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Dear sirs

White Paper: Planning for the Future – National Flood Forum consultation response

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:

1. Through two national conferences
2. To develop the National Flood Forum input to the England FCRM 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 and as Annexe A here
5. During Covid-19 we have been running weekly, national virtual conversations with flood risk communities on topics such as Planning and development, Riparian Management and the Efra Select Committee.
6. Regular meetings and discussions with individual Flood Action Groups across the country

This submission uses the evidence from all of these activities.

The National Flood Forum would be pleased to participate in further discussions

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Introduction

Flooding is a manmade issue: Floodwater and sewage in peoples' homes is a manmade issue, not an environmental one. Reducing the risks is a societal issue. We have the tools to do this, but so far, have failed to apply them consistently and effectively in the planning system.

Substantial and urgent reform is needed: There has been a great deal of progress in flood risk management and in incident response since the Pitt Review 2008. Nevertheless, fundamental change is needed in many areas if the challenges that we currently face, and will face, are to be met.

All aspects of planning and development in relation to flood risk management are in need of substantial and urgent reform. The evidence from flood risk communities across the country is that the current system fails repeatedly at each and every point, from national policy to plan development, the development control process, building control and enforcement.

Climate change presents an additional, order of magnitude challenge. Whilst mitigation has been the focus, adaptation will be needed and the earlier we start the easier it will be. The costs will be lower also and the opportunities to create places that people want to live and work in much greater. Action is needed now to start this journey, meaning that we must be much more ambitious, much clearer in our policies and much better in translating these in to developments and communities that keep people safe.

Future generations will not thank us for passing on unnecessary costs to sort out the mess we are currently creating for them. We need radical change and quickly.

Major flaws in current policy: The current focus in policy has been on fluvial flooding. Much greater emphasis, resources and skills needs to be placed on all forms of flooding, including, surface water, sewerage, groundwater and coastal. Surface water flooding in particular needs much more attention in the planning system.

There is a fundamental misunderstanding at the heart of planning policy and delivery that Environment Agency planning responses cover all forms of flooding and this leads to significant problems where planning authorities take "no comment" to mean that there are no problems. Whilst Environment Agency plays a very important role, they are only one part of the flood risk

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management system. Other risk management authorities need to have equivalent status in planning

There is a blithe assumption in the current system that small scale development is insignificant in water management. Nothing could be further from the truth and many peoples' lives are made a misery as a consequence. Detailed policies are required nationally and in local plans to ensure that permissive and small-scale development does not increase flood risk through individual or cumulative developments.

Flooding is one part of the water cycle. National plans and guidance, local plans and individual developments should focus on delivering an integrated water strategy and approach.

Skills and resources: Whilst the proposals correctly recognise a lack of resources and skills, the lack of these in flood risk management leads to decisions with life changing impacts at all points in the planning system. Whilst planners are not flood risk specialists, planners, planning committees, the Planning Inspectorate and Building Control need a much better understanding water management and of the consequences for people of the decisions they take. In addition, good, skilled, resourced input is needed from flood risk management professionals everywhere.

A system for rectifying mistakes is urgently needed: The planning system makes mistakes, as all systems must from time to time. The National Flood Forum regularly deals with cases where things have gone wrong. However, unlike other areas in society, the planning and development system has no method to rectify problems caused in developments or on the surrounding community. This leaves people trapped in their homes for years, unable to sell and often suffering repeated flooding in their homes, usually with sewage. Put another way, the only people who pay for others' mistakes are those who receive floodwater and sewage in their homes. A system for rectifying mistakes is urgently needed that focusses on people rather than the needs of developers or the planning system.

The role of communities needs to be valued. The role of communities needs to be developed significantly and proactively if we are to meet these challenges. At present, the time and effort of many flood risk communities in gathering and presenting evidence is simply not valued throughout the planning system. Inputs from people who are paid appear to be the only ones that count.

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Who is the planning system for? There is a fundamental question, who is the planning system for? Whilst there are many interests, ultimately planning should be to create “beautiful places” for people to live and work in. At the moment, it feels as if this consideration is bottom of the list in the current system and in the proposals.

