

North West Regional Flood and Coastal Committee

Minutes of meeting on Friday, 21st October 2022

Held at Leasowe Castle, Leasowe, Wirral, Merseyside

Members Present

Adrian Lythgo (Chairman)

Councillor Keith Little (Cumbria County Council)

Councillor Stephen Clarke (Lancashire Strategic Flood Risk Partnership)

Councillor Jane Hugo (Lancashire Strategic Flood Risk Partnership)

Councillor Alan Quinn (Greater Manchester Strategic Flood Risk Partnership)

Councillor Tricia Ayrton (Greater Manchester Strategic Flood Risk Partnership)

Councillor Ray Mashiter (Greater Manchester Strategic Flood Risk Partnership)

Councillor Tony Brennan (Merseyside Strategic Flood Risk Partnership)

Councillor Laura Crane (Cheshire Mid Mersey Strategic Flood Risk Partnership)

Carolyn Otley (EA Appointed Member – Communities)

Neville Elstone (EA Appointed Member – General Business & Assurance)

Suzana Ilic (EA Appointed Member – Coast)

David Harpley (EA Appointed Member – Conservation/Natural Flood Management)

David Shaw (EA Appointed Member – Planning and Design)

Chris Findley (EA Appointed Member – Development and Sustainable Investment)

Carl Green (Coastal Group)

Alice Meacham (United Utilities)

Stewart Davies (EA Board Member)

Guest speakers

Laura Bigley (Lancashire County Council)

Len Harris (Wyre Borough Council, Local Planning Authority)

Neil Thomas (Wirral Council)

Marc Wood (VolkerStevin)

RMA Officers

Lesley Worswick (EA)

Ben Scott (EA)

Tracey Hartley (EA)

Adam Walsh (EA)
Sally Whiting (EA)
Shannon Gunning (EA)
Andrew Harrison (Cumbria County Council)
Clare Nolan-Barnes (Blackpool Council)
Dwayne Lowe (Bolton Council)
Lorah Cheyne (Lancashire Co-ordinator)
Simon Fox (Wirral Council)
Sarah Wardle (Merseyside Partnership Co-ordinator)
Jill Holden (Greater Manchester Partnership Co-ordinator)
David Boyer (Warrington Council)
Paul Reeves (Cheshire East Council)
Katie Eckford (Shoreline Management Plan Co-ordinator)
Lottie McAlister (EA)
Sarah Fontana (EA)
Elizabeth Lowe (EA)
Stuart Mault (LA Capital Project Advisor)
Debra Glover (LA Capital Project Advisor)

Other

Tracey Garrett (National Flood Forum)
Susannah Bleakley (Our Future Coast Project)
Liverpool University students: Abi Locke, Desiree Coker, Harriet Potter, Joel Austin, Todd Lithgow, Katie Wilson, Mariam Malakzi, George Burrows, Louise Robinson

22 (34) Welcome, Chair's introduction, and apologies for absence

Adrian Lythgo formally opened the meeting by introducing himself as the Chair of the North West RFCC.

He noted apologies from: Keith Ashcroft, Stewart Mounsey, Ollie Hope, Rachel Harmer, Perry Hobbs, Councillor Elizabeth Grey, Councillor Daniel Barrington, Councillor Karen Shore, Councillor Ian Moncur, Fran Comyn and Doug Coyle.

Adrian Lythgo welcomed Alice Meacham from United Utilities, attending on behalf of Perry Hobbs. He also introduced Katherine Massheder from United Utilities who has taken over Sharma Jencitis' role as Partnership Manager.

22 (35) Minutes of the RFCC Meeting held on 15 July 2022

Adrian Lythgo reported a change to the draft minutes proposed by Cllr Quinn to amend minute 22(27). Cllr Quinn reiterated his view that there needs to be a new form of funding for natural disasters within the UK, such as what the EU offers through the EU Solidarity Fund.

The amended minutes of the meeting held on 15 July 2022 were proposed by Cllr Keith Little and seconded by Cllr Stephen Clarke.

22 (36) Matters arising and actions from the last meeting

There were no matters arising or actions from the meeting held on 15 July 2022.

22 (37) Report from RFCC Finance Subgroup

Adrian Lythgo invited Neville Elstone and Tracey Hartley to report back from the RFCC Finance Subgroup (FSG) meeting held on 6 October 2022.

Neville began by highlighting three points that stood out from the FSG meeting. The first was the debate about inflation and the importance of having honest, open conversations. He highlighted the significant impact the rate of inflation is having on local authorities including on flood defence work and emphasised how this was a valuable discussion.

Neville's second point discussed funding to be provided specifically for frequently flooded properties. He expressed the importance of having a budget for frequently flooded properties given the significantly greater impact on residents. He recommended that local authority and EA colleagues liaise to ensure a shared understanding of those communities identified as eligible and which are successful in securing funding in due course.

The third point Neville raised was on the balance of Local Levy funding and the forecast for this to be fully used up by 2024/25. He wanted to raise awareness of this, while also reminding Members that some Levy funding is used to 'underwrite' other funding contributions to schemes to push them over the line, but the Levy funding may not ultimately be needed. We also often see delays in the programme which extends spend over time. He raised the question of how we effectively balance this challenge in the longer term.

Neville then handed over to Tracey Hartley. Tracey Hartley introduced herself as the Flood and Coastal Risk Programme Manager for Greater Manchester, Merseyside, and Cheshire.

Tracey explained that the Environment Agency funding for the North West revenue programme is £21.588 million for this year. This covers maintenance of EA flood and coastal erosion risk management (FCERM) assets, FCERM staff costs and revenue projects. Tracey stated that this is an increase of £1.521 million from the opening allocation which was provided at the last meeting. The current spend forecast was highlighted as slightly less than the allocation, but it is expected that it will increase closer to the budget later in the year.

