

Regeneration Scrutiny Panel

Assigned Task Report on Flood Risk in Kirklees

JUNE 2010

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1. BACKGROUND

- 1.1 A request was received in June 2009 requesting that the Overview and Scrutiny Management Committee consider a number of issues relating to concerns over the risk associated with flooding in areas of South Dewsbury that had been identified for the development of eco-settlements within the Local Development Framework.
- 1.2 The request, and a supporting report, was heard by the Overview and Scrutiny Management Committee in August 2009. The Committee decided that the issue should be referred to the Regeneration Scrutiny Panel with a recommendation that the referral be extended to cover consideration of the whole of Kirklees.
- 1.3 The request posed three questions:
 - Why work was continuing within Leeds City Region on developments within areas of flood risk?
 - What effort has Leeds City Region made to find alternative land that is not at risk from flooding?
 - Have Leeds City Region members been made aware of the opinions submitted by the Environment Agency as evidence to the Kirklees Local Development Framework process?
- 1.4 At a meeting held on 1 September 2009, the Regeneration Scrutiny Panel discussed the referral from the Overview and Scrutiny Management Committee and agreed that three members of the Panel would undertake an assigned task to review the issue.
- 1.5 At a meeting held on 5 October 2009, Panel members discussed in more detail the remit of the work that would be undertaken. The meeting included input from the project manager of the Kirklees Local Development Framework and the Kirklees Senior Engineer - Drainage.
- 1.6 It was agreed that the work would focus on issues that were pertinent to the proposed eco-settlements in South Dewsbury and consideration of the wider implications across Kirklees. Panel members noted the concerns highlighted in the request regarding the involvement of the Leeds City Region but felt that this review would benefit from a focus on the implications for Kirklees Council, particularly as the authority was taking the lead on the developments within South Dewsbury.

2 AREAS OF FOCUS

- 2.1 The assigned task focused on two aspects of flood risk in Kirklees. The first aspect focused on the proposals to develop eco-settlements within areas of South Dewsbury and the other considered the wider implications of flood risk across Kirklees.
- 2.2 Within the two areas of focus, members of the assigned task agreed to include consideration of the following:

1. To review the brief that will be used by the consultants that will be commissioned to carry out the technical aspects of the flood risk assessment in the areas of development in South Dewsbury identified as having the highest probability of flooding.
 2. To review the results and comments from the consultants that have carried out the technical aspects of the flood risk assessment in South Dewsbury.
 3. To assess the strategic decision of the proposals to focus regeneration and development of housing in South Dewsbury.
 4. To review the roles and responsibilities of the various organisations that are involved in the decision making process of the assessment of flood risk from developments.
 5. To assess the work being done and developed by the local authority to capture local intelligence of areas prone to flooding and the mapping of the main flood risk management and drainage assets (including condition).
- 2.3 It was agreed that any recommendations or comments that resulted from the review would be shared with partners and appropriate agencies including the Leeds City Region.

3. THE PANEL

- 3.1 The Panel consisted of the following members of the Regeneration Scrutiny Panel:
Councillor Robert Iredale
Councillor Nigel Patrick
Peter Mackle (co-optee)
- 3.2 The Panel were supported by Richard Dunne from the Scrutiny Office.

4. WORKING ARRANGEMENTS

- 4.1 The Panel held a series of meetings between October 2009 and March 2010 in order to receive information and evidence from a range of individuals and organisations. The review included a field trip to visit a number of developments in the New Mill area, where the Panel witnessed examples of good and bad practice when taking account of the risk of flooding. The Panel were also presented with a Google Earth “fly through” of the proposed areas of development in South Dewsbury.
- 4.2 A full list of attendees and witnesses are shown in section 7.

5 SUMMARY OF EVIDENCE RECEIVED

5.1 This section of the report will set out for each area of focus, a summary of the key evidence that has been received, followed by an outline of the Panel's views.

5.2 To review the brief that will be used by the consultants that will be commissioned to carry out the technical aspects of the flood risk assessment in the areas of development in South Dewsbury identified as having the highest probability of flooding.

5.2.1 At the time of writing this report, the brief was not available for the Panel to comment on. The Panel is disappointed that they have not received this information and would recommend that this aspect of the review be covered at the earliest opportunity during the municipal year 2010/11.

5.3 To review the results and comments from the consultants that have carried out the technical aspects of the flood risk assessment in South Dewsbury.

5.3.1 At the time of writing this report, the consultants had not been commissioned to carry out the work. The Panel is disappointed that they have not been able to consider this element of the review and would recommend that this be covered at the earliest opportunity during the municipal year 2010/11.

5.4 To assess the strategic decision of the proposals to focus regeneration and development of housing in South Dewsbury.

5.4.1 The focus on development in South Dewsbury has been based on the need to tackle some long standing issues such as overcrowding, community cohesion, social exclusion and deprivation.

5.4.2 A number of studies and reports have been commissioned over the years that have identified South Dewsbury as being an area in need of regeneration. Problems of poor housing stock and infrastructure, combined with social and demographic patterns, have created lack of opportunity and issues of cohesion.

