

OBJECTION

Date – 20th September 2020

Application 2020/60/92350 Land south of Heybeck Lane, Chidswell, Shaw Cross, Dewsbury & Application 2020/60/92331 Land east of Leeds Road, Chidswell, Shaw Cross.

objects to both planning applications above based on the following –

Consultee Objections

Lack of up to date Survey Work

Presumptive and unsubstantiated mitigation elements including KMDC contribution.

Admitted areas where mitigation cannot be achieved

Contradictory conclusions in submission documents re the applications.

This document contains both specific concerns and material taken from the applicants own submitted documents.

FLOOD RISK MANAGEMENT

A matter of life or death.

In doc ref 826665 by the Lead Local Flood Authority 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 has 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 has not been referenced at this stage highlighting its importance to achieving an integrated approach.
- 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 a maintenance and proper management plan for the lifetime of the site and obligation of the LPA until subsequently adopted by the proper authority

LLFA CONDITIONS include:

No part of the development can be brought into use until the following are provided:

- Drainage details (including off site works) to be approved and retained
- Watercourse de-culverting scheme to be approved and maintained together with scheme where culverting is required with detailed maintenance and management scheme
- Overland flows and flood routing to be approved and retained.
- Prevention of fats, oils, grease entering the drainage network scheme to be approved and retained.
- Construction temporary drainage and pollution avoidance scheme to be submitted and maintained until permanent system in place.
- Interceptor for car parks approved and maintained.

Taking the above:

1. **NO INFORMATION ABOUT: WHERE OR, SCALE OF OFF-SITE WORKS ARE REQUIRED, 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.'

EIA Vol 1 Ch 11 11.98 states **a new sewer connection will be required.**

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

In document 'Flood Risk Assessment and Drainage Strategy Land to the East of Leeds Road, Chidswell, presented to C.C. Projects April 2020 by deltasimons in the Executive Summary it state 'Yorkshire Water sewer plans suggest foul flows can be discharged to a 375 mm foul sewer or 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'.

considers, no inclusion of impacts of extra work required off-site has been incorporated into any study: neither where that work may need to take place; nor what consequences such work will cause.

considers feasibility/capacity has not been established.

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.

2. **NO INFORMATION HAS BEEN GIVEN LINKING THE VIABILITY OF THE PROPOSED FLOOD RISK MANAGEMENT WORKS ON THE HEYBECK SITE IN CONNECTION WITH THE NEED TO SECURE THE LAND AS CONDITIONED BY THE COAL AUTHORITY.**

EIA Vol 1 ch 11 doc ref 822176 nor the flood risk assessment & drainage strategy for Heybeck doc ref 822193 do not include any exploratory work conditioned by the Coal Authority in the submissions dated 18th and 26th August 2020 as a risk factor for consideration which could change the findings. The Coal Authority have laid conditions in their submission dated 18.8.2020 doc ref 822912 for the Heybeck site 92350 involving extra works to be required which consequences have not been considered in the submitted reports. Workings suggested as potential by the Coal Authority in doc ref 822192 include shallow coal workings. Previous application to undertake opencast mining was refused.

3. **NO CONSTRUCTION, OPERATIONAL PHASE OR LONG TERM PLAN INFORMATION PROVIDED**

As stated in the LLFA submission all works are still to be detailed doc ref 826665 (Chidswell application) and EIA Vol 1 11.77 doc ref 822176.

In doc ref 822176 11.68 for Chidswell site it does not consider any need to assess downstream. asks how such a conclusion can be drawn when the work has not been done to quantify this.

EIA Vol 1 11.108 finds increase in discharge to local watercourses in para 11.106 to be major adverse. In its summary in 11.108 it states receptors downstream of site including Wakefield are not considered a sensitive receptor as the site is 'well defended' by Fenton Dam and not considered further.

From riverlevels.uk telemetry shows **the usual range** of the Bushy Beck at Fenton Dam is between 0.08m and 1.64m. It has been between these levels for 90% of the time since monitoring began. **The typical recent level** of the Bushy Beck at Fenton Dam over the past 12 months has been between 0.06m and 5.84m. It has been between these levels for at least 150 days in the past year. **The highest level ever recorded** at the Bushy Beck at Fenton Dam is 5.86m, reached on Friday 8th November 2019 at 12:00am. The dial shows at red just above 1m. (<https://riverlevels.uk/fenton-dam-west-yorkshire#.X1zkkqOSldg>)

There are no plans to change capacity of Fenton Dam (confirmed by Environment Agency RFT/2020/180663).

requests cumulative impacts of the Heybeck application 2020/92350, Land East of Leeds Road 2020/92331 and Haigh Wood 17/08262, must be considered before outline planning permission is granted, as highlighted in document submitted by

In doc ref 822176 11.8 for Chidswell site as no construction phase plan is presented it is not possible to conclude a minor adverse effect during the construction phase as highlighted by

questions how The EIA Vol 1 ch 11 point 11.93 in doc ref 822176 assumes a negligible effect on water environment for these reasons.

