Application Number 2020/92307/ Penistone Road/Rowley Lane Fenay Bridge HD8 0JS – Outline Application of Residential Development (Land now forming part of HS2)

Green Alert in Lepton (GAIL) is recognised by the Council as a non-statutory consultee and representative of the Local Community on matters relating to the Local Plan. This consultation response is submitted on behalf of GAIL.

1.0 General Description/site history

1.1 In the early days of the Local Plan this site was a standalone site known as H32 which was rejected by the Council for development. To the rear of this site was another site known as H334 which was also rejected by the Council for development. Part way through the Local Plan process H32 and H334 were combined to form H2684 which again was rejected for development by the council. Finally this new larger site was renamed H2684a and combined with H2730a to form one very large development site requiring a Joint Master Plan to ensure development as a single site.

1.2 GAIL would contend that neither the Planning Inspector nor the Council envisaged a piecemeal development approach being adopted

1.3 Recently these sites have been renamed again with H2864a now being known as HS2 and H2730a now being known as HS3. The requirement for a Joint Master Plan however remains in place.

1.4 As this application only refers to part of the site known as HS2 for convenience purposes the remaining part of this consultation will refer to the land subject to this application as 'HS2 front field'.

2.0 Joint Master Plan

2.1 In order for the Joint Master Plan referred to above to be delivered a three party agreement is required between the land owners of HS2, the land owners of HS3 and the owner of the Railway Embankment which must be crossed to enable access to the remaining part of HS2 and onwards to HS3.

2.2 Nowhere within the application for HS2 front field is there any evidence that an irrevocable three party agreement exists and therefore there must be a high degree of uncertainty that the Joint Master Plan can ever be delivered.

2.3 Whilst the application does make reference to a Joint Master Plan its value is very limited and simply underlines the fact that the applicant realises the need to show that they are aware of the need but gives no detail. It also shows access to HS2 back field and HS3 is across the railway embankment and the applicant has not submitted any evidence to show that they own the embankment

2.4 It should also be noted that the Local Plan states that Master Plans must involve all relevant stakeholders including the local community. This would imply that all stakeholders should be involved in the **development** of Master Plans as opposed to just being consulted/informed at the submission stage. At no stage has the local community been consulted regarding this matter.

2.5 In deciding to combine the three sites into a single site both the Planning Inspector and the Council realised that these sites were interdependent and did probably did not envisage the sites being separately developed.

2.6 It is important to recall that the Planning Inspector recommended this combining of the two sites as a Main Modification to the Plan (SD2 – MM43) in order to make the Plan sound and legally compliant, a point which the Council accepted in full.

2.7 **Given the above it is respectively recommended that the Council resists this piecemeal approach and rejects this application insisting that an application be submitted for the combined sites HS2 and HS3 and that a Joint Master Plan be developed as required by the Planning Inspector and agreed to by the Council in its approved Local Plan.**

2.8 **It is also respectfully suggested that the Council insists on seeing evidence that a solid three party agreement is in place between the land owners of HS2, HS3 and the railway embankment that would enable the delivery of the combined sites subject to Planning consent and as required by the Local Plan.**

3.0 Education

3.1 In its response to the proposed development on HS1 (ID 822398) Education Services identify a shortfall in available spaces at Rowley Lane school and King James school. It goes on to recommend a financial contribution from the developer.

3.2 In its response for this application (ID 822247) Education Services identifies practically identical shortfalls in available school places (0.5+) at both schools and again recommends a financial contribution very similar to that it requested for HS1.

3.3 Clearly these school places can only be used up once and this is another example of the Council 'not joining up the dots' and failing to consider the cumulative effect of developments in the local area.

3.4 Assuming HS1 gets permission and gets developed before HS2 front field the demand for extra places at both Rowley Lane school is much higher than that stated in ID 822247 and as such the financial contribution required to cover the shortfall in available places will be much higher.

3.5 The Council needs to refer to the Guide to Forecasting Pupil Numbers in School Place Planning.

3.6 Importantly, the Guide recommends that, in calculating pupil yield factors generated by new housing developments, Local Authorities should also use local Census data as well as checking back on the actual outcome of previous assessments/calculations.