5.4.3 As far back as 2001, the Yorkshire and Humberside Housing Forum commissioned the Centre for Urban and Regional Studies at the University of Birmingham to undertake a study of the prevalence and risk of problems of low and changing demand for housing in the region. This identified Dewsbury as being on the edge of market failure.

5.4.4 In 2005, a report was completed for the authority which included an assessment of the sustainability of the defined housing sub-markets through a Kirklees NOMAD (Neighbourhood Orientated Model of Area

Demand) model. Dewsbury neighbourhoods came out strongly as an area for intervention.

- 5.4.5 In 2005, the Government launched a “Homes for all” initiative which set out a 5 year plan aimed at offering everyone the opportunity of a decent home at an affordable price; providing more homes where they were needed and revitalising communities suffering from abandoned housing and deprivation. This resulted in £24 million of Housing Market Renewal resources for 2006-08 being provisionally allocated to West Yorkshire.
- 5.4.6 In 2005, the authority submitted a bid for resources for the area to the south and west of Dewsbury, which had been identified as being the area most likely to meet the criteria for selection.
- 5.4.7 In 2006, a report on an assessment of Dewsbury growth area was prepared by consultants “*ideasmiths*” in collaboration with officers from the authority to inform the bid for further work to be carried out in the area.
- 5.4.8 In September 2006, a report “*Dewsbury Housing Market Renewal*” was presented to Cabinet to inform that £1.79 million had been attracted from the Department of Communities and Local Government. This could be used to support the strategic planning needed to address the housing market frailty and tackle economic, social and environmental issues in the wards of Dewsbury South and Dewsbury West. In addition, Cabinet were informed that South Dewsbury had also been identified as one of five Growth areas within the draft Regional Spatial Strategy proposals for Leeds City Region, which would help to realise the outcomes of the market renewal programme.
- 5.4.9 At the time of the report it was expected that the bid for Housing Market Renewal funds over 10 years would be in the region of £30 million, subject to a number of factors such as an ongoing government commitment to Housing Market Renewal and the satisfactory delivery of a Strategic Regeneration Framework.
- 5.4.10 In 2007, a leading property consultant - GVA Grimley - in conjunction with a number of other consultants were commissioned to prepare the North Kirklees Strategic Development Framework, which focused on three pieces of work that included:
- The North Kirklees Strategic Development Framework - the overarching regeneration framework for North Kirklees;
 - The Housing Market Renewal framework for South Dewsbury which would provide an overall strategic regeneration framework for Dewsbury Housing Market Renewal;
 - A series of neighbourhood masterplans which would underpin the South Dewsbury Housing Market Renewal framework.

- 5.4.11 In September 2008, the masterplans covering the Dewsbury Neighbourhoods were finalised and included the individual plans for 4 neighbourhoods - Savile Town; Scout Hill; Ravensthorpe; and Thornhill Lees. The plans were designed to tackle a number of objectives including: reinvigoration of the housing market and prevention of market failure; improvements to the economic infrastructure; and job creation and quality of life improvements to create a sustainable community and major lasting change.
- 5.4.12 In October 2008, the Leeds City Region Partnership submitted proposals to the Government for Urban Eco-Settlements in response to the Government plans for free standing eco-towns. The submission provided details about four proposed Urban Eco-Settlement locations which included North Kirklees/South Dewsbury and covered analysis of the capacity and constraints of the areas and the infrastructure funding required to unlock development.
- 5.4.13 In December 2008, a report to Cabinet provided information on levels of funding for the period 2008-2011 that had been secured through the Yorkshire and Humber Regional Housing Board and the proposed work to best deploy the resource and maximise further resources for the area. The report also sought Cabinet approval to pursue the preparation of a bid for further resources through Leeds City Region in relation to the project.
- 5.4.14 The authority proposed five elements of investment that were required to pursue sustainable development in line with the objectives in the Masterplan for Dewsbury Neighbourhoods, which included:
- Completion of sequential test of development and flood risk as set out in Planning Policy Statement 25 together with the completion of a level 2 Strategic Flood Risk Assessment;
 - Funding to meet the infrastructure needs of sites that could be developed in the short to medium term that are not affected by flooding issues;
 - Funding for the acquisition of strategic sites that need to be developed in advance of other sites;
 - Funding to pursue an innovative development of water compatible uses that will meet development needs and alleviate flood risk downstream.
- 5.4.15 In October 2009, the delivery programme for the Urban Eco Settlements was published by ARUP consultants for Leeds City Region, which included proposals for South Dewsbury. The Urban Eco Settlements offer was seen as a way of addressing long standing issues such as: overcrowding, social exclusion and deprivation in existing neighbourhoods; reconcile substantial requirement for housing delivery; providing regeneration options that generate development values; combat the challenge of flood risk through water compatible developments and new models of residential development along with flood alleviation measures which lessen the need for 'hard floor'

measures (flood walls/barriers); and reduce the risk of flooding on adjacent sites and elsewhere within the flood plain.

