

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

Our ref: RA/2020/142307/01-L01
Your ref: 2020/91474
Date: 13 November 2020

Dear Mr Howden

**FORMATION OF 55 SPACE CAR PARK WITH ASSOCIATED WORKS – FORMER
SCRAP YARD, ADJ CANALSIDE WEST, FIRTH STREET, HUDDERSFIELD, HD1
3DB**

Thank you for consulting us on this application which we received on 26 October 2020.

We have no comments to make in relation to the flood risk element of this development and have not reviewed the FRA in great detail. Further explanation is provided below.

We understand we have been consulted because:

- a) the site lies within 20 metres of the River Colne which is a designated main river, and
- b) development is on land where a previous use of the site may have caused contamination.

Flood risk standing advice - advice to LPA

The proposed development falls within Flood Zone 2, which is land defined in the [planning practice guidance](#) as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted on the flood risk element of this application.

Environmental permit – advice to applicant

We note drawing number MW 2020 024 B 001 dated 07.04.2020 shows a proposed wall running down the eastern boundary of the site, and there is reference to installing

bollards within the FRA. We also note that an outfall structure to discharge surface water into the River Colne is shown on the External Drainage Layout (reference 45101/001 revision A dated 05.10.20) within the Proposed Surface Water Drainage Strategy.

An Environmental Permit for a Flood Risk Activity will be required for any structures, such as walls, fences, bollards and outfall structures, which are within 8 metres of the bank of the River Colne.

We require a minimum 3 metre easement from the bank of the River Colne to allow us access to the river for maintenance purposes and any future works we may plan in this area.

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 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Surface water – advice to LPA

We expect any surface water discharge to main river to be no more than 5 l/s/ha.

The [Lead Local Flood Authority](#) are responsible for providing advice on the management of surface water from new larger developments. Please consult them for their comments on this proposal.

Sustainable Drainage Systems (SuDs) should always be carefully considered in discussions with the lead local flood authority. However, any drainage system must not pose a risk to groundwater quality and must not be constructed in ground affected by contamination.

Car parks in flood zone – advice to LPA/applicant

When considering car parking within flood risk areas, the ability of people to move their cars within the flood warning time should be considered. Long-term and residential car parking is unlikely to be acceptable in areas which regularly flood to a significant depth, due to the risk of car owners being away from the area and being unable to move their cars when a flood occurs. Car parking may be appropriate in areas subject to flooding, provided flood warning is available and signs are in place. Car parks should ideally not be subject to flood depths in excess of 300mm depth since vehicles can be moved by water of this depth. Land raising should be kept to a minimum where possible.

Emergency Planning – advice to LPA

We note the recommendation for users of the car park from the university to sign up to receive our flood alerts and warnings for this area and encourage this.

We suggest producing an Emergency Plan for the site in consultation with the Flood Risk and Emergency Planning teams at Kirklees Council.

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

Advice to LPA/applicant – Land contamination

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

However, we are unable to provide site specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use

We recommend that you refer to our published '[Guiding Principles for Land Contamination](#)' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/ Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 170 of the National Planning Policy Framework.

Advice to applicant – 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 our [Guiding principles for land contamination](#) for the type of information that we require 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.

Advice to applicant – Use of waste on site

The CL:AIRE 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 are 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;
- The [waste management](#) page on GOV.UK

Advice to applicant – Waste to be taken 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 2016
- 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 hazardous waste material produced or taken off-site 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.

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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