Many Flood Action Groups have been involved in developing this consultation response. The following have specifically asked for their names to be listed in this submission:

- Churchfarm Flood Action Group
- Billinghurst Flood Action Group
- South Lancaster Flood Action Group
- Wotton Neighbourhood Drainage Working Group
- Shifnal Flood Partnership Group
- Keswick Flood Action Group
- Sturmer Flood Action Group
- Thornton Flood Action Group
- St Michaels on Wyre Flood Action Group
- Save Capel – Flood Group (Tunbridge Wells)
- Lowdham Flood Action Group

Responses to Proposals and Questions

1. What three words do you associate most with the planning system in England?

Vested interests dominate.

2. Do you get involved with planning decisions in your local area? [Yes / No]

Yes

2(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

The analysis in the White Paper is correct. 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 in Planning for the Future will reinforce the current inequalities, leading to even less democratic input, as explained in the following pages.

The ideas put forward below will not solve this problem on their own. A reframing of government policy on housing, planning and development to rebalance the power relationships in favour of community evidence would be needed to do that.

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

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

At site level the really detailed local knowledge about a place 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. The current proposals will make this even worse.

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.

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

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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 also need to include specific measures for the almost 1/5 of the population with no internet access.

Linear approaches as posed by the question are inappropriate and more sophisticated approaches are required using mixtures of methods that are appropriate to each place and community. A communications plan should form the basis for involving people in the development of a local plan. Communities should be able to challenge the content of the plan to ensure that all parts of communities can share their evidence and contribute to shaping the places where they live. This requirement should be set out in detail in national guidance.

People who volunteer their time need to feel valued. If the planning system is to encourage the use of local knowledge and skills at each stage, it needs to find ways of valuing input from communities. Positive searching for and reinforcement of good quality community evidence is necessary to encourage people to become involved. At present, only the most tenacious volunteers survive.

**4. What are your top three priorities for planning in your local area?
[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]**

1. The NPPF should be defined by its ambition to tackle climate change and its impacts, with a particular focus on the greatest threat in the UK, flooding. An adaptive planning approach is required. This means:
 - a. The level of ambition in the planning system needs an order of magnitude change, linked to specific national levels of ambition, such as set out by the National Infrastructure Commission. The consequence is that managing flood risk from all sources to defined levels should be absolutely central to the NPPF and its delivery in each local plan.

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- b. Local plans should be based upon 100+ year projections for climate change, based upon water management in the wider catchment(s)/shoreline. Anything less will put peoples' lives at risk
 - c. Each area should have a strategic plan in place on how it will meet national flood risk standards/indicators/targets through the actions of all sectors, as a part of an integrated approach to water management. This should shape local plans and all development, including development control and permissive development
 - d. Managing flood risk should be described in an aspirational way. In other words, addressing flood risk effectively at every point in the planning system will create an opportunity to create beautiful places and opportunities for growth where this is appropriate. At the moment planning and development in some areas is so bad that it is a major threat to peoples' lives and wellbeing. People live in fear, rather than seeing it as an opportunity. Actively managing flood risk well should be seen as an opportunity. Planning should move from being reactive and "trying to keep the damage to the minimum" to one that offers a vision of the future for communities. A great deal of the variability is due to the resources and skills of stakeholders, but national policy could also be improved to make good practice easier to achieve.
 - e. Making space for water as part of an integrated water management approach should be a central part of the NPPF. This should include flooding as well as drought, a national integrated approach for water supply, drainage and sewerage that is then reflected in catchment-based approaches and adopted in local plans in ways that deliver multipurpose, multi-benefit landscapes.
 2. Peoples' voices, their knowledge and evidence are absolutely central to creating safe places, at each and every stage of the planning system. This is different to many other sectoral interests. Professionals do not have the detailed local knowledge necessary, but have essential skills such as modelling, that need to be combined with local knowledge and other forms of evidence. "Triangulation" should be built in to the planning process at every stage, simply to keep people in new developments and in existing communities safe.
 3. It is already too late. Peoples' lives and livelihoods are already at stake. We need to act now to solve the problems that we have already created. These include:
 - a. Combined sewer systems that were designed for a bygone era.