5.4.16 Verbal evidence received from Strategic Housing states that a key approach to building in South Dewsbury would be to locate water compatible developments in areas which could be deliberately designed to allow flooding with the aim of alleviating flooding elsewhere.

5.4.17 Further evidence from Strategic Housing highlights the issues of land ownership in South Dewsbury which has resulted in fragmented sites making it difficult to plan new developments with the developmental value of much of the land being based on being able to use water compatible technology. Strategic Housing states that the cost of housing is currently unknown and it is unlikely that the costs will be fully appreciated until there is formal agreement on what is to be built and the construction methods to be used.

PANEL VIEW

- The reasons put forward as to why there should be a focus for regeneration and development in the area of South Dewsbury is compelling and strong; in particular, the need to address long standing issues such as overcrowding, poor housing conditions, social exclusion and deprivation.
- The Panel recognise the contribution that development in this area has towards meeting the number of homes that the Government Regional Spatial Strategy has identified is required in Kirklees.
- The Panel has noted the decision by Leeds City Region to “re-package” original Government plans to develop a freestanding eco town by submitting proposals to develop a number of Urban Eco settlements. The Panel has not seen any evidence that the criteria used by Government to support the eco principles of an eco town will be met by the proposals for South Dewsbury. This has been supported by verbal evidence received from the Environment Agency.
- Although the case for developing in areas of South Dewsbury is strong the Panel feels that it could appear that the determination to proceed with the proposals despite the many barriers, risks and uncertainty of costs could be interpreted as “fund chasing”.
- The Panel feels that the enormous challenges associated with development in South Dewsbury and the funding that has been required to support the progress of the eco settlements has only been possible through strong political support both at Kirklees and at regional level.
- Despite the evidence that has been seen on the planned measures to mitigate and manage the risks associated with building in high risk areas of flood zone, the Panel still has strong reservations and concerns about developing in these areas.

- The Panel believes that the assumptions made about the use of innovative water compatible development is still doubtful. Despite there being examples of this type of development already in use (such as in the Netherlands), the technology is still very new to the UK and there are many challenges that will need to be overcome. This view is supported by verbal evidence received from the Environment Agency.
- The Panel has concerns that the costs of developing the water compatible technology could be prohibitive and potentially conflict with the objective of addressing poor housing conditions through the supply of good quality affordable housing. The Panel do however recognise the attraction of innovative housing which could contribute to increased investment in the area.

5.5 To review the roles and responsibilities of the various organisations that are involved in the decision-making process of the assessment of flood risk from developments

5.5.1 Background

5.5.2 Planning Policy Statement 25 is designed to help deliver appropriate sustainable developments in the right locations by taking full account of flood risk.

5.5.3 Guidance in Planning Policy Statement 25 advocates a partnership approach and encourages the sharing of expertise and information. This partnership approach should occur at all levels in the planning process and include engagement and full involvement with all key stakeholders to ensure that flood risk is factored into the earliest stages of decisions.

5.5.4 The Environment Agency is a statutory consultee on planning applications for specified categories of development where flood risk is an issue. The Environment Agency provide a consultation matrix, which is used by local planning authorities to determine whether there is formal consultation and what the consultation should contain. A wide range of flood risk advice is also provided through this route.

5.5.5 In addition to the Environment Agency there are a number of other key flood risk consultees, who may also need to be consulted. This could include the Drainage Authority, Internal Drainage Boards (where they exist), Highway authorities and Water authorities.

5.5.6 For minor household and non-domestic extensions in flood zones 2 and 3¹, applicants are required to complete a table identifying how flood risk issues will be addressed. The Environment Agency recognise

¹ Flood zones are categorised as follows: Flood zone 1 – low risk of flooding, Flood zone 2 – low to medium risk of flooding, Flood zone 3a – high risk of flooding, 3b - The Functional Floodplain (land where water has to flow or be stored in times of flood)

the potential for the cumulative impact of small extensions to have a significant effect on flood risk and where local knowledge has identified a risk the Local Planning Authority is required to follow specific Environment Agency guidance.

5.5.7 The Roles of the Stakeholders

5.5.8 This review has focused on three key stakeholders who are involved in the decision making process:

1. Strategic Drainage, who are part of the Highways and Transportation Service in Kirklees Council
2. Planning Development Control, who are part of the Planning and Building Control Service in Kirklees Council
3. The Environment Agency, who are an Executive Non-departmental Public Body responsible to the Secretary of State for Environment, Food and Rural Affairs and an Assembly Sponsored Public Body responsible to the National Assembly for Wales.

5.5.9 The Panel interviewed representatives from each of the three stakeholders and the verbal evidence heard has been used to describe the role of each stakeholder. This evidence has been supported by desk top research.

5.5.10 Strategic Drainage

5.5.11 Strategic Drainage is not a statutory consultee, although Kirklees Council planning officers will consult with Strategic Drainage where it is felt to be appropriate.

