



Plain Dealing Revisited

PLANNING FOR FLOOD RESILIENCE

By Sandy Forsyth



Executive summary

In Autumn 2021, Localis published *Plain Dealing: Building for flood resilience*. The study took for its context the sense that development on flood risk areas sits at the intersection of the housing and climate crises. In the three years since publication 22 named storms have made impact on the UK and Ireland causing myriad and extensive damages to properties, communities, and livelihoods. In 2023 alone, weather-related home insurance claims reached a staggering £573m in the UK, with flood damage following storms accounting for £286m.

The relevance of this issue only increases when considering the current political context. Labour's 2024 general election win was delivered on a manifesto including pledges to greatly increase housebuilding in brownfield and green belt areas. Such a programme will require a careful balancing of climate resilience measures with robust planning policies and transparent decision-making. Absorbing locally-learned lessons at the national level, and understanding the extent of the policy and financial requirements for reform, will therefore be crucial to future resilience.

The existing policy framework and potential future changes

Many areas of the UK are naturally flood prone, and in the context of repeated calls for continued urban development programmes to meet pressing housing and supporting infrastructure needs, new developments are influencing risk levels. Development can affect surface water runoff or river overflow, as changing ground levels or new slopes have the potential to exacerbate flood risks in neighbouring areas. As such, large developments are required to undergo a flood risk assessment for both flooding from rivers or sea, and surface water flooding.

Despite this rigorous and multi-stage approach to flood-aware development and the mitigation of flood impacts by risk management authorities, a combination of crumbling flood defences and the consent of development on functional floodplains, even at times against the Environment Agency's advice, means that millions of properties in England remain at risk. Analysis of EA flood defence inspections has shown that seven percent of England's flood defences are in a "poor" state, with 1.3 percent classed as "very poor", and deterioration of defences in all areas of England despite the billions of pounds funnelled through funding and investment initiatives in Flood and Coastal Erosion Risk Management (FCERM).

The FCERM investment programme, renewed every six years, currently accounts for £5.2 billion of funding for projects from 2021-27. The new government have pledged an extensive review of capital spending, which observers have criticised as lagging behind the pace of investment needed for urgent resilience measures due to issues such as inflation and poor public sector capacity. Emma Hardy MP, minister for water and flooding, has highlighted the significant issue of maintenance, pointing to a new flood resilience taskforce in the works to co-ordinate the country's flood response. The government has also advanced immediate efforts to organise the nation's flood response. The approach includes a 'COBRA-style' flood resilience taskforce to meet before every winter's peak flooding season to coordinate and target cross-sectoral response.

Labour's 2023 commitments also considered an overhaul of local resilience forums, the multi-agency partnerships that respond to localised incidents and emergencies through the production of emergency plans based on the identification of potential risks. The detail here is especially important given the housebuilding target of 370,000 homes a year. The government are taking a hardline approach to housing supply under proposed reforms, with local authorities seeking a lower housing requirement having to demonstrate that they have spared no effort to find alternative land supply, including local green belt boundary review. This, alongside a stronger and more explicit "presumption in favour of sustainable development", is likely to push a greater onus for local resilience through development onto councils and increase the intensity of the discourse around floodplain development.

The insurance issue

In light of ongoing exposure to risk for properties across England, property insurance represents a significant element of the country's flood resilience. The year 2023 saw a near 10 percent increase on 2022 home insurance totals – an increase, notably, driven by weather-related damage¹. In recent months, home insurance providers across the board have flagged the impacts on insurance pricing due to storms, particularly following the storm-intense 2023/24 winter season, with the Association of British Insurers calling for more to be done to support resilience in communities as the value of the average home insurance claim rose by 64 percent in only one year².

In order to alleviate some of the demands on those affected by flooding and the necessities of preparation for flood events, the Flood Reinsurance, or 'Flood Re', scheme was introduced in 2016 through collaboration between the insurance industry and the government to help providers reduce otherwise impossible premiums for high-risk properties built before 2009. Flood Re was created with an expiry date – the scheme will become obsolete in 2039 – and progression of the programme is designed to allow for a straightforward transition in a more flood-resilient UK. However, the Public Accounts Committee has raised concerns that the Flood Re scheme has so far failed to provide a suitable amount of protection for enough properties to become resilient by 2039, with particular emphasis on increasing flood risks and the limited advancement of the country's flood defence capital programme.

The future of home insurance for at-risk properties therefore remains an issue. Furthermore, public awareness of flood risk and of the necessity of property-level flood resilience and insuring properties proactively, ahead of flooding, needs widespread improvement across the country. Insurers themselves can implement better awareness programmes, but resourcing needs also to be extended to Lead Local Flood Authorities and other public sector stakeholders to allow this kind of proactive engagement to shore up individual and community-level resilience across the country.