11.111 and 11.112 are non specific and reactive eg covers and sand bags. 11.102 mud & debris blockage risk moderate adverse, 11.103 temporary increase in impermeable area moderate adverse, 11.104 permanent impermeable area major adverse and 11.105 increase in discharge to local watercourses major adverse 11.111 and 11.113 to negligible during construction phase.

No plan has been submitted for either construction (construction management plan nor temporary drainage network) nor operational phase treatment train SuDS features for which effectiveness can be assessed.

highlights in his submission that water/flood risk downstream should have appropriate plans with clear costings, funding and deliverables presented prior to 'outline planning permission' being granted.

PLP 27 part C states “ All proposals will be expected to include Flood Mitigation Measures such as compensatory storage which should be identified and considered through a site specific Flood Risk Assessment”

The above information highlights that PLP27 has not been met.

The above information queries how PLP28 will be achieved.

NET LOSS OF AMENITY AND DAMAGE TO HEALTH

PLP47 Healthy, active and safe lifestyles part b. increasing access to green spaces and green infrastructure to promote health and mental well-being.

Footpaths currently forming a network fulfilling role of PLP47 currently traverse a visually stimulating natural landscape of open countryside adjacent to ancient woodlands, hedgerows, watercourses and wildlife. These will be changed to walking through housing estates and industrial units or lost altogether. Consequences of proposals include:

- Removal of a destination location for walking, recreation and green pursuits, it is a tranquil area which has remained undisturbed by noise and prized for its recreational and amenity value, the site is dark at night with no light pollution, there are no roads on the site. It is high quality agricultural land supporting two working farms forming a mosaic of different habitats supporting protected, red listed and species of district importance. Immediately adjacent are Ancient Woodlands both Local Wildlife sites forming part of the Kirklees Wildlife Habitat Network. The site includes a network of protected hedgerows and trees. This currently promotes and provides a service for health and wellbeing for the community.
- Kirklees footpaths, covering miles, currently providing this service that will be changed to an urban setting or lost are:
 - FP49
 - FP50
 - FP51 (forms part of the Leeds Country Way)
 - FP52
 - FP53

Green Exercise has mental health benefits and is well documented for example by Stanford University; the Countryside Recreation Network, UNC Health, whose research found walking reduces depression, anxiety and can be preventative for depression and that walking in nature improves results further, the brain behaves differently to when compared in an urban setting; MIND promotes nature to reduce stress and anxiety and that it helps in healing processes.

- Increase in stressors to residents creating mental and physical health problems.

agrees with comments regarding the omission of consideration of biodiversity and health benefits relating to open space and how this will be compensated.

This application is therefore in direct contradiction to PLP47.

NPPF180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

This application is therefore in direct contradiction to NPPF180.

EMPLOYMENT

agrees with comments raised by factors relating to employment show job creation not to be within the local community adversely affected by the development, rather imported labour. It is unclear how this will benefit the local community in addition to the wider area.

CRIME PREVENTION, ECOLOGY AND WILDLIFE

West Yorkshire Police in their representation ref 825439 emphasise in the need for crime prevention considerations, necessary to fulfil NPPF requirements and Kirklees PLP24 of the Local Plan 2019:

(i) **lighting** on streets, access to properties on private drives, cycle routes. Illumination is required on adopted and unadopted streets, private gate areas accessing public footpaths, public spaces to be illuminated;

(ii) **“any planting or established trees must not reduce natural surveillance of the parking areas. The management of existing trees may be required to facilitate this”.**

Lighting for crime prevention is in conflict with requirements for the protection and conservation of habitat and wildlife in accordance with requirements set out by , KC Ecology Officer and Yorkshire Wildlife Trust.