5.5.12 Strategic Drainage focuses on the draining of the land, how the proposed development will affect this, and will examine the development in the context of Planning Policy Statement 25 attempting to reduce the risk of surface water flooding.

5.5.13 Strategic Drainage view its role in the process as that of taking an overview of total flood risk and concentrate on surface water issues to both the development and surrounding land. Strategic Drainage will review the Flood Risk Assessments covering fluvial risk to ensure that the risk has been assessed and mitigation proposed. For a more critical assessment of the quality of data showing in the planning submission, Strategic Drainage rely on the Environment Agency who possess the expertise and hold the relevant data.

5.5.14 Until recently, Strategic Drainage has operated with a very limited resource with one engineer responsible for all investigations, site visits, supervision of works and offering advice to planning. Strategic Drainage has now expanded its resource and appointed a senior engineer that allows it to have a dedicated person responsible for planning and advice.

- 5.5.15 Currently the process that is followed is planning led, which is primarily due to the resource issues with Strategic Drainage. However, Strategic Drainage has started to be more proactive and it plans to start checking through planning applications each week and selecting those that it feels should be consulted on.
- 5.5.16 Strategic Drainage has developed a Planning Consultation Flowchart and it uses a variety of tools to help establish the size of the site and the complexity of the submission. As part of this process Strategic Drainage actively promote the use of water resilience techniques in new builds or extensions particularly for housing that is already located within a flood zone. The level of detail included within a flood risk assessment will depend on many factors and could include a down stream impact assessment.
- 5.5.17 Site visits will be normally made for the larger site developments, although the overall numbers of site visits are restricted due to limited resource. Strategic Drainage will also take account of local knowledge regarding historical flooding and will make a site visit to assess and establish accuracy of this information. Strategic Drainage operate on a risk based model which means that unless there is an indication of a significant risk of flooding a site visit will not always be made.
- 5.5.18 Strategic Drainage is reliant on the quality of information regarding the location of existing assets, knowledge of water courses and culverts etc. when it is assessing and compiling the advice.
- 5.5.19 Strategic Drainage leave the decision to contact the Environment Agency to the Planning Officer and it makes the assumption that the Environment Agency flood risk consultation matrix guidance tool will be used by Planning to identify whether the Environment Agency needs to be consulted.
- 5.5.20 Strategic Drainage does not routinely liaise or communicate with the Environment Agency about specific applications.
- 5.5.21 Planning and Development Control
- 5.5.22 Planning and Development Control has access to a variety of key documents and Government guidance when assessing planning applications. This includes:
- Planning Policy Statement 25
 - Planning Policy Statement 25 Practice Guide
 - Guidance of the permeable surfacing of front gardens 2008
 - Improving flood performance of new buildings - flood resilient construction
 - General Development Procedure Order (1995 and 2006 Amendment)

- 5.5.23 One of the key aspects contained in Planning Policy Statement 25, which sets out Government policy on development and flood risk, is the sequential test. The test is risk based and should be applied by Development Control on all development sites with the aim of steering new development to areas at the lowest probability of flooding.
- 5.5.24 Development Control is reliant on a Geographical Information System to identify and record details of any constraints that are likely to affect a development and this process is a key element that will influence who, if at all, is consulted.
- 5.5.25 The Geographical Information System contains a variety of information including all main rivers, flood zones, conservation areas and listed buildings. The system will help to identify potential flooding from rising river levels but is not able to identify flooding that can occur from higher ground levels.
- 5.5.26 The next stage of the process requires officers (generally team leaders) to decide on whether there is a need to consult with the Environment Agency or Strategic Drainage or both and to assess what information will need to be sent to the consultees. The tool that is used to help make this assessment is the flood risk consultation matrix that is provided by the Environment Agency.
- 5.5.27 The matrix is an interactive tool, which sets out when the Environment Agency will need to be consulted and the type of consultation that is required. The process is entirely web based and has been designed by the Environment Agency to automate the consultation process and it will generate standard comments for those cases where no further consultation is required.
- 5.5.28 Development Control also make reference to a range of flood maps, which includes a Strategic Flood Risk Assessment document that was commissioned by Planning Services and compiled by experts in flood risk and drainage. Further advice may also be sought from Strategic Drainage who may provide a wide range of information on flood risk and drainage matters.
- 5.5.29 A planning decision will never be made without a Planning Officer having first made a site visit. This is usually done relatively early on in the process and can include other consultees who will visit a site as is necessary to undertake their element of the process.
- 5.5.30 The guiding principle stipulated by the Environment Agency and followed by Development Control is that the information that is to be supplied should be proportionate to the size and assessed risk of the application.
- 5.5.31 Although much of the process that is followed is automated, Development Control do place an importance on developing strong

links with the Environment Agency and have reasonably regular and open contact with them.

5.5.32 Environment Agency

5.5.33 During the early stages of the planning process the local authority may consult with the Environment Agency as part of the decision making process when deciding on whether a development can proceed.

5.5.34 A key document that is used by the local authority in determining the suitability of a development in terms of flood risk is the Planning Policy Statement 25. The Environment Agency view its contribution in this process as that of an “overseeing role” and working in partnership at a strategic level.

