

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

**2023/93539 Land adj, Ledgard Bridge Mill, Back Station Road, Mirfield, WF14 8NZ**

**Outline application, including the considerations of access appearance, layout, and scale, for the erection of a six-storey building to host 76 residential apartments (C3 use) and ancillary works comprising demolition of vacant building, formation of new access, parking areas, open space and landscaping; erection of cycle and bin refuse storage structures**

**Date Responded: 10<sup>th</sup> January 2025**

**Responding Officer: Paul Farndale**

**Responding Ref: 3**

**Our comments of 4th January 2024 and 7<sup>th</sup> August 2024 remain largely the same. However, due to the latest proposals of a raised walkway to aid emergency access from and to the site, our objection can be removed subject to the application passing a sequential test and approach.**

### **Sequential Test to be Assessed by the Local Planning Authority**

We understand a sequential test has been carried out.

As current allocations within Kirklees' local plan avoid placing residential properties in flood zone 3 (or use a sequential approach within sites), applications like this failed in comparison to those in lower risk zones. We foresee a potential difficulty when windfall sites with associated risk are compared to the local plan allocations as and that of additional land for sale on the commercial market, as it is expected those at least risk should be developed first, otherwise efforts in the local plan are undermined.

### **Sequential Approach to be examined by the Local Planning Authority**

Should the planning officer deem that a sequential test is passed, a sequential approach should be considered.

The site does contain areas defined as in Flood Zone 2 to consider for the location of domestic properties instead of flood zone 3, but the scale of the proposal is too large and flood zone 3 is therefore impacted. The planning officer needs to consider the whether the scale of the development is appropriate.

**Car Parking** areas are located in flood zone 3 and we cannot see any assessment regarding flood risk associated with this aspect of the development.

It is not recommended that a flooding in parking areas is above 300mm, should the sequential test be passed, and sequential approach relaxed for this site. We advise the planning officer to ask the Environment Agency to comment on car parking and potential floating of cars that could cause obstructions at within and beyond the site, i.e. at bridges, increasing flood risk elsewhere.

### **Compensatory Storage**

Should all the above be considered and the planning officer decides to proceed to move from seeking avoidance of flood risk, to considering mitigation of flood risk, the Environment Agency will need to be satisfied with appropriate finished floor levels in relation to the 1 in 100 year return period with an appropriate consideration of climate change. They must also be satisfied that adequate compensatory storage has been provided.

This will have to be revisited since the application now includes a raised walkway albeit with an underpass to allow flood waters either side.

### **Safe Access & Egress**

The Environment Agency currently does NOT comment on safe access and egress.

Kirklees LLFA advises the planning officer that the site can be regularly blocked off by flooding at both ends of Back Station Road. Roads are closed by the Council or on police request at least annually.

Currently therefore there is no possible safe egress by foot at the existing site.

This application now proposes a raised walkway to aid evacuation that avoids the flooded road junctions of Back Station Road with Hopton New Road and Station Road, with an entrance positioned on the bridge.

There is no possibility of creating an emergency access routes for vehicles. However, a flooding and evacuation plan is in place to remove vehicles when appropriate warnings are given where possible.

### **Conclusion**

We make no further comment on the application at this stage except that we do not envisage any issue with surface water discharge for sites immediately adjacent to a main river and this can be conditioned.

Flood routing is not an issue for surface water flood risk on this site where buildings will have raised floor levels in relation to ground levels.

Construction phase drainage and pollution prevention plans can also be conditioned.

A final design on the elevated walkway can be conditioned (without prejudice to considerations other than flood risk).

**We wish to be reconsulted in the planning officer confirms sequential testing has passed and a sequential approach is not a reason for objection.**