Tracey explained that they have received the formal target for the number of properties to be better protected (further details can be found in appendix C of the FSG Paper). Tracey explained that the target is based on the consented programme for 2022-23, with uplift percentages applied for non-residential properties and those which would be at flood risk in the future due to climate change. Uplifts for these categories are being used as they are relatively new metrics for which accurate forecast data is limited at present.

Tracey reported the forecast of 4,693 properties better protected from flooding this year (a breakdown of these forecasts can be seen in Appendix D of the FSG Paper). She went on to highlight how we have already better protected 1,295 properties in Wallasey, Blackburn (Aqueduct Road) and at Carus Green, Kendal.

Tracey reported on the recent opportunity to request a change to this year's targets, subject to justification and the overall national position. We have requested a reduced target where project delivery has been deferred to later in the programme or removed from the programme. The National Delivery Portfolio Board will have the final decision.

Tracey then discussed expenditure. She reported a spend forecast of £120.7 million this year, £6.1 million more than the allocation. Discussions with HM Treasury are continuing around the re-profiling of the funding settlement, to help manage the future needs of the programme. This will ensure the programme remains affordable and value for money. Any changes to the 2022-23 settlement will consider programme-level deliverability. She stated that schemes should continue to maximise deliver in 2022-23. The Programme Management Office will work closely with RFCCs, other risk management authorities (RMAs) and Environment Agency Area teams to manage the position in-year.

Tracey then moved on to cover the annual programme refresh and the indicative Grant-in-Aid funding allocation for 2023-24 and beyond which has been received (further details are in appendix A of the paper). It is based on the principles approved by the EA Board in 2020, Defra's Partnership Funding Policy, and the hierarchy for allocating funding prioritising health and safety, and statutory grounds, followed by schemes in construction by 1 April 2023, and then the remainder of the programme ranked by adjusted Partnership Funding score.

She highlighted the Local Choices process and explained that Area teams have been asked to review the indicative allocation, focusing on 2023-24. Local and sub-regional discussions on Local Choices is ongoing. A reprofile of the £5.2 billion settlement for the programme is still in negotiation and the outcome may impact 2023-24 allocations, so the figures are subject to change. This re-profiling is to accommodate hand-back in the early years of the programme due to delays caused by Covid and impacts of resources and financial pressures. This is vital to ensure the investment of the full £5.2 billion settlement and the delivery of the outcomes agreed with government, the FCERM Strategy and our net zero carbon ambition. Any resulting changes will be managed through later stages of this planning round ahead of RFCC consent in January and EA Board approval in February.

Tracey went on to highlight the Frequently Flooded Allowance (FFA) which is a ringfenced allocation of up to £100m from within the £5.2bn capital programme, designed to enable investment in communities that have flooded twice or more in the last ten years. It aims to speed up and enable the development and delivery of eligible projects currently in the programme and bring forward new projects. There are nine criteria which need to be met to be eligible for the funding. Eligible projects can be allocated up to £2.5 million.

She explained that the North West has a list of 80 frequently flooded communities, the list having been compiled with input from EA Area Teams and the local authorities (through the LA Project Advisers). Tracey explained that as part of the annual programme refresh, the North West submitted a bid for the FFA which highlighted the most frequently flooded communities requiring additional funding to boost their Partnership Funding scores. The full bid for the North West is 17 projects totalling £21.875m, some of the projects spanning a number of years. The number of projects bidding for FFA in 2023-24 is eight totalling £4.125m. She clarified that this bid does not yet form part of the indicative allocation. She

promised to share the list of the 80 communities, along with a list of the projects bidding for FFA.

Adrian suggested that when the list is released, if there are any other communities that colleagues feel should be on the list, to please let EA colleagues know. We want to make sure frequently flooded communities aren't missed off the long list. Adrian said he recognises that not everyone will receive funding, but it is important the list is comprehensive.

Tracey went on to cover the North West RFCC's Local Levy programme for 2022-23 and beyond. She explained the Local Levy balance at the start of the year was £11.483m and the RFCC allocated £10.844m for the 2022/23 programme. Forecasts at mid-August 2022 indicate that £10.648 million will be drawn down, £196 thousand less than allocated.

To inform two new Local Levy requests, she referred Members to the graph in section 3.2 of the FSG paper which shows the income and forecast expenditure should the new requests be approved. This indicates the balance of Local Levy funding would be used up in 2024-25. Neville welcomed people to attend the FSG for challenge, debate and discussion including on new Local Levy requests.

Tracey concluded, summarising the requests: £1.5 million in 2024-25 for the Appleby scheme, and £450k in 2023-24 for the Low Crosby Pumping station.

Given that the Appleby scheme is still seeking other funding contributions and the full Local Levy contribution may not be required, David Shaw raised a question asking if there is a condition requiring updates to the RFCC on the success of this. Adrian Lythgo confirmed that this should be a requirement on the project.

Neville Elstone then went through the asks of the RFCC. The first four, asking the RFCC to note elements of the report, were duly noted. He then asked the RFCC members to approve support for the Local Levy contributions for the Appleby and Lower Crosby schemes. There were no objections. Cllr Little provided a declaration of interest given that the projects are in Cumbria and did not vote.

Adrian thanked Neville and Tracey for their contribution and there were no further comments.

