

Jillian Rann  
Kirklees Metropolitan Borough Council  
Development Management

**Our ref:** RA/2025/148633/01-L01  
**Your ref:** 2025/91184

**Date:** 20 August 2025

By email: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

Dear Jillian

**ERECTION OF TWO STOREY INDUSTRIAL UNIT (USE CLASS E(G)(III)), WITH ASSOCIATED CAR PARK, SERVICE AREA AND OTHER ASSOCIATED WORKS LAND OFF BRETTON STREET, SAVILE TOWN, DEWSBURY, WF12 9BZ**

Thank you for consulting us on this application which we received on 6 August 2025.

**Flood Risk**

Our Flood Map for Planning shows the site lies mainly within Flood Zone 2, with a medium probability (with a small area in Flood Zone 3, high probability) of flooding from rivers and/or the sea. The application is for industrial units which are 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 pass the Sequential Test and 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 Krypton Structure Ltd referenced KRS.0456.010.R.001.A (Job No KS 826 Revision A) and dated 29 May 2025, 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 Krypton Structure Ltd referenced KRS.0456.010.R.001.A (Job No KS 826 Revision A) and dated 29 May 2025, and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.45 metres above Ordnance Datum (mAOD)
- Flood resistance and resilience measures shall be included as detailed in Section 4.4 of the FRA

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.

### **Reason**

To reduce the risk of flooding to the proposed development and future occupants.

## **INFORMATIVES**

### **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 173 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 precious 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>.

### **Sequential test - advice to LPA**

#### **What is the sequential test, and does it apply to this application?**

In accordance with the National Planning Policy Framework (paragraphs 175), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories, or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
  - the proposed development is consistent with the use for which the site was allocated; and
  - there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.
  - Developments where no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

### **Who undertakes the sequential test?**

It is for you, as the local planning authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance [here](#).

### **What is our role in the sequential test?**

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance: [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](#).

### **Sequential test – additional advice to LPA**

We have not objected to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

**Foul Drainage**

We have no comments to make regarding foul drainage, other than to highlight that the application form states foul effluent will be discharged to mains but the Drainage Strategy (drawing number KS826/D01 Rev P1) states "*Foul will be treated on site and discharge into the Calder and Hebble navigation subject to approval.*" The LPA may wish to clarify the situation.

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

Yours sincerely

**Bev Lambert**  
**Sustainable Places - Planning Advisor**

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