Consultation Response from KC, Lead Local Flood Authority		
2021/93750 adj, 360, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 9EW		
Erection of 9 dwellings		
Date Responded: 7th November 2021	Responding Officer: Paul Farndale	Responding Ref:

Summary – Sequential Test and Approach

Kirklees Flood Management & Drainage OBJECTS to this application and suggests to the Planning Officer to follow Kirklees Council Guidelines produced after the adoption of the Local Plan with regard to the SEQUENTIAL TEST PROCESS. This should involve the Planning Strategy Department.

Please note that sequential testing and flood risk assessments are either dated 2016 or 2017 and are therefore out of date and require a review.

The applicant has used the 'Exceptions Test Matrix' as an attempt to justify not applying the 'Sequential Test Process'. This should not be allowed as the sequential test is the Council's risk avoidance tool. By doing this the application ignores avoidance which should always be sought and tries to mitigate risk. However, mitigation is an attempt to reduce risk only and by definition incorporates risk.

We advise that a sequential test process can be avoided if a sequential approach is incorporated into the design. This would mean all property and curtilage to be in flood zone 1 and other lower risk uses, for example open landscaped areas occupy the higher flood risk zones. This has not been achieved in the design.

A lack of objection from the Environment Agency does not negate the need for a sequential test or sequential approach as this is a matter for the Planning Authority and its written approach to avoid risk altogether being preferential.

Post 2021 Sequential Test and Approach

The LLFA would like to be re-consulted after the LPA applies the sequential test and approach in accordance with guidelines associated with the adoption of the local plan.

It should be noted for clarity that should the test be passed and the LPA recommends that a sequential approach (based simply on a 2D layout of main river flood zones) is justified as NOT being applied, the following should also be considered.

- The location of section 24 public sewers for existing buildings to be demolished and to remain must be established and incorporated, potentially by diversion, with suitable stand off distances. The layout should be designed around this constraint and not the other way round.

- Surface water flood risk for the 1 in 100-year event encroaches at the northern boundary and estimates up to 600mm depth. For similar reasons, this must be assessed in an FRA and property and curtilage avoid this area. It is likely to coincide with main river flood risk boundaries.

- As an advice note, attenuation under the highway with a span greater than 900mm will be labelled as a structure and will likely preclude the road being adopted by the highway authority. This does not mean a suitable attenuation tank of such a dimensions cannot be approved by the planning authority and the road remain private.

- It is noted that Yorkshire Water would consider a discharge to public surface water sewer from the site at 5l/s. The note from 2016 does not approve this figure. Kirklees LLFA would not oppose this or reduce this figure if firm approval from a consultation is received from Yorkshire Water.

- The flood zone map incorporated in the out-of-date Flood Risk Assessment is mislabelled. Both boundaries are labelled 1 in 100-year return periods.

- The area is unsuitable for infiltration being listed by British Geological Survey as category 4 – severe constraints.