22 (38) Local Levy for 2023/24

Through this item Adrian Lythgo asked Members to consider and vote on the rate of Local Levy funding for 2023-24, a vote which takes place every year in October. He reminded members that Local Levy funding is a really important source of investment, both because it can support resource capacity, but also because it is very often the funding which allows us to progress schemes before we are then able to secure GiA (Grant in Aid) and Partnership Funding (PF) investment.

Members noted this is a decision for LLFA (Lead Local Flood Authority) appointed Members only and the Local Levy vote is based on the majority of those LLFA members present. If councillors cannot attend and wish to nominate substitutes, this has to be done in writing. Cllr Moncur and Cllr Shore provided late apologies. Adrian confirmed that formal nominations had been made in both cases with David Boyer nominated on behalf of Cllr Shore, and Neil Thomas nominated on behalf of Cllr Moncur. Adrian asked the Members if they had any objections to these nominations and accordingly confirmed he was happy to

accept these substitutes. It was noted that there were 10 Members present at the meeting who were eligible to place a Local Levy vote.

Adrian began the vote. He asked the Members to propose and second a rate on which they should start voting. Cllr Clarke (Lancashire partnership) proposed a 3% increase which was seconded by Cllr Mashiter (Greater Manchester partnership).

Cllr Brennan and Neil Thomas (both Merseyside partnership) made it clear that they were in favour of an increase but prefer it to be 2%.

Cllr Little (Cumbria), Cllr Clarke and Cllr Hugo (both Lancashire partnership), Cllr Quinn, Cllr Ayrton and Cllr Mashiter (Greater Manchester partnership), and Cllr Laura Crane and David Boyer (Cheshire Mid Mersey partnership) voted for a 3% increase. The majority vote was therefore for 3% and was duly passed for 2023/24.

Adrian Lythgo thanked Members for their comments and support. He advised that the breakdown for a 3% increase in Local Levy will be circulated to Members.

Resolved: The Committee:

- Agreed a 3% increase to the Local Levy for 2023/2024
- In accordance with section 23(3) of the Flood and Water Management Act 2010 it was agreed that the sum of £4.412 million be met from the levy in 2023-24 and that the Environment Agency issue a levy under section 17 of that Act on those County and Unitary Councils shown below, whose areas are situated in whole or in part in the area of the Environment Agency's North West Flood and Coastal Risk Management Region for the financial year 2023-24. The levies made on those councils shall be paid by them in four equal payments on 1 May 2023, 1 July 2023, 1 October 2023 and 1 January 2024.

County Councils:

Cumbria, Derbyshire, Lancashire, Northumberland, North Yorkshire, Shropshire and Staffordshire.

Unitary Authorities:

Blackburn-with-Darwen, Blackpool, Bolton, Bury, Cheshire East, Chester and Cheshire West, Halton, Rochdale, Salford, Sefton, Stockport, St Helens, Tameside and Trafford.

Achieving Flood and Climate Resilience through Planning and Development - Part 1

22 (39) Overview

Adrian Lythgo introduced what he felt would be thought-provoking presentations and discussion themed around the RFCC Business Plan ambition to achieve climate resilient planning and development. This would highlight the role of planning and development in designing resilience into local communities going forward.

Chris Findley introduced this section explaining there would be four presentations split across two parts. He opened with a reflection that frequently when there is a major flood

featured on the media, there is footage of a newly built estate under water. This promotes the thought 'how can the planners have allowed this to happen?'

22 (40) Background - The (statutory) Planning System in England

Laura Bigley presented this overview of the planning system. This covered the following:

- The leading role of Local Planning Authorities (LPA), from which permission must be obtained to build new, or make changes to existing, property.
- The two-part system of plan making (the Local Plan), and the planning application process, designed to manage development at a local level.
- Planning authorities in the North West: 40 in total - 18 of them District Councils, 2 County Councils and 20 Unitary Authorities.
- The critical need for Risk Management Authorities (RMAs) to engage with local planning authorities – as the experts in how to manage flood risk through planning.
- Statutory consultees on planning applications - the Environment Agency (EA) and Lead Local Flood Authorities (LLFAs). They must comment on planning applications they are consulted on within 21 calendar days.
- That United Utilities are not a statutory consultee.
- The requirement for LPAs to notify the Secretary of State if they approve or refuse a planning application against the EA's advice but the lack of requirement for LPAs to do this for advice they receive from LLFAs on surface water drainage.
- Planning policy - sets the framework for how development is expected to be managed:
 - National Planning Policy Framework (NPPF) - first introduced in 2010 with updates since, most recently in 2021. It sets out the national policy for how development is expected to be managed and includes legal information and direction.
 - Planning Practice Guidance which was significantly updated in August 2022. Laura encouraged members to look in more detail at this guidance.
 - National Model Design Code.
- Key standards in planning:
 - Technical Standards for Sustainable Urban Drainage Systems (SuDS) - how developers are expected to design sustainable drainage systems.
 - Climate Change Allowances - updated in May 2022, a catchment-based approach.
 - Flood Risk Assessment guidance - sets out how developers should assess flood risk on the areas they want to build.
- Local and Neighbourhood planning:
 - Local plans delivered by the District Council or Unitary Authority.
 - Neighbourhood plans set out planning policy allowing local people to have more of a say.
 - Guidance is in the form of planning guidance and supplementary planning documents.
- Evidence base – needed for local planning authorities to justify why they have taken their policy approach. Examples include Strategic Flood Risk Assessments, water cycle study, strategic flood risk documents, green/blue infrastructure strategy and planned capital investment.
 - The opportunity for LPAs to safeguard land within plans where there may be planned investment in the future. She reiterated that it is important for flood

risk management authorities to be involved in the planning process to proactively manage flood risk in the future.

