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Please Contact: Robin Tuddenham
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Chief Executive's Office

Town Hall

Colin Hill
Town Clerk and Responsible Financial Officer
Todmorden Town Council



Dear Colin

Thank you for your letter dated 9 February. I apologise for the delay providing a substantive response.

I appreciate the constructive tone of your letter and wish to reassure you that I share your concerns about the impact of flooding. I have responded under the headings used in your letter.

Planning Permission existing and for new development

I believe that the main issue here relates to older planning permissions that date from a time when policy was less sophisticated in its response to flood risk. In most cases planning permissions are either implemented in full within a relatively short timespan or they lapse unimplemented. Unfortunately, in Todmorden there a number of sites were work was carried out to implement the permission, but then either ceased or proceeded in stops and starts for many years. As you correctly acknowledge, revocation or modification would lead to significant compensation and as such it is not an option that the Council can realistically pursue. What I can say though is that the Council and the Environment Agency are now in a much stronger position to fully assess Flood Risk Assessments, and the quality of those Assessments is of a higher standard compared to historic planning applications. Furthermore, emerging Policy in the Local Plan seeks to avoid risk by directing vulnerable development away from high risk areas in the first place. There is also now a stronger emphasis on catchment wide management of flood risk, and the need to address other forms of flooding in addition to fluvial.

Flood Zone Classification by the Environment Agency

The concept of a 1 in 100-year flood is perhaps misleading because more accurately the highest risk areas are those that are potentially affected by a 1% annual probability flood event. Sadly the



1% annual probability can, and obviously has, manifested itself more frequently. And as you rightly point out matters are complicated by other sources of flooding and the capacity of drainage systems.

Whilst the Environment Agency has primary responsibility for Flood Zone mapping, Calderdale's Local Plan has been informed by a Borough-wide Strategic Flood Risk Assessment (SFRA) dating from 2016. The SFRA identifies 4,648 residential properties to be within Flood Zone 3 and therefore at risk from a 1% or greater fluvial flood event. The Wards with the most properties at risk include Todmorden and Calder: 2,124 and 805 residential properties at risk respectively. The SFRA goes beyond the EA maps by identifying which parts of flood zone 3 are within the functional floodplain (flood zone 3b). So, I am confident that we now have a robust evidence base for considering individual planning applications.

I note that you have written to the Environment Agency to express concerns about their flood zone mapping and would be interested to know the outcome of this correspondence. I also note your concern about flood attenuation tanks. Attenuation measures need to be designed following a process of Flood Risk Assessment (which takes account of future climate change trends), so if the process is followed with due care they will be of an appropriate capacity.

Deciding on no build areas for future development

Unfortunately, we can only adopt land designations that are consistent with Government planning policy. That said, whilst not exactly the same as a no build area, the application of the sequential approach to push development away from higher risk areas, is seeking to achieve the same objective. As indicated above the sequential approach is embedded in national and local planning policy, so hopefully this provides you with some reassurance.

Planning Enforcement

I note your comments. The Derdale Street case is ongoing; however, I will ensure that planning officers are aware of your concerns and ask them to update you as appropriate. I can also advise you that the LIDL issue is still live, and again I shall ask officers to update you directly.

Topography

I believe that we are on the same page in relation to the potential benefits of natural flood management. Moving forward, it is our intention to provide further planning guidance on sustainable drainage and we will want to ensure that it takes on board the latest thinking on NFM.

I note your concerns about possible changes to water table levels: this is a matter that I will need to ask our Drainage Team to comment and feedback on.

Drainage Infrastructure

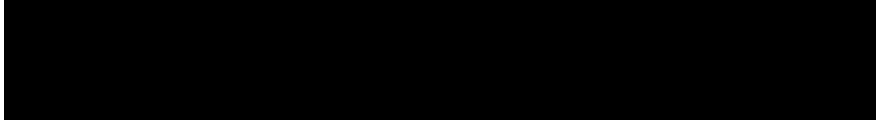
Again, I note your concerns and requests. I will ask the Drainage Team to respond to this directly.

Conclusion

I understand that you are seeking to establish a mechanism by which you can effectively engage and positively contribute on these matters. To this end I have asked the Director of Regeneration & Strategy to discuss your request with the managers in her directorate with the relevant responsibilities and feedback to you.

I trust that this letter responds positively to your various comments and concerns. Please come back to me if you have any further queries.

Yours sincerely



Robin Tuddenham

Chief Executive Calderdale MBC & Accountable Officer for NHS Calderdale Clinical Commissioning Group

Cc: Richard Seaman – Corporate Lead Planning