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- b. Drainage and sewerage systems that are designed for average, not peak flows. The result is inevitable; flooded homes
- c. The “right to connect” has resulted in a “right to be flooded” for others upstream and downstream.
- d. There are many areas where development has taken place where it shouldn’t have. There are lots of places where poor design has placed people at unnecessary risk. Climate change is likely to result in more homes and businesses becoming at risk. Local plans should be required to actively reduce flood risk, particularly where this relates to surface water and sewerage flooding.
- e. Development drainage plans should be required to go much further than greenfield runoff rates plus an allowance for climate change. They should include peak flows at all seasons, not just average flows, demonstrate a better understanding of groundwater and include groundwater flows on to and off the site and make provision for actively reducing runoff rates significantly. In many cases this would create additional opportunities for development elsewhere.

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

The process of developing Local Plans needs to be simplified, but the plans themselves need to reflect the particular, the local, the aspirations for a place and the very detailed issues around water management. The current proposals do this by severely reducing democratic input. The opposite is required in ways that really value the evidence and visions of people in their communities.

We have a contested system of planning. This culture defines how the system operates. If we move to a zonal planning system, the culture needs to be appropriate for the system. The zonal planning system in the Netherlands, for example, has a very different culture, much of it led by municipal authorities and where developers have a very different role to the UK. The White Paper does not discuss this, or propose the culture that it wishes to foster or explain how this will enable delivery of an improved planning system.

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The current contested system favours those with power at the expense of those with none. Whilst this will always be a problem, a contested approach will always amplify this unless there are significant checks and balances. These are not in place and no proposals have been made in the White Paper to rectify this.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

National guidelines need to be significantly strengthened for both climate change adaptation and flood risk, whether the planning system is changed or not. The current text and guidelines are simply not good enough. They should include mandatory requirements to work with communities to shape places and to ensure that their local evidence is properly collected, recognised and used, not ignored. Development plan policies should also prescribe what and how developers should work with communities to ensure that the right evidence is used in developing proposals. The National Flood Forum is developing mechanisms that could make this easier.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

Flood risk is frequently traded off against other interests through the current process. This quite simply puts lives at risk and the National Flood Forum frequently has to support people who have flooded during incidents associated with new development. High flood risk from all sources should not be brokerable at either the local plan or development control stage. This should include taking account of climate change over the next 100+ years.

The current approach is easily circumvented by developers. Greater certainty would help everyone, but only if based on good evidence.

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The sustainable development test needs a much firmer appreciation of flood risk and managing. Flooding is a systemic risk and needs a co-ordinated response to managing it. The proposal fails to acknowledge this and fails to appreciate that development can readily contribute to flooding. The concept of 'area at risk of flooding' needs to be expanded to include areas which could contribute to flooding and areas which could contribute to flood risk management.

Sustainable development is not a 'one size fits all' concept. It is dependent on the area, the community, the geography (redeveloping a business park in one area by building homes might be fine, but in another area could create flooding), the social needs, etc.

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

From a flooding and integrated water management perspective, catchment and shoreline management plan scale planning is required. For some issues, such as the transfer of water between areas, river basin or national planning will be required. Local plans should be required to be set in the context of River Basin, Catchment and Shoreline Management Plans. For example, small scale development in an area of limited surface water flood risk in a small catchment adjacent to a larger one could result in many £millions of flood risk investment being nullified. Risk Management Authorities, particularly Environment Agency, water companies and Lead Local Flood Authorities should have much stronger powers in shaping local plans and in development control.

There should be a Duty to Cooperate for flood risk alongside other systems issues.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

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8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

Flood risk from all sources, including sea level rise, should be included in any methodology on housing numbers. There is a particular concern where long-term sea level rise is likely and where current and proposed housing numbers are high, such as in the “Lichfield projections”. The prospect of investing in infrastructure now and in a few decades investing again to remove it is ridiculous. The alternative of spending many billions to protect those communities is equally inappropriate. The principle applies across the country to all forms of flood risk.

