Canal & River Trust
Making life better by water

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

Your Ref 2025/92882

Our Ref CRTR-PLAN-2025-45588

Tuesday 2 December 2025

Dear Farzana Tabasum,

Proposal: Erection of 75 dwellings with associated parking, infrastructure, hard and soft landscaping and access from Manchester Road

Location: Cellars Clough Mill, Manchester Road, Marsden, Huddersfield

Waterway: Huddersfield Narrow Canal

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 Trust has reviewed the application but is **unable to make a substantive response** under the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) due to the **absence of the following information:**

- A Risk Assessment of the potential impact of a breach at Sparth Reservoir. The submitted Flood Risk Assessment fails to consider the potential consequences that a breach of Sparth reservoir poses to this site. The full extent of the potential flood risk to this site or details of any necessary mitigation measures are therefore not known. The current proposals therefore fail to properly consider flood risk or demonstrate that the site would be safe for its lifetime.

More details on this are provided below:

The application site lies downstream of Sparth Reservoir, which is classified as a reservoir with the capacity to threaten human life in the event of a breach. The Trust is the owner of the Huddersfield Narrow Canal and Sparth Reservoir and is the statutory “undertaker” for the purposes of the Reservoirs Act 1975.

It would appear that the application site falls within the inundation zone of Sparth Reservoir as shown on the Environment Agency Reservoir Flood Maps. The possible breach of the reservoir therefore represents a flood risk that must be properly considered by the developer in accordance with the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

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The submitted Flood Risk Assessment fails to consider the risk of flooding from Sparth reservoir. Whilst section 5.6 refers to the site being likely to be in the inundation zone of the reservoir, no assessment has been undertaken to ascertain the potential consequences that a breach of the reservoir could pose to this site.

In order to properly assess the risk, it is necessary for the applicant / developer to undertake specific breach risk inundation modelling for the reservoir. The outcome of this modelling should then form a key part of the Flood Risk Assessment for the site and will aid in determining whether mitigation measures either on or off-site are necessary to address the risk of flooding.

The formation of new housing units at risk of flooding from Sparth Reservoir could require the need for further works to the reservoir as part of the Trust's obligations under the Reservoirs Act 1975. Following an assessment of flood modelling, the Trust may need to consider any planning obligations that may be necessary as it would not be reasonable to expect the Trust to fund additional work at the reservoir where this is required as a result of a third-party development. Developers should be expected to cover any additional costs incurred, as required by the National Planning Policy Framework's 'agent of change' policy (paragraph 187).

Whilst the likelihood of reservoir failure may be considered low, the consequences of such a failure can be significant. Guidance for Local Planning Authorities on emergency planning considerations in relation to reservoirs Is set out in PPG paragraph 046 (Reference ID: 7-046-20220825). This states that:

> *"The failure of a reservoir has the potential to cause catastrophic damage due to the sudden release of large volumes of water. The local planning authority will need to evaluate the potential damage to buildings or loss of life in the event of dam failure, compared to other risks, when considering development downstream of a reservoir. Local planning authorities are also advised to consult with the owners/operators of raised reservoirs, to establish constraints upon safe development.*
>
> *Local planning authorities should also consider any implications for reservoir safety and reservoir owners and operators caused by new development located downstream of a reservoir, such as the cost of measures to improve the design of the dam to reduce flood risk, the operation of the reservoir, and general maintenance costs, by consulting with reservoir owners and operators on plan and development proposals."*
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> Paragraph: 046 Reference ID: 7-046-20220825

We would request that this application not be determined without receipt and consideration of the requested information.

In the absence of the requested information the Trust is likely to object to this application.

The above advice is consistent with our response to previous application proposals on site. For example, The Trust raised an objection to the submission for a previous scheme for 133 apartments due to the lack of modelling detail (your reference 2013/62/90037/W). The previous approval under 2016/91573 was approved following the receipt of flood modelling information. Of note, the flood modelling for this application highlighted that walls on site would be required to direct flood waters away from the development in the event of a dam breach. This wall is not present in the latest proposals as it is proposed to include direct level paths to the canal towpath.

Should it be of use to the applicant, the Trust's reservoir engineers can provide more details of the scope of modelling work required. The applicant or the applicant's agent can contact me via the contact details below for further information on this.

We will make a **substantive** response within 21 days from the date of receipt of this information.

Canal & River Trust Spatial Planning Team
E: planning@canalrivertrust.org.uk **W:** canalrivertrust.org.uk **T:** 0303 040 4040

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Other Matters

In addition to the above, we also wish to comment on the following aspects of the scheme.

1. Measures to protect the existing retaining wall to the canal towpath;
2. The impact on the culvert from Sparth Reservoir;
3. The impact on the character and appearance of the canal corridor;
4. Impact on the biodiversity of the Canal Corridor;
5. Construction Management Details; and
6. Measures to address existing runoff from the site.

Based on the information available we advise that suitably worded **conditions are necessary** to address some of these matters. Our advice and comments follow:

Measures to Protect the Existing Retaining Wall to the Canal Towpath

The canal is presently set up at a higher elevation to the development site. The proposals seek to raise levels on site to nominally within 500mm of the canal towpath level, next to the existing retaining wall.

It is important to ensure that works in proximity to the retaining wall are designed so as to ensure that they do not adversely impact the stability of the structure, and to ensure that risks of leakage from the canal are addressed.