- Planning application process - role of applicants (the developers):
 - Developers must consider flood risk to and from the development site and ultimately satisfy the LPA that the development can be made safe from flooding and can be drained to the required standard. Flood risk should be considered as early as possible to reduce the risk of significant additional costs being incurred and to maximise the potential multi-benefits of sustainable drainage techniques.
 - Developers have to provide three key documents: Site Specific Flood Risk Assessment, SuDS Strategy and SuDS pro-forma (where required by the LPA). She reminded members that the SuDS proforma was an RFCC initiative and can be downloaded from the Flood Hub.
- Planning application process – role of the LPA:
 - Validation - before a planning application can move forward there is a check to ensure the required documents have been submitted before validating the application to the next stage.
 - Consultation - with statutory and other consultees such as LLFAs, EA, UU etc.
 - Recommendation/Determination - the planning officer determines the application under delegated authority, or the planning officer makes recommendation to the Planning Committee who determine the application.
 - Discharge of conditions - attached to the planning permission. LPAs will consult again with RMAs on conditions they have recommended.
 - Enforcement - an important stage that can often be overlooked. If a developer is in breach of planning permission, including discharge of conditions, the only person that can take action is the LPA.
- Planning application process – role of flood RMAs (statutory consultees)
 - The EA focuses on fluvial flood risk, flood risk from the sea. Focuses on Flood Zones 2 and 3.
 - The LLFA focuses on surface water drainage and sustainable drainage systems.
 - The Highway Authority focuses on national highways and highway drainage.
- Planning application process – role of flood RMAs (non-statutory consultees)
 - Water and sewerage companies e.g., United Utilities, Yorkshire Water, Welsh Water and NAWs. These are responsible for foul, surface water and combined sewers.
 - District Council engineers who may support the LPA by commenting on major or minor applications.
 - Internal Drainage Boards – have the same role as the LLFA for their defined area. She emphasised that different consultees are commenting on different aspects in the planning processes.
- Limitations and consequences.
 - Climate change mapping and modelling is improving but decisions on development tend to be based on current flood risk with only limited allowance for future pressures.
 - Developers are not obliged to resolve any existing flooding issues and authorities cannot require them to.
 - Properties built after 1 January 2012 are not eligible for GiA funding from Defra to resolve flooding issues. Flood risk management should be managed

effectively through the development and planning process. It is important for planning authorities to take on RMA advice as problems can't be fixed retrospectively.

Adrian invited comments from the Committee. Cllr Mashiter explained he is new to the Committee but would like to better understand the role of master plans. He is aware of the rights landowners have in this country - once land is saved where does it start. He queried whether there is an appeal system for landowners.

Cllr Quinn raised the question of what happens if there is no local plan and getting building 'by appeal'. He stated that developers can build homes and then disappear. He raised the question of what they are obliged to do in terms of SuDS and drainage in general. Laura explained that in these scenarios it reverts back to the national policy. Standards need to be applied regardless of the local plan.

Chris Findley reported that a number of authorities have withdrawn their local plans recently due to uncertainty around government moves on housing numbers, but they will still have to do what they have to do in terms of flooding under the national planning policy framework.

22 (41) Recent and potential changes to the planning framework

Chris Findley presented, reflecting first on his experience working in planning for Salford Council during the Boxing Day 2015 floods, and the relief he felt when he discovered that while lots of properties in Salford had flooded, the recently built properties had been protected and that the planning policy and systems had worked. He emphasised the critical importance of the planning system.

He made Members aware that the planning system and its guidance are always changing, year on year. While successive governments have talked about simplifying the planning system, every intended simplification often introduces new complexity.

Chris's presentation covered the following:

- Update to the National Planning Policy Framework (NPPF) - a critical element for guiding local plans. Planning applications have to conform with the local plan unless there are circumstances which can be justified and evidenced.
- National Model Design Code - When designing a development, part of that design process has to include thinking about flooding as integral to good design, rather than an add-on. He explained we should ask local authorities to have their own local design codes that require consideration of flooding and SuDS.
- Updated Permitted Development rights – frequently changing – covers development which doesn't require planning permission but is still development and is effectively permitted. Significantly this includes:
 - Driveways – above a specified size, a driveway constructed of impermeable material requires planning permission. But enforcement of this by over-stretched enforcement officers in LPAs is challenging and things often happen without the necessary permission. The cumulative impact of increased impermeable surfaces in an area can be significant for surface water flood risk.
 - Multiple benefits to be gained from permeable surfaces and retention of greenery in front gardens if there is greater awareness of the impacts.