Any system introduced should be linked in to wider national policies, such as the need to rebalance the economy to the north, national energy, transport, digital, integrated water plans and projected climate change impacts. Proposals should actively reduce the need to travel, reducing emissions, focussing on what is needed for societies of the future, not the past. Consideration needs to be taken of the impact of flooding on transport routes and thereby the impact on economic activity and commuting, as well as the misery caused.

Housing numbers should also reflect that where land is taken out of a system, the water has to go somewhere. Different soil types and topographies make this more, or less difficult and should be reflected in the proposals.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

No. Using this approach will simply create further stress in areas that are already struggling to cope. Whilst affordability is an important indicator, national strategic policy should shape the location of demand and then create it.

Any system introduced should be linked in to wider national policies, such as the need to rebalance the economy to the north, national energy, transport, digital and integrated water plans, all linked to the impacts of climate change projections.

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Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]

No

The current system where a planning application appears often with no local plan/ neighbourhood plan background 'wrong foots' local communities (and planners) and will increasingly be the case where there are no up to date plans and will become almost the norm if the zoning proposals of the White Paper happen. There is neither time - as little as 21 days in some cases- or capability to analyse. The detail of an application - a pre submission appraisal before an application can be registered based on a locally derived place, planning, drainage, etc., infrastructure plan, could be away forward.

Failure to undertake and consider flood risk assessments early enough in the process is a fundamental cause of problems in the planning system. Flood risk assessments should be undertaken at outline planning stage alongside drainage plans and not always are. In addition, the high variability in quality and level of detail of the assessments and the fact that their recommendations are sometimes not taken forward up to detailed design is a recipe for future problems.

Flood risk assessments submitted by developers almost never state that development is inappropriate, for understandable reasons. Whilst we would hope that this is because professionals have dissuaded developers from investing in inappropriate sites, or that they have persuaded them to amend their proposals, (both of which we know to be true on many occasions) the Flood Action Group experience is that assessments are often poor, fallible, use poor data, inappropriate models, based upon desktop studies alone. They can, and do, lead to people being hurt. A new system is required that

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ensures independence and which encourages the aggregation of the results of flood risk assessments for wider benefit. They should also be collectively easily accessible for communities.

The assessments should take account of upstream and downstream catchments, all forms of flood risk, flow paths through the ground, seasonal variations and local climate change projections. They should take account of cumulative effects of development, both positive and negative.

Failure to set out drainage plans before detailed planning begins is a frequent cause of future problems. Typically, this results in properties being built in flow paths, for example, almost guaranteeing future trauma and stress for a family. Drainage plans need to be set out at outline planning stage and there should be an expectation that they should contribute to reducing flood risk elsewhere, i.e. greater than greenfield runoff mitigation. This will help to create the conditions for growth elsewhere, as well as reducing the risk to existing communities.

The skills in local authorities to interpret drainage plans are often lacking. These need to be improved as a matter of urgency to a high standard everywhere.

The right to connect to sewerage and drainage systems should be removed. It should be a condition of outline planning that permission to connect to systems has been obtained in advance. There are currently horrific cases of peoples' homes being regularly flooded with sewage, with each new upstream development simply adding to the problem, with no solution in sight.

Paragraph 2.33 simply misunderstands the nature of flood risk and how water behaves. To take this approach would simply put people at risk. Detailed site based flood risk assessments and drainage plans are imperative to keep people safe and not put others at risk.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]

No.

The policy proposals are very sketchy, making it difficult to comment. Further information is required. For example, what scale is envisaged for different zones?

Areas of high flood risk, from whatever source, should automatically fall in to a protected zone, unless new development actively and significantly reduces risk. Areas of high surface water flooding should automatically be classified as fluvial flood zone 3.

