

From:
To: [Victor Grayson](#); [DCAdmin](#)
Subject: Formal Objection to Application 2020/60/92350/E and 2020/60/92331/E
Date: 24 November 2022 23:02:19

Good evening Victor,

Please find attached Chidswell action group formal objections to the both the above planning applications. The document detail areas that do not meet the required levels to allow determination. We look forward to your response on the matters raised in the document provided.

I would appreciate it if you can confirm receipt?

Regards,

Chidswell Action group chair

CHIDSWELL ACTION GROUP

24th November 2022

Formal Objection to Application 2020/60/92350/E Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury

Formal Objection to Application 2020/60/92331/E Land east of, Leeds Road, Chidswell, Shaw Cross, Dewsbury

Chidswell Action Group re-iterate earlier representations to the Local Plan relating to sites HS47 and MXS7 and to Outline Planning applications in 2020 2020/60/92350/E and 2020/60/92331/E.

We also request the information below be taken into consideration.

1. Drainage

Details of a Drainage plan have yet to be provided.

In doc ref 826665 by the Lead Local Flood Authority (LLFA) they emphasise the need for a fully integrated sustainable drainage network and only if the following conditions can be fulfilled:
A detailed drainage masterplan incorporating water framework directive and water quality of surface water discharges have not yet been submitted and is imperative:

- Parcels of land forming different planning applications should not come forward without an integrated drainage approach;
- The LLFA is concerned a more detailed drainage and flood risk assessment is required and was not referenced in 2020 – at the time of writing there has been no further update;
- Maintenance and management of SuDS must be incorporated into S106. Maintenance of watercourses within the site red boundary should be included to better manage the risk across the site rather than rely on riparian owners.

LLFA Advisories include:

- Expects above ground SuDS features will be incorporated;
- A construction flood and pollution prevention plan is required;
- All drainage and watercourses should be subject to maintenance and proper management plan for the lifetime of the site and obligation of the Local Planning Authority until subsequently adopted by the proper authority.

According to the Initial investigations in the EIAs (1) & (2), SuDS are unlikely to be suitable for the discharge of surface water runoff.

This renders the presumption for Sustainable Urban Drainage Systems in PLP28 unlikely to be met.

2. No Information on Location or Scale of Off-site works

No information about scale and location of off-site works has been provided upon which comment can be made.

In document 'Land at Chidswell, Phasing Strategy, January 2018' prepared by JTP for the Church Commissioners it states in paragraph 3.1.5 (pg 5) 'Water and sewerage – Yorkshire Water have been consulted at high level as part of the site promotion through the Core Strategy and subsequent Local Plan. Water main and existing sewerage infrastructure crosses the site which may need to be diverted, removed or altered. Additional water supply capacity may also need to be provided'.

No information has been provided regarding additional works. EIA Vol 1 Ch 11, 11.98 states 'a new sewer connection will be required'.

Document ref 822176 EIA Vol 1 11.141 highlights the Barratt Homes residential development has not been factored in to consider increased demand.

In (2) it states 'Yorkshire Water sewer plans suggest foul flows can be discharged to a 375mm foul sewer of a 900mm combined sewer to the east of the site boundary and under recommendations on pg 20 it states 'Consult Yorkshire Water to confirm if new connections to the public sewer network are feasible and to highlight any constraints'.

PLP 28 states development will only be allowed if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.

Feasibility remains unresolved so it is not possible to know if there is compliance with PLP28.

3. Geotechnical Survey Results not forthcoming

The Coal Authority laid conditions in their submission dated 18.08.2020 doc reference 822919 for the Heybeck site involving extra works to be required.

No information has been provided from geotechnical surveys upon which comment can be made. What are the findings of these surveys? What are the impacts of findings?

4. Discharge to Watercourses

4a. EIA (3) 14.109 refers to wider groundworks with the potential release of pollutants into watercourses through the construction period. The construction period is until 2045 (4). This is not temporary.

4b. EIA Vol 1 Ch 11 11.93 assumes a negligible effect on water environment; however, looking at detail 11.111 and 11.112 are non-specific and reactive referring to covers and sandbags, 11.102 refers to mud & debris blockage with risk moderate adverse, 11.105 discharge to local watercourses risk is major adverse.

