

Ellie Thornhill
Kirklees Metropolitan Borough Council
Development Management

Our ref: RA/2023/146273/04-L01
Your ref: 2023/92490

Date: 27 June 2024

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

Dear Ellie

**ERECTION OF 38 DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING
(WITHIN A CONSERVATION AREA) – FORMER DOWKER WORKS, DOWKER
STREET, MILNSBRIDGE, HUDDERSFIELD, HD3 4JX**

Thank you for re-consulting us on this application following submission of additional information / amended plans, which we received on 6 June 2024.

Flood Risk

After reviewing the documents submitted from AJP dated 28 May 2024, following our previous response, we maintain our objection to this application and recommend that planning permission is refused.

We note the applicant has included information regarding modeling the blockage scenario using the 1 in 100-year event plus climate change model and included a 50% blockage of the total surface area at Node 10. The FRA needs to assess the potential worst-case scenario. As such we expect a 100% blockage scenario to be assessed, not a 50%. If the applicant plans on keeping the 50%, we need justification as to why.

The submitted documents present finished floor levels relative to ground levels. Finished floor levels need to be presented in metres above Ordnance Datum (mAOD) so that this can be compared to the design flood level to show that the development is set a suitable height above the flood level.

AJP's response states "*At present, there is no road access to the culvert and if the culvert needs maintenance, it is difficult to get to, as it is on multiple levels and cannot be accessed vehicularly. With inclusion of the development, the culvert will have vehicular access*".

Our concern is not how to get to the location of the culvert from a vehicular access point of view, but once the proposed development is in place, will this make it harder to access the culvert itself, ie will the concrete slab get in the way of accessing the culvert for repairs or will any existing access points such as manholes be affected? The applicant must demonstrate in their revised FRA that maintenance access will not be compromised. Please note that we have assumed if maintenance is needed, machinery and vehicles or maintenance personnel can already access to the location of the culvert. Therefore, we need clarification on the above.

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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There is no technical drawing of the culvert line based on survey. We appreciate the submission of the condition survey at appendix C, however this has not provided a culvert location survey which was requested in our last response and therefore has not met our requirement to remove our objection.

Overcoming our objection

To overcome our objection, the applicant should submit revised documents which address 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.

Ecology

Despite new information being submitted relating to the culvert there is still no information to demonstrate the culvert has been acknowledged within the BNG metric or BNG assessment which we pointed out in our previous response dated 14 March 2024. Therefore, with no new or updated information our comments relating to Ecology remain unchanged from our initial response to this application in our letter dated 3 October 2023. For ease of reference our comments from that letter re repeated below. We also still require the condition to be included on the decision notice:

Environment Agency position

Development that encroaches on *watercourses* can have a potentially severe impact on their ecological value.

Optional WFD justification: Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 10 metre wide buffer zone around the *watercourse*.

Condition 1

No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone alongside the *watercourse* has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed over the longer term

Reason(s)

Land alongside *watercourses* is particularly valuable for wildlife and it is essential this is protected. The 10m buffer on both sides of the watercourse is also included in the Defra Watercourse Metric and applies to all watercourses.

This approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Note to LPA/ applicant

Culverted watercourse

We believe that there is a culverted watercourse within the site, yet the applicant hasn't referred to or acknowledged it.

In a situation where the culvert would be retained, the Environment Agency would discourage any development built within the 10m strip or on top of the culvert.

Biodiversity Net Gain (BNG)

From a Biodiversity Net Gain (BNG) perspective, there is an incorrect / incomplete BNG assessment as well as a missed opportunity – i.e., the applicant should include the watercourse within their baseline survey and assessment. However, there may be limited opportunity for this watercourse to be enhanced on site. If that is the case, off-site net gain must be identified.

Other issues to be addressed

- The BNG assessment must be amended to state there is a river/ stream.
- The Habitat Gains Statement must include riverine units
- Measures in the Ecology report must be incorporated into the development
- More native planting rather than ornamentals must take place (as per the BNG metric /assessment).
- Every new dwelling must incorporate a Swift brick

Yours sincerely

Bev Lambert
Sustainable Places - Planning Advisor

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