



**Canal &  
River Trust**

Making life better by water

Kirklees Metropolitan Council  
PO Box B93  
Civic Centre 3  
Huddersfield  
HD1 2JR

Your Ref 2025/90517

Our Ref CRTR-PLAN-2025-44536

Tuesday 3 February 2026

Dear Jillian Rann,

**Proposal: Outline application, including the consideration of access and layout, for two commercial units (use class B2 and/or B8) and associated works**

**Location: Land off Forge Lane, Thornhill Lees, Dewsbury**

**Waterway: Calder & Hebble Navigation**

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a. The impact of the development on the structural integrity of the cutting slope below the site;
- b. The impact of the development on the character and appearance of the waterway corridor;
- c. Measures to limit the risk of Contamination to the Wider Environment during construction works on site;
- d. The impact on biodiversity and Biodiversity Net Gain Requirements; and
- e. The means of surface water disposal from site.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions are necessary** to address some of these matters. Our advice and comments follow:

### **Impact on the Canal Cutting**

The proposed layout, on which full consent is being sought, proposes to site the new warehouse buildings atop of a cutting which supports the site above the Calder & Hebble Navigation. The site layout levels indicate that the re-grading of the cutting slope is proposed, notably around building 2, which could significantly alter the amount of loading on the slope.

In our previous consultation response on the proposals, dated 9<sup>th</sup> July 2025, we requested that additional cross sections should be provided to demonstrate that the proposals will not impose adverse loading onto the slope.

### **Canal & River Trust Spatial Planning Team**

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This is vital to ensure that the risk of land instability and the risk of landslips onto the canal, are properly addressed.

The cross section provided show the relationship of the development to the cutting slope, and show a reasonable separation distance between the development and the top of the slope.

Having reviewed the cross sections provided, the Trust is satisfied that the risk of the development on land instability should not be significant. As a result, **the information provided is considered acceptable, and appropriately addresses our original comments.**

## Other Matters

Our original comments also raised comments on a variety of additional matters, and our original comments are repeated below. These would still apply to the development. We request that these are given appropriate consideration. As mentioned above, we consider that suitably worded conditions are necessary to address some of these matters.

### Impact on the Character and Appearance of the Waterway Corridor

Dependant on the final height of the warehouse buildings proposed, there is a risk that the new development could have an overbearing relationship to the canal, which could harm the outward appearance of the canal.

We note that page 16 of the arboricultural report highlights that existing trees will remain, will could help provide a landscape buffer to reduce the prominence of the new structures. However, **we do request that the Local Authority ensure that these can be retained alongside landform changes proposed.** Should this not be possible, then **new tree planting should be incorporated alongside the scheme.** Details could be reserved alongside the submission of landscaping details at reserved matters stage.

The development of a clear strategy for the cladding design of the new buildings could also help to disguise the massing of the structures. Woodland colours such as dark greens or browns, or graded grey/white/blue sky tones can help to achieve this.

Boundary treatments could have a significant impact on the outward appearance of the site. There is presently limited information regarding boundary treatments or lighting. **Details of these should be provided at reserved matters stage.** The use of solid or prominent tall fencing in proximity to the canal could have a significant adverse impact on the outward appearance of the waterway and should be avoided.

We believe the above advice would help to ensure that the scheme will comply with the aims of policy LP24 'Design' from the adopted Local Plan.

### Measures to limit the risk of Contamination to the Wider Environment

The site comprises of previously developed land, and it is important to ensure that the development does not result from any existing contamination on site (if present) from migrating towards the canal, where pollution of the water environment could occur.

We note the provision of geo-environmental information alongside the application. These include an assessment of the existing contamination on site and proposed remediation measures. These documents relate to a previous residential proposal for the site, and not recent, with documents dating from 2016 and earlier. **The Local Planning Authority may therefore wish to assess whether an up-to-date report is necessary to take account of the revised development proposed and any revisions to standards or assessment measures that may have occurred in the intervening time.**

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## Construction Management Details

We request that the waterway should be protected from dust, wind blown debris or inadvertent runoff from exposed soils during development. This should include the formation of solid temporary barriers between the site and the waterway to prevent the potential runoff of exposed soils, stockpiles and fuels from plant, and the use of appropriate fuel storage and the use of spill kits. **Appropriate measures could be identified as part of a Construction Environmental Management Plan (CEMP) secured via the use of appropriately worded condition(s).**

This would help to ensure compliance with the aims of policy LP53 of the Kirklees Local Plan.

## Impact on Biodiversity and Biodiversity Net Gain

The submitted Ecological Impact Assessment Report recommends that additional survey works are required to evaluate the mitigation that would be required to protect species including amphibians, reptiles, bats, otters and water voles. **It is essential that these works are undertaken and that appropriate mitigation is identified prior to the commencement of development on site in order to ensure compliance with the aims of Policy LP30 from the adopted Local Plan.**

The Local Authority should also ensure that Biodiversity Net Gain is achieved in compliance with the aims of the mandatory biodiversity net gain (BNG) requirement for development in England, which came into force from 12 February 2024.

When considering BNG, the [Statutory Biodiversity Metric User Guide](#) (HM Government, 2024) states that the assessment should include adjacent lengths of watercourse in the watercourse module in circumstances where the site boundary crosses into the riparian zone. Table 11 of the guide sets out riparian zone widths, which are 10m from the top of each bank of priority rivers, which would extend into the site boundary. It is the Trust's understanding that, unless exemptions apply, in these circumstances, developers will need to deliver a minimum 10% net gain in watercourse biodiversity units. (Development may also affect other habitat types on land owned by the Trust, including, but not limited to, grassland, woodland, scrubland and hedgerows.)

We are unable to fully decipher the spreadsheet that has been provided. We note that the site borders the Calder and Hebble Navigation and no mention of watercourse units is found within the reporting. Should the site be within 10m of the canal, then it would be within the Riparian Zone of the watercourse. Whilst information in relation to watercourse units has been provided, we understand this relates to a waterbody on site and not the riparian zone of the canal.

**The Local Authority should ensure that the BNG information provided takes account of the riparian zone of the canal.** Should the site boundary be more than 10m from the canal, then this should be stated clearly.

## **Surface Water Runoff from the Site**

The proposals seek to discharge surface water to a watercourse which runs under the canal via culvert. The size of the culvert will restrict its capacity to accommodate additional water flows beyond a certain limit. **We therefore request that details are provided to either demonstrate that the development will not result in an increase in peak water flows to the culvert, or to demonstrate that the culvert will have appropriate capacity to accommodate additional water flows.**

Final drainage details could be reserved through the use of appropriately worded conditions.

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This is important so as to ensure that the culvert does not become overloaded, which could otherwise result in potential structural damage to the canal, or result in flooding at the entry point to the culvert.

### **Other Comments in our Capacity as Landowner and Navigation Authority**

In our capacity as landowner, we wish to highlight that, due to the proximity of the site to the canal, the applicant/developer would likely need to comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust'.

Should planning permission be granted we request that the following informatives are appended to the decision notice:

*"The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team via switchboard on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust"*

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

**Simon Tucker MRTPI**  
Area Planner

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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