4c. Cumulative impacts from the now ongoing Haigh Wood development 17/08262 upstream which forms part of the Heybeck catchment have not been incorporated.

Watercourses are a priority habitat, are an important link in the Kirklees Wildlife Habitat Network and flow into the Environment Agency Nature Reserve at Fenton Dam. Impacts would be significant. Impacts recurrent over a period from present day to 2045 could be considered permanent.

NPPF(6) 174e requires preventing new and existing developments from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

And NPPF(6) 179b promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gains for biodiversity.

And NPPF(6) 180 if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

No drainage Management Plan, Construction Environmental Management Plan, Operation Phase nor Long Term Plan has been produced.

No information has been provided to evidence conformance with NPPF(6).

There is no evidence to show achievability of compliance with PLP 34.

5. Net Loss of Amenity and Diminished Value for Health

In 1978 West Yorkshire Metropolitan Council described this same land as 'part of a major lung of open space separating Wakefield, Ossett, Dewsbury and Morley. It is a valuable area of open undeveloped land and greenbelt.'

Historic and ongoing building around this land to the North, South, East and West makes it even more important as a green lung than in 1978.

These proposals will remove the last green lung separating Leeds, Wakefield, Batley and Dewsbury.

Batley East and Dewsbury East have higher than average emergency admissions for respiratory disease as acknowledged in the Deloitte Health Impact Assessment.

NPPF (6) para 186 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants... Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement.

No plan had been provided to address NPPF para 186.

No concrete proposals have been offered for traffic mitigation. This offers no solution for the local and broader population who will experience the

consequences of increased traffic, estimated at 22000 new road trips a day according to the EIA.

PLP51 states 'development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted.

PLP52 relates to the protection and improvement of environmental quality. Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted.

No plans have been submitted for the management of these factors during construction, operation and long term, nor how they will be maintained and funded.

Compliance with PLP51 and PLP52 has not been shown.

6. Health, Wellbeing and Green Recreation

NPPF (6) para 98 states 'Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.'

These proposals do not conform with NPPF as they take away this existing important and highly valued resource.

PLP 47 Healthy, active and safe lifestyles part b refers to increasing access to green spaces and green infrastructure to promote health and mental well-being.

Footpaths here fulfil PLP47 traversing a visually stimulating natural landscape of open countryside. These will be changed to a landscape of industrial units and a townscape. Footpaths already exist in the remaining small number of fields. There is no capacity to increase green footpaths within Kirklees in this vicinity.

Green exercise has health benefits and is well documented promoted by organisations like the mental health charity MIND. This valued resource will be lost by these proposals.

This contradicts the aim of PLP47.

7. Hydrology, Habitat and Wildlife

No consideration has been given to the impacts of changed hydrology on either the habitats which are of district wide importance. The ancient woodlands, which are Local Wildlife Sites, protected by Tree Preservation Orders and streams form an important link in the Kirklees Wildlife Habitat Network which is important at Landscape scale.

Impacts on hydrology depend on local topography and geology.

The impacts of changed hydrology on the health of the ancient woodlands, hedgerows, watercourses and standing trees have not been considered. Mitigation measures need to be detailed and agreed to include long-term monitoring and management including funding and submitted before outline planning permission is granted.

It is unclear how PLP30 can be met.

8. Ancient Woodlands

The 20m buffer will not protect the rare ancient woodlands of Dum Wood and Dogloitch Wood during construction nor from inevitable well documented harmful pressures which can lead to their death and which the applicant's impact assessment concedes it is not possible to mitigate against with a development of this scale.

NPPF 180c (6) states 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills where public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists.

PLP 33 states 'The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity'.

The proposals do not meet criteria for wholly exceptional circumstances.

How is compliance with NPPF (6) to be achieved?

How is compliance with PLP30 and PLP33 to be achieved?

9. Climate Change

We refer the Committee to the Climate Challenge previously submitted to the Authority by Chidswell Action Group.