Turning a site of open countryside valuable for wildlife and habitats to an industrial and residential urban area causes conflict.

question how KC can meet PLP24 to fulfil crime prevention considerations and also meet PLP

30. PLP 30 sets standards for local designated sites & important ecological features, habitats and species of principal importance and biodiversity and development.

Submissions by Yorkshire Wildlife Trust, and KC Ecology Officer all emphasise what is required. These requirements under NPPF180 and PLP30 conflict with requirements for crime prevention.

HYDROLOGY AND HABITAT

refers to the submission by

quoted below:

‘what work has been done on their heritage / archaeology, ecology, and importantly, hydrology? What will be the long-term impacts of the development including lowering of the watertable and increased recreational usage? Particularly in areas of former coal-workings with complex hydrology, it is likely that overdevelopment and urbanisation will lead to long-term drying of the woodland areas. This leads to dieback of trees, to loss of sensitive woodland ground flora through desiccation, and loss of streams and streamside vegetation. It is important that these issues are comprehensively addressed prior to permission being granted. What services will be put in place to manage these impacts sustainably in the long-term..... It is unclear how the long-term impacts of the development on the woods in particular, are to be mitigated and managed. Please specify this in detail.’ ‘What work has been done on veteran managed trees e.g. coppices and on woodland archaeology – banks, ditches, boundaries, pits and platforms, and routeways? This is very basic stuff for assessing ancient woodland.’

‘Overall, I have serious reservations about the a) the survey work undertaken – in terms of depth, timing, and whether it has been sufficiently comprehensive. Furthermore, the interpretation of significance of data (or lack of it) and of detriment to birds such as skylark and yellowhammer, is very questionable. Additionally, the importance of the hedgerow habitats and the ancient woodlands as local wildlife sites is consistently down-played and unreasonably so. I think there are still big gaps to be filled. Also, mitigation measures need to be detailed and agreed to include long-term monitoring and management – and submitted before ‘outline planning permission’ is granted. To do this phase by phase is unacceptable.’

Also referring to submissions by Yorkshire Wildlife Trust (doc refs 825166/825253) and the KC Ecology Officer (doc ref 827762) it is unclear how PLP30 standards can be met.

KIRKLEES WILDLIFE HABITAT NETWORK and GREEN INFRASTRUCTURE

refers to comments by

KC Ecology Officer and Yorkshire Wildlife Trust.

‘Overall, I have serious reservations about the a) the survey work undertaken – in terms of depth, timing, and whether it has been sufficiently comprehensive. Furthermore, the interpretation of significance of data (or lack of it) and of detriment to birds such as skylark and yellowhammer, is very questionable. Additionally, the importance of the hedgerow habitats and the ancient woodlands as local wildlife sites is consistently down-played and unreasonably so. I think there are still big gaps to be filled. Also, **mitigation measures need to be detailed and agreed to include long-term monitoring and management – and submitted before ‘outline planning permission’ is granted. To do this phase by phase is unacceptable.**’;

KC Ecology Officer (827762) ‘The current green infrastructure plans indicate that much of the Kirklees Wildlife Habitat network (KWHN) will be retained post-development, with the inclusion of a link between Dum Wood and Dogloitch Wood, which is welcomed. However, **the site currently supports a network of hedgerows and linear features which provide connectivity in a grid like formation over the site. Local Plan policy PLP 30 requires developments to “safeguard and enhance the function of the KWHN and to establish ecological links to the network, where opportunities exist.” In this case there are opportunities for enhancement and of establishing links. I am supportive of the principle of maintaining many of the existing hedgerows and creating new hedgerows, as shown in the proposed masterplan, to maintain this function. Ecological corridors and SuDS should be the main focus of the habitat creation that is required as mitigation.**

Yorkshire Wildlife Trust(825166/825253): ‘We have noted that the original phase 1 habitat survey has not been provided in support of the application, rather it is summarised in Chapter 14 of the Environmental Statement. This

includes a habitat map which is not possible to clearly understand in the quality uploaded to the planning portal, nor does it include DAFOR assessments of species to allow us to consider the appropriateness of the habitat classifications. This is of particular importance due to the conversion of habitats from Phase 1 to UK Habitat Classification in Table 14.5. In addition, to enable to assessment of the appropriateness of the condition assessments utilised in the provided biodiversity metric, clear justification against the guidance criteria is required. This should be undertaken for both pre and post development habitats. We have noted that the watercourse is stated to be of local importance only within table 14.7, despite its consideration to be within the Kirklees Wildlife Habitat Network (KWHN) in figure 14.2. Further clarification over why this area is not included as being of district importance is therefore required. Within section 14.120 it is presumed that management of the watercourse will not be favourable to biodiversity. It is not clear why this presumption has been made and we would highly recommend that consideration of management of the watercourse for biodiversity is considered (as recommended within the Breeding Bird Survey) due to its importance in the local landscape. Areas of greenspace should be considered to deliver multifunctional benefits and we would recommend that the SuDS on site are also designed in this manner. Those principles outlined by Building with Nature1 standards would be highly beneficial to incorporate within this scheme