Much stronger measures are required for permitted development (para 2.35) and small scale developments to prevent cumulative increases in flood risk.

Regarding consultation with communities, local evidence is currently largely excluded from planning decisions, even though systems are in place. New improved approaches are required.

Designations should be reviewed at least every 5 years to take account of climate change and changes to flood risk.

In the face of climate change the country cannot afford to miss opportunities to provide flood risk betterment, to prevent developments increasing flood risk elsewhere of developments which create flood risk.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

No. This would be a developer's charter.

Significant developments should require a master planning approach that includes an integrated approach to water management, with clear adaptive approaches to climate change. There is an opportunity to be really innovative and create wonderful places to live and work, but also the risk of creating the slums of the future.

The masterplanning approach should be linked to creating the infrastructure to support thriving communities in situ, reducing the need to travel and increasing the opportunities to create circular economies.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

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10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

Introducing digital processes to improve decision making faster is appropriate. However, these must not result in the exclusion of almost 1/5 (18%) of the population who have no access to the internet. Whilst this number is falling, it will be many years before it reaches less than 1%. In addition, many people who have access to the internet have poor IT skills. Therefore, proposals need to be designed to enable these two groups of people to access the planning system easily and effectively.

Where applications are refused, the developer has the right to appeal, whereupon a dry desk based assessment in Bristol makes a decision, looking at a map and without any knowledge of the area; inevitably applications are usually approved. This system needs to change:

- Planning inspectors need much more training about flood risk
- The rules that they work under need to be rebalanced to give proper weight to local evidence
- Communities need the right to appeal if an application is approved.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Proposals to digitise the planning system are to be welcomed, subject to the concerns at 10. above; i.e. supporting those with no internet access or poor IT skills as well as those who are digitally literate. Accessible, web based Local Plans should also be legible and understandable by ordinary members of the public.

Just as importantly, the systems need to be designed to generate discussion, to help bring forward ideas from communities and to help the place shaping process.

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Resourcing the planning system adequately will need to be addressed, including ensuring that people have the communication and flood risk skills needed as well as the IT skills.

Streamlining should not be at the expense of improved flood risk assessments and drainage plans, or improved skills within local authorities to interpret them; see above. Significantly improved flood risk and climate change literacy is needed in all planning authorities, committees and planning inspectorates.

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

A 30 month statutory timescale will be used by developers to “bounce” the system, leading to inappropriate development. A different, time limited, approach is required to ensure that the system works efficiently.

Proposals need to include greater accessibility, face to face forms of discussion and consultation and other means (not via the internet) of being involved in the development of the local plan.

Care needs to be taken in understanding the nature of the local community, particularly those that do not have the skills to respond online but have views about how they want their area to develop. This proposal will disproportionately impact deprived areas, in particular if the area is designated ‘regeneration’.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

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Questions 13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Neighbourhood Plans should be retained. A common complaint from communities is that they are simply ignored by the planning system. Therefore, proposals should be brought forward on how Neighbourhood Plans can have greater weight. It is only through demonstrating that they have value that people will be encouraged to participate.

There should be a mandatory requirement to include flood risk and climate change adaptation considerations in Neighbourhood Plans. Guidance should make clear the level of aspiration required to keep people safe.

Transitional arrangements would be required to adjust to the new system.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Many Flood Action Groups have Rolling Action Plans that identify the issues that need tackling in their area, often small areas within a parish, town or ward. These groups often have extremely high levels of knowledge and expertise about drainage issues and opportunities in their local areas that could be mapped. There are opportunities to place these on a more formal basis in the planning system. The National Flood Forum is exploring interactive mapping opportunities to make these more public.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

Build out of developments is not a constraint on housing development. The perception from communities is that it is land banking and developers restricting the development of homes that is slowing the process down rather than policy. But the way that build out occurs can have a very significant impact on flood risk and the ability to recover from flooding.

We do not need further deregulation but more attention/policing of those using loopholes to avoid delivering sustainable affordable homes. Land banking is

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also forcing the price of land up, green space is so much easier to build on than demolishing existing buildings, brownfield sites must be developed first.

