Environment Agency

Ms Laura Yeadon
Kirklees Metropolitan Borough Council
Development Management
By email: dc.admin@kirklees.gov.uk

Our ref: RA/2022/144841/01-L01
Your ref: 2022/92615

Date: 01 September 2022

Dear Laura

ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION – 38 STATION STREET, MELTHAM, HOLMFIRTH, HD9 5QP

Thank you for consulting us on this application which we received on 18 August 2022.

Introduction
Our Flood Map for Planning shows the site lies within Flood Zone 2, with a medium probability of flooding from rivers and/or the sea. The application is for a residential extension, which is considered to be a 'more vulnerable' land use in Annex 3: Flood Risk Vulnerability Classification of the National Planning Policy Framework. It is therefore necessary for the application to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

The site is also located immediately next to Meltham Dike which is designated as a 'main river'. Our comments on this planning application relate to the potential impact to the main river.

Environment Agency position
We object to this application as it involves works within 2 metres of a watercourse. As submitted it is unlikely that we would grant a flood risk activity permit for this application.

Reasons
The proposed development could restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works.

Overcoming our objection
The works involve building close to main river and over/close to an area shown on our flood map for planning as 'natural high ground' which we understand may be a retaining wall. A flood risk activity permit will be required for any activities as defined in the Environmental Permit informative below.

We normally expect at least an 8 metre unobstructed area from a main river and the landward toe of any natural high ground. Developing closer may be acceptable providing there is no detrimental impact on the natural high ground and the riparian owner can gain access for maintenance.

This is a holding objection as we are unable to say at this stage whether we would grant a permit for the application without further information:

- The distance from the extension to the edge of Meltham Dike in metres. The application needs to include a plan showing the distance of any/all parts of the development within 8 metres of the main river, the landward toe of the natural high ground and the retaining wall.
- Whether the extension is any closer to main river than the existing extension?
- Whether the extension is being built over the natural high ground/ retaining wall? Is the retaining wall being removed?
- If the extension is over the natural high ground or retaining wall the applicant needs to demonstrate there will be no impact on the stability of the retaining wall or natural high ground which could compromise its function. This may therefore increase flood risk.
- The plans show a gap in the retaining wall to the east of the existing extension has this been created as part of the proposed works? We ask that the applicant seeks confirmation from structural engineers and the Council's Building Control and Flood Risk and Drainage Team that they are satisfied there will be no detrimental impact on the retaining wall or foundations as a result of the extension.

The works proposed will remain as private assets with the riparian owner having responsibility to maintain, repair and replace in future. Our planning consultation and any permit application for the works will not review whether the design will meet the requirements of the applicant. This remains the responsibility of the applicant/ landowner and their structural design team.

The Meltham Dike is designated as a Main River for regulation purposes, however any damage to the natural high ground or retaining wall as a result of the development is the responsibility of the riparian owner i.e. the landowner who is responsible for ensuring no transfer of flood risk to others which may occur (from, for example, damage to the natural high ground) which may result in overland flows.

Inspecting the river side will be the primary responsibility of the riparian owner for the maintenance of the watercourse so they need to ensure access can be gained to fulfil their riparian obligations. As they are a privately owned high ground you need to agree a maintenance plan for the lifetime of the development with the Flood Risk and Drainage Team at Kirklees Council.

INFORMATIVES

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.

End

We recommend that you view our standing advice in full before making a decision on this application.

Environmental Permitting
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
- 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 riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

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. 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.

Biodiversity Net Gain (BNG)
We understand that householder applications are exempt from BNG requirements (or proposed to be exempt under current Defra consultation).

Kirklees Biodiversity Net Gain Technical Advice Note sets out in section 4.3 that minor planning applications will still be expected to demonstrate BNG, although it is not required to be demonstrated with the use of the Defra Metric.

We feel seeking ecological improvements to the beck as part of the planning application would be disproportionate and would be limited in terms of potential.

Planning Advice Service
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.

Should you require any further information or clarification, please contact me.

Yours sincerely

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