

KENDAL TOWN COUNCIL

Town Clerk

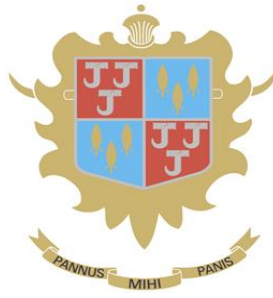
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24 January 2017

Dear Angela, Doug, Catherine and David

I am writing on behalf of the Management Committee of Kendal Town Council.

We very much welcomed the responses and comments in Angela's email dated 04/10/2016 from the Environment Agency (EA), Cumbria County Council (CCC) and South Lakeland District Council (SLDC), and appreciate the volume of work undertaken, especially in the preparation for and as a result of the Section 19 Report. Many Councillors attended the Section 19 Report presentations held in Kendal in mid-December.

In response to the above we have added some further thoughts and comments, and would, however, ask for some further clarifications.

Question 1 (The scope of the work undertaken)

There is a greater need to take into full account all of the water sources, not just those directly affecting the fluvial situation, which is primarily what you are directly concerned with. The picture of flood risk is, as this council has said and you agree, rather more complex and derived from a range of sources, including surface water, drainage systems, minor watercourses, sewers, groundwater etc.

The EA response to us iterated and re-iterated 'within river catchments', but without all waters included, any re-modelling is inevitably inaccurate.

In the Council's original question to you it stated that "new maps should also show areas flooded in the last ten years (including Highgate, [for example, which we believe was not fluvial rather the result of 'overland flow and kettle holes']) and distinguish between waters derived from the river, from groundwater coming off nearby hills, rainfall within urban developments, or from sewers". We should also now indicate the same for previous Hallgarth flooding(s), reminding us in both instances that we are living in a valley.

So will the final re-modelling and maps be an accurate reflection and assessment of the flooding situation/risks **for the whole of Kendal?**

Question 2 (Implications for current and future Development Sites)

This is answered in rather general, procedural and careful, but not fully re-assuring terms, because it fails to respond directly to all of the specific questions posed.

We are, however, delighted that you have started a new Strategic Flood Risk Assessment (SFRA) in order to better inform the revised Development Plan in 2021, and that it will be available for use with the assessment of existing sites in the interim.

Under what circumstances would/will SLDC be prepared to request and finance an independently-reviewed viability assessment for particular sites? And at what stage may de-allocations be possible?

Question 3 (Flood Warnings)

We appreciate the problems, and this Council would like to try to help the situation. Flood warnings need to cover the whole area, not just those areas for which the EA has legal responsibility. (And as a reminder this Council would support the re-instatement of a siren.)

Question 4 (Monitoring of Maintenance Issues)

So what can we do about it beyond the legal requirements?

Question 5 (Attenuation Measures)

The County Council needs to be strong in its advice and requirements, should take a bolder lead and, where necessary, be prepared to employ independent drainage engineers to support their case.

Some sites have considerable drainage problems before possible development, so for the Lead Planning Authority (LPA)/CCC to be obliged to use the statement '*to regulate the flow (of water) from any development to no more than would run off if the site was grassed over*' is totally unacceptable, when it is acknowledged that many sites are already unloading sometimes inordinate volumes of water into a system that is not currently coping.

Question 6 (The effects of climate change)

The data quoted needs to be updated by Government, and it needs stressing that climate change is speeding up. The last update still only applied to rivers, and surface water was not included. We need an assurance that this situation will be rectified and then the necessary adjustments applied. We also need specific data and requirements for Cumbria and, in particular, for the Kent Valley, as figures indicated hitherto are merely of a general nature and not specific enough for this area.

When new data is available, what effect will that have on existing, but not yet developed allocated sites?

Question 7 (Procedural)

Will all flood mitigation measures and drainage systems be in place *before* sites are developed? For clarity on our part this 'before' refers especially to sites where existing problems need to be resolved in addition to those envisaged because of actual development? Development work on site should not commence until this pre-development need has been fully assessed and the resultant work carried out.

Question 8 (Drainage consultancy)

Because we understand that SLDC no longer employs specialist drainage engineers with access to and experience of new and up-to-date technologies, resources and techniques, it is necessary either to appoint one or to be obliged to seek that independent expertise further afield and obviously budget for it.

Question 9 (Network Rail)

We welcome the closer links.

Section 19 Document

Flooding History - It would seem that the Lowther Park flood has been omitted.
Recommended Actions - Fine for the time-being.

Every site should contribute to solving the existing and predicted flooding problems of Kendal. Otherwise it should not be developed.

Because the need to slow the flow of water has now been officially acknowledged, we need every site to be assessed accordingly and all underground watercourses and minor streams to be included in that assessment.

This council, as a planning consultee, always prefaces its recommendations on new developments with the statement "*We are anxious that major developments should not take place until cognisance has been made of the Section 19 Report and its possible recommendations*", and we believe that SLDC should be very wary about allowing new developments until they are satisfied, post the Section 19 Report and the ensuing Consultant's Report, that it is wise to progress.

It is apparent from the Section 19 maps that current developments - off Oxenholme Road for example, and many (possible) developments have at times serious flooding potential and issues – for example, off Hallgarth and off Burneside Road and top Oak Tree Road.

It is not just a question of looking at the site itself, but also the potential it may have for affecting elsewhere, for example the extension to Kendal Parks and the possible implications for Strawberry Fields and The Oaks.

It would be very unwise to permit any further development above the current development line because of the potential flooding threat to any settlement lower down the slopes.

[Incidentally, there is seemingly no indication of mapping for the run-off from the Brigsteer Road/Underbarrow Road developments, and although Blind Beck itself

did not flood on this occasion some cellars in the vicinity and lower down towards the River Kent were rising-ground-water flooded.]