As the KWHN is made up of the number of habitats and features these need to be conserved. As standards to meet PLP30 have not been met how can maintenance of the KWHN be met nor PLP31? There is no information showing how these are to be met.

WILDLIFE

Yorkshire Wildlife Trust (825166/825253) and KC Ecology (827762) all highlight that surveys do not meet required standards. Protected, red listed and endangered species are on the site. The site is of district importance for farmland breeding birds.

The site is a refuge for wildlife. Including (not comprehensive):

Of the 5 species picked up in the surveys 4 are on the Red List of species:
. The fifth species of picked up is the Myotid.

Also on the red list present on the site are:

(Red List June 2020).

On the BoCC4 Red List (Birds of Conservation Concern) are:

On the BoCC4 Amber List:

UK BAP birds:

UK BAP mammals:

All birds, nests and eggs are protected by the Wildlife and Countryside Act.

ARCHAEOLOGY AND HISTORIC ENVIRONMENT

make reference to the comments submitted by relating to
and .

In addition, West Yorkshire Archaeology have records of an Iron Age settlement to the West of Dogloich Wood, and this highlights the depth and time-line of human habitation and archaeology in the area. It would be expected that a landscape heritage and archaeology survey within the woods would reveal prehistoric and medieval features. As demonstrated by West Yorkshire Archaeology record, such interest will undoubtedly extend beyond the boundaries of the present-day woodlands.

has extensively researched the areas and details of his findings have been published in 2 of his books. He notes that the site has been strategically located just within the boundaries surrounding previous documented discoveries of archaeological interest. He has also identified a possible Roman or Ancient Highway from Chester to Leeds. He has found reference to a 'Roman' road on a map c1600/1700. He has also discovered ancient standing stones on a track running from Gawthorpe High Street towards Chidswell. After consultation with other historians (including John Goodchild) it was assessed these are likely Mesolithic – dating around 9000 BC which would date the footway to the same period. It is his belief that this ancient road could run straight through the proposed site and also have a relation to the possible settlement beside Dogloich Woods.

Both the Magnitude Surveys Geophysical report and West Yorkshire Heritage Desk Based Assessment reference numerous crop marks and geophysical anomalies on the proposed site which likely represent the buried remains of pre-historic or Roman period settlement.

There are records of a probable Roman Marching Camp at Kirhamgate and a Roman Villa at Gawthorpe.

has also identified Lidar for the area showing a large banking or trackway leading from the farm at Chidswell to Dogloitch Woods. He has also referenced a large find of Roman coinage at Red Lodge Farm, Kirkhamgate, in the 1700s.

and has found an Oyster shell, several large square headed nails, a piece of Wrenthorpe ware and a piece of Tesra within the area of Jaw Hill. Also what he believes to be Roman personal hygiene tools and awaits confirmation from the FLO.

He has also commented:

It is my belief that the alleged marching camp is actually the site of a rich merchant's house, a Romano British merchant who made his money from a large industrial operation which took place between the village by Dogloich woods and Jaw Hill, making this all part of the same complex, I cannot remember how many coins were dug up in the 1700s but believe it was in the thousands (I may have that information wrong) but either way it is proof of someone of wealth and possibly status living in the area.

There has been proof of iron working and mining in this area for centuries and although it is suggested in the archaeological report that the Medieval Iron Works location is not known I discovered an area abundant with iron slag, I have found bags of Medieval pottery and even some tools on the fields between Dogloich woods and Gawthorpe (which I left in situ).

I believe that the "Cropmarks" mentioned in the Chidswell archaeology report should be investigated further as should the surrounding area, if indeed these cropmarks and the alleged Roman Camp/merchants house are related, and if my theory is correct then this would be one of the largest and earliest sites of industrial activity in Wakefield and possibly Yorkshire?