5.5.35 The approach taken by the Environment Agency in the assessment of planning applications is fairly broad scale and it acknowledges that it has limited local information. This lack of local data and knowledge of local issues can result in the Environment Agency not being in a position to identify a potential risk, particularly for those sites which are outside of the high risk flood zone areas.

5.5.36 Site visits will be done where it is deemed a priority or in cases that are being appealed, although due to limited resources the majority of cases that the Environment Agency is consulted on are done through desk top analysis. The Environment Agency welcomes information from members of the public with local knowledge however these sources of information are not normally used in isolation to object in principle to a development. Instead the Environment Agency may request that a flood risk assessment is undertaken to investigate the evidence in more detail.

5.5.37 The Environment Agency flood zone maps do not cover any watercourses with a catchment of less than 3 kilometres square and so small water courses and areas susceptible to other sources of flooding are not included. Whilst the Calder Valley Strategic Flood Risk Assessment explores and maps all sources of flooding, there are instances where there is no independent evidence on localised problems to inform planning decisions. Applications that are submitted in these cases become reliant on interventions by Strategic Drainage, a local councillor or someone with good local knowledge to request an assessment. Should a request be made to undertake a flood risk assessment the responsibility falls with the developer to identify and investigate the issues.

5.5.38 The flood risk assessment document is prepared and paid for by the developer and because local flood routes and other flood risk evidence are not currently strategically mapped both the Environment Agency and the local authority are reliant on this evidence.

5.5.39 The Environment Agency has stated that it receives significant numbers of applications where either no flood risk assessment has been made or where information is inaccurate or missing. The Environment Agency will try and encourage authorities not to validate applications until the missing information is presented although the time pressures on finalising applications can make this an issue.

5.5.40 Advice issued by the Environment Agency does not have to be accepted by the local authority and the Environment Agency will monitor the planning decision notices to check on whether advice has been taken. Where advice has not been accepted the Environment Agency are required to submit details as part of an annual report to the Department for Environment Food and Rural Affairs (DEFRA).

5.5.41 The Environment Agency has consenting and enforcement powers in respect of main rivers and the immediate surrounding area, which will be used when deemed necessary, although the Environment Agency approach is based on taking steps to prevent issues occurring in the first place through the information and advice that it offers. For developments that fall outside the control of the Environment Agency it is reliant on the advice issued through the planning process.

PANEL VIEW

- The Panel welcomes the extra resource that has been allocated to Strategic Drainage and is pleased with the additional work that this has enabled Strategic Drainage to start to carry out.
- The Panel acknowledges the improvements that Strategic Drainage have made to many of the practices followed in the past, although the Panel believe that Strategic Drainage need to ensure that the new ways of working become adopted practice.
- The Panel welcomes the pro-active approach being taken by Strategic Drainage in viewing and analysing planning applications in order to pre-determine issues of flood risk and would want this to become common practice.
- The Panel acknowledges the systematic approach taken by Development Control and the use of tools like the Geographical Information System and the Environment Agency matrix.
- The Panel believe that use of the sequential test is a vital element of the planning application assessment undertaken by Development Control. The Panel would wish to see Development Control apply the test in a consistent and rigorous manner to guide developments to sites of lower flood risk as early in the process as possible.
- The Panel is concerned that Development Control assume that the information these tools provide is definitive, which results in a lack of overall perception and appreciation in the flood risk elements of the assessment process.
- The Panel is concerned that the Government targets that cover the performance in the handling of planning applications is leading to applications being agreed even when there is missing information relevant to a flood risk assessment.

5.6

To assess the work being done and developed by the local authority to capture local intelligence of areas prone to flooding and the mapping of the main flood risk management and drainage assets (including condition)

- 5.6.1 Proposals in the draft Flood and Water Management Bill² will place a duty on Unitary and County Councils to take a leadership role for local flood risk management which includes ensuring that flood risk from all sources, including from surface run-off, groundwater and ordinary watercourses, is identified and managed as part of a locally agreed work programme.
- 5.6.2 To fulfil this new role the authority will need to have a strategy for local flood risk management which will comprise of a number of documents including the production of a Surface Water Management Plan. The authority has received a central Government grant and aims to produce a Surface Water Management Plan by the end of 2010/11. This will give the authority an initial indication of the risk from surface water flooding.
- 5.6.3 The Pitt report that was published in June 2008, in response to the floods in the summer of 2007, identified that there was a clear need for a better understanding of local flood risk management and drainage assets.
- 5.6.4 The Surface Water Management Plan is a framework for local partners with responsibility for surface water and drainage to work together to understand the causes of surface water flooding and to establish a way of managing flood risks. Government guidance on how to produce a Surface Water Management Plan is structured into four phases: preparation; risk assessment; options appraisal and review.
- 5.6.5 The Strategic Drainage team has the responsibility of developing the Surface Water Management Plan and the collation of local information will form part of this document. Information will need to be collated, analysed and mapped on a Geographic Information System.
- 5.6.6 Information on flood risk and existing drainage needs to be collated to understand previous flooding incidents, potential flood mechanisms, existing assets and drainage infrastructure, existing tools used to predict performance and gaps in knowledge and data. The guidance also highlights the importance of recording data to track uncertainties, avoid misinterpretation and understand the data's limitations.
- 5.6.7 Data on drainage assets and history of flooding will need to be mapped using Geographical Information System tools with the aim of helping to

² Since the report was written the Flood and Water Management bill has received royal assent (9 April 2010).

visualise the location and frequency of flooding. The authority will also need to create an effective method (single point of contact) to record flood incident reports.