3.7 Using the approach recommended in the Guide would enable the Council to make a far more accurate assessment based on actual Census evidence-based data.

3.8 Using the Guide model this would mean that the proposed 75 dwellings would result in 29 children of school age and assuming that the existing spare capacity at both schools is taken by residents of HS1 these would be new places requiring a developer contribution of £427,706 (averaged over the two schools) and not £165,016 as calculated by the Council.

3.9 It is recommended that Education Services be advised to revisit their response to this application and that they take account of the cumulative effect of all local developments in the pipe line to ensure that any under funding is not met by the Council Tax Payers.

4.0 Relationship between HS2 front field and the Grade I listed Building Woodsome Hall

4.1 During the Public Examination of the Local Plan and beyond Historic England were very robust and unequivocal in their view regarding the impact of any developments involving HS2 and HS3 would have on the setting of Woodsome Hall clearly stating that any parts of HS2 that were visible from the terraces or principle rooms of the Hall and the whole of HS3 should be deleted from the Plan.

4.2 Those comments were written in the context of Historic England's Paper 'The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning Note 3, second edition' (ID23 in the Examination Library).

4.3 Critically, Historic England submitted its own comments to the Planning Inspector which are shown as HD2.4 in the Examination Library.

4.4 Those comments were:

4.4.1 Site H2730a (now HS3) should be deleted

4.4.2 Site H2684a (now HS2) should have an additional Site Specific Consideration added along the following lines: A Heritage Impact Assessment including, as appropriate, a Zone of Theoretical Visibility shall be produced to evaluate the impact which the development of this area might have upon views from the Grade I Listed Woodsome Hall. No development should take place on those areas of the site visible from the terrace or principal rooms of Woodsome Hall.

4.5 The fact that the Planning Inspector chose to ignore this expert advice does not, in our view, mean that this is not a material Planning consideration at this stage.

4.8 The Council is under an obligation to safeguard and protect Woodsome Hall including its setting order to meet the requirements of the NPPF Section 16, clauses 184 to 202.

4.9 As is clearly demonstrated HS2 front field is critical to the setting of Woodsome Hall and as such the Council must reject this application in its current form.

5.0 Transport/Highways issues

5.1 Interestingly the Design and Access Statement (id818935) at paragraph 2.9 Site Photographs shows a single Transit Van waiting at the Rowley Lane/Penistone Road junction. It can only be assumed that this was taken on a Sunday at the height of the Corona virus lockdown as it is far from reality and quite deceptive.

5.3 The Applicant is proposing to make a site access for Phase 1 of HS2 just above and opposite Woodsome Drive. This would place the access on a blind bend and whilst the applicant has suggested that they will trim vegetation this will not improve visibility and an access in this location will represent a risk to residents leaving or accessing the site. It is not uncommon especially during evening rush hour for vehicles to queue beyond Woodsome Park which would totally block the proposed access point.

5.4 It should also be noted that there is no footpath on the site side of Rowley Lane which will clearly discourage walking and present a hazard to pedestrians.

5.5The Waste Control Department of the council have also highlighted the problem the proposed access will have to refuse collection vehicles attempting to reverse up Woodsome Drive

5.6 It is acknowledged that the Phase 1 outline planning application includes a preliminary concept design for the proposed roundabout and access road that would pass through the Phase 1 site and serve the Phase 2 development. Included is a significant piece of land across from the site which is allocated as green belt within the Local Plan. It is clear that this piece of green belt land is not needed to facilitate phase 1 at this stage, is a concept design only and **therefore should not be considered as part of this application and should be rejected.**

5.7 If the Council is minded to consider this concept design and use of green belt as part of this application then it must consider the impact that the proposed roundabout will have on 1 Woodsome Road which is a grade 2 listed building and to the bridge on Woodsome Road which is also listed.

5.8 GAIL has yet to see a consultation response from Highways.

5.9 However, it is clear that there are three critical issues which require the Strategic Planning Committee to reject the Planning Application,

(1) The likely increase in the number of vehicles and journeys on Penistone Road and

(2) The difficulty in entering/exiting the Site from Rowley Lane.

(3) The critical nature of the Rowley Lane/Penistone Road junction.