There is much evidence of probable buried archaeological remains in this area – identified in both the CC reports for the planning and the research of local historians. As has raised: why is it considered appropriate that 'No mitigation measures are proposed or required within the operational phase, with regard to buried archaeological remains, built heritage and the historic landscape'? This shows a disregard for the importance of what could be buried in this site. Why is there no recommendation for further field work or a watching brief?

In the opinion of the it is imperative that further investigation is undertaken to avoid significant harm or loss to a potential heritage asset.

HABITAT

The Arboricultural Impact assessment AR-3280-03 06.12.19 ref states on page 19 para 12 '12. Offsite trees are primarily located within **two high quality woods, Dogloitch Wood and Dum Wood** which are to the immediate east of the Site. Other field tree belts are visible along neighbouring fields and residential gardens.'

Yorkshire Wildlife Trust (825166/825253) state 'There are two Local Wildlife Sites (LWS) which about the proposed development. LWS (formerly known as Sites of Importance for Nature Conservation) **are of great significance as core wildlife-rich habitats of substantive nature conservation value ... LWS play a critical conservation role by providing wildlife refuges, acting as stepping stones, corridors and buffer zones to link and protect nationally and internationally designated sites – improving ecological coherence and connectivity and contributing to a climate resilient landscape...** Regardless of statutory status, it is absolutely paramount, that the countries core sites for biodiversity are protected from developmental loss and damage, if we are to **avoid a net loss in biodiversity. The presence of a LWS, should always serve as a red flag that the application is highly likely to be damaging and alternative sites should be sought.**

KC Ecology Unit (doc ref 827762) states 'there is currently a lack of woodland edge habitat and the incorporation of a planted buffer would enhance and protect the existing woodlands. In addition, it is **expected that the increase in residential properties in close proximity to the woodlands will inevitably intensify the recreational pressures upon these.** At present, the pathways within the woodlands are unmade and undefined, and there is a risk of ground flora trampling due to increased usage.'

states 'A development on this scale clearly brings negative environmental impacts. However, **it is important that these are fully acknowledged and evaluated and plans set in place, with funding long-term, to alleviate where possible. This is presently not the case with the report and proposals and there remain significant issues to be addressed. Overall impacts should aim to have no long-term detriment and that means providing management of remaining conserved resources and the creation of new habitats etc to compensate to an extent and where possible, for losses. So far it is unclear how these issues will be addressed and delivered.** There should be appropriate plans in place with clear funding and deliverables for: 1) Water / flood-risk downstream, 2) Watertable on-site and in the woodlands, 3) Biodiversity and heritage, 4) Nature-based amenity and health, 5) Access provision and management, 6) Landscape impacts.

states 'This is a major negative impact on a key ecological and heritage resource – so what mitigation and how funded? With increased numbers of residences and gardens there will undoubtedly be an increased pressure of invasive, non-native species of plants invading the hedges and woods. How will this be monitored, mitigated, and managed? Please specify'

All watercourses as Priority 1 habitats need to be included.

These above statements conclude long term damage and that information is not provided to manage this, therefore no information informing that PLP30 can be met.

NET BIODIVERSITY

refers to comments made by KC Ecology (827762) and Yorkshire Wildlife Trust (825166/825253) highlighting inaccuracies regarding calculations assessing net biodiversity. They conclude the applications create a **net loss in biodiversity.**

They also both clearly state that at least a 10% increase in biodiversity should be shown.

As stated by 'I think there are still big gaps to be filled. Also, mitigation measures need to be detailed and agreed to include long-term monitoring and management – and submitted before 'outline planning permission' is granted. To do this phase by phase is unacceptable... The environmental mitigation plan with costings and timetables for delivery needs to be presented prior to 'outline planning permission' being granted.'

It has not been demonstrated how PLP30 can be met.

LANDSCAPE

On July 5th, 1978, when the site was first mooted as a potential opencast coal site, at a meeting at West Yorkshire Metropolitan Council, the site was described 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 Green Belt**'. The site is still an undeveloped area of open countryside. With the exception of the single track to the farm adjacent to Heybeck to the east of the site there are no roads at all crossing this entire land. It is quiet and at night it is dark. It is relatively undisturbed and forms a mosaic of agricultural land, fallow land, two ancient woodlands, ancient hedgerows, a small wet woodland, and watercourses. There is no traffic pollution on the site or from the site. There is no noise pollution only birdsong.

