

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

Our ref: RA/2013/124649/01-L01
Your ref: 2013/60/90249/E
Date: 25 March 2013

Dear Mr Topping

OUTLINE APPLICATION FOR ERECTION OF 106 DWELLINGS, DEMOLITION OF EXISTING BUILDINGS AND REMOVAL OF DISUSED RAILWAY EMBANKMENT LOCK STREET, THORNHILL, DEWSBURY

Thank you for referring the above application, which we received on 05 March 2013.

We consider that outline planning permission could be granted to the proposed development if the following planning **condition** is included as set out below.

Flood Risk

Condition

No development approved by this planning permission shall take place until such time as a scheme to attenuate surface water runoff has been submitted to, and approved in writing by the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

Biodiversity

The proposed site layout as shown on the Design and Access Statement and the Proposed Site Plan shows housing and the access road to be nearer the canal than what is recommended in the Ecological Assessment June 2012. This reduces the buffer to the canal significantly, increasing light spillage and causing disturbance to commuting/foraging bats using the canal corridor. Therefore the design should be altered to ensure protection of the green corridor and bats' using it is maintained.

We welcome the further mitigation measures suggested within the Ecological Appraisal, and we therefore recommend that these should also be incorporated into the scheme.

Landscaping should be carried out to maintain green infrastructure links throughout the site, mitigating what has been lost but also enhancing. Native species, native to the surrounding area and preferably of known local provenance should be used. We would like to see the planting plan to ensure mitigation and enhancement is delivered.

RECOMMENDATION: This development is proposed in close proximity to an existing watercourse. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site) adequately mitigated, or, as a last resort compensated for, then planning permission should be refused and that opportunities to incorporate biodiversity in and around developments should be encouraged. Article 10 of the Habitats Directive stresses the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors are particularly effective in this way. Such networks and corridors may also help wildlife adapt to climate change.

Wherever possible, development should be set back from the watercourse to provide a wildlife buffer zone. The buffer zone, which should be at least 8 metres wide, should be free from all built development. Domestic gardens and formal landscaping should not be incorporated into the buffer zone. The buffer zone should be planted with locally native species of UK genetic provenance and be appropriately retained and managed throughout the lifetime of the development.

Land Contamination

Advice to Applicant

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 we require 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 our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater. GP3 is available on our website at:
<http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>
- 4) Refer to our website at www.environment-agency.gov.uk for more information.

Foul Drainage

A mains connection has been proposed for foul drainage disposal. You are strongly advised to satisfy yourself, prior to determination, that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, Yorkshire Water, to attain this information. If capacity is not available, an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the capacity issue secured as part of the planning permission. If a non-mains solution is to be considered we should be re-consulted, prior to determination, and given the opportunity to comment further.

If you have any queries or require any additional information, please do not hesitate to contact me on the details below.

Yours sincerely

Abdul Gaffar
Planning Advisor - Sustainable Places Team

Direct dial 0113 819 6381

Direct e-mail abdul.gaffar@environment-agency.gov.uk

cc Calderpeel Architects