

Farzana Tabasum
Kirklees Metropolitan Borough Council
Development Management

Our ref: RA/2025/148334/01-L01
Your ref: 2025/90508

Date: 29 May 2025

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

Dear Farzana

**ERECTION OF CANOPY TO EXISTING YARD AND EXTENSION TO EXISTING
EXTERNAL STORAGE YARD – PO BOX 521, LEEDS ROAD, HUDDERSFIELD, HD2
1YU**

Thank you for consulting us on this application which we received on 15 May 2025.

BIODIVERSITY

**Works within 8 metres of a main river - detrimental impact on nature
conservation/fisheries/ecology and physical habitats**

The River Colne is designated as a 'main river'. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for certain activities as detailed in the informative section later in this letter.

Environment Agency position

The submitted planning application and associated documents indicate that significant loss of riparian semi-natural habitat within the riparian zone of the River Colne (Colne from River Holme to River Calder, GB104027062550, waterbody) will be required as part of the proposed development. Works within 8m of the bank top will require a flood risk activity permit as highlighted above. Based on the information currently available it is unlikely that a permit would be granted. We therefore object to the proposed development, due to its impacts on physical habitats, and recommend that planning permission is refused.

Reasons

In determining the flood risk activity permit for this development, we will assess its compliance with the Humber River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

Based on the information submitted with this application, there is a risk that the development may prevent the Colne from River Holme to River Calder (GB104027062550) waterbody from achieving good ecological potential and therefore, not meet the requirements of the Water Framework Directive unless the provisions of Article 4.7 of the Water Framework Directive can be met.

The layout of the proposed development will result in loss of riparian habitat. Development that encroaches on the riparian zone of watercourses can have potentially severe impact on their ecological value due to the habitat corridors that riparian zones provide.

In urban settings sections of natural/semi-natural land adjacent to watercourses provides valuable habitat and should be retained where possible.

This objection is supported by paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

This objection is also supported by Policy LP34 of the Kirklees Council Local Plan which states that developments should:

“Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable, enhancing:

- a. the natural geomorphology of watercourses, including reinstating watercourses to their natural state through removal of modifications resulting from past industrial uses;*
- b. water quality; and*
- c. the ecological value of the water environment, including the functionality of habitat networks.”*

Additionally, any development within 10m of the bank top of a watercourse is required to demonstrate no net loss of, and deliver a 10% uplift in, Watercourse Units to meet the requirements of the Statutory Biodiversity Metric. The Biodiversity Net Gain (BNG) Assessment provided by the applicant does not currently include watercourse units.

Overcoming our objection

To overcome our objection, we recommend that the applicant submits a plan with a revised layout that incorporates a 10m-wide buffer zone which is free of development alongside the River Colne (Colne from River Holme to River Calder (GB104027062550)) waterbody.

Setting back the development 10m from the bank top will also remove the requirement for the applicant to include Watercourse Units in their BNG assessment.

FLOOD RISK

Our Flood Map for Planning shows the site lies within Flood Zone 3, with a high probability of flooding from rivers and/or the sea. The application is for industrial/commercial use, 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 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’.

Flood Risk Assessment

An FRA by WSP, referenced Project No. 70124016 - LBZ-WSP-XX-ZZ-RP-C-002 and dated January 2024, has been submitted in support of the application.

Environment Agency position

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 by WSP, referenced Project No. 70124016 - LBZ-WSP-XX-ZZ-RP-C-002 and dated January 2024, and the following mitigation measures it details:

- Finished floor levels shall be set no lower than existing ground levels
- The boundary fence will be of open design (palisade) to ensure free movement of flood waters on and off the site.
- The canopy covered storage area will have no walls or obstructions to allow free movement of flood flow

These mitigation measures 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.

Reasons

- To reduce the risk of flooding to the proposed development and future occupants
- To prevent flooding elsewhere by ensuring that flood water conveyance and storage is maintained

INFORMATIVES

Environmental permit - advice to applicant

The River Colne is designated as a 'main river'. The Environmental Permitting (England and Wales) Regulations 2016 require a permit 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.

