

Nina Sayers
Kirklees Metropolitan Borough Council
Development Management
PO Box B93
Huddersfield
West Yorkshire
HD1 2JR

Our ref: RA/2024/146875/01-L01
Your ref: 2024/90223
Date: 07 March 2024

Dear Nina

CHANGE OF USE FROM CAR RECYCLING WORKSHOP TO SKIP HIRE AND WASTE TRANSFER STATION NETHERFIELD MILLS, CALDER ROAD, RAVENSTHORPE, DEWSBURY, WF13 3JS

Environment Agency Position

Thank you for your consultation regarding the above proposal. We have reviewed the information submitted with the application and we have **no objection** to the proposal. Our detailed comments are as follows

Flood Risk

Our Flood Map for Planning shows the site lies within Flood Zone 2, with a medium probability of flooding from rivers and/or the sea. The application is for change of use from car recycling workshop to skip hire and waste transfer station, which is considered to be a 'less vulnerable' land use in [Annex 3](#) of the National Planning Policy Framework. It is therefore necessary for the application to pass the Sequential Test and to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

After reviewing the documents attached with the application including the FRA created by Advant Engineers Ltd, Revision A, dated 24th January 2024, we do not have any major concerns about this proposal from a flood risk perspective.

With regard to risk to the site itself and relating to the implications of flooding on pollution, despite the FRA concluding that the site may be at risk during a 1%AEP CC flood, our own information suggests that this is unlikely. Our Lidar topographic data suggests that the site is higher than the modelled, in channel, flood level for the defended 1%AEP CC flood event.

The FRA also highlights that this site would be at risk from reservoir breach. We recommend that you consider this in your decision making. We recommend that you seek advice from the relevant emergency planners on this.

Waste

Environmental Permit – Advice to Applicant

If the operator is wishing to run the site as a skip transfer station then the applicant will be required to apply for an appropriate environmental permit under the Environmental Permitting (England and Wales) Regulations 2016. It would be best practice for the existing vehicle depollution permit to be surrendered as the vehicle depollution permit would not authorise skip transfer station activities.

Based on the location of the proposed activity, it is likely that the conditions of a waste transfer permit will require a suitable building to help prevent adverse impacts from noise, dust and odour. Further guidance on environmental permits can be found at <https://www.gov.uk/government/collections/risk-assessments-for-specific-activities-environmental-permits>.

Informative(s)

Historic Landfill - Advice to applicant/ LPA

The proposed development is located within 250m of a historic landfill site.

We deem these as historic landfills because these sites stopped operating prior to the Environment Agency (EA) coming into operation in 1995. All land that may be classed as contaminated under section 2A of the Environmental Protection Act (EPA) 1990 is looked after by the Local Authority. There is no EA environmental permit in place, but this does not mean that the land is not contaminated. The local authority might have more information regarding these sites.

The developer may wish to carry out, or the planning authority may wish to require, further risk assessment. This may want to include a stability risk assessment to consider any potential sediment issues or slope instability. There may also be the potential for landfill leachate to exist, which would need to be assessed and managed. Further guidance is available on .GOV webpages.

Landfill Gas

You should check with your Environmental Health team to understand if further information is available and if landfill gas is a concern in this area. They should also be able to advise what assessments are required.

Landfill gas primarily consists of methane and carbon dioxide, along with trace amounts of other organic compounds. It is produced as the waste in the landfill site degrades.

Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Development on top of or within 50m of any site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g., sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No 27
- Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
- Building Research Establishment guidance – BR 414 'Protective Measures for

Housing on Gas-contaminated Land' 2001

- Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991
- CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007

Air Quality

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in [Regulation \(EU\) 2016/1628](#) (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and PM2.5). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Sequential test - advice to LPA

What is the sequential test and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
 - the proposed development is consistent with the use for which the site was allocated; and

- there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the local planning authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance [here](#).

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Flood warning and emergency response - advice to LPA

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network.

Planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a [design flood](#) and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to '[Flood risk emergency plans for new development](#)' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 173 of the NPPF and the guiding principles of the PPG.

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

Flood Alerts

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

If you have any queries regarding our response, please contact myself or my team using the details below.

Yours sincerely

Miss Alexandra Choat
Sustainable Places Planning Advisor

Direct e-mail alexandra.choat@environment-agency.gov.uk

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