5.6.8 As there has never been a statutory requirement to collate this information Kirklees Council, along with many other authorities, have not put resources into this activity. Strategic Drainage confirms that the authority is starting from a very low baseline and has no history of data collection, flood risk assessment or flood incident mapping.

5.6.9 Some recent work has been done on the capacity of rivers and there is some sewer modelling that has been undertaken by Yorkshire Water, although this is not currently publicly available. The flood zones have been identified and detailed technical surveys on flood risk, but very little work has been done in relation to local problems and local flood risk.

5.6.10 Production of the Surface Water Management Plan has started and Strategic Drainage has identified the key elements of work that will need to be completed as part of the preparation phase of the plan. This will include:

- Mapping all of the authority's flood incident records from the last 10 years;
- Mapping known drainage assets, including condition information where available, from previous investigations and surveys;
- Investigating drainage systems/areas where the authority has incomplete records;
- Setting up processes to record future flood incidents;
- Analysing the information together with existing modelling information to produce risk maps and actions plans;
- Work on developing methods to collect local intelligence to supplement the authority's asset records and flood data.

5.6.11 Strategic Drainage has identified that the biggest and most difficult task will be utilising effectively the local expertise and knowledge that exists on local flooding. Strategic Drainage is aware of individuals across the district that possess a wealth of knowledge in relation to locations of historic culvert systems as well information on more modern drainage systems.

PANEL VIEW

- The Panel welcomes the approach being taken by Strategic Drainage to involve people, including ward councillors, who have local knowledge and expertise.
- The Panel notes the lack of information that is currently available which is due to inadequate resources being allocated in previous years.
- The Panel believes that the authority has never considered the activity of collating this information to be a priority, despite the responsibility that the authority has always had in monitoring and maintaining culverts on council owned land.
- The Panel feels that Strategic Drainage should quantify, as soon as they can, the level of resources that are required to carry out the work that is proposed in the draft Flood and Water Bill.

6 RECOMMENDATIONS

- 6.1** That as a matter of urgency a costing exercise (business case) is undertaken that examines the feasibility of the proposed development in the flood zones of south Dewsbury. This should include the costs of:
- The technology needed to prepare the site and develop a sufficient standard of water compatible housing;
 - Investigating the extent of land contamination and, where required, land remediation;
 - The relocation of businesses/landowners as part of arranging desired locations for development;
 - To investigate maintenance of water quality in developments designed for standing water and/or water flow control in areas designed to act as intermittent flood overflow/storage.
- 6.2** That the main stakeholders (Development Control/Environment Agency /Strategic Drainage) involved in the assessment of flood risk from developments should work towards developing a framework that will help generate a closer working relationship by:
- Establishing a protocol for the sharing of information. This should include an agreement that allows comments made by any of the main stakeholders in respect of a planning application to be accessed and seen by all three stakeholders.
 - Strengthening and improving communication between the main stakeholders. This could include an agreement to hold periodic meetings designed to share information, discuss work programmes, working practices etc
 - Establishing a clear understanding of the roles and responsibilities of each stakeholder. This could include: agreeing written descriptions that outline the key areas of responsibility for each stakeholder; running regular training sessions that involve all stakeholders; and developing the skills and knowledge of individuals through continuous professional development.
- 6.3** That a proactive approach is taken by all main stakeholders to ensure that appropriate challenge and robustness can be introduced to the decision making process. To encourage a transparent and open process each stakeholder should evidence the actions they have taken in support of this approach.
- 6.4** That Development Control must take a more flexible approach in extending the deadlines of planning applications (despite government targets) when on the advice of the Environment Agency or Strategic Drainage there is information outstanding that is relevant to a flood risk assessment. This extension to the planning deadline must also be given where the provision of local drainage/flooding information is coming from other sources such as members of the public, ward and parish councillors etc

- 6.5** That Strategic Drainage prepares a financial report that establishes the level of resource that is required to carry out the work that has been proposed in the draft Flood and Water Bill. This should be presented by the relevant Cabinet Member to Council to allow it the opportunity to assess and prioritise budget allocation in order to fulfil its legal obligations.

