

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

Our ref: RA/2017/136584/01-L01
Your ref: 2017/90207
Date: 20 April 2017

Dear Mr Woodward

**OUTLINE APPLICATION FOR ERECTION OF B1 LIGHT INDUSTRY –
THONGSBRIDGE MILLS, MIRY LANE, THONGSBRIDGE, HOLMFIRTH, HD9 7RW**

Thank you for consulting us on this application which we received on 6 April 2017.

Flood risk

The site appears to lie entirely within flood zone 1, and the FRA indicates that all development will be above the flood level. We therefore have no objection to this proposal.

However, given the site's close proximity to flood zones 2 and 3, it should be noted that the property could be surrounded by flood water, therefore, a Flood Warning and Evacuation Plan should be implemented.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The National Planning Policy Framework and associated Planning Practice Guidance state that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Land contamination

The proposed development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters.

However, we have recently revised the priorities for deployment of the EA's technical resource towards focussing on:

- The protection and improvement of the groundwater that supports existing potable drinking water supplies,
- Groundwater within the most strategically important aquifers for future supply of potable drinking water or other environmental use.

As such we are unable to provide detailed site-specific advice relating to land contamination issues at this site. As an alternative, we would therefore advise that you refer to our published “Guiding Principles for Land Contamination” which outlines the approach we would wish to see adopted to managing risks to the water environment from this site.

We also recommend that you consult with your Environmental Health/Environmental Protection Department for further advice on generic aspects of land contamination management. Where planning controls are considered necessary we would recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by Paragraph 109 of the National Planning Policy Framework.

Model Procedures

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 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. Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the [contaminated land](#) pages on GOV.UK for more information.

Use of 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 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 Position statement on the Definition of Waste: Development Industry Code of Practice and;

- The [Environmental regulations](#) page on GOV.UK

Removal of waste off 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.

Yours sincerely

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