

Mr Colin Hill
Todmorden Town Council
Town Clerk's Office,
Todmorden Community College,
Burnley Road, Todmorden
OL14 7BX

Our ref: RA/2021/142696/01-L01

Date: 10 February 2021

Dear Colin

CONCERNS ABOUT PLANNING APPLICATION 20/01367/FUL DERDALE ST, TODMORDEN

Thank you for your letter dated 25 January 2021 which was sent on behalf of members of the Todmorden Town Council Development Committee.

It is understood that your concerns are around the ongoing risk of flooding in Todmorden and specifically in respect to concerns regarding the above referenced planning application (20/01367/FUL), the incremental impact of development in the area and also the flood risk categorisation for the area.

Firstly to address the planning application at Derdale St. We are aware that Calderdale Council are in the process of undertaking planning enforcement action in regard to outstanding issues with compliance of the original application(s). This is pending and we advise that you engage with Calderdale Council regarding this and its outcome.

The history of this application dates back to the originally approved planning application at the site (03/00937/FUL) with various discharge of condition and amendment applications associated, including application (17/01473/FUL), which is still pending, to which we have an outstanding objection.

We are currently not able to provide full detailed comments to the current application (03/00937/FUL) until the ongoing enforcement action is concluded and the situation is clarified and confirmed by Calderdale Council. Our substantive response is that of a holding response until it is confirmed by Calderdale Council the status of the previous planning permissions at the site.

In regard to the flood classification in the area we can advise as follows. Firstly, to clarify flood designations are based on probability, rather than frequency.

Specifically the designation of 3b is defined by Calderdale Council as part of their [Strategic Flood Risk Assessment \(SFRA\)](#) (2016), in consultation with the EA. The SFRA

forms part of the Council's local plan [evidence base](#). Flood zones 1, 2 and 3 are defined in the [flood map for planning](#).

Flood Zone 3 is defined as "land assessed as having a 1 in 100, or greater, annual probability of river flooding".

Flood zone 3b is defined as "land where water has to flow or be stored in times of flood. This includes land that would flood with an annual probability of 1 in 20 (5%) or 1 in 25 (4%) or greater in any year, or is designed to flood in an extreme (0.1%) flood." Consideration would also be given to local knowledge, as appropriate.

The Calderdale SFRA also includes 'Flood Zone 3ai'. This is defined as "developed land with the same level of risk as Flood Zone 3b where water would flow or be stored in times of flooding if not already constrained by development."

The use of the 3ai allocation was created as 'local terminology' to explain already developed land within 3b, which does not preclude flooding. Any development in these areas should be limited to the footprint of existing buildings as to not increase flood risk.

In hindsight we feel that this allocation is not reflected within national planning policy and so going forwards we are recommending future SFRA iterations do not include 3ai wording or allocations. We do advise that areas of 3b are created to replace 3ai using updatable GIS mapping systems, which would allow a 3b designation to be created 'around' existing development.

We are aware that Calderdale has issues with flooding and the more space which is set aside for water, the better. It would be possible for Calderdale to update their designations in the SFRA to address the issues being raised, and that is a discussion that we would be happy to be involved with.

To give a more detailed opinion, we would need to discuss possible designations more with Calderdale and jointly look into the flooding mechanisms in more detail. Calderdale should lead this, being the designating authority.

In terms of incremental effects of development and formal flood map reviews undertaken by the EA, we advise as follows.

As you will appreciate it isn't possible for us to specifically influence what change or development is proposed in Calderdale, however we can act as a regulator. For example on a site by site level we regulate development via our statutory role in the planning system. We do also assist how and where development happens strategically, in the same manner, for example by advising Calderdale Council on the development of their local plan (including SFRA updates) and how Calderdale Council want to manage flood risk strategically in their district. The local plan process should be used as a mechanism to ensure that development is managed in the right way and in the right place.

The flood map for planning does get reviewed periodically and is updated based on the best available data at the time. This could occur, for example, if new modelling is completed. That data would then be the best available data and can be inputted into the system, with a subsequent update to the flood map.

We trust the above advice is useful.

If I can be of any further assistance, please don't hesitate to contact me.

Yours faithfully

Mr Fraser Tomlinson
Sustainable Places Planning Adviser

Direct Dial: 020 302 54923
e-mail: sp-yorkshire@environment-agency.gov.uk