

Mr Adam Walker  
Kirklees Metropolitan Borough Council  
Development Management  
PO Box B93  
Huddersfield  
West Yorkshire  
HD1 2JR

**Our ref:** RA/2018/138071/01-L01  
**Your ref:** 2017/94336  
**Date:** 13 February 2018

Dear Mr Walker

**PART DEMOLITION OF EXISTING MILL BUILDINGS AND ERECTION OF 51 DWELLINGS; CONVERSION OF LISTED BUILDING TO FORM PRIVATE GYMNASIUM; RE-USE OF EXISTING MILL BUILDINGS AND ALTERATIONS TO FORM WORKSHOP, CAR STORAGE, AND ASSOCIATED ANCILLARY FACILITIES INCLUDING CAFÉ, SHOP AND OFFICE SPACE; FORMATION OF CAR PARKING AREAS (LISTED BUILDING) – WASHPIT MILLS, CHOPPARDS LANE, CARTWORTH MOOR, HOLMFIRTH, HD9 2RD**

Thank you for consulting us on this application which we received on 17 January 2018.

#### FLOOD RISK

We have no objection from a flood risk point of view, however, we have the following comments to make.

#### **Site layout**

The latest proposed site layout indicates that there will be no building over the River Ribble culvert. However, there are still some garden plots lying directly above the culvert chamber. The LLFA will need to be consulted with regards to the proximity of any aspect of the development to the culvert.

#### **Culvert capacity**

As per our previous comments (dated 17 February 2017), the submitted FRA states that there is sufficient capacity within the culvert to contain the 1% annual probability flood event. Please note that we do not currently have data to substantiate the applicant's calculations.

#### **Flood Warning and Evacuation Plan**

The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development.

It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

We recommend that the future operators/occupants of the site fully sign up to Floodline Warnings Direct.

### **Flood Resilient Construction**

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007).

Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found in our Flood line Publications. A free copy of these is available by telephoning 0345 988 1188 or can be found on our website <https://www.gov.uk/topic/environmental-management/flooding-coastal-change>.

Reference should also be made to the Department for communities and local Government publication 'Prepare your property for flooding' please go to: <https://www.gov.uk/government/publications/prepare-your-property-for-flooding> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

### **LANDFILL AND POTENTIAL LAND CONTAMINATION**

Our records show an authorised landfill is present on part of this site. A licence was issued to Thomas Carr Ltd on 19 January 1982 which was later transferred to Westward Yarns Ltd (19 July 1991). The licence permitted the disposal of up to 4,000 te pa of construction, demolition and excavation waste. The site has been closed with no disposal taking place for approximately 18 years.

In 2006 a closure report was submitted by the operator and consultants with various proposals for monitoring and ultimately surrender of the licence. To date no monitoring reports have been received and there has been significant discussions about surrender. The last visit to the site was over 4 years ago.

We consider the site is low risk based on the types of waste accepted when it was open, and also the length of time passed since it was operational. However, any developer needs to be aware that there is a licence / permit in existence which may impact on development potential.

There may be a possibility of stability issues from the made ground it is built on. As far as we are aware there has been no monitoring for gas or contamination within the groundwater of the affected area, despite a proposal to undertake this many years ago.

The deposited material should have been uncontaminated but without sampling and a thorough site investigation this cannot be confirmed as being the case.

### **High polluting potential from previous use**

The proposed development site has been the subject of past industrial activity which poses a high risk of pollution to controlled waters. We are however unable to provide detailed site-specific advice relating to land contamination issues at this site and recommend that you consult with your Environmental Health / Environmental Protection Department for further advice. Where necessary we would advise that you seek appropriate planning conditions to manage both the risks to human health and controlled waters from contamination at the site. This approach is supported by Paragraph 109 of the National Planning Policy Framework.

### **Model Procedures and best practice**

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the contaminated land pages on GOV.UK for more information.

### **Waste on site**

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the CL:AIRE website and;
- The Environmental regulations page on GOV.UK.

### **Removal of waste from site**

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

### BIODIVERSITY

We fully support the opening of the section of culvert proposed as the benefits from a biodiversity viewpoint are wide ranging. However, we strongly recommend that the developer takes the opportunity to consider the following:

- Recommendations of the 'Extended Phase I Habitat Survey - August 2016' must be carried out. This especially relates to further survey work for protected species which may be impacted by the proposed scheme.
- Connectivity of habitats that protected species would use must be retained and appropriately protected from disturbance through thoughtful landscaping and directional light away from these routes.
- Consider opening up additional sections of culvert where car parking has been proposed. In sections where the culvert cannot be opened, we recommend installation of light wells to support biodiversity in the water body.
- In addition to opening the culvert, re-naturalisation of the culvert bed should take place throughout the whole open section in the site, such as introduction of vegetated shelves, roughened / gravel bed etc to increase habitat (we are happy to advise on this further).
- Improvements to the mill pond could be made to increase habitat and its use by protected species, again we could advise on this. It may take the form of additional riparian habitat and potentially floating habitat.
- Measures to prevent pollution to the River Ribble during the construction period. This could take the form of a surface water management plan or construction environmental management plan to be implemented throughout the construction phase. It should be noted that permits may be required for working in / near water and for making discharge to the watercourse (including temporary discharges during construction).
- We would encourage where possible the installation of SUDs e.g car parking areas.

If you require any clarification of further advice on this matter please contact me on the details below.

Yours sincerely

**Mrs Beverley Lambert**  
**Sustainable Places - Planning Advisor**

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