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

Our ref: RA/2017/136393/01-L01
Your ref: 2016/94089

Date: 14 March 2017

Dear Mr Woodward

ERECTION OF SINGLE STOREY EXTENSIONS AND ALTERATIONS TO EXISTING STORAGE/DISTRIBUTION (B8) WAREHOUSE/ANCILLARY TRADE COUNTER (WITHIN A CONSERVATION AREA) – FLINDERS MILL, ST JOHN'S ROAD, BIRKBY, HUDDERSFIELD, HD1 5HU

Thank you for consulting us on this application which we received on 1 March 2017.

Environment Agency position
In the absence of sufficient information we **object** to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason
The information submitted with this application does not provide a suitable basis for an assessment to be made of the potential impacts of the development on the Clayton Dike culvert which traverses the site.

In particular, the submitted information fails to demonstrate that there will be no loading on the culvert. The Drainage Assessment (email from 27th February 2017) states that there will be a 1.5m easement either side of the culvert line. This may not provide adequate clearance to ensure that there is no loading on the culvert or provide satisfactory access to carry out any maintenance or culvert renewal works in the future. No building or other obstruction should be placed within 3 metres of the culverted watercourse, (this may vary depending on the size of the channel, or depth of the culvert). This is to avoid damage to the culvert, and allow access for maintenance.

Furthermore, this development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the Clayton Dike, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.

It can take up to two months to determine the application from being duly made. Every effort will be made to process it as quickly as possible, but the applicant is reminded that works should not commence until the permit is granted.

Overcoming our objection
The applicant can overcome our objection by submitting an assessment which covers the deficiencies highlighted above. If this cannot be achieved we are likely to maintain our objection to the application. Production of an assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Yours sincerely

Mrs Beverley Lambert
Sustainable Places - Planning Advisor

Direct dial 020 302 57982
Direct e-mail bev.lambert@environment-agency.gov.uk

End