Citing '*Development could be incorporated into the surrounding landscape context without major harm to landscape character and fabric,.....*' I fail to see how this can be achieved 'without major harm to landscape character and fabric' because clearly both are badly affected by the development.'... 'It is unclear how active management of PRow would be sustainably funded long-term or indeed, how this compensates for loss of visual amenity via the less rural open view.' ...' this states the importance of tranquillity – which will be adversely impacted on by the development. Indeed, the semi-natural landscape of the open countryside areas and the associated visual impacts on built and undeveloped areas are hugely significant at this local level'.

There is no clear information how PLP32 can be achieved.

The following are taken directly from documents submitted by the applicant and follow each image. comments

NPPF

- When determining planning applications, local planning authorities should apply the following principles:
 - 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; and
 - 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 reasons⁵⁸ and a suitable compensation strategy exists.

note – the revised NPPF of 2019 does NOT contain a 2012 section “unless the benefits outweigh the loss”

TREES

Policy PLP 33 - Trees

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

14.20 Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.

14.21 Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

Dum Wood & Dogloitch Wood LWS, SWS, KWHN

14.115 In the absence of mitigation, this stage would see a significant uptake in usage of these woodland blocks by local residents; for dog walking and other recreational purposes (e.g. mountain biking). Although public access is currently permitted, use is low level and restricted to a small number of unmade footpaths. Increased use is likely to lead to the proliferation of informal footpaths and damage to the diverse woodland ground layer (bluebells), for which these woodlands are primarily designated. The risk of fly tipping would also increase.

14.116 Without access to the more sensitive areas being restricted or formalised, it is likely that the swathes of species-rich ground flora would be trampled, dug up and the soil severely compacted; degrading the floral communities and leading to the loss of biodiversity here.

14.117 These impacts would be negative and significant at district level. Impacts could be felt within both woodland blocks and continue for the lifetime of the development, and thus would be frequent and long term. Impacts on the diverse ground layer would be irreversible if lost, with the magnitude of effects covering the entire woodland area. The likely significance of this impact would be major with the sensitivity to change being high.

– admissions in documents that mitigation will be ineffective – over presumption that developers will satisfy proposed mitigation elements.

note

Survey	Report Ref.	Key findings	
		Heybeck Lane	Land East of Leeds Road
	R-328-04	Likely absence confirmed	Likely absence confirmed
Suitability Assessment of Trees	R-328-05	<u>Single</u> tree with roost suitability	<u>Nine</u> trees with roost suitability
Activity	R-328-06	Site of limited value to this group	Site of limited value to this group
	R-328-07	Likely absence confirmed	Likely absence confirmed
	R-328-08	Likely absence confirmed	Likely absence confirmed
	R-328-09	Single important hedgerow	Two important hedgerows
Suitability Assessment of Houses	R-328-10	Single building with Negligible roost suitability	Two properties with low roost suitability
Emergence survey of Houses	R-328-11	-	Likely absence of roosting confirmed.

* Report by WYG Environment Planning Transport Ltd

note – survey is out of date and evidence from households which line both sites report heavy concentrations of it is our opinion that the survey was not adequate for the size of these proposed developments.

BIRDS

Cumulative Effects

14.147 Possible cumulative impacts have been identified for two adjacent development sites; these being a residential scheme to the southwest of the Site being progressed by Barratt Homes for 252 dwellings (application reference: 2019/62/92787/E) and C.C. Projects Heybeck Lane proposals to the immediate north of the Site.

14.148 Of the five IEFs identified on Site, only one (Breeding Birds) is likely to experience any significant in-combination effects from these two developments. Being predominantly arable land, a similar breeding bird assemblage is likely to be present on both sites, including skylark and yellow hammer. The two development sites are therefore likely to impact on the same local bird populations.

Residual Effects

14.149 Mitigation has allowed many of the potential impacts to be avoided, or significantly reduced, with it being possible to downgrade the effect of many of the residual impacts from negative to neutral or minor positive.

14.150 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 increased 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.

note – Both are Red Listed Species – admitted no mitigation for loss of habitat.

Breeding Bird Survey

14.123 The Site's change of use is likely to result in a shift in the Site's bird assemblage, with a decrease in many of the farmland and woodland species currently recorded, and an increase in more typical urban/ garden bird species. Many of the new residents are likely to actively encourage birds onto the site, putting up bird boxes and bird feeders.

14.124 Indiscriminate use of the mature woodland blocks by dog walkers and new residents is likely to cause high levels of disturbance during the breeding season – displacing many of the woodland birds. Excessive light spill on retained hedgerows would have similar effects of farmland bird species and the introduction of predatory domestic pets will decrease recruitment of most bird species.