5.10 Any assessment of the Highways and Access implications of the proposed development will be fundamentally flawed if no account is taken of the potential cumulative impact of both other housing developments in the immediate vicinity

5.11 Even prior to the adoption of the Local Plan, Department for Transport 2016 traffic data (count point id. 77648) showed the A629 Penistone Road to have an Average Annual Daily Flow (AADF) of 21,000+ vehicles.

5.12 However, this still under-states the increased volume of traffic using Penistone Road: a review of the Local Plan shows housing developments in the nearby villages of Kirkburton, Storthes Hall, Stocksmoor, Shepley, Skelmanthorpe, Scissett, Clayton West and Denby Dale, all of which are also served by the A629 Penistone Road.

5.13 The Local Plan housing allocations for HS1, HS2, HS3 and the above Sites provide for a total indicative capacity of 2,462 new dwellings.

5.14 By extension, using the most recent 2011 Census Key Statistics on Kirklees Car Availability, the 2,462 additional dwellings would result in +/- 3,400 extra vehicles using Penistone Road.

5.15 The fundamental questions for Kirklees Officers and the Strategic Planning Committee have to be:

(1) Has any detailed assessment been carried out of the cumulative impact of all the above proposed developments on the number of vehicles and journeys on Penistone Road?

(2) If yes, will the assessment be made publicly available?

(3) If no, why hasn't any assessment been done and when will it be done?

(4) What is the current capacity of the A629 Penistone Road between its junctions with Far Dene and Station Road?

(5) What improvements would need to be made to the A629 Penistone Road between these two junctions to safely and effectively carry the increased number of vehicles and journeys?

5.16 Previous comments from Highways state that they only need to look at the cumulative impact of nearby developments where building is definitely going to happen within three years.

5.17 Clause 109 of the NPPF says 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'.

5.18 Importantly, the Planning Practice Guidance (March 2014) on Travel Plans, Transport Assessments and Statements gives the full detail at Paragraph: 014 Reference ID: 42-014-20140306 which states:

'It is important to give appropriate consideration to the cumulative impacts arising from other committed developments (i.e. development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). **At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network (in this instance the A629) as well as other relevant local sites benefitting from as yet unimplemented planning approval'.**

5.19 Appendix 3 (Housing Delivery and Phasing Table) of the Kirklees Local Plan Strategy and Policies document shows that across the eight villages referred to in 5.12 above, there are twenty sites with housing phased from the start of the Plan up to 2023/2024.

5.20 The total number of dwellings across the eight villages during this period is 1,331.

5.21 Using the most recent 2011 Census Key Statistics on Kirklees Car Availability this will result in not less than 1900 additional vehicles accessing Penistone Road on a daily basis in addition to those vehicles from this proposed development.

5.22 GAIL would contend that it is not unreasonable to ask Kirklees and/or the developer to carry out an assessment of the impact of all the developments in the listed villages which have indicative Local Plan development dates between now and the end of 2023/24.

5.23 Looking at the outline proposals for the development of HS2 and again using the most recent 2011 Census Key Statistics on Kirklees Car Availability this development of 75 properties will generate 105 additional vehicles all of which will need to access Rowley Lane.

5.24 Mindful of current traffic volumes and the likely increase in traffic on the A629 Penistone Road, GAIL is concerned at the adequacy of arrangements for vehicles which need to turn right from Rowley Lane across on-coming traffic. This is a concern for existing residents who already have difficulty turning right …. Site HS2 and the associated developments listed above will only increase the problem as well as adding fundamental traffic related issues onto Rowley Lane.

5.25 **GAIL would remind the Council of clause 172 of the Inspector's final report where she explicitly states 'initial highway work indicates that primary access to both sites (i.e. the now HS2 and HS3) is required and achievable through HS2, potentially via a new roundabout on Penistone Road'.**

5.26 This fundamental feature of the proposed overall development clearly says that the piecemeal approach to considering an outline planning application for Phase 1 (front field) in isolation from Phase 2 and HS3 is mis-guided and should be rejected.

