

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

2024/91384 land off, Bank End Lane, Almondbury, Huddersfield, HD5 8ES

Removal of condition 10 (drainage) of previous outline permission 2016/93985 for residential development

Date Responded: 28th May 2024

Responding Officer: Paul Farndale

Responding Ref:

Further to outline application 2016/93985, reserved matters application 2018/94078, and discharge of condition application 2018/94191 and previous comments from Flood Management and Drainage.

Condition 10 is an amalgamated condition given the layout was a reserved matter and could not be determined at the time of application. All aspects of drainage including design, attenuation requirements, flood routing, maintenance plans and construction phase drainage were deferred until the reserved matters application. It was however noted that a suitable outfall had been confirmed.

After 3 submissions regarding condition 10 under application 2018/94191 and subsequent verification that a section 104 agreement has been signed by Yorkshire Water, it is accepted that Yorkshire Water will in principle adopt Aquaspira attenuation designed with a given discharge rate to an accepted point on the public sewer network. Surface water design is therefore accepted.

Temporary drainage plans for the construction phase were provided and as construction is complete this aspect of the condition is no longer relevant.

Double gullies at low spots were requested. Kirklees Flood Management and Drainage accept flood routing principles in all other aspects. A decision has been made, on this occasion only, to exclude this from an objection, as a minor point. If the road is required to be adopted, this can be picked up by our section 38 team to set out their requirements. Until then the risk rests with the developer.

A maintenance plan has been provided. Kirklees Flood Management & Drainage consistently pointed out the need to include this in a section 106 agreement, as per current protocol, so the developer could be held more accountable should adoption not take place. Although an agreement to adopt has been signed, Yorkshire Water has stated that the systems on this site, as of 28th May 2024 remain the responsibility of the developer who to date has not progressed the adoption. We understand this to mean pre-maintenance and/or final inspections have not taken place for Yorkshire Water to form a remedial list for sewers and manholes or pronounce the installation of sewerage on this site as fit for purpose.

It is in the gift of the Local Planning Authority to decide whether a section 106 agreement concerning management companies and agreed maintenance plans is entered into or not. This is merely advice from our department acting as Lead Local Flood Authority.

We can therefore confirm that condition 10 can be discharged.