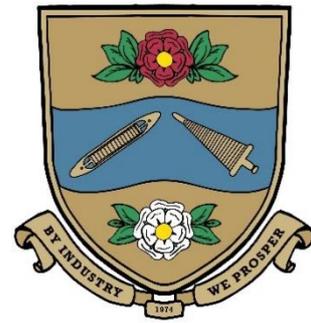


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Robin Tuddenham
Chief Executive
Calderdale MBC

9th February 2021
By email

Dear Robin

Todmorden Flooding

You may recall from previous correspondence that Members of our Development Committee have expressed a desire to have a more detailed dialogue with yourselves, not only in terms of your flood response obligations, but also importantly from a planning perspective.

The purpose of this letter is to seek your agreement to encourage your colleagues in Planning, and others if relevant, to formally engage with us on the following areas of concern, that if left unexplored, we feel will lead to a worsening position for Todmorden residents affected in the future.

These are: -

- Planning Permission existing and for new development.
- Flood Zone Classification by the Environment Agency.
- Deciding on no build areas for future development.
- Planning Enforcement.
- Topography.
- Drainage Infrastructure

Members recognise the huge challenges Calderdale has been facing regarding Covid 19, the last flooding incident and preparation and hearings regarding the Local Plan.

However recent planning applications, and with them what the Development Committee perceives as the incremental and cumulative impact of further development in areas prone to flooding, has led me to on their behalf, seek some more formal process of engagement so that our concerns can be fully heard.

Having read the reports and support papers from the Flooding Scrutiny Panel, we are very much aware of the enormous infrastructure challenge Calderdale is facing, and in this respect fully acknowledge and appreciate the work being carried out around Shade Chapel and the Market Wall which will have great benefit to residents of Todmorden.

We also acknowledge the joint Innovative Flood Resilience Programme submission for funding, where Calderdale focus will be on Nature Based Solutions, with other partners focussing on Integrated Water Management Systems, Property Flood Resilience, Enhanced Local Warning Systems and Local Community Volunteer Approaches.

Whilst we hope that this bid for funding will be successful, and with it shared learning for all, we are not aware that attention is being given to areas of concern that we see as an integral part of a holistic approach to the whole flooding issue, namely minimising opportunity at the outset to overwhelm our drainage systems through proper consideration of the granting of Planning Permissions (and with it enforcement), Environment Agency Flood Zone Categorisation, Physical Infrastructure Capacity, and Topography (possibly part of the “Nature Based Solutions”).

Whilst the personal impact on residents is soul destroying, there is also the economic impact in terms of businesses being affected and of course the call on CMBC finances which must be enormous.

Members believe that unless we start to address these issues now, as part of the overall approach to reducing the risk of flooding/mitigating the impact, simply raising objections to specific planning applications, or seeking site specific conditioning, does not enable at any stage in the process for the cumulative impact of all contributing factors to be considered.

Planning Permission

Given the drive from Government to simplify the planning system and in essence put the onus on Calderdale to meet new homes building targets, we do appreciate the challenges you face.

At the same time there is at times the almost incompatible aim to encourage Parish/Town Councils to becoming involved in local planning policy through use of Neighbourhood Plans that need to also comply with Local Plan Policies.

There is also the challenge of whether a local planning authority would support the revocation of existing planning permission in that it has such power where “ **it is expedient to revoke or modify any permission to develop land granted ..., the authority may by order revoke or modify the permission to such extent as they consider expedient**”

Such revocation could involve substantial compensation being paid and again we appreciate the challenge of making such a decision.

What we would prefer is an approach to see whether changes in policy could see areas that are prone to flooding have greater importance placed when considering granting permission to the incremental and cumulative effect of: -

- Frequency of event.
- New Development impact on existing water infrastructure.
- Change of use involving more use of water infrastructure.
- Surface water run-off.

and if an application is submitted, then if located in an area that has a history of the drainage network being overwhelmed, then a greater burden of proof is required to satisfy concerns regarding the likelihood of adding to the flooding impact.

That potentially should also apply to reviewing existing permissions that were granted some time ago, activated but development held back. Circumstances may have changed since originally granted re impact on flooding and may need to be revisited.

Environment Agency

We are strongly of the opinion that the current Flood Zone classifications for Todmorden are no longer appropriate given the 1 on 100-year expectation is no longer relevant - for some residents 6 flooding events in 5 years with serious incidents in 2006,2012,2015,2019 and 2020, and I am sure well known to you the history within Calderdale – quite sobering.