6.0 Sustainability Appraisals

6.1 See sections 7 and 8 below and in particular the recommendation that the Council now commissions a Sustainability Appraisal report to assess the implications of the wider usage of the site for traffic movements on both air quality and noise pollution.

7.0 Biodiversity

7.1 The October 2016 Sustainability Appraisal (SA) carried out on behalf of the Council highlights the close proximity of the site to Lepton Great Wood Local Wildlife site (465mts), the close proximity to Lepton Great Wood Geological site (570mts), the close proximity to Carr Wood Local Wildlife site (785mts) and the close proximity to Almondbury Local Wildlife site (830mts) an Ancient Woodland,

7.2 Additionally, the Site is adjacent to a wildlife corridor and is within Kirklees Wildlife Habitat Network and within Kirklees Bat Alert Zone.

7.3 The Sustainability Appraisal also recorded a minor negative effect on maximising opportunities to protect and enhance biodiversity and geodiversity

7.4 This site has also now been combined with the site formerly known as H334 which itself was the subject of a Sustainability Appraisal in October 2016.

7.5 This SA stated that Lepton Great Wood candidate Local Wildlife Site is approximately 110m east of the site, and Lepton Great Wood Local Geological Site is approximately 210m to the east also. Therefore, a significant negative effect is likely.

7.6 GAIL would contend that these sites should not be considered in isolation of each other and given the relationship between the sites and the councils preferred development option a SA recording of a significant negative effect against objective 14 (maximise opportunities to protect and enhance biodiversity and geodiversity) would be more appropriate.

7.5 The likely impact on biodiversity/ecology is a major concern and the potential for irreversible damage is high. The fact that the proposed development site lies within the Kirklees Wildlife Habitat Network must also be viewed as really significant issues. The former Railway line that runs along the back of the site and stretches from Station Road to the far edge of the site is designated as Urban Green Space (UGS930) and is known to provide roosting for a significant bat population.

7.6 A Preliminary Ecological Appraisal (PEA) is included with the Planning Application (id 818062).

7.7 However it is noted that this PEA has been limited to just HS2 front field and has not included the back field. Given the relationship between the two sites and the fact that wildlife can freely migrate from one site to the other with no respect for boundaries **it is important to ensure that a full PEA for the whole of site HS2 is submitted at this time.**

7.8 This becomes particularly relevant when the contents of the PEA are considered. For example it notes one recording for the presence of badgers yet it is known that up to 7 sets are within HS2, it does not record the presence of Peregrine Falcons yet this is known to be on the site (a video shot in August 2020 is available which shows a Peregrine Falcon hunting on HS2) .

7.9 The PEA also states that there are no records of dormice. Dormice are known to be on HS2 and the fact a Peregrine Falcon was seen recently hunting on HS2 suggests that the PEA has failed to record the extensive nature of the wildlife across both sites.

7.10 The PEA concludes that further survey work is need for birds, badgers, bats, plants and trees and as such can only be considered as inconclusive and of little value

7.11 GAIL would strongly advocate that a rigorous and complete survey across the whole site including front and back field is needed now if the Council is to be satisfied that irreparable damage to biodiversity is not to occur.

7.12 GAIL would also contend that the report lacks detail and fails to provide a rigorous assessment of the Site's biodiversity and how it should be protected and enhanced.

7.13 Given that the proposal is to put properties on half the site and a busy road on the other half it is difficult to see how such developments can protect and enhance biodiversity let alone result in a mandatory and positive 10% increase as now required by proposed Environmental Bill 2019-2021, Kirklees Policy LP30 and the NPPF Objective of protecting biodiversity and encouraging Biodiversity Net Gain.

7.14 GAIL therefore believes that a Biodiversity Enhancement Plan should be submitted now and not at the pre construction stage so that the Council can be satisfied that the development will not have a significant detrimental impact on local or national wildlife populations

7.15 As this time GAIL believes that the Planning Application has failed to satisfy what is clearly a significant material consideration and should be rejected.

Note: at the time of writing, GAIL has yet to see the Council Biodiversity Officer's response to the Planning Application and will make further comments when the response is available.

8.0 Noise

8.1 This site originally was a standalone site known as H32. As such it was the subject of a Sustainably Appraisal (SA) prepared by LUC in October 2016.

