

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

Our ref: RA/2017/137418/01-L01
Your ref: 2017/92997
Date: 20 September 2017

Dear Mr Woodward

ERECTION OF 70 (OVER 55) RETIREMENT APARTMENTS COMPRISING OF FOUR BLOCKS, PROVISION OF A COMMUNITY BUILDING, ELECTRICITY SUBSTATION AND LAYING OUT OF INTERNAL ROADS, PARKING AREAS AND GREENSPACE AND ASSOCIATED INFRASTRUCTURE. LIDL, STATION ROAD, MIRFIELD, WF14 8LL

Thank you for consulting us on this application which we received on 4 September 2017.

Sequential Test

The applicant has failed to submit any Sequential Test evidence with this application. The site lies within Flood Zones 2 and 3, which have a medium and high flood risk. Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test.

Avoidance is the most effective flood risk management measure. Even when development can be made 'safe' in flood risk areas, there are always residual risks. In accordance with paragraph 103, consideration should only be given to development in flood risk areas following the Sequential Test.

Please ensure that sufficient evidence is provided by the applicant to allow the Sequential Test to be carried out. Development should not be permitted if there are reasonably available sites, appropriate for the proposed development, in areas with a lower probability of flooding. Evidence to support the sequential test should be added to the planning file for the public record.

Exception Test

The Exception Test should be applied only after the Sequential Test has been applied. If the Sequential Test demonstrates that there are 'Reasonably Available' lower risk sites to which the development could be steered, the Exception Test should not be applied and the application should be refused.

Paragraph 102 of the National Planning Policy Framework (NPPF) makes clear that both elements of the Test must be passed for development to be permitted. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk elsewhere.

The Flood Risk Assessment and our detailed flood risk comments, along with consultation with your Emergency Planners, Drainage Engineers, the Emergency Services, relevant IDB and Water Company where relevant, will help you to establish whether the second part of the test has been met. This information should fully inform your consideration of the first part of the test by allowing you to weigh up the flood risks against the wider sustainability benefits to the community that the development may bring.

Environment Agency position – Flood Risk Assessment

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application is 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 Flood Risk Assessment (FRA) dated July 2017, reference E17/6788/FR01 by Haigh Huddleston and Associates, and the following mitigation measure detailed within the FRA:

- There shall be no residential areas on the ground floor.

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 reduce the risk of flooding to the proposed development and future occupants.

ADVICE TO APPLICANT/LPA

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 support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding.

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>

Surface Water Run-off

As of the 15th April 2015, the Environment Agency is no longer a statutory consultee for surface water drainage proposals. The lead Local Flood Authority should be consulted in relation to the suitability and acceptability of any surface water management scheme.

Yours sincerely

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