Ms Farzana Tabasum
Kirklees Metropolitan Borough Council
Development Management
PO Box B93
Huddersfield
West Yorkshire
HD1 2JR

Our ref: RA/2025/148983/02-L01
Your ref: 2025/92882

Date: 11 March 2026

Dear Ms Tabasum

ERECTION OF 75 DWELLINGS WITH ASSOCIATED PARKING, INFRASTRUCTURE, HARD AND SOFT LANDSCAPING AND ACCESS FROM MANCHESTER ROAD AT CELLARS CLOUGH MILL, MANCHESTER ROAD, MARSDEN, HUDDERSFIELD, HD7 6LY

Thank you for your consultation regarding the above proposal which was received on 19th February 2026.

Environment Agency Position

We have reviewed the information submitted with the application and **we maintain our objection to the proposal** and recommend that planning permission is refused. We also recommend the inclusion of planning conditions. Our detailed comments are as follows.

Flood Risk

We have reviewed the documents submitted to the planning portal and note that an updated FRA has not been submitted since our previous objection. We therefore maintain our previous objection.

Flood Risk Assessment

In the absence of an adequate 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 whether the development will increase flood risk elsewhere. In particular, the FRA fails to:

- 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.

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We understand from the FRA that the whole site will be raised above the design flood level. It is unclear how the compensatory storage requirements have been calculated. The FRA should be updated to demonstrate how hydraulically linked like for like level for level flood compensatory storage outside of the design flood event flood extent shall be achieved. The FRA currently only provides an indication where the compensatory storage might be located but does not provide any further details.

Please note, the current location for the proposed compensatory storage is within the design flood event flood extent and is therefore not considered suitable.

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.

Fisheries, Biodiversity and Geomorphology

We note a Water Framework Directive (WFD) assessment created by Enzygo environmental consultants and dated February 2026 has been submitted in support of this application.

1. **Undeveloped buffer zone for watercourse, pond or wetland: Scheme to be submitted**

Development that encroaches on watercourses can have a potentially severe impact on their ecological value.
Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 10 metre wide ecological buffer zone around the River Colne (Colne from Wessenden Brook to R Holme, GB104027063330).

Condition

No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone alongside the the River Colne (Colne from Wessenden Brook to R Holme, GB104027063330) watercourse has been submitted to, and approved in writing by, the LPA. Thereafter, the development shall be carried out in accordance with the approved scheme.
Any subsequent variations shall be agreed in writing by the LPA. The buffer zone scheme shall be free from built development including lighting, domestic gardens, non-native plant species and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting, etc

Reason(s)

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

This approach is supported by paragraphs 187 and 193 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a

development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.
The approach is also supported by Section 40 of the NERC Act 2006 as amended by section 102 Environment Act 2021, which establishes a general duty on public authorities, to conserve and enhance biodiversity through the exercise of its functions.

It is also supported by Local Plan policy LP34 which states that
"Proposals must:
1. Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable, enhancing:
a. the natural geomorphology of watercourses, including reinstating watercourses to their natural state through removal of modifications resulting from past industrial uses; b. water quality; and c. the ecological value of the water environment, including the functionality of habitat networks"

2. Landscape and ecological management plan/construction management plan
We have reviewed the following documents listed below submitted with the application:

- The Statutory Biodiversity Metric, 27/10/2025 SHF.9022.001.EC.R.002
- The BNG Design Stage Report Ref: SHF.9022.001.EC.R.003 , Rev A, 13/10/2025.
- The Ecological Impact Assessment,Ref: SHF.9022.001.EC.R.004, 29/10/2025
- The Preliminary Ecological Appraisal, Ref: SHF.9022.001.EC.R.001, Rev A, 25/10/2025

Construction work proposed as part of this development could have an unacceptable effect on the ecological value of the watercourses and retained habitats including wet reedbed, woodland and hedges habitats at this site. Water dependent habitats provide a foraging resource and shelter for wildlife including bats and commuting otter (although not confirmed present we do have records of otter on the River Colne). The watercourses are particularly important as they act as corridors to link protected species to other areas of quality habitat. Disturbance by encroachment of development leading to loss of habitat, unsuitable lighting and increased footfall can result, if design is not sensitive and appropriate..

Ecological enhancements that have been proposed will require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment.

Construction phase of housing and associated infrastructure proposed as part of this development could have an unacceptable effect on the ecological value of the watercourses as well as other retained habitats e.g. hedgerows, woodland and wet reedbed at this site. Water dependent habitats provide a foraging resource and shelter for wildlife including bats and Commuting otter (although not confirmed present we have records of otter on the River Colne). The watercourses are particularly important as they act as corridors to link protected species to other areas of quality habitat. Disturbance by encroachment of development leading to loss of habitat, unsuitable lighting and increased footfall can result, if design is not sensitive and appropriate.

