

Nicole Helliwell
Kirklees Metropolitan Borough Council
Development Management

Our ref: RA/2023/146565/02-L01
Your ref: 2023/93388

Date: 02 May 2024

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

Dear Nicole

CHANGE OF USE FROM DOMESTIC TO COMMERCIAL, DEMOLITION OF EXISTING WORKSHOP AND ERECTION OF THREE STOREY OFFICE BUILDING (WITHIN A CONSERVATION AREA) – DENE END FUNERAL HOME, 50 NORTH ROAD, KIRKBURTON, HUDDERSFIELD, HD8 0RW

Thank you for re-consulting us on this application following submission of an FRA by KRS Environmental Ltd referenced KRS.0785.001.R.001.A dated February 2024, which we received on 17 April 2024.

We have reviewed the FRA and additional information provided on Kirklees Planning Portal. This has not sufficiently addressed our concerns and we maintain our objection for the reasons detailed below.

Environment Agency position

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

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Conclusively demonstrate how a range of flooding events (including extreme events) will affect people and property, because the topographical survey contradicts the site levels stated in the FRA.
- Assess the impacts on flood risk, of works immediately adjacent to a culverted main river, including impacts to the structural integrity of the culvert and impacts to future maintenance access.
- Adequately demonstrate how site users will have safe access and egress in flood events up to and including the design event.
- Provide sufficient data required to support any proposed flood emergency planning including depth, velocity and rate of onset of flooding.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. 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.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption 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 culverted main river (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 the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a 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 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

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.

Due to the objection points above, as submitted, it is unlikely that we would grant a flood risk activity permit for this application.

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](#).

If you need any clarification or further information, please contact me.

Yours sincerely

Bev Lambert
Sustainable Places - Planning Advisor

Telephone 020 3025 7982

Mobile 07833 234623

Direct e-mail bev.lambert@environment-agency.gov.uk

Team e-mail sp-yorkshire@environment-agency.gov.uk

End