

Craig Hewitt  
Kirklees Metropolitan Borough Council  
Development Management

**Our ref:** RA/2023/145682/01-L01  
**Your ref:** 2023/90476

**Date:** 25 April 2023

By email: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

Dear Craig

**PRIOR NOTIFICATION FOR CHANGE OF USE FROM OFFICE/ANCILLARY TO 2 DWELLINGS – ORCHARD WORKS, SPEN VALE STREET, HECKMONDWIKE, WF16 0NQ**

Thank you for consulting us on this application which we received on 5 April 2023.

**Environment Agency position**

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

**Reason**

The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. This position is also supported in 'Policy LP27 – Flood Risk' in the Kirklees Local Plan.

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.

**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>.

**INFORMATIVES**

**FRA sources of information - advice to applicant**

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please contact [neyorkshire@environment-agency.gov.uk](mailto:neyorkshire@environment-agency.gov.uk).

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

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Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found in the planning practice guidance including a checklist: <https://www.gov.uk/guidance/flood-risk-and-coastal-change#para80>.

Flood risk data requests will be based on existing EA hydraulic models for existing 1% and 0.5% annual probability events with an allowance for climate change. Note as climate change allowances are updated we update our models but this work is not done immediately for all locations.

You should refer to '[Flood risk assessments: climate change allowances](#)' to check if the allowances modelled are appropriate for the type of development you are proposing and its location. You may need to undertake further assessment of future flood risk using different allowances to ensure your assessment of future flood risk is based on best available evidence.

### **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

**Bev Lambert**  
**Sustainable Places - Planning Advisor**

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