

To Whom it may concern

My address :

36 Cumberworth Lane

Huddersfield HD8 8PA

Re: Application 2020/92350

Land at Hebeck and Chidswell Kirklees

This is a formal objection to the proposals for development on the above site. It is also placing on record my concern regarding the proposal for officers to decide this matter without returning to the Strategic Planning Committee , which would be a blatant disregard of existing policy and completely lacking in openness and transparency. This is essential for such matters of public concern and where Kirklees is facing considerable potential reputational damage. .

My grounds for objection are as follows

1. The woodland at Dum Wood and Dogloich wood are listed on the Ancient Woodland register as such they are home to trees dating back to the 1600s . These ancient sites will have played a clear part in the heritage and history of the area , providing routes and pathways for mill workers to get to and from work , as well as providing long standing recreational amenity for local people . The woodland and its perimeter form part of the Kirklees Wildlife Habitat Network and are home to significant flora and fauna , species of which are protected under wildlife legislation. These habitats are irreplaceable and are designated and safeguarded under the NPPF (Para 180c) as such development should be refused unless exceptional circumstances exist .
2. Development on this site would divert vital surface and subsurface water away from these woods, threatening their hydrology and ultimately leading to drying, dieback of trees, loss of specialist flora, fauna decline, and increased downstream flood risk. The drainage and water management strategies (soakaways, retention ponds, swales) are unsuitable given local geology and former coal workings.. All of the available evidence shows water will be diverted away from the woodlands, with irreversible impacts on biodiversity and soil stability. The Woodland Trust highlights the impact of development close to ancient woodland , once lost these are lost forever.
3. There are significant biodiversity and protected Species in these woodlands . The area supports Red Squirrels , Schedule 1 bird species (e.g., Skylark, Red Kite, Barn Owl, Kingfisher) alongside other Species of Principal Importance. The ecological surveys used as part of this submission are outdated (2018) and fail to meet CIEEM standards, meaning the assessments are unreliable. Should Kirklees give weight to evidence some nine years old , the decision will be perverse and unreasonable .The proposed mitigation, such as skylark plots, is inappropriate and ineffective, as habitat loss cannot be offset by small-scale measures.

4. The Biodiversity Net Gain Figures are flawed. Streams and waterways have been incorrectly categorised as poor, lowering baseline biodiversity values., there are errors in classification significantly inflate BNG calculations, rendering claims of net gain invalid. We now know from the amended section 106 publication that Ancient woodlands and hedgerows , which are irreplaceable habitats are now included in the developers requirements to deliver BNG .They cannot lawfully be included in offset or BNG calculations. Members were advised that the developer intended to deliver BNG onsite , when clearly this is not the case. The amended section 106 agreement clearly illustrates the BNG to be delivered predominantly offsite , including in the ancient woodlands which must raise significant ecological concerns.
5. Climate Change and Natural Capital – the ancient woodlands provide critical ecosystem services: carbon sequestration, biodiversity protection, flood mitigation, and climate resilience. The proposed development would significantly undermine these functions, contrary to NPPF and Kirklees Local Plan policies (PLP28, PLP30, PLP31, PLP33, PLP34, PLP52).
6. There are considerable issues relating to Soil and Agricultural Land - Over 112 hectares of agricultural land (including Grade 3 soils) would be permanently lost. This is at a time when there are national concerns relating to food security , the CPRE has recently published research that suggests that local Planning Authorities should focus development on Brownfield sites , where in Kirklees the Brownfield Land Register indicates there is land available for development without the necessity of developing the Greenbelt. Soil is a non-renewable resource (500 years to form 2cm). Removal of soils and associated ecosystems represents a permanent loss of biodiversity and natural capital.
7. The contribution of these woodlands towards a sense of community and Wellbeing such not be underestimated . This proposal has already caused significant distress in the local community and beyond. The countryside and natural environment provide significant benefits for health, wellbeing, and quality of life for the local community. These values have been consistently minimised or ignored in the assessments.

Let me turn to the issue of openness and transparency in decision making.

The High Court , Mr Justice Kerr , quashed the outline planning permission issued under delegated Authority due to the unlawful failure to publish the section 106 agreement prior to the decision being made . I could simply express my grave concern about the use of council tax payers money in having to defend a Judicial review , but my concern goes much deeper than that into concerns relating to local democracy and the ability of Kirklees to listen to the people who ultimately pay the wage bill . Having received a judgement that actions were ‘unlawful’ , ‘unexplained flagrant breach and which ‘ highlight a serious want of transparency’ , subsequent actions must cause even greater concern regarding conduct and the ability to display any reflective organisational learning . We now know that the amended section 106 agreement raises concern regarding the delivery of the BNG at this site , a matter that went unexplained to elected members , who thought this was going to be achieved onsite.

I understand officers have indicated a desire to proceed under delegated authority to move this forward. This causes me concern in the light of Justice Kerrs judgement and given the significant number of adverse comments regarding this proposal .

This cannot be allowed to happen and if it does it shows a flagrant disregard to local democracy – we voted for elected members , not for officers. Members have already had inaccurate

information given to them in the decision making process , they must be involved in reviewing and scrutinising all the available documentation and making a decision that is sound. To not do so renders Kirklees in a position of losing public confidence regarding transparency and openness.