14.125 Impacts on birds would therefore be mixed, with some species being negatively affected, and some positively. Overall, given the Site's size, these impacts are likely to be significant at a local level. The likely significance of this impact would be moderate.

Invasive Non-Native Species

14.86 The breeding bird species assemblage within the site includes an important breeding population of which were associated with hedgerows and tree-lines. In addition, an important breeding population of is present, associated with the open fields of arable farmland.

14.87 In assigning ornithological value to the Site it is important to recognise the high numbers of breeding birds present in habitats within the Site red-line boundary and in peripheral habitats adjoining the Site. Alongside breeding and foraging habitat, hedgerows and tree-lines also provide connectivity across the Site for birds. These factors combine to produce a relatively high degree of breeding bird diversity and therefore the ornithological value of the site should, overall, be considered at a District level importance.

Major negative effect from displacement of breeding birds	Breeding birds	Production of a BMP which will detail new foraging/ nesting opportunities for birds.	Major negative effect from displacement of current breeding bird assemblage
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TRAFFIC

Table 13.12: 2024 AADT Link Flows cont.

Link	Link Description	2024 AADT Without Dev.	% Increase over 2019	2024 AADT With Dev.	% Increase over 2019
L31	B6128 Owl La (Dewsbury Rams access to Amberwood Ch)	30868	6.8%	35743	8.2%
L32	Amberwood Ch	1591	0.0%	1591	0.0%
L33	B6128 Owl La (East of Amberwood Ch)	30403	6.7%	35279	8.2%
L34	Site Access over Barratt land	0		7538	
L35	Chidswell Lane (East of Barratt land)	569	14.0%	569	14.0%
L36	Site Access 5	0		7538	
L37	B6128 Owl La (West of A638 rbt)	29448	-0.4%	34323	1.0%
L38	A638 Chancery Rd	26528	2.6%	26702	2.6%
L39	B6128 Leeds Rd (East of A638 rbt)	13687	-12.0%	14493	-11.3%
L40	A638 Wakefield Rd (North of A638 rbt)	43181	6.1%	47077	6.8%
L41	A638 (West of M1 J40)	55338	4.5%	59233	5.0%
L42	M1 J40 NB onslip	22668	-1.9%	23313	-1.9%
L43	M1 J40 SB offslip	20996	7.3%	21207	7.3%
L44	A638 Wakefield Rd (East of M1 J40)	41234	-2.1%	42800	-1.9%
L45	M1 J40 SB onslip	14472	6.8%	15507	7.0%
L46	M1 J40 NB offslip	13293	5.6%	13732	7.1%
L47	A653 Dewsbury Rd SB (South of M62 J28)	14230	17.0%	16315	23.0%
L48	A653 Dewsbury Rd NB (South of M62 J28)	20805	-14.4%	26438	-14.0%
L49	A650 Tingley Common WB	20677	7.9%	20677	7.9%
L50	A650 Tingley Common EB	16443	0.8%	16443	0.8%
L51	M62 J28 WB onslip	10111	13.9%	11995	14.3%
L52	M62 J28 EB offslip	7878	-10.5%	8601	-8.1%
L53	A653 Dewsbury Rd NB (North of M62 J28)	31601	-1.7%	34162	-1.7%
L54	A653 Dewsbury Rd SB (North of M62 J28)	12969	-4.3%	13810	-3.3%