No further areas of 'swampy' land should be developed, because of the loss of natural flood storage/water retention, as was the case with much of Sandylands and Lowther Park etc. Land is saturated often in such areas, though Desmond did catch us at its worst 'when groundwater levels were already at or near ground level.' Much greater attention needs to be placed on soil permeability, and certainly no further development should further compromise the Stock Beck situation. The implications of the new development at the top of Sandylands must act as a severe warning.

Basically, no further developments on the left (eastern) bank of the River Kent should be seriously considered.

Outline planning consent in all cases should not be granted unless drainage matters have been thoroughly addressed and proven to be viable.

Kendal should be made a special case.

We would urge SLDC and CCC to stand up for the needs of the people of Kendal and fight for Kendal to be such in planning terms because of its sensitivity to flooding.

The Section 19 Report highlights the fact that we are at the confluence of the River Kent and its two major tributaries. We have three Stock Beck tributaries, Natland Mill Beck and a tributary, Gilthwaiterigg Beck and Blind Beck, and we are topographically caught in a relatively steep-sided valley with a large and higher hinterland. The rainfall figures are extremely (especially) high and the River Kent is the fastest-flowing major river in the country. There needs to be clear recognition that the River Kent does not behave like the River Eden even, for example, does not reflect the problems on the Somerset Levels and that generic modelling will not be an appropriate basis on which to work. And we have two railway embankments to compound the problems.

Most of low-lying central Kendal is on a floodplain, so large developments should be reviewed.

No further developments should take place on the floodplain. [See the cover story of the *i* (06.01.2017) below. The accompanying photo (not shown) was of Carlisle.]

Planners need to be better armed and should press the Government to consider the implications for people who buy knowingly or unknowingly a property that is not flood resilient because of where it is.

Kendal needs to be defined as a **critical drainage area** in order to enable the Local Planning Authority and the Lead Local Flood Authority (LLFA) to apply more stringent standards on drainage, and both organisations need the tools to object to developments.

Kendal is also a critical component in the national highway network, and there is a need to consider whether major growth should really be located nearer to the M6 corridor in any case.

As regards financing any resilience work, perhaps the Stock Beck Flood Alleviation Scheme in 2005 can be a useful model and warning. If a job is worth doing, it is worth doing properly, and both capital and revenue monies will be needed.

We look forward to your further written thoughts, but in any case would welcome an opportunity to discuss the situation with you - in a similar manner to the very successful meeting we had last year.

We should also like to ensure that we contribute in this next phase to discussions with the consultants who are currently being employed to look at the ways forward.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Liz Richardson', on a light-colored background.

Liz Richardson
Town Clerk.

Cc Cllr Tom Clare, Chair of Management Committee
Cllr Austen Robinson, Vice-Chair of Management Committee
Cllr Janet Willis, CCC Portfolio Holder
Cllr Jonathan Brook, SLDC Portfolio Holder
Dan Hudson, SLDC
Mark Shipman, SLDC
Jonathan Coates, EA
Andy Brown, EA

Ms Angela Jones
Assistant Director Economy and Environment
Cumbria County Council.

Mr Doug Coyle
Cumbria County Council.

Ms Catherine Evans
Environment Agency.

Mr David Sykes
South Lakeland District Council.

COVER STORY

Hundreds of new homes approved despite risk of flooding

By Dean Kirby

Hundreds of homes are being approved by planning chiefs in England each year in spite of official objections from the Environment Agency about the risk of flooding, it can be revealed. Figures obtained by *i* under the Freedom of Information Act show more than 1,200 residential properties have been given a green light after flood risk advice from the agency was overruled or partially overruled in the five years since 2011-12.

The 1,228 "residential units" approved by planners are only a tiny percentage of nearly 316,000 properties contained in decision notices where the Environment Agency raised objections. Councils followed the agency's advice in planning more than 99 per cent of new homes. But the figures are likely to raise concerns that families buying new homes are being put at risk of future flooding.

The news comes after this newspa-

per revealed how thousands of people have been forced to spend a second Christmas away from their homes because of damage inflicted a year ago, when around 16,000 properties in England were swamped in the wettest December in a century.

Mark Shepherd, head of property at the Association of British Insurers, said: "Flooding doesn't just ruin homes and belongings, it's a heartbreaking and traumatic experience for people to go through.

"The UK needs more housing, but to build new properties where there is a significant risk of flooding simply stores up problems for the future."

The Environment Agency's figures show it has raised objections on flood risk grounds in more than 14,000 planning applications since 2011-12.

Of those where a decision is known, the agency's objections have been overruled or partially overruled on 330 occasions. One application included nearly 1,000 residential

units; another had more than 500. Many of the properties were in the highest level of flood risk, including several where there was a concern over risk to life or property.

A spokesman for the Local Government Association said: "Local authorities throw out planning applications which are reckless and irresponsible. Councils are generally opposed to building property on flood plains and 99.7 per cent of the 66,132 new homes in 2015-16, where the Environment Agency were consulted, had planning outcomes in line with Environment Agency advice.

"Where building does take place on a flood plain, the local authority would need to be reassured that adequate defences were in place so the risk of flooding would be minimised."

A spokesman for the Department for Communities and Local Government said: "We've put in place strong safeguards to stop inappropriate development in areas at risk of flooding. In the small minority of cases where developments have gone ahead, planning authorities have to make sure new buildings are resilient to protect people and property."

i The National Planning Policy Framework

requires councils to avoid flood risk areas if possible. Where considering building in these areas, councils must ensure houses will be flood resistant.