Details could be secured via the use of appropriately worded planning condition(s). Suggested wording is provided below:

> *"Prior to the commencement of works within 10m of the Huddersfield Narrow Canal, details shall be provided to and approved in writing to the Local Planning Authority to demonstrate that the final foundation details and interface with the existing retaining wall to the canal will not result in a loss of structural integrity to the wall. Details shall include:*
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> - *Cross sections showing the depth of foundations on site relative to the canal retaining wall;*
> - *Supporting calculations, as necessary, to demonstrate that the development will not compromise the stability of the existing canal retaining wall;*
> - *Details of cut-off drainage between the canal retaining wall and the development site, to reduce the impact of leakage from the canal towards the site.*
>
> *Thereafter the development shall be constructed in accordance with the approved details."*
>
> *Reason: In the interest of securing land stability on site for the safety of future occupants. In accordance with the aims of paragraph 187 (part e) from the National Planning Policy Framework*

The impact on the culvert from Sparth Reservoir

The proposals seek to discharge surface water via a connection to the culvert that takes water from Sparth Reservoir to the River Colne. It is essential to ensure that appropriate capacity exists within the culvert to accommodate additional surface water drainage from site. Should there be insufficient capacity, then this could impact the ability to manage water flows on Sparth Reservoir, which could adversely impact public safety and residual flood risk. We therefore request that **full details of the capacity of the existing culvert and its**

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capacity to accommodate future flows from the site in addition to the existing flow from Sparth Reservoir should be provided to confirm that a safe connection can be made prior to this detail being fully approved.

Final surface water drainage details could be reserved through the use of appropriately worded planning condition(s).

Impact on the Character and Appearance of the Canal Corridor

The redevelopment of the site offers an opportunity to improve the environment next to the canal. In line with the aims of LP32 from the adopted Local Plan, development should take account of and seek to enhance the landscape character of the area, considering in particular the appearance of canals.

Boundary treatments, lighting and planting could all have a significant impact on the outward appearance of the site as seen from the canal. We request that details of these should be provided prior to the commencement of development so that their final design can be fully assessed. **Details could be reserved through the use of appropriately worded condition(s).**

The orientation of the proposed development would feature the gable end of dwellings facing the canal, which would limit the level of engagement between the development and the waterway. We therefore request that, if possible, consideration should be given towards the re-orientation of the properties so that principal elevations face towards the canal, which would help provide an improved degree of and would also help improve engagement between the development and the waterway corridor.

Biodiversity

The Huddersfield Narrow Canal forms part of the wider Blue and Green Strategic Network in Kirklees. In line with policy LP30 'Biodiversity and Geodiversity' from the adopted Local Plan, development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist, and should safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network.

We note the provision of an Ecological Impact Assessment (EIA) and a Biodiversity Net Gain (BNG) Report, which include an assessment of existing biodiversity and geodiversity on site, and proposed mitigation measures in order to meet the above aims.

We do have concern that the reports do not correspond fully with the submitted plans. The reports both state that the onsite watercourse to the west of the site and associated reedbed habitat are to be retained in their entirety. This is not reflected within the landscape plans or the proposed site layout which shows that the existing Reedbeds will be replaced by a play area. Reedbeds are a priority habitat. **We request that the Local Planning Authority should seek clarification as to whether the Reedbeds are to be retained.** Should it be confirmed that the habitat is to be lost, then the EIA and BNG reports may require updating to assess the impact of the loss and to incorporate additional mitigation measures.

We note that the BNG Design Stage Report does not confirm if any new watercourse units are to be provided onsite or offsite, as this is subject to the findings of a river condition survey. **We request that the Local Planning Authority, taking account of expert advice as necessary, ensure that they are satisfied that appropriate details are provided to confirm the extent of watercourse unit provision that is required and where this will be sited.**

The Trust may be able to assist the developer in meeting BNG requirements by providing off-site biodiversity units. This would be subject to operational, management and commercial considerations. Developers wishing to

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discuss opportunities to secure biodiversity units on Trust land should contact bngenquiries@canalrivertrust.org.uk.

Construction Management

Prior to any development taking place on site, we request that a **supporting Construction and Environmental Management Plan should be provided to ensure that any risks of pollution from construction activity in proximity to the canal is appropriately controlled**. This should include details to confirm the location of stockpiles and dust management measures. **Details could be reserved through the use of appropriately worded planning condition(s).** This would help reduce the potential for pollution towards the wider water environment, in line with the principles of Policy LP52 from the adopted Local Plan.

Existing Runoff from the Site

Existing water flows have been observed flowing from Cellars Clough Mill Pond (supported above the canal), through the retaining wall and onto the canal towpath (and into the canal). This issue could damage the existing retaining wall above the towpath in this location and could result in land instability and, in the worst case scenario, a collapse of the pond towards the canal.

In line with the aims of paragraph 196 (part a) from the National Planning Policy Framework, planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability. **We therefore consider that repairs on site to seal and repair the walls of the mill pond should be secured alongside any future consent to ensure that this risk is fully rectified.** This will ensure that future users of the site as well as the canal are not put at risk from potential land instability.

Details of measures to repair the mill pond could be reserved through the use of appropriately worded condition(s).

Other Comments

In our capacity as Navigation Authority and owner of the Huddersfield Narrow Canal, we wish to advise that works in proximity to the canal and the curtilage with our land may require compliance with the Trust's Code of Practice. 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 for works in proximity to the canal are obtained and that the works would comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust.

The formation of a new pedestrian connection to the canal towpath, as shown, would require the consent of the Trust in our capacity as landowner. Any new right of access over the canal, or our landholding in general would be subject to an easement being acquired by the developer from the Canal and River Trust. Our estates section can be contacted via switchboard on 0303 040 4040 for further information.

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.

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Yours sincerely,

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Area Planner

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

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