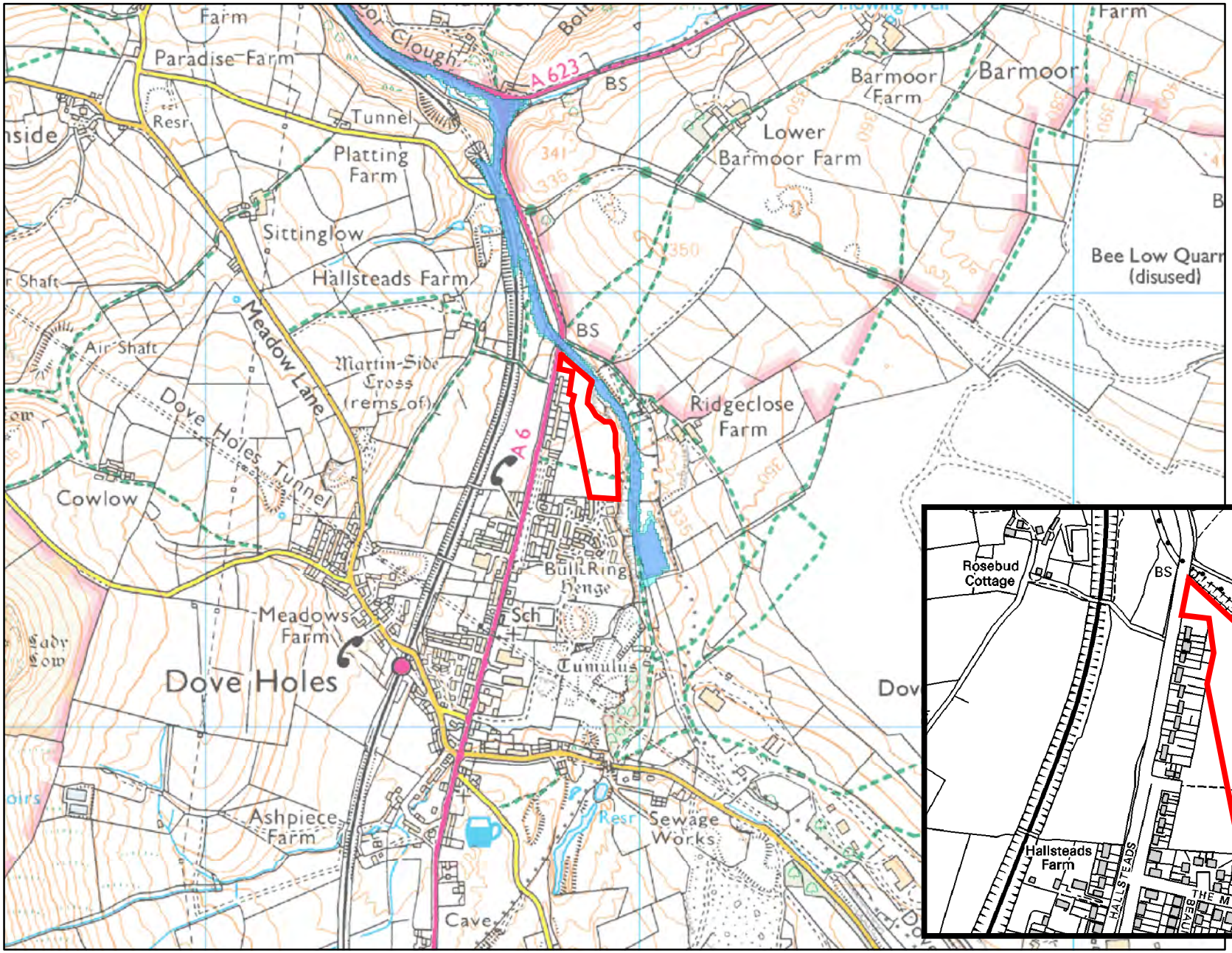
APPENDIX B

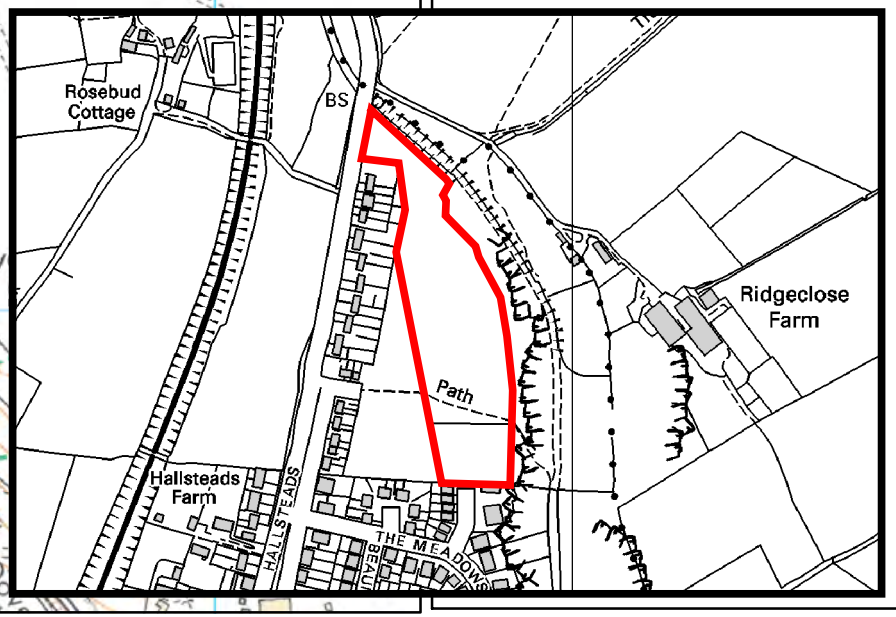
Appendix C: Main Rivers within High Peak Borough Council



APPENDIX C

Flood Map centred on Hallsteads - Doves Holes - Derbyshire. Created 27 November 2012. (REF: PRRWAR6132)





Environment Agency

Scale 1:10,000

N

Legend

- Site_Location
- Historic Flood Event Outline
- Main River
- Areas Benefiting from Defences
- Flood Zone 3
- Flood Zone 2

Contact Us: National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY. Tel: 08708 506 506 (Mon-Fri 8-6). Email: enquiries@environment-agency.gov.uk

Standard Notice *[not for use with Special Data, Personal Data or unlicensed 3rd party rights]*

Information warning

We (The Environment Agency) do not promise that the Information supplied to You will always be accurate, free from viruses and other malicious or damaging code (if electronic), complete or up to date or that the Information will provide any particular facilities or functions or be suitable for any particular purpose. You must ensure that the Information meets your needs and are entirely responsible for the consequences of using the Information. Please also note any specific information warning or guidance supplied to you.

Permitted use

- The Information is protected by intellectual property rights and whilst you have certain statutory rights which include the right to read the Information, you are granted no additional use rights whatsoever unless you agree to the licence set out below.
- Commercial use is subject to payment of a £50 licence fee (+VAT) for each person seeking the benefit of the licence, except for use as an Environment Agency contractor or for approved media use.
- To activate this licence you do not need to contact us (unless you need to pay us a Commercial licence fee) but if you make any use in excess of your statutory rights you are deemed to accept the terms below.

Licence

We grant you a worldwide, royalty-free, perpetual, non-exclusive licence to use the Information subject to the conditions below.

You are free to:

- copy, publish, distribute and transmit the Information