The Climate Challenge presents respected science from bodies such as the Natural Capital Committee stressing the vital link between natural capital that is the the role of soil, trees, ancient woodlands, hedgerows, streams and wildlife to climate resilience.

'Biodiversity is particularly important in a changing climate as it underpins the maintenance of ecosystem functions and services, their resilience, and it is very hard to replace.' (Natural Capital Committee)

The Arboricultural Impact Assessment AR-3280-03 pg 19 states the woods are of high quality.

Ancient woodlands are irreplaceable.

Older trees have far greater impacts on mitigating flood risk, climate proofing, biodiversity and carbon sequestration.

The maintenance of biocarbon stocks held within natural assets such as soil is as, if not more, important than creating new stocks of biocarbon.

The proposed allocation currently acts as a cool zone. The habitats of district wide importance and an important link in the Kirklees Wildlife Habitat Network important at district scale act as green infrastructure providing ecosystem services.

The EIA(3) 14.150 pg 309 residual impact states:

'With a development site of this scale, some impacts remain significant and are very hard to mitigate, especially in the case of disturbance from factors such as noise, lighting and increases in human presence. Regardless of what measures are put in place, some of the most sensitive species/species groups (farmland breeding birds) are likely to be displaced from the site either temporarily or long term.'

These impacts apply to the ancient woodlands and all habitats on site.

These pressures will put the habitats under stress.

As it is not possible to mitigate against loss how is the climate resilience to be met? This is a significant natural resource forming a large percentage of rare ancient woodland in North Kirklees and an important link in the Kirklees Wildlife Habitat Network.

A Biodiversity Management Plan, Construction Environmental Management Plan and Invasive Weed Management Plan have not been provided.

Kirklees Council has declared a Climate Emergency.

Woods, fields, streams, fields and soil contribute to climate resilience and act as a cool zone. Changes to land use affect its health and ability to fight climate change.

Impacts on changes of land use on the natural capital, their diminished health or loss have not been considered.

PLP30 13.1 states 'development proposals will be required to safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term.

PLP32 13.32 states 'promote development that helps to reduce and mitigate climate change, and development which is adapted so that the potential impact from change is reduced and to help the transition towards a low carbon economy'

No such proposals have been put forward other than in the Presentation to the Strategic Planning Committee 06.10.2022 which referred to houses meeting future requirements.

Ancient woodlands are irreplaceable. The mosaic of habitats and species dependant upon them are irreplaceable.

How is the Council to meet its Climate Emergency responsibilities in connection with these proposed developments if it is not possible to mitigate against all impacts, nor preserve nor conserve the habitats and wildlife therein?

How are PLP30, PLP31, PLP32, PLP33 and PLP34 to be achieved?

10. Crime Prevention, Ecology and Wildlife

The West Yorkshire Police representation 825439 emphasises the need for crime prevention considerations necessary to fulfil PLP24 of the Kirklees Local Plan 2019.

- (i) Lighting on streets, access to properties on private drives, cycle routes requires illumination on adopted & unadopted streets, private gate areas accessing public footpaths and public spaces.
- (ii) any planting or established trees must not reduce natural surveillance of parking areas. The management of existing trees may be required to facilitate this.

A lighting strategy has not been produced and cannot be assessed to establish viability with maintenance of PLP 30 for Biodiversity & Geoversity and PLP33 for Trees.

Lighting has a major factor on habitats such as ancient woodland, trees and wildlife and its negative impacts are well documented.

11. Archaeological Value

In the written Position Statement for the Strategic Planning Committee (4) states there is up to regionally significant remains within the site and further archaeological evaluations would be required and a condition is recommended.

12. Permanent Loss of Agricultural Land

The proposals would permanently remove 112ha of agricultural land. No mitigation is offered.

It takes over 500 years for 2cm of soil to form. It is classed as a non-renewable resource (5).

Each hectare of topsoil contains 5 tonnes of living organisms (DEFRA ((5))figures).

These proposals permanently removes a non-renewable natural resource.

Soil stores carbon.

The organisms within the soil are at the bottom of food chain, their removal impacts the ecosystem and removes food supply supporting wildlife.