- We are taking action through the RFCC Business Plan to support residents and contractors to make flood resilience choices in creating driveways.
- Updated Climate Change Allowances
 - Planning permission is granted now for new housing which will be around for a long time (a hundred years or more). Much of the current housing was built in the later part of 19th century.
 - In determining those applications, we need to anticipate future climate change impacts on flood risk – it can't be based on current flood risk. Modelling has been undertaken to assess what this means and there are national standards in place.
 - Over time, climate change allowances will likely go up, given society's record of underestimating the impacts. It can be accommodated but it does get more difficult and needs more creative approaches.
- Flood risk and coastal change Planning Policy Guidance:
 - Only has the status of guidance unlike the NPPF.
 - Available online and is updated regularly.
 - Significant changes to the guidance including the requirement for multi-functional SuDS i.e. not just benefitting flooding but also biodiversity, amenity etc.
- Review of Schedule 3 of the Flood and Water Management Act 2010
 - First Adrian Lythgo reminded Members of work done by the Committee in recent years challenging the 'right to connect'.
 - Government committed to the review of Schedule 3 enactment in August 2021.
 - Schedule 3 introduces stronger SuDS requirements and SuDS approval bodies (SAB). This would be a significant change which will place new requirements on local authorities/LLFAs but is an opportunity for improvement in that it places stronger requirements on developers which cannot be avoided. The SuDS approval process system is separate to the planning system but closely related.
 - Wales implemented Schedule 3 and SABs in 2019 which requires developers in Wales to provide SuDS. In England, as things currently stand, this is only advisory - a significant difference. Welsh planners are gaining valuable practical experience to be learned from.
 - An announcement from the government is expected this autumn.
- New approach by United Utilities (UU) to surface water asset adoption - UU won't adopt piped sewers that discharge to or through private SuDS.
 - Need to ensure appropriate use of section 106 to support implementation.
- Biodiversity net gain (BNG).
 - All new applications for planning permission will have to demonstrate a 10% uplift in biodiversity in relation to that particular development.
 - Two-year period until mandatory requirement for biodiversity net gain from November 2023 - derives from the Environment Act 2021.
 - Developers have been taking this seriously. Peel who own a lot of land have set aside a large area to be used to provide for biodiversity net gain on other sites.
- Nutrient neutrality
 - Recognising cumulative impact of development on nutrient neutrality e.g., nitrates, a lot of which comes from agricultural land.

- Big challenge within planning system which has been stopping housing developments in some parts of the south. This is only an issue in one part of the North West, part of Cumbria (Derwent, Eden, Bassenthwaite, Kent, Esthwaite).
- Autumn 2022 - Government will table an amendment to the Levelling Up and Regeneration Bill which will place a new statutory duty on water and sewerage companies to upgrade wastewater treatment works.
- Heightened awareness in the media about the quality of rivers and reservoirs.

Chris then opened the floor for questions. Cllr Clarke explained that new developers building new estates in his area are causing properties to flood that have been there for years. He asked what is going to happen to address this? The developers are being allowed to connect the new properties to existing sewerage or drainage but they don't have the capacity.

Chris responded to highlight that new development shouldn't be increasing flooding elsewhere. He stated that we don't have clear evidence to clearly show this is happening – though he wasn't saying it wasn't happening at all. He also acknowledged that there are lots of combined sewers, taking everything through one pipe – and if we keep overloading the system, there will be consequences. A lot of the system is old. This is why SuDS are important on new development. It is important to deal with issues on site rather than transferring the problem elsewhere.

Cllr Mashiter provided comment. He said we are asking new developers to meet enhanced biodiversity targets and become more transport sustainable, with the allocation for parking being narrowed down in inner city areas. But we aren't restricting permitted development rights on these developments so as to protect and retain the biodiversity provided on the site. As soon as residents move in, they can remove the grass and hedges in gardens and create new driveways. New biodiversity should be secure for 30 years, and the responsibility for maintaining this is on the developer through their management company, not on the individual householder. There's a balance to be achieved in conditions on planning applications.

Laura Bigley responded that Cllr Mashiter made a good point. She explained that local authorities can remove permitted development rights where it is appropriate to do so. She mentioned the United Utilities Developer Day, which included a session on SuDS and questioned developers and consultants on property level sustainable drainage systems. To be considered a sustainable drainage system, it must now meet the four pillars of SuDS set out in the guidance. She highlighted it is important to get developers thinking about SuDS features. The risk highlighted with the potential removal of SuDS features arises because of the decision not to enact Schedule 3 - when developers put property level sustainable drainage components on there is currently no assurance or guarantee that they will remain. Local authorities don't allow developers to include those in private areas within the drainage calculations for the flood risk assessment and the drainage strategy. With the change in planning practice guidance, we must find a way to navigate through this. Also, some trees have Tree Protection Orders which require permission from the council to remove or change.

Adrian Lythgo reminded Members of the relevant projects scoped as bids for the national Innovative Resilience programme. For example, Sefton and Merseyside were looking at estate-level blue-green infrastructure as a potential solution for surface water. Although that bid wasn't successful, there is a real wish to get stuff off the ground against this policy background, as reflected in the Business Plan. He then opened the floor for final questions.

Alice Meacham from United Utilities reiterated the importance of SuDS. She said at the last UU Developer Day they asked questions on the SuDS pro-forma. Over a third of developers questioned didn't submit the proforma with their application. How can we improve this or what can be done to encourage better engagement? Adrian Lythgo commented that it would be interesting to know whether these developers were making applications in the areas where the planning authority hasn't adopted the SuDS proforma as part of the validation checklist. This would be an obvious cause but maybe it isn't as simple as this. Clearly proforma adoption and use still varies between areas.

Chris Findley then moved on to discuss flooding and the planning system. He stated it is important to bear in mind that when an authority is considering a planning application, they are considering a range of issues. He touched on a concept called 'planners balance' where planners are trying to balance the downsides and upsides and whether it is an approval or recommendation or setting conditions. He explained that one of the things we are trying to do through the RFCC's Business Plan is to understand the relationship between the advice given by LLFAs and the EA, and the decisions taken by planning authorities. Are they doing everything they should be doing? This isn't about criticism - it is to gain an understanding of what is going on. He reported that he and Laura Bigley recently hosted a webinar looking at what is being delivered through the planning system in terms of SuDS and struggled to access information on NW examples of green and blue SuDS that have been delivered, not through the capital programme but through planning applications. He remarked that SuDS aren't compulsory in England - you don't need to produce a really good green and blue SuDS scheme on a development to get planning permission - you have to satisfy the policy in the NPPF. Multi-functional SuDS can be achieved through good design. If Schedule 3 is enacted it would be a game changer. Laura then reported on conversations she is having about what more can be done to make sure high quality blue-green SuDS are being delivered in a viable way. She is very aware of the pressures on developers including the requirement for biodiversity net gain. We want to work with them, not against them. This is about finding opportunities through the planning process and therefore has to be driven through the planning authorities.