Developers (with planning permission for site) are sitting on land to take advantage of planning reform to come, like this White Paper. Developers operate on the scarcity principle; by drip feeding small amounts of housing into the market they keep prices and their profits high, while numbers of new units remain low. This will be unaffected by these proposals.

Reducing the 'expiry date' of planning permission would avoid developers sitting on land (which removes it from being used for deliverable housing stock), this would encourage a quicker end-result... houses.

1. Energy efficiency measures should be integrated with water management measures, for example the use of unicellular insulation for the ground floor construction of properties
2. Buildings should be designed for future weather conditions – insulation and ventilation for 100+ years plus, greywater systems, permeable paving and home based water management as part of an integrated approach to water management in every development, drainage plans able to cope with the sort of weather we are beginning to see (very intense rainfall that currently overwhelms systems and trains of low pressure systems
3. Reform of SuDs so that what gets delivered on the ground is consistently of a much higher standard. Discharge of conditions usually see SUDS reduced before completion of the build. This needs to stop. Much stronger regulation is required to prevent assets being installed that cannot be maintained. Much stronger regulation is required and skills embedded in local authorities planning teams to prevent inappropriate measures being used that simply won't work and which result in flooding to homes e.g. SuDS on clay soils or where groundwater levels are high.
4. Reform of SuDS management to make it reliable. SuDS should be registered on deeds and with the local authority to prevent them being destroyed by utilities inadvertently. SuDS assets currently vested with management companies are a time bomb for the future, due to lack of maintenance and lack of funds to refurbish them when they need renewing.
5. Planning conditions are rarely enforced. This needs to change if they are to have any meaning. For example, the method of water

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attenuation used may be quite different to that proposed in the planning application and only becomes apparent at the end of the development. It becomes a *fait accompli*

6. Drainage issues should never be resolved through planning conditions; it simply provides developers with an open door to proceed as they wish, to the detriment of residents
7. A mechanism is required to hold developers and planning committees to account when things go wrong. Currently this almost never happens. Residents in a development or the surrounding area suffer the consequences – flooded homes, increased insurance premiums, inability to sell properties and consequently unable to move on in their lives. Where there are interventions, solutions are almost always through Risk Management Authorities, i.e. the public sector bears the cost of private sector profit or planning mistakes. Proposals for developer bonds or insurance need to ensure that residents stand a reasonable chance of claiming. Note that currently insurance companies rarely claim against developers or local authorities because of the difficulties of proving negligence, particularly where there are multiple sources of water.
8. Subdivision of development plots can cause drainage problems. Whilst an overall drainage plan may be appropriate, when plots are subdivided in to different development plots this strategic approach may fall apart, leading to increased flood risk.
9. It should be a requirement that drainage measures, including SuDS, are installed at the beginning of developments rather than being an add on at the end, in order to prevent existing peoples' homes being flooded.

Pillar 2 - Planning for beautiful and sustainable places

15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

Where communities have been intimately involved in the design of developments, managing water can be an integral part of development and people can contribute to shaping the places that they live in. Failure to do this

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often results in poor quality developments that do not respect the place or the community.

The National Flood Forum receives many calls from people who have been flooded on new developments or where new developments are affecting existing properties. In the National Flood Forum's work with Flood Action Groups across England, development issues are frequently a major concern. Failures in the planning system regarding flood risk consistently feature in peoples' perception as the single greatest threat to their wellbeing.

There are endless cases of the current planning system failing to protect the flood risk interests of communities from new development. Failures occur at every point of the current system, from local planning to enforcement, for many reasons, making it difficult to generalise.

Radical improvement is needed.

A similar situation occurs with climate change adaptation, with communities frequently having far greater climate change literacy than planning authorities and the planning inspectorate.

Local evidence is not regarded as having value and is consistently ignored by the system, even where presented by ex-planners and other professionals.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Climate change adaptation, with a focus on much more ambitious flood risk management. The planning system is one of the main tools to achieve this, but current proposals are not adequate.

