

Ms Nia Thomas
Kirklees Metropolitan Borough Council
Development Management
PO Box B93
Huddersfield
West Yorkshire
HD1 2JR

Our ref: RA/2020/142134/02-L01
Your ref: 2020/91292
Date: 26 November 2020

Dear Ms Thomas

**ERECTION OF RETAIL KIOSK – BATLEY SHOPPING CENTRE, ALFREDS WAY,
BATLEY, WF17 5DR**

Thank you for re-consulting us on this application following submission of an amended plan, which we received on 12 November 2020.

This site lies within flood zone 1, therefore we have no comments to make in relation to flood risk. You should follow our Flood Risk Standing Advice (FRSA) which can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice> before making a decision on this application.

Our interest in this proposal is due to the site's proximity to a main river, the Batley Beck, which runs adjacent to the site, partly as an open channel, and partly within a culvert.

Our previous objection was because the kiosk was too close to Batley Beck. The revised drawing 'Proposed Plans A(SK)-05, revision B', dated 2/11/20 by Cole Gornall Cross Architects, now shows the kiosk to be located 3 metres from the dry side of the wall at the top of the bank adjacent to Batley Beck. We are therefore able to remove our objection, but ask the LPA to ensure that this revised drawing is included in the list of approved plans on the decision notice if permission is granted.

Environmental Permit

As advised in our previous response, in addition to planning permission this proposal will need an Environmental Permit for a Flood Risk Activity from us prior to any works commencing.

An Environmental Permit is required for any structures such as this which are within 8 metres of the bank of the Main River, and for any work involving excavations within 16 metres of the culvert. However, we note the email from Susan Chan to your authority dated 13/10/20 confirms that no significant ground works or excavations are required.

We require a minimum 3 metre easement for any works from the bank of Batley Beck to allow us access for maintenance purposes and any future works we plan in the area.

In order to obtain a permit from us, the applicant must be able to demonstrate that there is no increased flood risk as a result of this activity. We may include conditions on the permit.

Any damage to the river channel, culvert or existing wall as a result of the development will be the responsibility of the riparian owner i.e. the landowner, and is responsible for ensuring no transfer of flood risk to others as a result of, for example blockage, of the culvert. As it is a privately owned culvert and wall, the applicant may wish to discuss their proposals with the Flood Risk and Drainage Team at Kirklees Council.

For further guidance regarding Environmental Permits please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Mrs Beverley Lambert
Sustainable Places - Planning Advisor

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