Chris finally raised the importance of land ownership. He explained that when the post war planning system was created in 1947, there was a big debate about the impact on land ownership. Infringing ownership rights is a big deal. Part of the 1947 Act dealt with land and land value and was too ambitious as it effectively removed all land value. In effect, agricultural land stays agricultural land, gets planning permission, and the value for this land goes towards the development. This is what enabled New Towns to be built. There have been efforts to reintroduce it over the years. When an LA receives a planning application, the developer will often have got a deal with the landowner. There is an expectation on that value of that land, built into the finances. The negotiation on flooding takes place in this context and it is important that the planning system is sufficiently robust to set requirements which need to be fully accounted for in land values and purchase prices. Land ownership factors in the SuDS examples we will come on to later. We need to be getting beyond this land ownership factor.

Adrian Lythgo thanked both the speakers for their presentations.

Achieving Flood and Climate Resilience through Planning and Development- Part 2

22 (42) An update of the Shoreline Management Plan in the North West and its interface with planning

Adrian Lythgo welcomed everyone back and introduced Len Harris who joined the meeting remotely.

Len introduced himself as a Senior Planning Officer from the Planning Policy team at Wyre Council. He introduced the project he is leading that is examining the link between shoreline management planning, the land use planning system and the marine planning system.

He provided an introduction to Shoreline Management Plans (SMPs). This covered:

- That it is a long-term plan for managing flood and erosion risk for a particular stretch of coast, with planning periods of 0-20, 20-50 and 50-100 years.
- The four policies, and their potential to change over time:
 - Hold the Line - keeping the defences how they are now, they can be improved but they stay in place.
 - Managed Realignment - allows the coast to move, and could involve changing defence structures and location.
 - No Active Intervention - letting nature take its course.
 - Advance Alignment - advancement on the seaward side.
- That the SMP is a non-statutory document - Its value is dependent on buy-in and partnership working. It relies on partners understanding the document and how to use it and working towards agreed objectives and outcomes. If partnership working falls down, then effectively the SMP and coastal management does too.
- Current North West SMP (second generation) was approved in 2010
- Currently a national and regional refresh of SMPs happening, being led by the EA. He reinforced this is a sense check to ensure it remains fit for purpose rather than a full review.

On the SMP Planning Interface project:

- This arose from a key question arising from the national review on the strength of the relationship between land planning, marine planning and SMPs.
- The NW received some funding from the EA for the project.
 - Project aims to develop understanding of the relationship and develop the response to improving the relationship as required.
- The two key aspects of the methodology:
 - Desktop review of local plans and how they take the SMP on board.
 - Questionnaire surveys of local planning authorities (23) and other stakeholders on the North West coast - to gain a better understanding of the SMP and its limitations, and how these can be addressed. Marine planning is also touched on.

Len noted some of the challenges highlighted by the desk top review:

- The number of local plan documents that can exist in an area and tracing the influence of SMPs through these.
- Variable definitions of 'coast'.

- The non-statutory status of the SMP and the weight it therefore carries.
- Lack of clarity on SMP ownership.
- Different planning timeframes between local plans and the SMP.
- Sustainability/affordability of 'Hold the Line' policies.

Len's summary of initial findings from the local authority questionnaire included:

- Most LAs felt that coastal influences were important but this depended whether they considered themselves a 'coastal' authority.
- The degree of development pressure varies between places.
- Officers were not always clear whether the SMP had been approved by their LA.
- The responses recognised both the gradual and episodic (storm-related) nature of coastal erosion.
- One issue raised was siltation around the coastline sometimes creating problems for drainage and surface water inland – needs better understanding and more thought.
- Other concerns raised were around climate change, sea level rise and long-term viability of funding.
- The importance of coastal access, particularly in deprived areas, for supporting wellbeing.
- Recognition of the social, health, economic and environmental importance of the coast and the opportunities this brings.
- Concerns around failure of sea defences and reduction in investment.

One section of the questionnaire covered community engagement. Key findings included:

- Engagement seems to be happening as and when necessary, usually reactively in response events, rather than something more proactive around future adaptation.
- A growing feeling that community engagement on management of the coastline needs to start happening now.
- Barriers to effective engagement include the wide range of interested parties along the (lengthy) coastline.

Positively, most LAs felt that the SMP is a useful tool and is being referred to and used. However, limitations to its effective use included:

- Misaligned timeframes between the SMP (50-100 years) and local plans (15-20 years).
- Ease of access via the NW Coastal Group website.
- The perception that the SMP evidence is not up to date (the original document being 12 years old).
- Difficulty in effectively navigating and accessing the detail within the SMP.
- Some lack of understanding as to the purpose and role of the SMP.

Len then moved on to how to address these limitations. This included:

- More marine policy training for officers and members.
- Improvements to mapping of coastal data - being dealt with through a national project called Explorer.
- Increased funding for LA coastal teams.
- More/improved guidance on the SMP and model policies.
- Need to develop a coastal processes guide - Len highlighted he is working on a topic paper on the coast and climate change.

Adrian thanked Len and asked if any questions could be asked at the end. He then passed on to Chris and Laura to present good practice examples of SuDS.

22 (43) Examples of how to develop SuDS in the North West through planning

Chris Findley again referred to his difficulty in accessing examples (within the North West) of SuDS delivered through the planning system.

