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**Our ref:** RA/2025/148546/01-L01  
**Your ref:** 2025/90922  
**Date:** 29 July 2025

Dear Nina

**ERECTION OF OUTBUILDING, EXTENSION OF EXISTING GARAGE AND ASSOCIATED ALTERATIONS NEWGATE GARAGE, NEWGATE, MIRFIELD, WF14 8DB**

Thank you for your consultation regarding the above proposal which we received on 10 July 2025.

**Environment Agency Position**

We have reviewed the information submitted and we **object** to this application for the following reasons:

1. This application involves building within 2 metres of a watercourse and it is unlikely that we would grant a flood risk activity permit for this application as submitted.
2. Absence of an acceptable flood risk assessment (FRA)

**Objection 1. Building next to a main river/flood defence**

We object to this application as it involves building works within 2 metres of watercourse. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

**Reason(s)**

- The proposed development would restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and improvement works.
- The proposed development may obstruct flood flows; it thereby may increase the risk of flooding to the communities of Mirfield and Lower Hopton.
- The building/structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.

## Overcoming our objection

We usually request that the proposals are revised so that an 8-metre buffer zone is maintained between the development and the top of the riverbank

However, if this is not possible, you must provide evidence of the following:

1. No detrimental impact to the stability of the riverbank.
2. A suitable unobstructed area for maintenance and improvement works.

### **Objection 2. Inadequate FRA**

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

#### **Reason(s)**

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Consider how a range of flooding events up to and including the design flood event (1% AEP plus appropriate climate change allowance event) will affect people and property
- Assess the impact of the proposals to offsite flood risk
- Demonstrate that safe access and egress can be achieved to and from the development during the design flood event
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design maybe inadequate because they may not make the development resilient to the flood levels for the design flood event. Consequently, the development may propose inadequate
  - Flood defences
  - Finished floor levels
  - Resistance and resilience measures
  - Safe access and egress routes
- Within section 7.1.3 of the FRA it is stated that '*finished floor levels are above the anticipated 1 in 100 year plus climate change flood level for this site*'. The applicant must confirm this by providing the proposed finished floor levels for the development as well as the design flood level for the site.

## Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

### **Informatives**

#### **FRA sources of information - advice to applicant**

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found in the planning practice guidance including a checklist: <https://www.gov.uk/guidance/flood-risk-and-coastal-change#para80>

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

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.

We trust that the above information is useful. If you require any further assistance, please do not hesitate to contact the Sustainable Places team inbox.

Yours sincerely

**Miss Julia Beltrandi**  
**SP Team Member**

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