8.2 This Sustainability Appraisal Assessment of the SA Objective of Protecting local amenity including avoiding noise and light pollution shows residents being exposed to a **significant negative effect over the long term.**

8.3 Unfortunately the application does not include a Noise Impact Assessment which GAIL contends is a serious omission and as such the Council should insist that such a report is submitted at this stage.

8.4 It should also be noted that the conclusion reached in the 2016 SA was based upon existing traffic flows and took no account of the fact that the longer term proposal is to use the lower part of the site as a means of access and egress to the wider parts of HS2 and HS3.

8.5 If further developments on HS2 and HS3 do take place at sometime in the future and based upon the applicants statements in the Transport Assessment (id 818956) page 14/15 this would result in a further 448 properties utilising the access roads to be constructed on the lower part of HS2 front field.

8.6 This figure assumes that the owner of the site HS3 achieves their preferred position of utilising Hermitage Park as a means of access for 75 properties. If this fails and all traffic is directed through HS2 front field the property number will increase to 523 or 598 if the 75 properties subject to this application are included.

8.7 Using the 2011 Census Key Statistics on Kirklees Car Availability, these developments would result in between 732 and 837 extra vehicles utilising the roadways in front of the proposed development

8.8 Using a trip factor of 0.8 this would result in between 586 and 670 daily vehicle trips in and out of the site.

8.9 Given that the original SA identified **significant negative effect over the long term** based upon traffic usage along Penistone Road these additional movements through the actual site itself must constitute a serious risk to residents that the Council simply cannot ignore.

8.10 It is clear that the potential for external noise issues resulting from the significant increase in traffic volumes fails to contribute to the development of a community where well-being, a healthy lifestyle and protecting and improving environmental quality are fundamental cornerstones in delivering both the NPPF and Kirklees Local Plan Objective of sustainable development.

8.11 **GAIL would recommend that the Applicant be required to submit a Noise Impact Assessment report at this stage and that the Council commissions a Sustainability Appraisal report to assess the implications of the wider usage of the site for traffic movements. Failure to do so at this time runs the risk of exposing residents to significant negative health effects in the longer term.**

9.0 Air Quality

9.1 Whilst the October 2016 Kirklees Sustainability Appraisal states that the site is not within or directly adjacent to an AQMA, the issue of air quality, both from construction of the development and particularly from the increased traffic volumes using the A629 Penistone Road (see section 5.0 above), is a major concern.

9.2 Section 11 of the NPPF at paragraph 117 states that Planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions.

9.3 As this application is absent of any reports or impact assessments determining the potential effect on air quality that this development could have it is useful to look at the consultation response of Environmental Services with regards to HS1 a site a short distance away from HS2 and like HS2 is adjacent to the main Penistone Road.

9.4 Critically, the Consultation Response refers to the need for the cumulative impact of other Local Plan housing developments on traffic volumes and air pollution concentrations to be considered in respect of HS1 Air Quality. This is no different for HS2.

9.5 The total indicative housing capacity of developments for the local area contained within the Local Plan is 2,462 dwellings.

9.6 Using the 2011 Census Key Statistics on Kirklees Car Availability, these developments would result in 3,400 extra vehicles using Penistone Road and so the need for a detailed assessment of the potential cumulative impact on Air Quality is self-evident.

9.7 It should be noted that the predicted 2022 NO2 level at R7 is within 4% of the annual mean objective. It seems sensible, therefore, to assume that this level will be above the annual mean objective if account is taken of future road usage and the potential 16% increase in traffic volumes if all the developments listed above go ahead.

9.8 **It is recommended that the Council require a full Air Quality Impact Assessment to be carried out including the cumulative effect of all the planned developments contained within the Local Plan for this area and surrounding districts (see section 5.0 above) prior to considering this application further.**

10.0 Efficient and Effective Use of Land

10.1 The Kirklees Brownfield Land Register 2019 provides information on brown field land within the district that is potentially suitable and available for housing-led development. It includes both council-owned and privately-owned sites.

10.2 The inclusion of a site on the Register does not grant any sort of planning permission, nor does it mean that planning permission would necessarily be granted on application.