The first example was in Trafford. This was an old planning permission implemented over years in various phases, creating swales. When he visited the site, he had some very positive feedback from a resident about the drainage. Through contact with Trafford Council he learned that the land ownership of the site was interesting in that it was agricultural land, not in the green belt, owned by the National Trust. The NT required high standards of development and environmental elements of the scheme.

The second example was South Lakeland - Kendal Parts Farm, where swales were part of the scheme. There were 71 homes on a 12-acre greenfield site. This was another example of good SuDS provision in an area with significant flooding issues which had provided valuable experience and learning for planning officers on how best to do these things.

The third example was in Salford at Castle Irwell. Land ownership was also interesting here. Castle Irwell is in a loop of the river Irwell where the EA had recently constructed a flood basin. The site owner, Salford University, had assumed this had addressed the flooding problem and had based the site value on development density. There were early discussions between the university and the council including an early technical appraisal and this revealed a residual issue with surface water flooding which affected the development potential. This was initially unwelcome news for the university but it was addressed effectively through the early partnership with them. The resulting scheme, Chris expressed, is better designed as a result, it strengthened the relationship with the developer, and fully integrates SuDS with the housing and delivers additional benefits (biodiversity and recreation). This wasn't just about flooding but about the overall design of the scheme, getting good developments to happen.

Cllr Mashiter contributed and stated that this site provided a valuable learning experience for the developer on SuDS and surface water, and the opportunities it provides if addressed and designed well, and this has been reflected since in their subsequent inner-city developments, which has also influenced and fed through to other large developers.

Chris then raised the issue of developers having a right to connect drainage to the sewers system, which is a barrier to achieving more high-quality SuDS schemes currently. Developers can get away with doing the minimum.

The next example was presented by Laura, one where things could have been done better. It was located in Wyre Council's area, a residential development for 16 dwellings and associated infrastructure. Here geo-cellular storage tanks were proposed in private gardens. These are essentially underground storage crates which store water temporarily and then release it under at a controlled discharge rate. With reference back to the four pillars of sustainable drainage, (water quantity, quality, amenity, and biodiversity), she clarified that these types of components only meet the water quantity aspect. She also pointed out the issue of the 50-year lifespan of geo-cellular tanks on a development which is considered to have a lifespan of 100 years. This will therefore require asset replacement after 50 years.

They also need a lot of maintenance, they can get clogged up and maintenance needs access which was difficult to provide on this development. Laura's team as the LLFA initially objected but when this came through a few years ago they were struggling with resources and to keep up with demand. As a consequence, there were missed opportunities to influence at the design stage but at the discharge of condition stage (pre-occupation rather than pre-commencement) they were better resourced and they did have the opportunity to work with the developer and planning authority to minimise some of the issues, such as maintenance. The number of tanks was reduced from six gardens to three, which were a large size and which provided access from the road. Laura explained that this isn't a good example, it shows where things go wrong, when consultees aren't involved, regardless of the reasons for this. It shows the importance of statutory consultation responses.

The next example discussed was in Pendle, East Lancashire. This is a proposal for private gardens to be used as the surface water exceedance route for anything above a 1 in 30-year storm event (3.3% annual exceedance probability). The gardens would be very boggy and likely to be unusable for part of the year. Laura explained that the LLFA were involved in this planning application from the outset but were not approached by the developer for pre-application advice. She explained that they objected on grounds of operational maintenance for the lifetime of the development. She raised the question generally with the Committee whether this kind of arrangement is acceptable for customers and residents. The LLFA did not feel it was. The current challenge is that the NPPF and PPG do allow this kind of drainage component. If the LLFA feel it isn't appropriate, they can only use the operational maintenance grounds within the non-statutory technical standards as the basis for influencing the design. She expressed the need for the planning system to be better at future proofing, both on operational maintenance, and in terms of climate change allowance. There are significant allowances now needing to be factored into planning decisions for both climate change and urban creep. This 1 in 30 year design is already anticipated to make gardens unusable for parts of the year. She explained that this planning application is still live and to be determined. She also shared the Lancashire good practice of bringing such examples to team meetings for discussion and shared learning.

The next example discussed was the flagship Eden Project North in Lancaster City Council's area. Laura explained that the developer were proactive in seeking extensive pre-application conversations on site drainage with the planners, the LLFA and the Environment Agency. The site is on the coast and is in flood zones 1, 2, 3 and 3b. It also has the surface water associated with the development. It would be completely compliant to discharge all the surface water drainage directly to the sea as an unrestricted discharge. There is no legal requirements to provide attenuation to hold the surface water back on site - but this isn't what they chose to do. Instead, they have opted for full SuDS, not for the drainage benefits but for the wider benefits available (biodiversity, aesthetics) and the opportunity to showcase what sustainable drainage systems can do. Mitigation includes flood gates, primary and secondary defences, pump system, warning signs and a flood plan. In terms of surface water, SuDS components provide a treatment train to manage water quality, and include rainwater harvesting, blue-green roofs, soakaways, ponds, rain garden, swales etc. This is a great example because the driver behind it wasn't drainage but rather the multiple benefits – but it demonstrates the opportunity to secure and drive more SuDS. This is what we need to be working towards.

She concluded by stating that we cannot ignore the influence of politics locally. Planning is a democratic process as well as a technical process. Planning authorities have to find a balance between managing flood risk and economic development and regeneration, and there may be trade-offs. She then opened the floor to questions.

Adrian thanked Laura for her presentation and asked the room if there were any questions on Laura or Len Harris' presentations.