The soil supports food production for people.

The Environmental Impact Assessment Chapter 16 residual impacts states, pg 321 that regarding adverse effect on agricultural land, the method or means of mitigation is 'none' and that the Post Mitigation Significance and Duration is a 'major adverse effect on agricultural land'.

NPPF (6) para 174a pg 50 relates to protecting and enhancing valued landscapes, sites of biodiversity or geological value and SOILS in a manner commensurate with their statutory status or identified quality in the development plan.

NPPF (6) para 175 states 'plans should distinguish between the hierarchy of international, national, locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework (NPPF) (that is, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality), take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.'

The status of the soil has not been provided.

How is compliance with NPPF to be achieved?

13. Permanent Displacement of Red Listed Species and Species of Principal Importance

CAG has evidenced on iNaturalist, British Trust for Ornithology Acoustic Survey and photographic evidence Red Listed, Schedule 1, Species of Principal Importance and a broad biodiversity. These have been submitted for the formal record to West Yorkshire Ecological Service. The area is considered of at least district wide importance for habitats and for breeding birds especially farmland birds.

The Ecological Surveys are out of date by the accepted CIEEM standard as flagged by Yorkshire Wildlife Trust.

The one day walkover in October after drought does not comply with the accepted CIEEM standard as flagged by Yorkshire Wildlife Trust.

14. Biodiversity Net Gain and Biodiversity Net Loss

By law 10% biodiversity net gain should be achieved by each development.

NPPF (6) 15.d requires net gains for biodiversity.

Recent biodiversity net gain promises by the applicant are based on fundamentally flawed baseline data as highlighted by the objections from Yorkshire Wildlife Trust in 01.09.202 and most recently on 21.11.2022.

Yorkshire Wildlife Trust 2020 objection found a 14% loss in biodiversity and the 2022 objection confirms flaws in baseline data and a 10% net gain cannot be achieved.

15. Denial of Protected Species

Schedule 1, Red List, Species of Principal Importance and protected species have been denied or downplayed by the applicant. CAG has evidence to prove this denial is fundamentally flawed.

Denial of these species means that the impact assessment is fundamentally flawed.

The resident Schedule 1 Kingfisher impacts the outcome and works required. The resident barn owl was seen during the survey yet factored out of considerations. The Red Kite has historically not been considered and gets a non-committed acknowledgement in most recent documentation.

Bats are crucial to our ecology and have been reported by the applicants Ecologist as having 'no significant activity on site'. CAG has over 9000 recordings of bats confirmed with the British Trust for Ornithology. The significance of the bats on site has been downplayed by the Ecologist employed by the Applicant.

The EIAs do accept the district wide importance of the land for protected Red List species such as skylark and yellowhammer which it is acknowledged are most likely to be permanent displaced.

These species are protected by law.

These species play an important role in tackling climate change.

The above does not comply with PLP30.

16. Traffic Assessments

We note that all the traffic assessments show 80% of the junctions to be over capacity and that no mitigation is offered other than relying on schemes already in place for key junctions not linked to this proposal. It is also noted that there is no assessment of Chidswell Lane nor the junction of Leeds Road and Owl Lane.

We request these are completed prior to determination.

17. Withholding of Information from the Public

Objections from CPRE & the Woodland Trust were redacted by the Planning Department, to remove details of who they were from when published on the Planning Portal.

This denies the public the ability to see the credible sources of information and make informed comment.

References:

- (1) Patrick Parsons, Flood Risk Assessment and Drainage Strategy, Heybeck Lane, Chidswell for CC Projects, H18110, January 2019, document 822193
- (2) EIA Land East of Leeds Road, Chidswell Environmental Statement – Volume 2 – Chapter 11, April 2020, 822186
- (3) Environmental Impact Assessment Volume 1 Chapter 14 Document 822176
- (4) Report of the Head of Planning and Development, Strategic Planning Committee, 06 October 2022, originator: Victor Grayson
- (5) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites
- (6) National Planning Policy Framework, Ministry of Housing Communities & Local Government, 20 July 2021