In light of the above, the proposed development will only be acceptable if a planning condition requiring a landscape management scheme and construction management plan is included.

This approach is supported by paragraphs 187 and 193 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising

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impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposed development because it cannot be guaranteed that the development will not result in significant harm to watercourses, hedgerows, woodland and wet reedbed that may impact on bats and commuting otters (although not confirmed presence we do have records of otter on the River Colne).

The approach is further supported by Section 40 of the NERC Act 2006 as amended by section 102 Environment Act 2021, which establishes a general duty on public authorities, to conserve and enhance biodiversity through the exercise of its functions.

It is also supported by Local Plan policy LP30 Biodiversity and Geodiversity, which states:

'to be protected and enhanced in Kirklees, including international, national and locally designated wildlife and geological sites, Kirklees Wildlife Habitat Network and Habitats and Species of Principal Importance. Harmful impacts to statutory designated sites are a result of proposed developments are avoided. Proposals with an adverse effect on a Local Wildlife Site (LWS), Local Geological Site (LGS), Ancient Woodland, Veteran tree or other important tree will need to show benefits outweigh the need to safeguard the local conservation value of the site of feature. Long term compensation will be required if proposals impact Habitats and Species of Principal Importance. Development proposals will be required to result in no significant loss to biodiversity in Kirklees following the mitigation hierarchy, with net gains shown through good design and including biodiversity enhancements. Proposals should incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.'

Additionally Policy LP33 Trees, states:

'*proposals which directly or indirectly threaten trees or woodland of significant amenity will not be granted. Proposals should retain valuable or important trees, noted by their distinctiveness, contribution to amenity or Wildlife Habitat Network or green infrastructure networks.'*

It is not necessary for the landscape plan to be provided prior to the granting of planning permission, unless deemed necessary, as this matter can be addressed by a planning condition.

Condition
No development shall take place until a landscape and ecological management plan and construction management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the LPA. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the LPA. The scheme shall include the following elements:

- details of maintenance regimes
- details of any new habitat created on-site
- details of retained habitats and how they are to be protected during and after construction
- details of treatment of site boundaries including management of invasive species

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- details of retained buffers zones around water bodies
- details of management responsibilities
- details of a sensitive lighting scheme to avoid impacts on bats, commuting otters and other wildlife

Reason(s)
To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policies LP30 and LP33 of the Kirklees Local Plan Strategy and Policies document (Kirklees Council, 2019a).

Informative(s):

Biodiversity Net Gain calculator – habitat missing from calculator – Advice to Applicant
Based on our knowledge of the site, we believe that Watercourse units have been omitted from the calculator and we strongly recommend that this is taken into account when the application is considered for approval.
The document, "Biodiversity Net Gain Design Stage Report" 13th October 2025, states "Watercourse Units: TBC (this report will be updated once the results of the River Condition Assessment are available." An updated report and River Condition Assessment has not been provided and the Statutory Biodiversity Metric shows the trading rules have not been met for Watercourse Units.
The document also shows a deficit in habitat and hedgerow units so the trading rules are not satisfied, as shown in the Statutory Biodiversity Metric provided. The habitat creation on site is not enough to deliver the no net loss and the required net gain on top. Therefore, this should also be considered.

Missed opportunity for river restoration to support implementation of River Basin Management Plans- Advice to LPA/applicant
In line with the Humber River Basin Management Plan, we recommend that the proposed development is used as an opportunity to restore more natural processes to the River Colne (Colne from Wessenden Brook to R Holme, GB104027063330). There is a weir downstream of the site on the River Colne at the location SE0604912652. Weirs are artificial barriers in rivers which limit the movement of fish upstream, disrupt sediment transport leading to habitat degradation downstream, and alter the natural flow regime of the river. Removal of weirs can help restore the ecological and morphological diversity within a river. Weir removal can also provide Watercourse Units to provide an uplift in condition that is required to achieve Biodiversity Net Gain on the site.

This is supported by the Kirklees Council local plan policy 13.1 which states:
"*Biodiversity and Development proposals will be required to:-*
(ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist; "

It is also supported by Local Plan policy LP34 which states that
"Proposals must:
1. Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable, enhancing:
a. the natural geomorphology of watercourses, including reinstating watercourses to their natural state through removal of modifications resulting from past industrial uses;

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b. water quality; and c. the ecological value of the water environment, including the functionality of habitat networks"

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.

Yours sincerely

Miss Alexandra Choat
Sustainable Places (Yorkshire) Planning Advisor

Team e-mail sp-yorkshire@environment-agency.gov.uk

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