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

Our ref: RA/2017/136393/03-L01
Your ref: 2016/94089

Date: 28 April 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 the additional information submitted in support of this application which we received on 13 April 2017. Based on this information, we are now in a position to **remove our objection**, subject to the following comments.

Environment Agency position
The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the plans submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition
The development permitted by this planning permission shall be carried out in accordance with the submitted Proposed Site Plan 11 April 2017, reference number IQ16.027.P, and the following mitigation measure detailed:

- The proposed development is not erected within a 3 metre easement of the bank of the culverted Clayton Dyke as indicated in drawing reference IQ16.027.P

The mitigation measure shall be fully implemented prior to occupation and subsequently 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 ensure the stability and future maintenance of the culvert and reduce the risk of flooding to the proposed development and future occupants.

Advice to applicant/LPA – Environmental Permitting Regulations (EPR)
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 top of the bank of the Clayton Dyke culvert, 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 applicants are reminded that works should not commence until the permit is granted.

Yours sincerely

Mrs Beverley Lambert
Sustainable Places - Planning Advisor

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