Cllr Keith Little shared his understanding that Cumbria district council planning officers use the LLFA flood risk officers to design SuDS. He asked if this was common across the region. Chris Findley commented on the varied approaches, depending on local government structure. Laura queried whether Cllr Little was referring to SuDS design or where this is done, because really the design should be done by the developer. Cllr Little acknowledged this. He was reflecting challenges with skill shortages in the district authorities when the requirement was first introduced, which required support from the LLFA.

Cllr Mashiter questioned whether we are aiming high enough when we are asking local authorities to add the SuDS proforma to their validation checklist. Local authorities own a lot of land and release a lot of land for housing and other development. Should we not be trying to get the property departments of these local authorities to secure commitment for SuDS on the land, and for use of the SuDS proforma, as part of their land sales and contracts with developers? This way it is fully reflected in the land value. He described previous success they have had in Salford with securing section 106 commitments through land sales.

Adrian replied positively to Ray's contribution and explained why they aimed where they did because they weren't pushing at an open door, but the challenge is absolutely right in terms of where we go next. Ray said he would be raising it at the Salford Regeneration Committee.

Laura Bigley also made reference to other avenues already being pursued including: additional inclusions in validation checklists, working with United Utilities looking at the s104 sewer adoption process, more adoption of highway SuDS by highways authorities and getting them involved as part of the section 38 process, and opportunities within land drainage consents.

22 (44) RFCC Business Plan Actions

In this presentation, David Shaw focussed on what we are doing on this theme under the RFCC Business Plan, initially seeking to build up our North West evidence base. He reflected that while in theory the framework and guidance of the planning system should do what it needs to, in reality there remain barriers to effective application. This includes all the changes happening to the planning system itself, and the significant churn of staff and representatives within LAs, both officers and councillors.

He briefly referred to another project the RFCC is sponsoring on paving over front gardens, but mainly focussed on action ID10 which is about evidence gathering to start building a better picture of progress and approaches across the North West. To do this we have worked together to commission a group of Liverpool University students (part of David's MPlan course) to undertake projects.

Representatives from the student groups attended the meeting and provided brief overviews of the three projects commissioned. These will look at: 1) How local planning authorities take flood risk management into consideration in the decision-making process; 2) Under what circumstances EA advice on planning applications is being disregarded (albeit in a small minority of cases); and 3) The role of development consultants in minimising flood risk from new major developments.

Adrian thanked the students for their presentations. He stated that he can see the RFCC are going to get great value out of their research and that it will be used to inform next steps through the RFCC Business Plan.

Cllr Little asked if the students' work was based locally in Liverpool or whether their reach could extend further. David explained that the work is time constrained, and that most of the work will be through surveys or examination of case studies and will cover the whole of the North West. Keith was keen to offer Cumbria County Council support if there was an opportunity to host the students there for a few days. Adrian asked for this conversation to be taken offline.

Adrian then handed over to Neil Thomas from Wirral Council who was presenting on the West Kirby scheme, which the Committee later went to visit.

22 (45) West Kirby Coastal Defence Scheme - Overview

Neil Thomas provided an overview presentation covering the development of the scheme over time, the link to the SMP and its Hold the Line policy for this stretch of coast. He explained that community consultation started in 2015 around the need for a linear defence to protect the town from sea flooding. He touched on design adaptations that were made to take account of community feedback. The design is for a flood wall which is 1.2 m high and 1.1 km long. Neil then went on to show a video of West Kirby during a flooding event caused by a tidal surge. Neil talked about the highway improvements built into the scheme (cycle lanes, improved streetlights, and pedestrian areas).

He explained how the scheme had been developed over a lengthy period of time, involving the EA and now Volkerstevin. Different partners brought in sources of funding, including Local Levy from the RFCC. He emphasised the importance of collaborative working and the need for community drop-in sessions.

Marc Wood introduced himself as site agent from Volkerstevin. He provided additional detail on early supplier engagement and changes to the scheme design. Marc then discussed a range of considerations that had been necessary including the tightly restricted construction area, the space required for the site compound, operating lane closures of the road, and enabling the ongoing operation of the sailing centre.

He explained that all the concrete is now in and they are going to be installing the pre-cast wave wall next. These were pre-cast off site and used a fibreglass mould due to the unique shape of the seats.

Other challenges referred to were ground conditions which vary across the site and which are difficult to fully determine before construction starts. They are work hand in hand with an on-site ecologist as the site is covered by multiple conservation designations, mainly for birds. He finished by illustrating the construction phase with a fly-through animated video.

Adrian thanked Marc and Neil for their presentation.

Cllr Tony Brennan raised a question as the project is in his area. He asked what social value is built into the project, what had been done to reach out to the community, people and education to maximise opportunities.

Marc explained that they knew from the start about the community's apprehensiveness about the scheme and how it would look. He explained that drop-in sessions were held to

include the community early on. This diffused tension and allowed the community an opportunity to talk to the team and for reassurance to be provided. Door knocking and letter drops took place and they reached out to the local schools in the area.

Elizabeth Lowe added how Volkerstevin had worked with the RNLI. Marc remarked on the good relationship they had developed with the RNLI to enable them to carry out their operations. They had relocated the RNLI station. If there is a call for the lifeboats during construction, there is a call for the construction team to stand down and for them to support in opening gates for access.

22 (46) Any Other Business

Adrian Lythgo reminded Members to refer to the information papers provided. One contains the RFCC meeting dates for 2023 and January 2024. He stated that those dates will go ahead unless anyone reports issues with them.

He then commented on how Committee Members can suggest items for the agenda. If there are things the Committee are particularly interested in, to let him know. He stated that there is a forward plan for agendas, linked to the Business Plan. Suggestions may not be included in the next meeting, but suggestions will be worked into the agenda where they can.

Adrian formally closed the meeting.