

Victor Grayson  
Kirklees Metropolitan Borough Council  
Development Management

**Our ref:** RA/2024/147506/05-L01  
**Your ref:** 2024/92283

**Date:** 07 March 2025

By email: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

Dear Victor

**REDEVELOPMENT OF MARKET WITH ADDITION OF MEZZANINE FLOOR.  
DEWSBURY MARKET, 32 CLOTH HALL STREET, DEWSBURY, WF13 1QE**

Thank you for re-consulting us on this application following submission of an amended FRA, which we received on 24 February 2025.

We have reviewed the following documents:

- Flood Risk Assessment and Outline Drainage Strategy Report by BDP Civil and Structural Engineering Group, reference Project No: P3001350, Doc No. DMTP-BDP-00-XX-RP-C-00001, Revision P04, dated 20 February 2025.

We are satisfied that the revised information addresses our previous concerns, and we **remove our objection**. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

**Condition**

The development shall be carried out in accordance with the submitted Flood Risk Assessment and Outline Drainage Strategy Report by BDP Civil and Structural Engineering Group, reference Project No: P3001350, Doc No. DMTP-BDP-00-XX-RP-C-00001, Revision P04, dated 20 February 2025 and the following mitigation measures they detail:

- Compensatory storage shall be provided within the site boundary to facilitate at least a net gain of 714 m<sup>3</sup>.

This mitigation shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason**

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

## INFORMATIVES

### **Environmental permit - advice to the applicant**

Dewsbury Beck is designated as a main river and runs in a culvert along part of the site.

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](mailto: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.

### **Flood resistance and resilience – advice to the applicant**

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings, and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Further guidance on flood resistance and resilience measures can also be found in:

- *Government guidance on flood resilient construction*  
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
- *CIRIA Code of Practice for property flood resilience*  
[https://www.ciria.org/Research/Projects\\_underway2/Code\\_of\\_Practice\\_and\\_guidance\\_for\\_property\\_flood\\_resilience.aspx](https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx)
- *British Standard 85500 – Flood resistant and resilient construction*  
<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

### **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) 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 181 of the NPPF and the guiding principles of the PPG.

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities, and flood hazard rating against the design flood for the proposal. We agree that this indicates that there will be:

- No danger to people.

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.

#### **Sequential test - advice to LPA**

We have withdrawn our objection to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

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

Yours sincerely

**Bev Lambert**  
**Sustainable Places - Planning Advisor**

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