

**PARISH COUNCIL OF ST JOHN'S
CASTLERIGG & WYTHBURN**

Clerk: Ms Becx Carter

40 Windebrowe Avenue, Keswick, Cumbria, CA12 4JA

Email: stjohnscastleriggp.clerk@outlook.com

Tel: 07786678283

pscpublicresponse@environment-agency.gov.uk

Copy to: MP Markus Campbell Savours, Cumberland Cllr S Lansbury, Keswick Flood Action Group

CONSULTATION RESPONSE: Thirlmere Reservoir- United Utilities Licence Renewal Applications

This response is made whilst recognising the Environment Agency's statement within the consultation documents that it cannot take account of changes to flood risk arising solely from the cessation of United Utilities' voluntary flood-management releases.

This response concerns whether the abstraction and transfer licences can be lawfully, safely and robustly renewed where a known and material flood-risk consequence of reservoir operation is expressly excluded from assessment, thereby undermining the sustainability, completeness and integrity of the licensing decision itself.

St John's Castlerigg & Wythburn Parish Council formally objects to the renewal of the Thirlmere abstraction and transfer licences in their current form.

The Parish Council considers that, taken together, the application documents and the proposed decision-making framework fail to provide adequate assurance that abstraction from Thirlmere Reservoir can be sustained in a manner that is environmentally sound, socially responsible, and consistent with statutory flood-risk management principles.

1. Sustainability of abstraction and completeness of assessment

Under the Water Resources Act 1991, abstraction licensing exists to ensure that abstraction is environmentally sustainable and does not cause unacceptable harm to other water users, communities or the wider environment. The Environment Agency's consultation material confirms that licences will only be renewed where it is satisfied that sufficient water will remain available for environmental needs, the local economy, communities and other water users.

The Parish Council is concerned that the sustainability of abstraction from Thirlmere Reservoir is being assessed in isolation from material changes to the way the reservoir is operated. The application explicitly proceeds on the basis that long-standing flood drawdown (KFAG) releases will cease, yet the downstream implications of that operational change are excluded from statutory consideration.

The Council considers that an assessment which knowingly leaves out a material and foreseeable consequence of reservoir operation cannot provide a complete or robust basis for determining whether abstraction is sustainable in real-world conditions.

**PARISH COUNCIL OF ST JOHN'S
CASTLERIGG & WYTHBURN**

Clerk: Ms Becx Carter

40 Windebrowe Avenue, Keswick, Cumbria, CA12 4JA

Email: stjohnscastleriggp.clerk@outlook.com

Tel: 07786678283

2. Flood-risk considerations arising from abstraction and reservoir operation

The Environment Agency states that it can take account of flooding concerns caused by the abstraction or transfer of water at Thirlmere.

The Parish Council notes that abstraction volumes at Thirlmere are operated close to licensed limits, and that abstraction, reservoir storage, spill frequency and operating regimes are intrinsically linked. The interaction between abstraction and reservoir operation therefore has direct relevance to downstream flow dynamics and flood-risk behaviour.

While the Council recognises that the EA cannot take account of flood-risk changes arising solely from the cessation of flood-management releases, it considers that the abstraction licensing decision must nevertheless be informed by an understanding of how abstraction interacts with overall reservoir operation and downstream flood-risk dynamics.

3. Statutory flood-risk duties under the Flood and Water Management Act 2010

The Parish Council is clear that the Flood and Water Management Act 2010 (FWMA 2010) applies to flooding from raw water, including reservoirs, rivers, surface water and groundwater, and is not limited to sewerage or wastewater systems.

- **Section 1 FWMA 2010** defines flood risk as flooding from surface water, groundwater and watercourses. Flooding arising from the storage, release, spill or operational management of water from a large raised reservoir such as Thirlmere therefore falls squarely within this statutory definition.
- **Section 6 FWMA 2010** places a duty on risk management authorities, including the Environment Agency, to exercise their flood-risk management functions with a view to reducing flood risk.
- **Section 7 FWMA 2010** requires cooperation between risk management authorities where flood risk spans administrative or functional boundaries.