7 ATTENDEES AND WITNESSES

The review was carried out between October 2009 and March 2010 and included reviewing relevant documentation and interviews with:

- Patrick Auterson - Policy Manager, Planning and Building Control
- Sarah Bird- Development Control Group Leader, Planning and Building Control
- Gary Cliff - Development and Flood Risk, Environment Agency
- Paul Farndale - Senior Engineer, Drainage, Highways and Transportation
- Tom Ghee - Group Engineer, Drainage, Highways and Transportation
- Sam Kipling - Planning Liaison, Environment Agency
- Alan Seasman - Regeneration and Development Manager, Strategic Housing
- Steven Wright - Planner, Planning and Building Control

8 SOURCES OF EVIDENCE

1. An Assessment of Dewsbury Growth Area April 2006 (Ideasmiths)
2. Dewsbury Neighbourhoods Masterplans January 2009 (GVA Grimley)
3. Draft Flood and Water Management Bill
4. Identification and Assessment of Housing Sub-Market areas in Kirklees July 2006 (Re'new)
5. Leeds City Region Partnership Urban Eco-Settlement Delivery Outputs (draft report June 2009)
6. North Kirklees Strategic Development Framework Final Report July 2008
7. Planning Policy Statement 25:Development and Flood Risk
8. Planning Policy Statement 25 Practice Guide - Communities and Local Government December 2009
9. The Pitt Review - Learning lessons from the 2007 floods
10. Report to Cabinet - Dewsbury Housing September 2006
11. Report to Cabinet - Dewsbury Housing market renewal programme July 2007
12. Report to Cabinet - information for funding of Dewsbury neighbourhoods December 2008
13. Report to Cabinet - Surface Water Management Plan January 2010
14. The Government's Response to Sir Michael Pitt's Review of the summer 2007 Floods progress report December 2009
15. The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (May 2008)
16. Urban Eco Settlements - Deliverability Assessment January 2009
17. Urban Eco Settlements - Delivery programme October 2009 (Ove Arup & Partners)
18. Urban Eco Settlements - completing the Leeds City Region New Growth Points package 2008-2017
19. Yorkshire and Humber: changing housing markets and urban Regeneration April 2002 (Centre for Urban and Regional Studies University of Birmingham)

9. ACTION PLAN

OVERVIEW AND SCRUTINY PANEL FOR REGENERATION

FLOOD RISK IN KIRKLEES

Recommendation	Responsibility to coordinate response	Recommendation agreed? yes / no / already happening / further work required	Lead Officer to implement action	Estimated date of completion of action
<p>1. That as a matter of urgency a costing exercise (business case) is undertaken that examines the feasibility of the proposed development in the flood zones of south Dewsbury. This should include:</p> <ul style="list-style-type: none"> • The technology needed to prepare the site and develop a sufficient standard of water compatible housing; • Investigating the extent of land contamination and where required land remediation; • The relocation of businesses/ landowners as part of arranging desired locations for development; • To investigate maintenance of water quality in developments designed for standing water and/or water flow control in areas designed to act as intermittent flood overflow/storage. 	<p>Strategic Housing</p>	<p>It is not accepted that the costs associated with the development of water compatible development are significantly different from those associated with standard developments. For example, the technology used is a concrete raft which removes the need for groundwork, and foundation work associated with a traditional construction. In addition, the land costs associated with a traditional development may not be comparable as sites acquired for water compatible development may be able to be acquired more cheaply as they have no other development value.</p> <p>Nevertheless, the viability of regeneration in Dewsbury is of key concern, whether this is for normal or water compatible development.</p>	<p>Alan Seasman</p>	<p>December 2010</p>

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		<p>Therefore the Council has commissioned work into developing a financial model as a first step in being able to secure private sector investment as part of a possible joint venture arrangement. This will include costs of re-location of landowners and businesses.</p> <p>A short listing of consultants to undertake further technical work on flood risk has taken place through Leeds City Region, with input from the Environment Agency. This work is currently on hold depending confirmation of funding following recent national announcements on cut-backs.</p> <p>If this work is commissioned it will include an assessment of land contaminations and remediation required.</p> <p>The investigation of the implementation of water compatible development formed part of the</p>		

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		commission for the consultants. Given the cuts to national funding streams this is an area of work that may be delayed until additional budget has been identified.		
<p>2. That the main stakeholders (Development Control/Environment Agency/Strategic Drainage) involved in the assessment of flood risk from developments should works towards developing a framework that will help generate a closer working relationship by:</p> <ul style="list-style-type: none"> Establishing a protocol for the sharing of information. This should include an agreement that allows comments made by any of the main stakeholders in respect of a planning application to be accessed and seen by all three stakeholders. Strengthening and improving communication between the main stakeholders. This could include an agreement to hold periodic meetings designed to share 	Development Control/Environment Agency/Strategic Drainage	<p>Development Control/Strategic Drainage Already happening: Bi-annual liaison meetings between Development Control and the Environment Agency, to discuss planning-related issues where either party is seeking guidance. Attended by Team Leaders, used as a training/development event.</p> <p>Environment Agency The Environment Agency agrees to develop a framework that will help generate a closer working relationship with Kirklees Development Control & Strategic Drainage.</p> <p>Comment from all Stakeholders At the meeting held on 17 June it was agreed that full liaison</p>	<p>Sarah Bird Development Control & Tom Ghee Strategic Drainage</p> <p>Sam Kipling Environment Agency</p>	With immediate effect following agreement at liaison meeting held on 17 June 2010

