John Holmes
Kirklees Metropolitan Borough Council
Development Management

By email: dc.admin@kirklees.gov.uk

Our ref: RA/2022/144841/02-L01
Your ref: 2022/92615

Date: 31 May 2023

Dear John

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

I refer to your email received on 17 May 2023 in connection with this application.

Environment Agency position
We are maintaining our objection to the application until we have seen enough evidence to demonstrate that the proposal will not negatively impact on flood risk. We require the evidence to remove our objection at the planning stage *and* allow a permit to be granted.

We object to this application as it involves building within close proximity of a main river (Meltham Dike) and 'natural high ground' alongside it, which we understand is a retaining wall. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

Reasons
- The proposed development may restrict essential maintenance and emergency access to the high ground and retaining wall. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works.
- The proposed development is likely to adversely affect the construction and stability of the high ground and retaining wall, which will compromise its function. The proposal will therefore increase the risk of flooding locally if it becomes compromised.

Overcoming our objection
We normally expect at least an 8 metre easement from 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 their 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 the further information below required on the extension in relation to the Meltham Dike main river, natural high ground and retaining wall:

- How close the extension is to the edge of Meltham Dike in metres? The application needs to include a plan showing the distance of any parts of the development within the 8-metre easement from the main river, the landward toe of the natural high ground and the retaining wall.
- Whether the extension is being built over the natural high ground and 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. They should consider vertical and lateral loading.
- 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 because of the extension.

Informatives

- 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 does 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, ie the landowner, who is responsible for ensuring no transfer of flood risk to others from, for example, damage to the natural high ground which may result in overland flows.
- Inspecting the river side would be the primary responsibility of the riparian owner (ie the land owner) for the maintenance of the watercourse so they need to ensure access can be gained to fulfil their riparian obligations. As tis is 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.

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 river bank, 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.

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Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me.

Yours sincerely

Bev Lambert
Sustainable Places - Planning Advisor

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