The Parish Council considers that permitting the cessation of a long-standing flood-mitigation practice, without assessment or a secured replacement, is inconsistent with these statutory duties and undermines a coordinated, catchment-based approach to flood-risk management.

4. Reservoir public-safety context

Thirlmere Reservoir is a large raised reservoir regulated under the Reservoirs Act 1975, which exists to protect life and property from risks associated with stored raw water. While the Act focuses primarily on structural integrity, the Parish Council considers that operational decisions affecting reservoir storage and downstream flows form part of the wider public-safety context in which reservoir operation must be considered.

The long-term operation (since 2008) of flood drawdown releases for flood-risk purposes demonstrates that downstream risk has been historically recognised and managed through operational controls. The Council considers that such controls cannot reasonably be dismissed as irrelevant at the point of licence renewal.

**PARISH COUNCIL OF ST JOHN'S
CASTLERIGG & WYTHBURN**

Clerk: Ms Becx Carter

40 Windebrowe Avenue, Keswick, Cumbria, CA12 4JA

Email: stjohnscastleriggp.clerk@outlook.com

Tel: 07786678283

5. Near-maximum abstraction and system resilience

The supporting information demonstrates that abstraction from Thirlmere Reservoir has, in recent years, operated at over 97% of the licensed annual limit and over 96% of the licensed daily limit.

The Parish Council considers that renewing licences at volumes already operated close to maximum capacity raises concerns regarding operational resilience, flexibility and precaution, particularly in the context of climate change, increasingly frequent extreme rainfall events and compound flood-risk scenarios. High utilisation could be seen to limit adaptive capacity during periods of stress and should be treated as a relevant sustainability consideration.

6. Reliance on a future forecast-driven operating regime

The Parish Council notes that the application explicitly refers to United Utilities' intention to work with the Environment Agency to develop a future forecast-driven operating regime for Thirlmere Reservoir. This regime is described as a future proposal, subject to further development, assessment and examination.

The Council objects to the renewal of abstraction licences on the basis of future intentions rather than defined, assessed and consulted-upon operating arrangements. Proceeding in this way risks creating a governance gap in which long-standing flood-mitigation measures are withdrawn before any alternative regime has been properly developed or scrutinised.

7. Community awareness and procedural fairness

The Parish Council further notes that the proposal to cease the existing KFAG flood drawdown releases has only become apparent to downstream communities through the current licence renewal consultation, and that awareness of this proposed operational change has been limited.

Given the long-standing reliance on these releases as a flood-mitigation measure, the Council considers that communities have had limited opportunity to fully understand, consider and engage with the implications of their withdrawal, raising concerns about procedural fairness and transparency.

8. Request for interim voluntary agreement on flood-mitigation releases

In light of the above, and noting United Utilities' stated intention to develop a future forecast-driven operating regime, St John's Parish Council respectfully requests that the Environment Agency and United Utilities give active consideration to entering into a time-limited, written voluntary agreement to continue the existing KFAG flood drawdown releases beyond 1 April 2026, until such time as the forecast-driven approach has been properly developed, assessed and examined.

The Council recognises the voluntary nature of these releases and does not seek to prejudice the statutory licensing decision. However, it considers that an interim arrangement

**PARISH COUNCIL OF ST JOHN'S
CASTLERIGG & WYTHBURN**

Clerk: Ms Becx Carter

40 Windebrowe Avenue, Keswick, Cumbria, CA12 4JA

Email: stjohnscastleriggp.clerk@outlook.com

Tel: 07786678283

would provide continuity and reassurance to downstream communities, avoid the immediate withdrawal of a long-standing flood-mitigation measure, and demonstrate a precautionary and cooperative approach consistent with the principles of the Flood and Water Management Act 2010.

Kind regards

Becx Carter
St Johns Castlerigg & Wythburn Parish Clerk