10.3 However, GAIL believes it not unreasonable to think that the Register would have been consulted when the Penistone Road planning application was received to see if a suitable brown field site was available as an alternative.

10.4 Currently, the Register contains 118 sites, each with a net dwellings range of between 5 and 505.

10.5 Can the Council confirm:

- Whether or not the Register has been consulted.
- How many brown field sites have been identified as a potential alternative to Site HS2?
- On what grounds have the potential alternative sites been discounted?

11.**0 Sustainable Travel**

11.1 A fundamental feature of the Local Plan is to ensure that the need to travel is reduced, that essential travel needs can be met by forms of sustainable transport other than the private car and that development proposals will be required to facilitate the user hierarchy:

Pedestrians

Cyclists

Public transport

Private vehicles

11.2 GAIL is concerned, however, that the development strategy of Policy LP20 fails to reflect the reality of Site HS2.

11.3 The vision and strategic objectives for the development of Kirklees have a clear focus on housing and employment and it's reasonable to assume that there should be a link between the two. However:

- The major employment centre of Huddersfield town centre (including the University etc.) is c.15 – 20 minutes drive away.
- All of the thirteen Employment Allocations in the Local Plan are in out of centre locations and rule out pedestrians.
- Just two of the eighty seven Priority Employment Areas in the Local Plan are within walking distance of Site HS2.

11.4 Staying with walking, the Sanderson Associates Transport report (id 818924) which accompany the Planning Application refers to the range of services and amenities which fall within the preferred maximum 2,000 metres walking distance of the Site, including:

- Rowley Lane Junior Infant & Nursery School (550m)

• The White Swan, Public House (950m)

• Convenience store (McCols) at Highgate Lane, Lepton (1km)

• Fenay Bridge Pub and Grill (1.1km)

• Fenay Bridge Stores at Penistone Road, Fenay Bridge (1.1km)

• Lepton C.E. (VC) Junior, Infant & Nursery School (1.2km)

• Harveys restaurant (1.2km)

• Lepton Surgery (1.3km)

• Morrisons supermarket (2km)

11.5 The distances involved beg the questions: how likely is it that families will walk to/from, say, Morrisons, complete with bags full of family shopping (particularly in poor weather conditions) and will parents be content to walk young children on particularly busy roads to the Surgery and the local schools? **This is particularly relevant given that there are no pavements on the site side of Rowley lane!**

11.6 Moving on to Cyclists, comments received by GAIL suggest that 'none but the bravest' of cyclists look forward to cycling on Penistone Road at peak times given the current volumes of traffic, let alone any further significant increase as outlined in this response.

11.7 Given the increase in traffic volumes and mindful of the need to ensure cyclists' safety, are there any plans to create a cycle lane for each direction of the A629 Penistone Road and what impact would this have on the width of the road and the flow of vehicular traffic?

11.8 Looking at public transport, there are limited services, which run directly past Site HS2 some of which just operate on an hourly basis. (See Sanderson report page 16) but also note that the bus stop on the site side of Rowley Lane does not have a footpath or waiting area

11.9 Superficially, this might be seen to be a reasonable service provision.

11.10 However, the potential downsides to seeing buses as a reasonable form of transport for the residents of Site HS2 are:

- To our knowledge the services are provided by just one Bus Company.
- What happens if the firm goes out of business?
- What happens if the firm decides to stop running a route or makes a significant change to its timetable (such as stopping all Sunday services)?
- What provision is there for people who work unusual hours, particularly at night time?

11.11 Given the above, the question for the Council and the Applicant has to be: what long term contractual agreements can be made to ensure that, as a minimum, the existing provision of bus services are maintained,

11.12 If such a contractual agreement cannot be secured, the long term provision of an effective public transport service for the Site cannot be guaranteed.

11.13 This, coupled with the above comments on the difficulties facing pedestrians and cyclists, the absence of pavements effectively brings us back full circle to the need for the private car as the probable main mode of transport.

11.14 The Sanderson report is extremely theoretical and good to look at however reality is very different.

11.5 Furthermore given that the proposal is to sell this site on how can the Applicant be certain that the new owner will deliver the theoretical plan put forward by Sanderson Associates?

