



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

Our ref: RA/2019/139647/01-L01
Your ref: 2018/90051
Date: 01 February 2019

Dear Mr Grayson

PART DEMOLITION OF EXISTING BUILDINGS, ERECTION OF NEW BUILDINGS AND RE-USE OF EXISTING BUILDINGS TO FORM B1(C), B2 & B8 USES, AND FORMATION OF NEW PARKING AND VEHICULAR CIRCULATION AREAS (WITHIN A CONSERVATION AREA AND SETTING OF A LISTED BUILDING). COMMUNITY SPIRIT, BRITANNIA MILLS, BRITANNIA ROAD, SLAITHWAITE, HUDDERSFIELD, HD7 5HE.

Thank you for your consultation, received on 14 January 2019. We have reviewed the information submitted and are raising a holding objection to this application, as it involves building over a culverted main river. From the information submitted, we are unable to say whether we would be likely to grant a flood risk activity permit for this development.

Flood Risk

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place on, over, under or within 8 metres of a main river channel or culvert. Kitchen Clough, a main river, runs through the site and is partially culverted. In order to obtain a permit from us for this development, the applicant must be able to demonstrate that there is no risk of increased flood risk as a result of this activity.

The proposed development could adversely affect the construction and stability of the culvert, which will compromise its function and could increase the risk of flooding to people and properties in the surrounding area. There is currently insufficient information provided on the buildings proposed close to and over the top of the culvert to determine that there will be no impact on the culvert in terms of its structural stability. The possible increased risk of flooding, as a result of any blockage, has not been considered.

Overcoming our Objection

Further information is required on any foundations or piling required in the vicinity of the culvert. The applicant should assess the current capacity and condition of the culvert. Should the proposed development cause the culvert to collapse now or in the future, the blockage caused could result in an increased risk of flooding upstream and the riparian owner will be responsible for undertaking any repairs. The applicant should consider the consequences, if a blockage or collapse does occur. The works also provide an opportunity for the applicant to consider opening up the culvert to provide water quality and biodiversity benefits. This approach is supported by Policy PLP 27 of your emerging Local Plan. Although not yet adopted, it shows the re-opening of culverts to be a clear aspiration of the council.

Additional Advice

Our Flood Map for Planning shows that the site lies within Flood Zone 1, with a low probability of flooding from rivers and/or the sea, although the presence of the culverted watercourse underneath means that there is a risk of some overland flows affecting the site. A site specific flood risk assessment (FRA) by EWE Associates Ltd, Final Rev A, dated July 2018, has been submitted in support of the application. This FRA has assessed the risk to the site and concluded that the site may at risk from flood depths of 30mm from Kitchen Clough in the 1 in 100 annual probability event, increasing to 100mm with climate change over the lifetime of the development. To address this and keep the industrial units dry, the FRA has recommended that the floor level of the proposed industrial units are raised by 200mm. We advise that finished floor levels for development should ideally be set no lower than 300mm above the 1% (1 in 100 year) modelled flood level plus climate change.

It should be noted that, in the event that the culvert does become blocked, depths on the site may increase. We would therefore suggest that you encourage the applicant to raise their floor levels further and/or request the use of resilient construction methods, to minimise damage and allow use of the building again more quickly.

We also wish to draw attention to Drawing nos. 17415/SK 02 P2 “Overland Flow Route Plan” and 17415/SK101 P2 “Indicative Drainage Layout”; these appear to be for another development on Britannia Road and therefore not relevant to this proposal.

Contaminated Land

The proposed development site appears to have been the subject of past industrial activity which poses a high risk of pollution to the water environment. However, we have recently revised the priorities for deployment of our technical resource towards focusing 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 advise that you refer to our published “[Guiding Principles for Land Contamination](#)”, which outline the approach that 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.

In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to the water environment.

Model Procedures and Good Practice

We recommend that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 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.
- 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.
- Refer to the [contaminated land](#) pages on GOV.UK for more information.

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. We recommend 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.

Waste to be Taken Off Site

Contaminated soil that is, or must be, disposed of is waste. Its handling, transport, treatment and disposal are therefore 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.

We trust this advice is useful.

Yours sincerely

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cc Robert Halstead Chartered Surveyor