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 LPA/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. In the meantime, 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. The following documents may also be useful:

- *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/CIRIA/Resources/Free_publications/CoP_for_PFR_resource.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) 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 181 of the NPPF and the guiding principles of the PPG.

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, others, and sensitive 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>.

Biodiversity Net Gain

Having reviewed the information submitted including the PEA and Biodiversity Net Gain Assessment we consider that the proposal comes within 10m of the bank top and therefore the applicant should include the watercourse within their BNG assessment.

The Proposed Site /Block Layout plan (Proposed site plan – drawing no 0005 revision P4) includes several cross-sections that show the new concrete platform coming right to the bank top. The 'bank top' is also marked on here and it clearly shows development within 10m of this.

Given this, and the proposed increase in riparian encroachment, the BNG assessment should include the watercourse. A river condition assessment, undertaken by an accredited surveyor, should be undertaken, and at least 10% net gain should be demonstrated for watercourse units. Ideally, the development would be set back from the watercourse to avoid encroachment and impacts to the habitat.

However, the applicant has used the small sites metric to undertake their current BNG assessment. We would like to make the local planning authority aware that this is an error for the following reasons:

- Regardless of whether a site is a 'small site' or a 'major development', the small sites metric (SSM) cannot be used on sites where habitats not available in the SSM are present. For watercourse habitats, the SSM only includes ditches, canals & culverts. Priority river habitat (e.g. the River Colne) and non-priority river habitat (i.e. 'other rivers & streams') are not available in the SSM. Any site containing any additional habitats (including the riparian zones) not included in the SSM must use the statutory biodiversity metric calculation tool. As the proposed development site includes a river (including its riparian zone) within development proposed within 10m of bank top the SSM cannot be used, and the statutory biodiversity metric calculation tool should be used instead.
- The small sites metric is for: residential development where the number of dwellings is between 1 and 9 on a site of an area 1 hectare or less, or if the number of dwellings is unknown, the site area is less than 0.5 hectares; or commercial development where floor space created is less than 1,000 square metres or total site area is less than 1 hectare. The application form submitted states that the development site area is 17495 square metres (i.e. 1.7495 hectares) which is above the threshold for the small sites metric. Though, the BNG assessment states "*Habitat Works Limited (Habitat Works) was commissioned in December 2024 by Lubrizol Ltd to undertake a Biodiversity Net Gain Assessment (BNGA) for approximately 500 m2 area of land at Lubrizol Works, Huddersfield, West Yorkshire (central Ordnance Survey National Grid Reference (OS NGR SE 16376 18361), hereafter referred to as 'the Site'*", the BNG assessment has been based on the area shown in the 'proposed site plan' drawing, whereas the 'location plan' (which shows the development red line boundary) shows a much larger area, most of which hasn't been included within the BNG assessment. The BNG assessment should be undertaken for the whole site.
- As development is within 10m of bank top and therefore needs to be included within the BNG assessment and appropriate metric, there is a requirement to provide an uplift of 10% in Watercourse Units (WU) as well as the no net loss and 10% uplift in Habitat units (HU). Opportunities to deliver all required units HU and WU will need to be explored and information provided in how this

requirement will be fulfilled. We would like to remind the applicant that there is a weir present on the River Colne adjacent to their site that could offer opportunity for modification or alteration to improve fish passage and therefore deliver WUs.

We encourage the LPA to request a revised BNG assessment using the Statutory metric and including the whole site.

Missed opportunity for river restoration to support implementation of RBMPs - advice to LPA/applicant

In line with the Humber RBMP, we recommend that the proposed development is used as an opportunity to restore more natural processes to the watercourse eg. restoring marginal and riparian habitats, removing hard engineering, or improving fish passage by removing or altering obstructions (weirs). This would offer a significant environmental gain.

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

Yours sincerely

Bev Lambert
Sustainable Places - Planning Advisor

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