<https://eyeoncalderdale.com/history-of-flooding-in-calderdale>

We have written to the EA to express our concerns and would wish to see a strengthening in terms of a greater requirement to mitigate against the possibility of impact on the local water infrastructure when looking to build in flood zone areas.

We would welcome your support in this respect.

Practically in response to flood zone implications for larger developments, we often see Attenuation Tank solutions, and with it reports that suggest small scale solutions. In those areas of frequent flooding, and where sizeable development proposals are concerned, if the application is supported by your planning officers for approval; we would wish to see the requirement in terms of size of Attenuation Tank to be increased considerably to “over provide” for this risk.

Classification as a “no build area” for new development

This we appreciate would be difficult given pressure on new homes build, but Members strongly feel that in some areas enough is enough, and that any additional build will just exacerbate the position, and then when very heavy rainfall happens, the capacity for the existing drainage infrastructure to cope is compromised further, ahead of actual major flooding.

In this respect we recently commissioned a Housing Needs Assessment as part of our emerging Neighbourhood Plan preparation, which may better inform future need in Todmorden. This may help determine whether development in known flood susceptibility areas is needed, if other sites outside of these areas, could be perhaps bought to the market as viable alternatives for development sites.

Planning Enforcement

Again we appreciate that resources are stretched and that the preferred option is light touch. However whilst looking to relax the obstacles to more development, the Govt nevertheless then views enforcement as necessary for public confidence in the planning system. **If applications are conditioned, then these should be enforced.**

When dealing with Development in these susceptible flooding areas, Members feel there is no conditioning more important than that of compliance with agreed site heights and infrastructure requirements (including possibly Attenuation Tanks).

We have seen to our cost the Lidl Development we believe built above the originally approved level and the retrospective fix agreed re the Attenuation Tanks. As far as we are aware, no evidence has yet been provided of such tanks built as they were intended, or proper connectivity established, and that area continues to suffer in periods of heavy rainfall.

Because of this known impact of water run-off, we are currently corresponding with your enforcement team on a nearby development- Planning Derdale Street Application 20/01367/FUL, where the base level has been raised by 7 feet and **expect enforcement action to be taken.**

Often local developers and or “national chains” push the boundaries, relying on the development and economic benefit they bring to the area to influence some changes to conditioning. Once completed and sold on, they often do not care about the impact that their actions may have had, and that is where we expect Planning Enforcement to have teeth and if necessary, stop construction until breaches are remedied.

Whilst accepting you may not be able to look at all Development conditioning, we would expect any major development in these susceptible areas to receive closer scrutiny.

Topography

Applications are received for development on sites located on hillsides or on existing sites higher up in the valley. Any new development sites that cover existing green areas can either lead to more run-off into the valley below, and or direct run-off of water to houses immediately located below.

We already experience high water run-off from the surrounding hills and your intended focus on Nature Based Solutions, will hopefully seek to work with “slow the flow” to mitigate the impact lower down in the valley. This will be one strand of activity that longer term, benefits the overall likelihood of flooding.

Of immediate concern is residents reporting to us that in their basements the water table itself is rising. We feel that this needs to be investigated by both yourselves and or Yorkshire Water to see if any engineering solution could be found.

Finally in terms of topography, we wish to engage with Planning in terms of policy work on developing a “Moorland Policy” that could form part of the Local Plan Policy Framework.

Drainage Infrastructure

We are aware of investigations having been carried out by Yorkshire Water following recent flooding events and would welcome sight of any reports produced that relate to the capacity within Todmorden to deal with such flooding events.

Longer term, new drainage infrastructure altogether may be required if there is an end solution to discharging water into lower levels. If not, potentially major Attenuation Tank construction may be required in those areas hardest hit. What we would wish to see is Calderdale MBC engaging, if not already, in considering whether major engineering solutions in Todmorden are a way forward.

Whilst we are clearly focussed on our situation, we do not expect this to be unique to Todmorden and improvements in these areas could well benefit others experiencing these very same problems. As the head of the valley if we experience difficulties it is likely other areas will.

There may very well be initiatives being taken forward already that we are not aware of, but Members wish to engage directly with Calderdale Councillors and or Officers and to be assured that the approach being taken is considering all of the areas of concern mentioned above, in order to help mitigate what unfortunately is going to be a continuing challenge.

In closing whilst we do recognise that all these areas are not our direct responsibility, nevertheless the heartache and distress we see from flooding impresses upon the Town Council the need to stand up for our residents to try to influence changes of a positive nature, that collectively could help the frequency and extent by which they are affected.

We therefore request that you take this forward internally to establish the appropriate mechanism, by which we can effectively engage and hopefully positively contribute on these matters.

Yours sincerely

Colin

Colin Hill
Town Clerk