

**Email Exchange with Flood Board About Final Response to TTC Question Raised at the Meeting of the Board July 2022**

Dear Susan,

I apologise for the delay in reply from us. I was seeking advice from other officers and Cllr's. Can I also apologise that between the Council and the Environment Agency the follow up reply to yourselves seems to have been over-looked. I am sorry.

Paul Swales from the Environment Agency contacted Steve Lee (now retired) shortly after the Flood Partnership Board. In summary, below is the information gathered from Paul and officers:

*“ Following the recent Partnership Board Mr Swales from the Environment Agency (EA) took an action to look into the EA's position with regards to the historic and recent planning applications around Derdale Street in Todmorden. In the early days he and others were involved in these applications in a previous role and pushed for modelling to be carried out to take into account the ground alterations which had taken place on the actual site and elsewhere. The recollection is that officers continued to push for this, but a Calderdale Council planning legal review took place and the extant permission was deemed to be legal (including the ground raising) and the EA should review any Flood Risk Assessment on the basis that the current ground levels were the baseline. In line with this the EA made the following response to planning ref: 20/01367/FUL:*

*The Environment Agency understands that the land has previously been raised by a significant height, which, following investigation by the LPA has been deemed to be lawful and in line with planning permission 03/00937. As such, we have had to base our assessment on the current situation and therefore have the following comments; The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.*

*Condition*

*The development shall be carried out in accordance with the submitted flood risk assessment (ref 15 March 2022/Addendum to Flood Risk Assessment Planning Application 20/01367/Tony Deakin) and the following mitigation measures it details:  
Finished floor levels shall be set no lower than 125.30 metres above Ordnance Datum (AOD)  
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.*

*Reason*

*1) To reduce the risk of flooding to the proposed development and future occupants.*

*Due to the land-raising, the proposed development is less vulnerable to flood risk so the EA made minimal comments.”*

I do understand that is still not an ideal outcome for the local residents, however we couldn't pursue any further due to legalities.

Once again, please accept my apologies in the delay in replying, and for the need for you to chase for a reply.

**Many Thanks**

[Executive Business Support](#) to Cllr Tim Swift, Cllr Jane Scullion, Ian Hughes, Jackie Addison & Chris Forrester

**From:** Susan Miles <[assistanttownclerk@todmorden-tc.gov.uk](mailto:assistanttownclerk@todmorden-tc.gov.uk)>

**Sent:** 26 October 2022 08:52

**To:** Executive Business Support

**Subject:** RE: Flood Board from Todmorden TC Question

Hello

I was wondering if there is any update about the final response, I was advised TTC would be sent following the Flood Board in July.

Incidentally, Mr Swales of the Environment Agency presented to the Development Committee last month and advised about the series of events that led to Lidl being built at a raised ground level although this should not have happened. This has seriously aggravated the situation on Halifax Rd and although several years have passed since the building of Aldi, nothing practical has been done to redress the situation.

I look forward to receiving an acknowledgement in receipt of this email and a full response to the question raised at the Flood Board.

Kind regards,  
Susan