

Kirklees Metropolitan Borough Council -
Development Management
HUDDERSFIELD, HD1 2JR

Reference: PA-0002960/01
Customer reference: 2026/90232
13 May 2026

Dear Victor Grayson,

Redevelopment of mill complex of 11,584sqm for mixed use development, including building demolition, site clearance, site remediation works, the removal of buildings and floor slabs to open up the River Colne, repairs to retained buildings, conversion of lower ground floor of western mill to Class E (food and non-food retail, restaurant and cafe), new buildings providing light industrial / R&D uses (limited to Use Classes Eg(ii)(iii)), the alteration and repair of an office building (Use Class Eg(i)), the creation of a new public square and associated hard and soft landscaping, circulation and servicing space, car parking and ancillary structures (within a Conservation Area) at New Mills Brougham Road Marsden Huddersfield HD7 6AZ

Thank you for your consultation regarding the above proposal which was received on 21st April 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

We have reviewed the submitted Flood Risk Assessment (FRA), titled '*Flood Risk Sequential Test, Exceptions Test and De Culverting Analysis*,' prepared by Crowther Bruce and Company Limited, and dated January 2026.

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 the proposed development:

- We note that the proposed development involves deculverting the River Colne. The FRA does not provide any assessment of the impact of this.

Adequately assess flood risk to the site:

- Paragraph 6.23 states “Therefore, rather than setting finished floor levels 600mm above the estimated flood level for buildings at risk from the 2019 Crowhill Model, it would be more appropriate to use techniques relating to managing surface water flood risk.”. For clarification, the overland flows arising from Crowhill Beck are fluvial flood waters and the mitigation should be in line with the requirements for mitigating against fluvial flooding.

Provide details of appropriate mitigation:

- According to our best available data, the finished floor levels for Buildings B and C are below the 1% AEP plus climate change flood level. It is unclear from the information provided whether the thresholds for the basement in the East Mill is below the 1% AEP plus climate change flood level. We also note that the FFLs noted in Drawing “23421-DCE-XX-XX-D-C-129” rev P03 dated 03/12/2025 differ to those stated in the FRA. Please note, finished floor levels should be raised 600mm above the 1% AEP plus climate change flood level.
- The proposed mitigation should also take into account any impacts from deculverting the River Colne.

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.

Flood Risk Informative

Evidence Review Request - Advice to applicant

Paragraph 6.22 of the FRA states “As can be seen from the above table, in some areas, the actual ground level is higher than the ground level interpolated from the 2019 Crowhill Model, which would mean the overland flow route might not extend as per the model. In other areas, the actual ground level is lower than the ground level interpolated from the 2019 Crowhill Model, which would mean the depth of flooding might be greater than the model.”

If the applicant believes the flood risk information for this location is incorrect, we would advise them to raise this as a formal Evidence Review Request (ERR). Please note this will most likely require the submission, review, and licensing of an updated hydraulic model to replace the data. This would need to be raised formally via ne Yorkshire@environment-agency.gov.uk, who will then put the applicant in touch with the correct technical team who can advise on this matter more thoroughly.

Fisheries, Biodiversity and Geomorphology

We have reviewed the information submitted with the application and whilst we have no objections to this application, we would like to draw the applicant's/ LPAs attention to the following informative comments:

Missed opportunity for river restoration to support implementation of River Basin Management Plans - Advice to LPA/Applicant

Whilst we support the proposed deculverting of rive Colne, the deculverting has potential to provide significant environmental uplift for the river. We therefore have the following recommendations to maximise ecological benefit as part of this development, of which supports the objectives of the Humber River Basin Management Plan.

- If there is scope to do so, within the site layout, we recommend the development includes a naturalised buffer zone alongside the river corridor.
- We would advise the applicant to produce a Water Framework Directive (WFD) screening assessment for this development. The WFD screening assessment can provide the added benefit of highlighting that substantial consideration has been given to the legal obligations to deliver ecological targets under WFD.
- If there is scope to do so, the applicant may consider softening the gradient of the river walls of the left and right banks of the deculverted reach.
- The waterbody (Colne from Wessenden Brook to R Holme (GB104027063330)) has a WFD mitigation measure "action to manage alter or remove 20 weirs." Therefore, we encourage the applicant to explore the removal of the weir that is through the deculverted section, creating greater ecological enhancements to the channel bed and in-channel habitat. Weir removal would support the waterbody in achieving Good Ecological Potential of the waterbody, aligning with the WFD mitigation and the Humber RBMP.

Non-Environment Agency lead priority species and habitats/species of conservation concern - Advice to LPA/applicant:

We have reviewed the following documents:

- 'PRELIMINARY ECOLOGICAL APPRAISAL REPORT', Reference Number: FE551/PEAR01 and dated July 2025.
- Bat Survey Report, produced by Lucion Contract, reference number 133460.678976 Part 1 and 2, dated October 2025.

Evidence shows that the proposed development could pose a risk to priority species that are listed in section 41 of the NERC Act 2006/a species of conservation concern. We note that additional information prior to determination will be most beneficial to reduce risk to these species. This includes:

Bats

The Bat survey report states that the proposed demolition and refurbishment works will result in the loss of a minimum of up to seven separate bat roosts (one maternity and six-day roosts) as well as any bats that may be hibernating within the buildings on site. It then makes recommendations that an EPSL must be obtained from Natural England prior to any demolition or refurbishment works on site and that the license should cover all roosts and should outline appropriate mitigation and compensation as well as other measures that will ensure the protection and avoid disturbance of bats. The survey report also recommended Winter Hibernation surveys and a suitable lighting strategy.

As the Winter Hibernation survey and a suitable lighting strategy were not included in the application, the Environment Agency FBG team would advise that the LPA condition that these recommendations are undertaken with evidence and submitted to the LPA for review prior to the start of any works. These must be undertaken in accordance with Natural England standing advice on bats and their roosts and current guidance from the Bat Conservation Trust.

Birds

The bat survey report also states that the site is considered to support nesting swift and the demolishment of building BD.2 considered to support barn owl. It also states that the proposal will lead to a permanent loss of these nesting opportunities and makes a recommendation for Barn Owl Surveys (March – August inclusive) in order to confirm breeding and determine the number of breeding pairs on site. Barn Owl surveys were not provided within this application and therefore the Environment Agency FBG team would advise that the LPA condition this survey to be undertaken and evidence submitted (with any required mitigation / compensation required because of the findings), prior to the start of any works.

The Environment Agency would like to see post development enhancements- as noted within, the Bat Survey Report, Issued: October 2025 Lucion Contract Reference 133460.678976. Part 1, 6.1.4 Recommendation 4, to be delivered as part of the proposed development. Failure to take relevant habitats and species into account may leave the determination of the application open to challenge.

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.

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for people and wildlife



Yours sincerely

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