

Farzana Tabasum
Kirklees Metropolitan Borough Council
Development Management

Our ref: RA/2025/148334/02-L01
Your ref: 2025/90508

Date: 15 October 2025

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

Dear Farzana

ERECTION OF CANOPY TO EXISTING YARD AND EXTENSION TO EXISTING EXTERNAL STORAGE YARD (AMENDED PLANS/DOCUMENTS SUBMITTED). PO BOX 521, LEEDS ROAD, HUDDERSFIELD, HD2 1YU

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

We have reviewed and assessed the following amended plans, and our comments are detailed below:

- [Proposed Elevations \[id 1106550\]](#) 24/09/2025 - LULR-MWA-XX-XX-DR-A-0002_S2_P5_Proposed Elevations (revised) received 23/09/2025
- [Proposed Floor Plans \[id 1106537\]](#) 24/09/2025 - LULR-MWA-XX-XX-DR-A-0004_S2_P5_Proposed Plan (revised)- received 23/09/2025
- [Proposed Site / Block Layout \[id 1106530\]](#) 24/09/2025 - LULR-MWA-XX-XX-DR-A-0005_S2_P6_Proposed Site Plan (revised)- received 23/09/2025

The 'Proposed Site Plan, Ref No: 0005 Rev: P06' shows the concrete yard is not within 10 metres of the bank which is what we requested in our previous objection. However, the canopy is shown to be within 8 metres of the watercourse and 8 metres from bank top. There is also a fence line shown on the plan that is on bank top and not shown on the 'Existing Site Plan Ref No 0003 Rev P03' so we are assuming this is a new fence and therefore part of the proposed development.

As the installation of the canopy and fence will not cause a detrimental impact on nature, we withdraw our objection subject to the inclusion of the following condition as the proposed works will require a permit from the Environment Agency.

Environment Agency position

Development that encroaches on watercourses can have a potentially severe impact on their ecological value.

Networks of undeveloped buffer zones along watercourses provide wildlife habitat to live in, a foraging resource, and a corridor to migrate along. Encroachment can reduce this resource. These networks can also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan (RBMP).

Environment Agency
Kings Pool Peasholme Green, York, North Yorkshire, YO1 7PX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies. Riparian encroachment if left unchecked may prevent the river Colne waterbody (Colne from River Holme to River Calder, GB104027062550) 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 proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 10-metre-wide buffer zone around the watercourse.

Condition

No development shall take place until a scheme for the provision and management of a 10-metre-wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone shall be free from built development including lighting and formal landscaping (including fencing). The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details demonstrating how the buffer zone will be protected during development and managed over the longer term
- The canopy must not extend further than is shown on plan 'Proposed site plan – drawing no 0005 revision P06.'

Reasons

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected and accessible.

This approach 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. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats and promote the expansion of biodiversity.

Should any proposed new fencing be planned within the 10 metre buffer area, this will be considered as built encroachment within the 10 metres and therefore a breach of this condition. Therefore, the fencing should be re-sited out of the buffer zone. If this cannot be achieved we ask to be consulted with a justification of why this needs to be sited within the 10 metres buffer zone if it cannot be moved.

Biodiversity Net Gain

The Small Sites Metric (SSM) has been used in error. If the SSM is used the following criteria should be met:

- where only the habitats available in the SSM are present on-site
- where no priority habitats are present on-site.

- where no statutory protected sites or habitats are present
- where no European protected species are present

Rivers and streams (including riparian zones, measured from bank top), are classed as at least 'high distinctiveness'. Only canals, ditches and culverts can be assessed using the SSM. The proposed development site includes a river and riparian zone that is not available in the SSM. Therefore, the full Statutory Biodiversity Metric should be used to calculate losses and gains for the proposed development site. We advise that the LPA requires further information before it can determine whether the BNG requirement for the water environment has been met.

If the LPA and/or Council Ecologist would like further details to explain our reasons for considering the need for the full BNG assessment rather than the SSM, we can provide this for you.

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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