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Planning for the Future Consultation,
Planning Directorate,
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30th September 2020

Dear sirs

National Flood Forum submission to the Planning for the Future Consultation - Changes to the current planning system - Consultation on changes to planning policy and regulations 2020

The National Flood Forum is a Charity that supports and represents flood risk communities. It has around 300 affiliated Flood Action Groups and over the last three years has been involved in conversations with communities across the country on current planning issues:

1. Through a national conferences
2. To develop the National Flood Forum input to the England FCERM Strategy
3. As part of the "Lets Talk About Flooding" regional workshops
4. In the development of the Flood Risk Communities' Charter launched in the Houses of Parliament on 5th November 2019
5. During Covid-19 we have been running fortnightly national virtual conversations with flood risk communities, including four events on current planning issues

Hundreds of people have been directly involved and the following Flood Action Groups have specifically asked that their names be attached to this submission:

Morpeth Flood Action Group, Collier Street Flood Action Group, Minsterley Flood Action Group, Caterham Flood Action Group, Sturmer Flood Action Group, South Lancaster Flood Action Group, Albrighton Flood Action Group, Lowdham Flood Action Group, Southwell Flood Forum, Billingham Flood Action Group, Watton Drainage Group, Charlton, Worcestershire Flood Action Group, Wellesbourne and Walton Flood Action Group, Shifnal Flood Partnership and Shropshire Flood Action Group

This submission is focussed on flood risk issues and uses the evidence from all the activities above. There will be a fuller response to the two other consultations at the end of October 2020.

The Government's proposed approach [to assessing local housing need]

Response to Questions 1-5

The current problem

The single biggest complaint from people at risk of flooding is that they are not listened to, either in the planning system, or more widely. In essence, people have been excluded from shaping the places that they live in and power rests with those who have something to gain financially or politically, e.g. local political priorities, developers, local authorities, national departments, etc. Systems and processes might appear to show that this is not the case, such as through consultation arrangements, but the reality is different. A great deal of evidence was submitted by Flood Action Groups to the Efra Select Committee in their current review of the flooding of where their knowledge and evidence has been ignored.

The proposals

The proposals for reform of the housing numbers has led to a great deal of public discussion, including various interpretations of what these might mean across the country. These projections tend to emphasise many high growth areas as being those where projections indicate significant increased flood

risk from sea level rise and changing weather patterns. The real dangers are that housing growth in these areas will require medium term responses:

- massive infrastructure investment, such as along many miles of coastline
- abandonment of areas where there has been recent housing growth, such as where there is rising groundwater, or massive investment in pumping
- cutting off the ability to adapt to climate change in the future

In considering incorporating flood risk areas into national housing number proposals it is important to include:

- All sources of flooding, including sea level, ground water and surface water, as well as fluvial. Surface water and groundwater are particularly challenging to incorporate, but are important if we are to plan properly
- The most up to date climate and sea level projections, including regionalised data
- Changing weather patterns have demonstrated increased risks where trains of weather systems cross an area. Typically, projections and flood risk assessments do not take account of rain falling on saturated ground. This needs to change and influence housing numbers.
- Consideration of increasing orographic rainfall, leading to sudden, significant flooding. The pressure on rapid response catchments and the increasing number of communities that suffer in this way needs to be taken in to account in housing projections, particularly as these areas could become much more dangerous in the future.
- New areas are suffering from short intense rainfall events, such as parts of Norfolk in 2020.
- Housing numbers should be based on climate and sea level projections for the long term, 100+ years, not just the proposed lifetime of a development.

Ultimately, failure to do this will put peoples' lives and wellbeing at risk. It is increasingly clear that flooding not only affects health and long term mental health, but also life chances, community resilience and economic resilience of an area.

Permission in Principle

Para 91. *As part of this consultation, we are interested in your views on:*

- ***enhancing the information requirements and publicity arrangements for these applications;***
- ***strengthening guidance to support implementation.***

Information requirements

Scale is important. Within the context of national planning policy local evidence can contribute at three different levels:

- Catchment/shoreline
- Area - Local Plan/Neighbourhood Plan
- Site

At site level the really detailed local knowledge about a place and other evidence can be critically important to successfully managing flood risk, so this information needs to be factored in. However, under the current system and the government's proposals, decisions made at the Local Plan stage will often not have included detailed local knowledge, leading to inappropriate proposals that are impossible to change or mitigate at the development stage.

There is a paradox. It is increasingly important that we plan for the long term, 100 years +, in order that climate change can be taken in to account, but both local evidence and the evidence of the impacts of climate change and the actions that we need to take change dynamically. The planning system needs to change to reflect this dichotomy, to provide certainty and allow for dynamic change. Managing complexity is necessary.

Therefore, if the Permission in Principle consent regime is not to generate a great deal of conflict, a flood risk assessment needs to be undertaken at the earliest opportunity and an outline drainage plan should be a requirement. These should be in place before Permission in Principle is consented.

