

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

Our ref: RA/2021/143881/01-L01
Your ref: 2021/94208
Date: 20 December 2021

Dear Mr Hirst

OUTLINE APPLICATION FOR RE-DEVELOPMENT OF FORMER WASTEWATER TREATMENT WORKS, INCLUDING DEMOLITION OF EXISTING STRUCTURES TO PROVIDE EMPLOYMENT USES (USE CLASSES E(G)(II); E(G)(III); B2 AND B8). FORMER NORTH BIERLEY WASTEWATER TREATMENT WORKS, CLIFF HOLLINS LANE, OAKENSHAW, BD12 7ET

Thank you for consulting us on this application which we received on 29 November 2021.

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development.

In particular, the FRA fails to take the future impacts of climate change on flood risk from rivers into account for the lifetime of the development.

We expect to see finished floor levels set a minimum of 600mm above whichever is greater of existing ground level or design flood level, or 300mm if the design flood level already takes into account Climate Change.

The majority of the site lies in Flood Zone 1, however, there is an area of Flood Zones 2 and 3 within the red line boundary and close to the development.

Overcoming our objection

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

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

Environment Agency
Kings Pool Peasholme Green, York, North Yorkshire, YO1 7PX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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Further Planning Advice to overcome objection

Please advise the applicant that if they would like to get further specific advice on how to overcome our objection, they can take advantage of our planning advice service. We can offer services including meetings, telecons and reviews of revised information prior to formal submission. We encourage the applicant to contact us directly to discuss this further.

We currently charge £100 plus VAT per officer per hour. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms for our charged for service are available [here](#).

If the above objection is overcome, we also draw the developer's attention to the following informative comments in relation to potential land contamination arising from previous uses.

Land contamination

This development site appears to have been the subject of past industrial activity which poses a 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.

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.

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

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 further information or clarification, please contact me.

Yours sincerely

Mrs Bev Lambert

Sustainable Places - Planning Advisor

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