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<p>information, discuss work programmes, working practices etc</p> <ul style="list-style-type: none"> Establishing a clear understanding of the roles and responsibilities of each stakeholder. This could include: written descriptions that outline the key areas of responsibility for each stakeholder; running regular training sessions that involve all stakeholders ; and developing the skills and knowledge of individuals through continuous professional development 		<p>meetings should be held at least twice a year and would be supplemented with shorter interim meetings in order to discuss and share new information. The objective of these meetings is to ensure that there is a more immediate and effective response to changes.</p> <p>Environment Agency - In addition to this recommendation the Environment Agency would strongly advise that greater emphasis be placed on the importance of Kirklees Council Emergency Planners, the Emergency Services and the Local Flood Resilience Forum in line with Planning Policy Statement 25. Particularly in relation to the issue of safety, key for the South Dewsbury Urban Eco Settlements proposals. These parties will be responsible for determining whether proposals can be considered safe or not and it is essential that they are properly</p>		

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		resourced and have the appropriate expertise in order to influence the process effectively. ³		
3. That a proactive approach is taken by all main stakeholders to ensure that appropriate challenge and robustness can be introduced to the decision making process. To encourage a transparent and open process each stakeholder should evidence the actions they have taken in support of this approach.	Development Control/Environment Agency/Strategic Drainage	<p>Development Control/Strategic Drainage</p> <p>Yes: where Development Control is made aware of local issues concerning flood risk that is retained as local knowledge i.e. it is raised with us by objectors as part of the application process, this information will be shared with Environment Agency and/or Strategic Drainage (as appropriate) to enhance their information base when commenting on current/future applications.</p> <p>Yes: Planning Policy Team is developing guidance for applicants and Development Control to enhance consistency of approach to planning applications in flood risk</p>	Sarah Bird Development Control & Tom Ghee Strategic Drainage	<p>Completion of Revised guidance on the sequential test - end of August 2010.</p> <p>Evaluation and review to be done on a continuous basis with first interim evaluation meeting scheduled for September followed by full meeting December 2010</p>

³ The Panel acknowledge this response from the Environment Agency which covers an aspect of the review that was not covered by the Panel. The Panel would wish to see that this issue is addressed and recommends that this aspect of Flood risk is included in the next phase of a Scrutiny led review of Flood Risk in Kirklees.

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		<p>zones. A revised guidance on the sequential test approach will be evaluated and reviewed on a continuous basis in order to ensure any issues arising are addressed quickly and effectively.</p> <p>Environment Agency The Environment Agency agrees to this recommendation, although it should be noted that the Environment Agency rely heavily on Kirklees Officers continuing to proactively involve the Environment Agency</p>	Sam Kipling Environment Agency	Ongoing
<p>4. That Development Control must take a more flexible approach in extending the deadlines of planning applications (despite government targets) when on the advice of the Environment Agency or Strategic Drainage there is information outstanding that is relevant to a flood risk assessment. This extension to the planning deadline must also be given where the provision of local drainage/flooding information is coming from other sources such as members of the public, ward and parish</p>	Development Control	<p>Development Control Already happening: where the Environment Agency advises that the Flood Risk Assessment is inadequate, Officers direct for further information to be submitted by the applicant. The application is not considered until that information is received. Further work required: Where circumstances on specific cases are as described in the recommendation, consideration will</p>	Sarah Bird Development Control	Ongoing, as cases arise

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councillors etc.		be given, based on the circumstances of the individual case, to seeking an extension of time for the application.		
5. That Strategic Drainage prepares a financial report that establishes the level of resource that is required to carry out the work that has been proposed in the draft Flood and Water Bill. This should be presented by the relevant Cabinet member to Council to allow it the opportunity to assess and prioritise budget allocation in order to fulfil its legal obligations.	Strategic Drainage	<p>Strategic Drainage The Bill has now been enacted as the Flood and Water Management Act 2010 but implementation processes are still to be published. The introduction of the new coalition government has resulted in the reprioritisation of the general legislative timetable and the schedule for the implementation of the Floods and water Management Act is currently unclear. Current advice from the Department for Environment, Food and Rural Affairs (Defra) is that commencement of the Act will be from April 2011 and phased over a 1-2 year period.</p> <p>The new responsibilities requiring additional or reprioritised resources will be considered by the Council as they are implemented and will</p>	Tom Ghee Strategic Drainage	Preparation work currently underway Date for Resource implications still unknown but likely to emerge from April 2011

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		<p>be reported through the appropriate member forum. The expectation from Defra is that local authorities prepare for the impending new duties. Kirklees is currently attempting to undertake this preparation within existing resources. The funding for the development of Sustainable Urban Drainage Systems is particularly problematic as it may be one of the last issues to be implemented which could be around April 2013.</p>		