Environment Agency

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

Our ref: RA/2021/143284/01-L01
Your ref: 2021/91953

Date: 16 July 2021

Dear Stuart

OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT. LAND ADJACENT TO BANK BUILDINGS, MILL BANK ROAD, MELTHAM, HUDDERSFIELD, HD9 4BA

Thank you for consulting us on this application which we received on 28 June 2021.

Environment Agency position
In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

Reasons
The application site lies partially within flood zones 3 and 2, which is land defined by the planning practice guidance as having a high and medium probability of flooding. The National Planning Policy Framework (paragraph 163, footnote 50) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

This is a holding objection as there is no FRA and areas of the site are within flood zones 2 and 3. The finished floor levels and potential compensatory storage requirements have not been assessed against the future flood risk from climate change and we are unable to say whether we would grant an Environmental Permit for the application without further information. Further detail regarding the need for an Environmental Permit is given below.

The Environment Agency Flood Map for Planning shows the majority of this site lies in flood zone 1, and the proposed site plan appears to show the properties are located within flood zone 1. However, there are areas of flood zones 3 and 2 in the south eastern corner of the site, along the eastern part of the site and up to the site boundary adjacent to the Main River Thick Hollins Dyke.

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We expect to see an FRA for sites which include areas of flood zone 2 and 3 within the red line boundary, however, no FRA has been submitted with this application.

An FRA can be proportional to the scale of the development. Further advice on what to include in an FRA can be found at https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all

We are updating the flood zones in this area through the new River Colne and Holme Flood Risk Mapping study. We recommend the applicant requests the most up to date model information for this area by contacting our Customers and Engagement Team (please email neyorkshire@environment-agency.gov.uk) to determine if any part of the site is still within flood zone 3 in order to assess any necessary mitigation measures, such as finished floor level requirements. When available, updates to our flood map will be sent to Kirklees Council as the Lead Local flood Authority for this area.

The local planning authority (LPA) has undertaken a Strategic Flood Risk Assessment (SFRA) which may also include local flood risk information to help inform the FRA. Please contact the LPA to determine what information is available.

Finished floor levels and compensatory storage
The FRA needs to assess the full impacts of flooding up to and including the 1% AEP flood event plus the latest climate change allowances (the design event) for all areas of the site. The design event needs to be assessed in relation to:

- compensatory storage
- any re-profiling of ground levels within the site
- the assessment of flood risk to areas of land within the site
- finished floor levels

The FRA should demonstrate that finished floor levels on the site are above the 1% probability (or 1 in 100) level, plus climate change (CC) (the design flood), plus a further 600mm freeboard (using the most appropriate modelled node point). We recommend that the applicant considers the 30% CC for design and mitigation purposes. Finished floor levels also need to be above the surface water flood risk to the site as shown on the Risk of Flooding from Surface Water (RoFSW) maps.

It should also discuss whether compensatory storage is required to offset any losses in floodplain storage in any areas of the site (up to and including the design event), and confirm that there is no transfer of flood risk beyond the site boundary.

The FRA should show the pre and post development site levels which are subject to any re-profiling and compare this to the 1% plus CC levels. It needs to demonstrate any re-profiling and the building of walls on the site do not alter i) the flood risk to the site, ii) alter existing flood flow routes, iii) transfer flood risk to others, and iv) there is no loss of storage in the 1% plus CC scenario.

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 (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence

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- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

In order to obtain a permit from us for this development, the applicant must be able to demonstrate that there is no increased flood risk as a result of the development.

We are unable to say at this stage whether we would grant a permit for the application without further information. Please confirm the distance in metres from the properties and walls to Thick Hollins Dyke and the natural high ground adjacent to the river, and whether any land re-profiling is proposed.

For any development in close proximity to the river edge we recommend a structural engineer is consulted to demonstrate this has no detrimental impact on the stability of the embankment. Any damage to the embankment or high ground along the river side would be the responsibility of the riparian owner for ensuring no increase in flood risk or transfer of flood risk to others.

It will be the responsibility of the riparian owner (ie the land owner) to maintain the watercourse so if development takes place close to the river side they need to be satisfied they can gain access.

For further guidance regarding a permit please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506. 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 an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

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.

Guidance on how to prepare a flood risk assessment can be found at https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications

Surface Water
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.

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Additional considerations:

Access/egress and hazard
Depending on the findings of the FRA and future climate change impacts, it may be necessary to consider whether an evacuation plan will be required. Please discuss with Flood Risk team at Kirklees Council.

Flood proofing - advice to LPA/applicant
Again, depending on the findings of the FRA and CC, it may be appropriate to consider use of flood proofing and resilience measures such as physical barriers, raised electrical fittings and special construction materials to help reduce flood damage.

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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