



Ms Farzana Tabasum
Kirklees Metropolitan Borough Council
Development Management

Our ref: EQ-0001321/01 and
RA/2025/148334/02-L01
Your ref: 2025/90508

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

Date: 28th April 2026

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**

Please accept this letter regarding updated wording of our recommended planning condition, relating to the above planning application.

Our updated planning condition refers to the condition regarding the protection of a 10-metre-wide buffer zone around the watercourse, as previously outlined on 15th October 2025. No new information has been received or reviewed since our response given on 15th October 2025. This planning condition therefore supersedes what is stated in our response given 15th October 2025.

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 Humber river basin management plan (Humber RBMP). The Humber 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.

We would advise that the proposed canopy and proposed fencing be relocated outside of the 10-metre buffer zone, to keep it free of built encroachment. However, if the local planning authority determines that these specific aspects cannot be relocated for this development, on this occasion, we deem the proposed canopy and fencing information (including the precise location of the proposed fencing), will not

likely cause a detrimental impact on nature. Our position is site specific to the proposed development details submitted as a whole and follows the recent relocation of the concrete yard outside of the 10-metre buffer zone, which we requested previously.

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

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 10-metre buffer zone scheme shall be free from any built development (including lighting), domestic gardens, and formal landscaping (with the exception detailed below for only the proposed canopy and proposed fencing). The scheme shall include:

- plans showing the extent and layout of the 10-metre buffer zone,
- details demonstrating how the 10-metre buffer zone will be protected during development and managed over the longer term,
- The proposed canopy must not extend further than is shown on the proposed plan, titled and referenced 'Proposed site plan – drawing no 0005 revision P06,' which is currently within 8-metres of the buffer zone.
- The proposed fencing must not extend further than is shown on 'Proposed site plan – drawing no 0005 revision P06' which is currently within 8-metre of the buffer zone.
- Any new development and amendments, including fencing, should be relocated out of the 10-metre buffer zone. Should any future or amended fencing (including relocation of fencing) be built within the 10-metre buffer zone, and which deviates from 'Proposed site plan – drawing no 0005 revision P06', this will be considered in breach of this condition.

Reason

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.

Advisory Notes to the LPA / Applicant

We note the proposed canopy is shown to be within 8-metres of the watercourse and 8-metres from bank top (as shown in 'Proposed site plan – drawing no 0005 revision

P06'). There is also a fence line shown on the proposed plan that is located at 8-metres from bank top (Proposed site plan – drawing no 0005 revision P06), which is not shown on the 'Existing Site Plan Ref No 0003 Rev P03'. Our updated position and recommended planning condition therefore assumes this detail is a new fence and part of the proposed development. We recommend that the local planning authority confirms these details before determining the application.

To maintain compliance with legislation, operational best practice and the ecological ambitions of the Humber RBMP, we consider it necessary to underline that any future, new development and/ or amendments to any approved aspect of this development should be relocated out of the 10-metre buffer zone. If this cannot be achieved, we ask to be consulted with a justification and updated drawings to clearly explain why any new proposed development needs to be sited within the 10-metre buffer zone.

If you have any queries regarding our response, please contact the Sustainable Places Yorkshire team using the email below.

Yours sincerely

Miss Alexandra Choat
Sustainable Places (Yorkshire) Planning Advisor

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