12.0 Trees

12.1 The application does state that an Arboriculture Report, prepared by JCA has been submitted however this could not be found. GAIL will respond further on this matter once a consultation response is submitted by the Councils Officer responsible for such matters

13.0 Protection and Improvement of Environmental Quality

13.1 GAIL has major concerns on the issues of noise and light pollution for the development given its location directly adjacent to the A629 Penistone Road and the increased traffic volumes.

13.2 These concerns are effectively summed up in Kirklees' own Sustainability Appraisal Assessment of the SA Objective of Protecting local amenity including avoiding noise and light pollution which shows residents being exposed to a **significant negative effect** over the long term.

13.3 Given that the site is adjacent to the busy Penistone Road and the longer term plan is for up to 670 daily vehicle movements through the site it is difficult to see how the exposure of residents to noise, air pollution and light pollution can be mitigated.

13.4 **GAIL contends that the Council simply cannot ignore the potential for serious risks to the health and welfare of residents**

14.0 Contaminated and Unstable Land

14.1 Included with the Planning Application is a Site Investigation Report dated May 2020 prepared by Ecus Environmental Consultants (id 818947).

14.2 Also the Design and Access statement (id 818923) identifies; at section 1.2; the potential for contaminated land.

14. GAIL awaits clarification from the Council's Environmental Health Officers on this and any other comments which they may have on the Report.

14.4 **However GAIL does agree with the recommendation of Ecus that intrusive ground investigation is carried out to allow quantitative risk assessment for human health, to inform the geotechnical design process and to provide confirmation of the ground conditions for engineering purposes.**

14.5 **It is GAIL's view that this should be carried out prior to this application being considered further**

15.0 Flood Risk and Drainage

15.1 The Application is accompanied by a Flood Risk assessment report prepared by Sanderson Associates (id 818957).

15.2 Clause 6.4.5 states: (sic) the impermeable nature of the site's underlying superficial strata, (which) are predominantly made up of clay……. meaning that soakaways are not an option for surface water drainage.

15.4 In terms of surface water drainage from the site the report is inconclusive and talks about the need for further discussions and for final details to be designed and confirmed.

15.5 The response from Yorkshire Water to this report is to confirm that the public sewer network does not have capacity to accept any surface water from the proposed site.

15.6 This being the case the developer may have no alternative than to discharge surface water from the site into Fenay Beck.

15.7 As is well known Fenay Beck is prone to serious flooding issues and to discharge yet more surface water into the Beck can only exacerbate the problem.

15.8 It is also worth noting that the section of green belt through which the applicant wishes to run the access road to the roundabout is prone to flooding hence its rejection for residential development.

15.9 Given the natural slope of the land, the implications of a significant increase in impermeable surfaces from the proposed development and the impermeable nature of the sub-strata, the experience of the extensive surface water flooding on Penistone Road following Storm Ciara in February 2020 is clear evidence of the increased likelihood of future flooding issues.

15.10 **GAIL cannot over-state the fundamental importance of Flood Risk and Drainage as a major material consideration weighing against the Planning Application**.

16.0 Presumption In Favour Of Sustainable Development

16.1 Whilst the Council has adopted the Local Plan following its examination by the Planning Inspector, the role of the Inspector was limited strictly to the assessment of whether the Plan had been prepared in accordance with the relevant legal requirements, including the Duty to Co-operate with other authorities, and whether it met the tests of Soundness as set out in the NPPF.

16.2 Whilst the NPPF provides for the presumption in favour of sustainable development, it also provides for planning applications to be rejected if material considerations exist.

16.3 GAIL contends that the material considerations identified in this consultation response require the Strategic Planning Committee to reject the Application.

17.0 West Yorkshire Archaeology Advisory Service

17.1 GAIL notes and supports the comments of West Yorkshire Archaeology Advisory Service '*We recommend that, in accordance with the policies cited above, the developer be required to provide the Planning Authority with an archaeological evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We recommend that this evaluation should be carried out prior to the determination of this application as required by the NPPF*'.

18.0 Statutory Consultees

18.1 At the time of writing GAIL has not seen the responses from the remaining Statutory consultees and will respond further once these have been submitted.

25 August 2020