

From: Cllr Habiban Zaman
Sent: 01 October 2025 12:34
To: Cllr James Homewood <James.Homewood@kirklees.gov.uk>
Cc: Cllr Cathy Scott <Cathy.Scott@kirklees.gov.uk>
Subject: Planning Application Heybeck Application 2020/92350

Dear Chair,

I am writing formally to request that the following application relating to the Heybeck site be referred back to the Strategic Planning Committee (SPC) for determination:

- Application 2020/92350

As you will be aware, the High Court (Hon. Mr Justice Kerr, 4 September 2025) quashed the outline planning permission previously issued under delegated authority for 2020/92350 due to the unlawful failure to publish the section 106 agreement prior to the decision being made. The Judge described this as an “unexplained flagrant breach” and highlighted a “serious want of transparency” in the Council’s approach.

Since that ruling, officers have indicated an intention to proceed under delegated authority with issuing planning permission following completion of an amended section 106 agreement. I believe that it would be inappropriate for this decision to be taken without scrutiny by the SPC for the following reasons:

- Relevant Considerations – Members were not informed that the developer intended to rely upon the adjacent ancient woodland to deliver biodiversity net gain (BNG). At committee in December 2022, assurances were given that BNG would be delivered onsite. The amended section 106 agreement now allows BNG to be delivered predominantly offsite, including within the ancient woodland, which raises significant ecological concerns.
- Transparency and Openness – The High Court found a serious lack of transparency. To rebuild public trust, it is essential that Members—not officers alone—scrutinise the final agreement and consultation responses.
- Consultation – Consultees such as Yorkshire Wildlife Trust and members of the public are currently commenting on the amended section 106 agreement. Their feedback should be considered by the SPC in an open meeting.
- Proportionality and Options – The proportional course of action is to allow the SPC to consider the amended section 106 agreement and to decide whether the mitigation and BNG provisions are acceptable. There is no material disadvantage in bringing this back to committee, whereas delegating it risks further legal challenge and costs to the Council.
- Lawfulness and Financial Propriety – Chidswell Action Group has received legal advice that failing to return this matter to committee could again be unlawful. A

further judicial review would expose the Council to unnecessary financial and reputational risk.

Given the Judge's criticisms and the substantive changes in the proposed section 106 obligations, it is clear that the applications should not be determined under delegated powers. The SPC exercises a broad planning judgment, and Members should have the opportunity to consider whether predominantly offsite BNG and the proposed ancient woodland management plan are acceptable in planning terms.

For these reasons, I respectfully request that application 2020/92350 is brought back before the Strategic Planning Committee for determination.

Kind regards

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