

**Consultation Response from KC,
Lead Local Flood Authority**

2023/92966 Land to the rear of, 271, Cliffe Lane, Gomersal, Cleckheaton, BD19 4SB

Demolition of existing dwelling and erection of 87 dwellings including formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering works

Date Responded: 14th November 2023

Responding Officer: Paul Farndale

Responding Ref:

Summary

Kirklees Flood Management and Drainage, acting as Lead Local Flood Authority, OBJECTS to this application pending FURTHER INFORMATION and certainty over surface water outfalls. An adherence to the principle of improving water quality by SUDS is required.

Detailed Response

Flood Risk

There is no concern over main river flood risk or surface water flood risk to this site.

Surface Water Outfall

The LLFA rules out the use of infiltration techniques to dispose of surface water. However, some permeable paving is shown on submitted plans for certain driveways. It must be clearly demonstrated that these areas contribute to attenuation calculations as 'impermeable areas'.

An open watercourse is located in Lanes Wood. The wood used to cover a wider expanse with historical OS maps showing an open watercourse much closer to site. Wood clearance by the 1950's indicate that part of this watercourse may be enclosed and form the boundary of the wood.

A private ditch is shown on Ferrand Lane. Surface Water flood plans indicate that the ditch to the watercourse is a natural low spot for the area and almost certainly connected.

A connection to watercourse should be sought but must be proved viable and will need permission of private landowners. We do not feel we can conditionally approve the submitted drainage strategy until certainty of outfall and future management of off site systems are obtained.

We do not disagree with a discharge rate direct to the open watercourse in Lanes wood at 5l/s/ha (greenfield run off), providing landowners allow access.

Indirect connections via privately owned pipes will also require third party permission. A study of the condition of these systems and the area currently draining to them will be required to ensure mitigation of flood risk outside the site. The capacity of these systems and their current intake is unknown and therefore so is their suitability. As a result, 5l/s/ha only applies to open watercourse at this stage. This could affect site layout with the need for greater attenuation should an alternative connection be required as shown on submitted plans. If heavier restrictions are imposed or the system prove unsuitable, layout on site will change.

The ditch and any subsequent system must be surveyed.

The LLFA would object to a pumped solution for surface water.

Pond

A pond is located within the site and must be investigated for inlets and outlets and potential associated pipework/culverts.

Flood Routing

Clarity is required over whether flows along Cliffe Lane will bypass the entrance and therefore avoid the risk of catchment flood routes entering the site. A more detailed plan showing levels and new gullies in this area is required.

Flood routing arrows around plot 1 on the drainage submission could be misleading. Engineering layouts show a low spot in this area. More detailed plans showing how flood routing from this point will be managed is required.

Boundary treatments around plot 10 need to be confirmed to clearly demonstrate free movement of overland flows in this area.

The low spot around plots 70-71 needs a more detailed presentation. As a main flood route, the design of a retaining wall blocking this route needs further consideration.

We fully expect flood routing to avoid curtilages on this site and use the road network and open space as a conduit. Footpaths may be considered with careful design.

Attenuation

Kirklees LLFA advises against the use of crate storage. As a new application we expect to see the use of SUDS to treat surface water as well as provide flood risk management on site. We also advise the planning officer that Yorkshire Water may not be able to adopt on site systems on this development which would comprise the best solution for maintenance and management obligations for the LPA (see section 106 agreement).

Section 106 Agreement

Unless off site work can be retrospectively adopted by Yorkshire Water or can be claimed to be a watercourse as opposed to a private drain, it is unlikely that the on-site surface water infrastructure can be formally adopted. This may have knock on effects for section 38 road adoption.

Certainty over the maintenance of off-site infrastructure is critical. We advise the applicant to examine ways the submission can lead to retrospective adoption by Yorkshire Water or a new system to open watercourse be considered for adoption under section 104 of the Water Industry Act.

A potential solution would be to take out a separate legal agreement with downstream landowner(s) for a management company to take on responsibility of off-site infrastructure, up to a designated outfall to open watercourse.

An undertaking to set up a management company to carry out an agreed maintenance and management schedule and itinerary is required under Section 106 of the Town and Country Planning Act 1990, in order for the LPA to fulfil its obligation to ensure that SUDS are maintained for the life of the site under NPPF.

Construction Phase Flood Risk and Pollution Prevention

A scheme to manage the above can be deferred by condition to detailed design stage.