- adapt the Information
- exploit the Information commercially, for example, by combining it with other Information, or by including it in your own product or application

You must (where you do any of the above):

- acknowledge the source of the Information by including the following attribution statement:
  "Contains Environment Agency information © Environment Agency and database right"
- ensure that you do not use the Information in a way that suggests any official status or that We endorse you or your use of the Information
- ensure that you do not mislead others or misrepresent the Information or its source or use the Information in a way that is detrimental to the environment, including the risk of reduced future enhancement
- ensure that your use of the Information does not breach the Data Protection Act 1998 or the Privacy and Electronic Communications (EC Directive) Regulations 2003

These are important conditions and if you fail to comply with them the rights granted to you under this licence, or any similar licence granted by us will end automatically.

No warranty

The Information is licensed 'as is' and We exclude all representations, warranties, obligations and liabilities in relation to the Information to the maximum extent permitted by law. We are not liable for any errors or omissions in the Information and shall not be liable for any loss, injury or damage of any kind caused by its use. We do not guarantee the continued supply of the Information.

Governing Law

This licence is governed by the laws of England and Wales.

Definitions

"Information" means the information that is protected by copyright or by database right (for example, literary and artistic works, content, data and source code) offered for use under the terms of this licence.

"Commercial" means:

- offering a product or service containing the Information, or any adaptation of it, for a charge, or
- Internal Use for any purpose, or offering a product or service based on the Information for indirect commercial advantage, by an organisation that is primarily engaged in trade, commerce or a profession.