

OBJECTION TO DRAFT (ENGROSSMENT) SECTION 106 AGREEMENT (HEYBECK LANE)
2020/60/92350/E

81 Heybeck Lane
Dewsbury
WF12 7QX

9th October 2025

The decision should go before the Strategic Planning Committee (SPC) for the following reasons:

The 2 supplementary planning obligations (SPOs) that were created as a result of the Judicial Review (JR) have not been scrutinised by the SPC.

These SPOs were developed as a result of the JR and were not volunteered prior to this. The first SPO was not considered sufficient by Deputy Judge Ridge to meet requirements and therefore a 2nd SPO had to be developed. The Judge granted permission for the JR to go to full hearing.

Importantly, he said that biodiversity issues ‘had not been adequately addressed, in my judgement, at the time the decision under challenge was made; hence the third ground of challenge would have succeeded, were it not for SPO (2).’

He went on to state ‘The Committee might well have asked for updated biodiversity work to be done before deciding whether to proceed’

The Hon Mr Justice Kerr quashed the outline planning permission on ground 5. He said (para 173 of his approved Judgement 04.09.2025) he found an ‘unexplained flagrant breach’ and a ‘serious want of transparency...while the developer and the LPA were negotiating with each other and shielding the product of their negotiations from the public’.

The Court does not consider broader planning merits.

This new document must go before the SPC for proper scrutiny.

The Draft (Engrossment) Section 106 (Heybeck Lane) now allows for biodiversity net gain to be offsite. I attended the SPC meeting in December 2022. The messaging was directed towards Biodiversity Net Gain being achievable on site and that there was great confidence in the proposals.

There is now no commitment to deliver any biodiversity on site.

I cannot iterate enough what a beautiful, special, unique place this is with its wonderful mix of hedgerows, streams, fields and the ancient woodlands and it is teeming with endangered and specially protected wildlife.

Heybeck and Dum Wood are unique & cannot be recreated.

There is no commitment to complete any biodiversity work until 90% occupancy. From a wildlife and ecology point of view this is a nonsense. There won't be any wildlife by that time and the document does not say what will happen to the habitat.

The commitment to managing any habitat is the minimum requirement of 30 years. Again, this doesn't give me confidence that there is a commitment to ensuring the wildlife and habitats are protected and conserved.

As has been the case throughout the process since its inception in 2011, no detail is given how biodiversity is going to be achieved.

I am in disbelief that KMC and the applicant believe that it is right to allocate the ancient woodlands to offset loss in biodiversity from the proposed development at Heybeck.

Dum Wood is protected by: an Area based TPO: Dum Wood TPO/01/87/w2;

- Ancient woodland status on the Natural England, Ancient Woodland Inventory
- Lowland Deciduous Woodland that is a UK Habitat of Principal Importance.
- Local Wildlife Site status due to extensive bluebell cover. Local Wildlife Sites are classed as locally designated sites of importance for biodiversity in the NPPF December 2024.
- Part of the strategic Kirklees Wildlife Habitat Network, in the 2019 Local Plan. Therefore of strategic importance.
- Within the Kirklees Pennine Foothills Biodiversity Opportunity zone;

Ancient woodlands are classed as irreplaceable in the NPPF December 2024.

Veteran trees are classed as irreplaceable in the NPPF December 2024.

Veteran and notable trees in Dum Wood are recorded on the Ancient Tree Inventory.

Nothing should be done to diminish the natural character, resilience and self-sustainability of Dum Wood's intricate and highly complex ecosystem.

Dum Wood is not a park. It should not be turned into a park. It is unclear from the document what it is to be turned into. It is an ancient woodland and should be protected and conserved as such.

Dum Wood has a character unlike any other. It has developed its own ecosystem over many hundreds of years. It is unique and irreplaceable.

We have very little woodland in North Kirklees. Dum Wood is exceptional.

Irreplaceable habitats cannot be used to offset loss of biodiversity. They are already an established and unique ecosystem and should not be interfered with.

Dum Wood gives immense benefits for health, wellbeing, quiet restoration and green recreation.

In 2024, the developer applied to carry out felling in Dum Wood.

This was a sickening application which did not give any detail and proposed a generic felling of all deadwood 10 m each side of the informal path all around the wood plus other works. This would have completely destroyed the character of the wood and caused tremendous harm and diminished its integrity.

Despite a formal refusal from the KMC to this application the applicant's agents still carried out felling work. This felling included a suspected bat roost.

Whilst the 2025 application was more detailed and emergency work done to an oak sensitively done, the arboricultural officer still partially refused the new application.

The applicant's approach to managing the wood has shown itself to be highly inappropriate.

I am extremely concerned that granting this application, will effectively grant a 'blanket approval' for any work that the developer wishes to be done risking the health, character, integrity and sustainability of the wood and it will be lost.

Dum Wood is home to many different breeding birds, mammals and insects. It is home to rare fungi and fungi ancient woodland indicator species which work together with the rest of the woodland ecosystem.

There are many bats around the whole of Dum Wood and Heybeck. It is an integrated habitat mosaic.

I am concerned that there is still no mention of how the woods are to be protected from drying with water being taken away by the proposed urbanisation.

Dum Wood provides:

- Habitats for wildlife
- Recreation and wellbeing
- Flood storage and protection
- Urban cooling
- Air cleaning
- Water filtration

Heybeck has small fields and hedgerows that haven't been ripped out giving it a rare character. These fields and hedgerows combine with Dum Wood to provide ecosystem services that help keep the air and water clean.

I cannot see any mitigation for deteriorated air quality.

Impacts to Dum Wood from noise, vibration, light, heat, desiccation, increased predation, invasive species, littering, fouling will reduce the health of the wood and its ability to provide these ecosystem services, compounding the negative effect on air quality.

We are in a nature and climate emergency. It is vital for all of us that we protect these precious spaces and habitats.

The draft (Engrossment) Section 106 (Heybeck Lane) does not provide such protections.