We cannot go on as we are. Radical, ambitious change is needed.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

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17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]

Design guides for specific communities are a good way of simplifying the planning system. Water management, flood risk and climate change adaptation should be a mandatory requirement, with clear national guidance about what is expected. Of particular relevance is a clear understanding of how water flows into and out of an area and opportunities are taken to ensure that flood risk is reduced upstream and downstream on a catchment basis.

Support will be needed by communities to enable this. The National Flood Forum would welcome discussions on how this might be provided.

The proposal to ensure that community input to Design Guides has been secured is important. The detail of this is also important and we would welcome discussions on how this should be provided.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

The proposal has merit. Further details are needed before more detailed comments can be made. The detail of how this will be delivered is important.

Better resourcing of planning departments is a major issue. Recognition of this is welcome, together with ensuring that planning departments are fully skilled and fit for purpose.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

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19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Agreed. The proposals should include a strong focus on climate change adaptation, integrated water management and flood risk management.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

“Fast tracking beauty” is a meaningless statement. ‘Gentle intensification’ is the very definition of an oxymoron. Changing the focus of national policy and legislation to “incentivise and accelerate high quality development which reflects local character and preferences” does sound more appealing, but little explanation is given as to how this will be achieved.

The concept of ‘tree-lined’ streets is very appealing and could have many benefits. But this does not ‘undo’ other problems, houses crammed together, too many impermeable surfaces, development that isn’t flood sensitive, development which doesn’t consider the more social elements of society or place that have tree lined streets but no green spaces and no outside spaces for children to play in.

One of the major problems is the impact of cumulative development and permitted development. This needs practical consideration, including issues such as the right to connect and riparian ownership and management responsibilities, particularly where development compromises management practices.

“Beauty” is in the eye of the beholder, so consideration of how this should be applied needs to be carefully thought through.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

More detail is required in order to comment.

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Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

The NFF needs to be very clear. There will always be a need for a full site based flood risk assessment that incorporates local evidence within a catchment context and detailed drainage plans in advance of planning consent. Anything other than this will put lives and peoples' wellbeing at risk.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

More detail is required in order to comment. Measures to protect buildings from flooding are often inappropriate for historic buildings, which may not have foundations, are often porous and require alternative approaches. Planning legislation should make allowances for this.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

Improved energy efficiency standards are welcome. Where extensions or refurbishment of existing buildings is undertaken they need to take account of flood risk. Currently, many properties that flood where energy efficiency measures have been installed have additional reinstatement costs due to poor practice. See Rochdale MBC for good practice.

Pillar Three – Planning for infrastructure and connected places

21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

From a flood risk perspective, an integrated water management approach for the area is necessary, that plans for 100+ years in the context of a catchment based approach. Residential, business and infrastructure development should actively reduce flood risk in the catchment, not just for those in the development area.

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Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

22(a). *Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]*

Not sure

22(b). *Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]*

Not sure

22(c). *Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]*

Not sure

22(d). *Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]*

Yes

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

23. *Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]*

Yes

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Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

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24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

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Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:

Proposal 24: We will seek to strengthen enforcement powers and sanctions

The proposals for greater enforcement powers are to be welcomed including the potential for greater powers for Environment Agency. However, whilst Environment Agency has strategic, main river and coastal responsibilities, skills and knowledge, other risk management authorities have responsibilities for different aspects of water management, and the accompanying flood risks. Therefore, the review should also examine how the comments from other risk management authorities should carry much more weight. In particular, flood risk should not be traded off against other issues, because of the serious impact on peoples' lives. It should be a "Do not pass Go" issue.

Risk management authorities, including Environment Agency frequently do not have detailed local knowledge about sites and flood risk assessments by developers' consultants regularly fail to capture local detail. This information is often held by communities who then struggle to ensure that their evidence is properly listened to by both the risk management authorities and the planning system. The National Flood Forum is dealing with several cases at the moment. Much better systems are needed to regularly capture this information and use it to determine and design developments.

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Yours sincerely



Paul Cobbing
Chief Executive

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