From: Crawshaw, Tim [mailto:Tim.Crawshaw@environment-agency.gov.uk]

Subject: RE: 2019/90190 - Low Gate, Kirkburton

The Environment Agencies Flood Map for Planning show that the site lies in FZ1 which would normally mean we would not need to comment on the proposal. However, we have received your observations and taken them into consideration. These observations are that the main river may run in culvert closer to the site than is reflected on our records. For that reason we wish to take the opportunity to make comments on the application.

We are aware of privately owned culverts in this area that contain the Environment Agency Main River Box Ings Dyke and Dean Bottom Dyke.

Our map records do not show the precise location of the entire culverts in this area but we are aware of the box culvert on the junction of Low Town road and Low Gate where Box Ings Dyke joins Dean Bottom Dyke. This is within 20m of the development site. We estimate the site boundary at it's closest point could be approximately 2 metres from parts of the culvert and approximately 6 metres from the box culvert.

Environment Agency Position

We have reviewed the information submitted and are raising a holding objection to this application, as it involves building in close proximity to 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 without further information on this.

Confirmation of culvert stability

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 building proposed such as how close it is to the culvert to determine that there will be no impact on the culvert in terms of its structural stability.

We ask the applicant to undertake their own survey, and possibly confirm this by site investigation, to verify the alignment and condition of the culvert near the site. We also need confirmation that the development will place no additional loading either vertically or horizontally on the fabric of the culvert which is likely to impact on the structural integrity of the asset.

The possible increased risk of flooding, as a result of any blockage, has not been considered. This needs to be assessed in relation to the site and to indicate there is no transfer of flood risk to others.

As it is a privately owned culvert you may wish to discuss the site and the culvert with the Flood Risk Team at Kirklees Council.

Environmental Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river
- on or within 8 metres of a flood defence structure or culvert
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Overcoming our Objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

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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 Structural Stability of the building and particularly the implications of the changes may have on the nearby culvert is not entirely our area of expertise and therefore we recommend you consult a Structural Engineer regarding this matter and in consultation with Kirklees Council

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Flood Risk

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 means that there is a risk of some overland flows affecting the site.

We note that our surface water maps show the site is at low, medium and high surface water risk, however it is not clear whether the site is within a Kirklees Critical Drainage Area from the scale of these maps we hold. You may wish to confirm this with the Flood Risk Team at Kirklees Council.

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

Informatives

Advice to LPA/applicant - Flood proofing

We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:
Department for Communities and Local Government: Preparing for floods
http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf
Department for Communities and Local Government: Improving the flood performance of new buildings:
http://www.communities.gov.uk/publications/planningandbuilding/improvingflood

Advice to LPA - Flood warning and emergency response

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 planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

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. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

If you have any queries, please contact me

Yours sincerely

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