Consultation Response from KC,
Lead Local Flood Authority

2025/92968 29, Huddersfield Road, Mirfield, WF14 8AE

Outline application for erection of residential development

Date Responded: 31st December 2025
Responding Officer: Paul Farndale
Responding Ref: 1

Kirklees Flood Management & Drainage requires FURTHER INFORMATION before finalising our comments on this proposed site. At the moment we OBJECT as it is not clear how the site can be effectively drained and a SEQUENTIAL APPROACH has not been adopted by the applicant.

A meeting with the Planning Officer and potentially Planning Policy is required to discuss a sequential approach and a potential sequential test.

We are aware that this site is an outline permission examining access with all other matters reserved. However, we have been informed that the application is for up to 9 houses with indicative plans showing less. We do not feel with any certainty, that a sequential approach to flood risk can be achieved with 9 houses whilst making space for water in the form of surface water attenuation requirements (not shown on indicative plans) and the potential need to make space for a foul water pump station.

Sequential Test/Approach

The submitted Flood Risk Assessment shows a slight misunderstanding of these processes which are avoidance tools. It presents a justification for building in flood zone 2 based on potentially raising finished floor levels and describing the 'suitability' of 'more vulnerable' flood classification in this area without the need for an exceptions test.

The assessment of whether an exceptions test is required does not come into it at this stage and neither does raising floor levels as these are 'mitigation' techniques that should only be considered after sequential tests or sequential approaches have been discussed and decisions made on flood risk avoidance.

The LLFA will always encourage a sequential approach on site and this site can achieve positioning houses within flood zone 1. Using the indicative plan as an example only. There is one existing house and 6 additional houses. Omitting the southern most house would achieve all properties in flood zone one. This would be the sequential approach for this site. In a local plan situation, this would represent and allocation of housing in the lowest flood risk band which would be the goal of the plan.

The use of open space within the site and the size of properties, given that layout and scale are reserved matters, would lead us to supporting this application if there was a condition that all properties are to be located in flood zone 1.

There would be no need to carry out a sequential test as flood risk is avoided which is the goal of NPPF and Local Plans. The planning officer would have to consider whether 9 properties could be accommodated with any approval.

Space and consideration of a indicative drainage strategy.

There is no consideration of any potential or indicative scheme for foul and surface water drainage. On the application for, the means of draining foul water is labelled as unknown. This we believe is unacceptable when posing the question, 'can the site be drained'.

There are no foul and combined sewer available we believe, that the site can drain to by gravity. The existing drainage system for the property on site has not been surveyed yet manholes have been picked up in a topographical survey in the top half of the site. The survey of the existing property is vital to set conditions for the site, including discharge rates for surface water and stand off distances if required.

As a public foul pump station (Transferred to Yorkshire Water in 2016 under the Private Sewer Transfer Regulations 2011) is shown on the statutory sewer record serving (we believe) nos. 1,3,5,7 Hurst Lane.

As the indicative plan for the new development shows properties at a similar level or lower (nearer the canal), the site will have to accommodate a foul water pump station to drain the site. This will need to meet adoptable standards requiring tanker access and a stand off distance of 15m from the nearest habitable room. This represents a restriction on potential layout and delivering of up to 9 properties.

The planning application indicates an intention to drain surface water by SUDS. No infiltration test have been carried, even at a preliminary stage to provide some assurance that infiltration will work in this area.

British Geological Survey mapping indicates the site wholly occupies level 4 – Significant Constraints to infiltration. The LLFA therefore rule this out as an option and no approval should be given that includes this on the application form.

In our experience, the Canal and Rivers Trust do not permit new connection to the canal network and this, unless confirmation can be supplied to the contrary, rules out another potential outfall for surface water.

A 450mm public surface water sewer is shown on the statutory record, metres from the site but in third party land to the west. As this appears close to the site, we recommend its exact location is verified in case it falls within the site. The latter would potentially provide a suitable outfall within the site, and via 3rd party agreement or a feasibility study for a sewer requisition using Yorkshire Water powers, if outside the site. There are no guarantees the latter will be achievable.

The LLFA would OBJECT to the pumping of surface water as it creates a flood risk that is not currently present. We would look to establish this by condition.

A final opportunity to drain surface water comes from a pipes system located in Hurst Lane labelled 375mm x 450mm watercourse. Hurst Lane is an unadopted road in this location. We note that there is a gated entrance to the site. The FRA should indicate what rights the site has regarding Hurst Lane and whether 3rd party permission is required to connect to this system under the road that in turn connects to the canal.

This would provide a gravity connection that the LLFA could agree to depending on the condition/capacity of the pipe. Our records indicate that we believe it is in poor condition. A survey of this system would be required. We believe this aspect to be crucial in determining as quickly as we can whether OBJECTIONS can be lifted. There is a possibility that this system and its outfall could have a short length positioned within the site boundary. This would remove the need for 3rd party permission. Requisitions using Yorkshire Water's power do not extend to watercourses. The system being described is depicted as a culverted watercourse on Council records.

An upgrade to the pipework is likely to be required. A restriction on discharge will be imposed and is dependent on providing a plan showing existing drainage on site and a CCTV survey of the watercourse in Hurst Lane. This means that space must be made for attenuation which is not shown in the indicative plan. As a gravity system will find its way to the bottom of the site, attenuation would be allowed in flood zone 2 and would fit in with a sequential approach that used this area for attenuation and access, with all housing in flood zone 1.