1 ABI (2023) – [Weathering the Storm](#)

2 Financial Times (2024) – [Floods will add to rising UK home insurance bills](#)

The debate over floodplain development

Planning permissions

In *Plain Dealing*, Localis observed where new, floodplain development was occurring in the twelve local planning authorities with more than ten percent of properties already at a greater than one percent risk of flooding, as recorded in 2020. For the purposes of this report, we have revisited these authorities to assess the ongoing pattern of development in areas at an existing high risk of flooding. In the first half of 2024³, **1,006** dwellings were given planning approval in the 12 local authorities with the highest percentage of properties already at risk. Adding in developments which were approved in previous years and continued to move through the planning system in the first half of 2024 reveals a further **6,110** dwellings with planning approval, amounting to a total of **7,116** dwellings in the planning pipeline for these authorities. Additionally, **2,389** new dwellings were granted planning permission on previously developed land or as a result of change-of-use applications, and **280** of those were new applications this year.

Planning permission is granted for a number of core reasons: primarily, to give permission for construction or demolition to take place under the auspices of a series of planning documents, including the Local Plan, that ensure the suitability of design and location of the development. Planning conditions control construction at all stages of development, and can range from environmental and noise limits to design and material requirements. Later stages of planning can bring the submission of additional documents such as access plans and flood assessments. As such, a whole pipeline emerges from which the process of construction, from prior approval to the ongoing discharge of conditions, can be tracked, albeit without an idea of final completion of the development.

3 Planning portals were analysed from the 1st of January to the 14th July 2024

Weighing the risks

From the planning perspective, the National Planning Policy Framework (NPPF), although not a legally binding document, is averse to floodplain development. Referring to 'inappropriate development', the NPPF suggests that planners should direct development away from areas at highest risk, taking into account future risk; that strategic flood risk assessments inform strategic policies; and that all plans apply a sequential test followed by, if necessary, an exception test, in order to prioritise the least-worst location for development. Ostensibly, these tests consider the appropriateness of development weighed against risk.

Appropriateness, however, remains a subjective quality. Despite reasonable precautions, it remains that there is no existing law against the granting of planning permission for and construction of homes in areas at high risk of flooding, and the Environment Agency compiled 267 instances of homes granted planning permission against their advice on flood risk in the year 2022-23 alone. While the presumption against development may seem clear from this perspective, opinions in favour of floodplain development are also held by many experts.

Many existing urban settlements in the UK, by dint of the historical importance of water-based transportation, lie in close proximity to rivers and sea, and consequently new developments naturally spring up in these areas to make use of existing infrastructure and bolster local growth. Some experts have called for heightened levels of development specifically so that communities can be better prepared for flooding, with better infrastructure and flood risk management catering towards more resilient places. Others note that floodplains make ideal sites for housing, as they are often flat and well-connected spaces that are cheap to develop. Furthermore, understanding of risk is not an exact science in terms of probability – some areas are at much lower risk than others, and the risk profile of some areas will change in future, although our understanding of future risk is constantly improving and the Environment Agency are producing an improved and updated flood risk map.

Recommendations

1. The **Flood Resilience Taskforce** should be given an expanded remit to examine the current state of existing flood defences, improve public information and review how effectively resilience measures are implemented in the planning system.
 - a. The **Minister for Water and Flooding**, currently located within Defra, should be given a joint brief covering Defra and MHCLG, with the responsibility of overseeing the taskforce and implementing its recommendations.
 - b. **The Environment Agency must have its capacity greatly improved:** to ensure the maintenance of flood defence assets, both public and privately held, and to enforce regulations in planning. The Taskforce should be given a remit to examine how this can be achieved.
 - c. The Taskforce must work to **improve the availability and accessibility** of data on floodplain development – current transparency measures around planning decisions are not sufficient for understanding aggregate flood-risk across development.
 - d. To help combat poor awareness of flood risk, the Taskforce should work to **develop a live system providing flood-risk category certification for new buildings** to increase risk awareness among homeowners and occupiers, which would update in response to new development to capture compounding local flood risk.
2. The **Planning and Infrastructure Bill** as well as the **revised National Planning Policy Framework** present an opportunity to consolidate and reinforce planning resilience measures.
 - a. While it currently exists as a guideline in the NPPF, the **sequential test for floodplain development must be made law**, to ensure that new development takes place in the most strategically appropriate places for national flood resilience.
 - b. To ensure that an area's aggregate flood risk is being considered, **lead local authorities should be consulted by law on all developments of more than two dwellings on floodplain land**, and total permissions of all sizes should be periodically reviewed.
 - c. In the context of greater green belt urbanization, surface water drainage requires specific consideration in the National Planning Policy Framework.
 - d. The **Flood Risk Assessment process should be reviewed**, ensuring that assessments are fully inclusive of not only dwellings and businesses, but also the surrounding environment and infrastructure, as well as emergency response.