Publicity arrangements

Often communities become engaged in planning and development far too late in a process when decisions have already been made, such as in developing Local Plans. This is not the fault of communities and individuals, but of the way that people are asked to engage in the processes. Most people are not aware that Local Plans exist or are important and an even greater proportion of people are not aware of Permission in Principle.

Most people are bombarded with information in their professional and home lives. Simply sending out information, digitally or manually, is likely to be ineffective. Options:

- Building communities of practice using civil society groups
- Encouraging Strategic Flood Risk groups to include community groupings, such as networks of Flood Action Groups. Where Permission in Principle proposals come forward they should be shared through these and other groups
- Using Parish, Town Council and ward networks where proposals come forward

Where networks work they are built on trust and relationships, rather than just process and data.

The latest data from the Oxford Internet Institute indicate that 18% of the population has no access to the internet. Therefore, proposals for digitally focussed communication alone automatically excludes almost 1/5 of the population. Proposals must include details of how to engage with those with no internet access.

Guidance

National guidance needs to include a requirement for flood risk assessments, for the reasons given above and for an outline drainage plan. Flood risk assessments need to include three elements (triangulation) modelling, local knowledge and other forms of evidence. Modelling alone rarely leads to accurate assessments because of modelling constraints and resolution issues.

Flood risk assessments should be holistic, covering all sources of flooding, including groundwater flows on to and off the site. They should include the

impacts upstream and downstream for the whole catchment and they should include impacts on linked larger and smaller catchments so that major investments in flood risk management and in drainage and sewerage provision are not invalidated. The recommendations from Environment Agency and water companies at this stage are therefore really important and should be mandatory

A common concern amongst Flood Action Groups is that developer led Flood Risk Assessments almost never indicate that a site should not be developed. If they were truly independent this would not be the case and there are many examples where communities spend vast amounts of time and energy gathering evidence that is then ignored by the planning system. This creates huge, long term fear and distrust of the planning system in hundreds of communities, as well as placing them at risk of flooding. If local authorities or Lead Local Flood Authorities undertook Flood Risk Assessments there would be significant danger that local political pressures would influence the results, although the benefit would be that a body of knowledge could be built up about an area. A new approach needs to be found that guarantees independence and common standards based around triangulation. Whilst these problems related to current development proposals, the same issues apply to Permission in Principle.

The guidance needs to specify the information to be gathered and generated. It should also specify how local knowledge and evidence is gathered and used.

Outline drainage plans are required so that developments are based around these. Trying to do this the other way around, as is often current practice, leads to trying to retrofit schemes inappropriately and missing opportunities to be innovative and create better places. They can also lead to increased flood risk on site and elsewhere. A common problem is building homes in flow paths, for example, when if an outline drainage plan was in place at the beginning this could be avoided.

The processes should be very much about local participation rather than consultation and should include the whole area that might be affected by changes in water management.

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

If the new Permission in Principle restriction is lifted it should be conditional on:

- A Flood Risk Assessment, as described above.
- An outline drainage plan, as described above
- Community participation, as described above

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

If the new Permission in Principle restriction is lifted it should be conditional on:

- A Flood Risk Assessment, as described above.
- An outline drainage plan, as described above
- Community participation, as described above

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

- i) required to publish a notice in a local newspaper?
- ii) subject to a general requirement to publicise the application or
- iii) both?
- iv) disagree

If you disagree, please state your reasons.

A much more sophisticated approach is required. In addition to all of the above, see the response to Paragraph 91

Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

An evaluation of the costs and benefits of different approaches to communities should be undertaken, not just to professional bodies. Many

communities put in huge amounts of time and effort into engaging with, and providing evidence to, the planning system. When this is ignored it actively discourages further participation. Therefore, much better arrangements are needed to encourage and utilise knowledge and evidence, as opposed to opinion.

The planning system needs to actively support the collection and use of good local evidence about flood risk and water management as a whole through good guidance and support. A change in culture is needed from one of active conflict to collaborative design and developers should be required to engage in this proactively and positively.

Permission in Principle for larger developments creates an additional mechanism, and therefore burden for communities. Communities will only engage if they can see that their effort is worthwhile and that the knowledge and evidence they have about their place, which is additional to professional input, is valued and acted on. Recent examples of communities being asked for independent validation of their evidence places additional financial burdens on those who can least afford it and re-enforces the power dynamics of the current system.

In order to overcome the drawbacks identified for Permission in Principle, the following measures are needed:

- Triangulation for Flood Risk Assessments, as described above. Failure to do this should invalidate a proposal
- Outline Drainage Plans, as described above. Failure to do this should invalidate a proposal
- Active local participation, as described above. Failure to do this should invalidate a proposal
- Changes in culture to welcome and use local evidence proactively. National guidance should make this mandatory.

The benefits of this approach are that it will reduce conflict at further stages of the planning process, build trust, reduce flood risk and reduce fear.

We would of course welcome the opportunity to discuss any of these matters with you.

Yours sincerely



Paul Cobbing
Chief Executive