

Kirklees Metropolitan Borough Council -  
Development Management

Reference: RA-2026-149316/01  
Customer reference: 2025/92786  
**23 March 2026**

Dear Elenya Jackson,

**Change of Use of yard to car wash and erection of associated buildings, at 485,  
Bradford Road, Batley, WF17 8LB**

Thank you for your consultation regarding the above proposal which was received on  
3<sup>rd</sup> March 2026.

### **Environment Agency Position**

We have reviewed the information submitted with the application and we object to  
the proposal and recommend that planning permission is refused. Our detailed  
comments are as follows.

### **Flood Risk**

Our Flood Map for Planning shows the site lies within Flood Zone 3, with a  
high probability of flooding from rivers and/or the sea. The application is for a change  
of use for proposed car wash and associated buildings, which is/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, 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**

A Flood Risk Assessment (FRA) by Krypton Structure Civil and Structural Engineers  
and dated 29 January 2026, has been submitted in support of the application.

In the absence of an adequate 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. In particular, the FRA fails to:

- Adequately assess risk to site
  - the FRA does not assess risk arising from blockage of the culvert
- Provide details of appropriate mitigation
  - provide finished floor levels
- Provide details or location of the proposed silt tank
- Demonstrate that the proposed development will not increase flood risk to others

### **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 if a revised FRA is submitted and we will respond within 21 days of re-consultation.

### *Informative(s)*

#### **Flood Risk – Advice to applicant**

We note that the blockage modelling was not included in the data we provided. Please email [neyorkshire@environment-agency.gov.uk](mailto:neyorkshire@environment-agency.gov.uk) to request this.

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

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

In accordance with the NPPF (paragraphs 175-177 (inc. footnote 62)), 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 LPA, 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 current 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 [here](#).

I trust the above information is useful. If you have any queries regarding our response, please contact the Sustainable Places Yorkshire team using the email below.

creating a better place  
for people and wildlife



Yours sincerely

**Miss Alexandra Choat**  
**Sustainable Places (Yorkshire) Planning Advisor**

Team e-mail [sp-yorkshire@environment-agency.gov.uk](mailto:sp-yorkshire@environment-agency.gov.uk)