Table 13.13: 2030 AADT Link Flows

Link	Link Description	2030 AADT Without Dev.	% Increase over 2019	2030 AADT With Dev.	% Increase over 2019
L01	A653 Dewsbury Road (Hesketh La to Syke Rd)	34363	18.7%	42082	45.3%
L02	Rein Rd	14359	14.5%	15300	22.0%
L03	Syke Rd	9719	14.6%	9719	14.6%
L04	A653 Leeds Rd (Syke Rd to Heybeck La)	38746	26.0%	47406	54.1%
L05	Soothill La	12575	9.0%	14981	29.8%
L06	Heybeck La (Leeds Rd to Site Access 1)	13807	69.2%	14392	76.3%
L07	Heybeck La (East of Site Access 1)	12280	50.5%	12865	57.6%
L08	Site Access 1	1826		1826	
L09	A653 Leeds Rd (Heybeck La to Site Access 2)	40475	37.1%	52127	76.5%
L10	Site Access 2	0		2836	
L11	A653 Leeds Rd (Site Access 2 to Site Access 3)	37495	29.8%	48792	69.0%
L12	Site Access 3	0		10943	
L13	A653 Leeds Rd (Site Access 3 to Chidswell La)	34515	22.3%	40582	43.8%
L14	A653 Leeds Rd (Chidswell La to Owl La)	31889	21.8%	42338	61.7%
L15	A653 Leeds Rd (Owl La to Challenge Wy)	22954	23.9%	29121	57.2%
L16	B6128 Challenge Wy	14918	10.0%	17967	32.5%
L17	A653 Leeds Rd (Challenge Wy to High St)	28613	26.4%	34848	53.9%
L18	High St	9936	62.9%	9936	62.9%
L19	A653 Leeds Rd (South of High St)	19093	15.6%	25328	53.3%
L20	B6128 John Ormsby VC Wy	19894	10.7%	23011	28.0%
L21	Owl La (A653 Leeds Rd to B6128 John Ormsby VC Wy)	9589	17.8%	13871	70.3%
L22	Horace Waller VC Parade	5536	7.0%	6684	29.2%
L23	B6128 Owl La (Horace Waller VC Parade to Windsor Rd)	28352	13.3%	35236	40.9%
L24	Chidswell La (A653 Leeds Rd to Site Access 4)	4537	27.4%	8919	150.5%
L25	Site Access 4	0		5643	
L26	Chidswell La (Site Access 4 to Windsor Rd)	7251	136.9%	8511	178.1%
L27	Chidswell La (East of Windsor Rd)	569	28.9%	569	28.9%
L28	Windsor Rd	6814	148.4%	8075	194.4%
L29	B6128 Owl La (Windsor Rd to Dewsbury Rams access)	30751	12.9%	38896	42.7%

Junction Capacity and Driver Delay

13.174 The detailed highway modelling undertaken through the design process, presented in detail in the TA (Appendix 13.1) and summarised above, indicates a long-term moderate adverse effect due to the Proposed Development and within the context of increased pressure on the local and wider network as a result of background and committed growth.

13.175 The modelling outputs show that the Proposed Development will create increased levels of traffic at junctions surrounding the Site. Appropriate contributions to mitigation measures are a matter of ongoing discussion between the Applicant and KC to ensure that Proposed Development traffic will be accommodated where appropriate and otherwise managed, within the context of the high levels of growth expected in the area.

note – all traffic tables show massive increase in traffic numbers and admitted problems with congestion. Also heavy presumption that KMDC will have funds available to mitigate the congestion problems.

The Mirfield to Dewsbury (M2D2L) Transport Scheme Consultation clearly shows that there are NO plans for improvements on A653 from Shaw Cross to Tingley Junction. Section D on map below.

- **SECTION A:** Mirfield to Ravensthorpe on the A644;
- **SECTION B:** Ravensthorpe to Dewsbury on the A644;
- **SECTION C:** Dewsbury Town Centre including the Ring Road;
- **SECTION D:** Shaw Cross (Leeds Rd/Challenge Way Junction);
- **SECTION E:** Tingley to White Rose Shopping Centre on the A653;
- **SECTION F:** White Rose Shopping Centre to Dewsbury Road.

Air Quality

Theme	Impact		Certainty		Description of impact	Recommendation (to minimise or maximise impact)
	+	-	?	!		
					includes "Air quality issues". • During construction, noise and vibration can cause sleep disturbance and stress, which can have a detrimental impact on mental health.	air quality and reduce noise pollution. Pedestrian and cycle links will help improve opportunities for active travel. The Proposed Development will be designed to encourage people to circulate the Site.

Air Quality & Noise Think about how noise and air pollution can be minimised both during construction and once the proposal is in use.		✓	!	The Site is located adjacent to Leeds Road, a dual carriageway. Poor air quality can lead to life shortening health conditions. MXS7 identifies site constraints, which	The Proposed Development has been designed to include a green buffer and landscape corridor as illustrated by the Green Infrastructure Parameter Plan. This will contribute towards improved
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Local Air Quality Management

10.42 As required by the Environment Act (1995), KMDC has undertaken review and assessment of air quality within their area of jurisdiction. This process has indicated that annual mean concentrations of NO₂ and 24-hour mean PM₁₀ concentrations are above the AQOs within the borough. As such, nine AQMAs have been declared. The closest to the Site is Kirklees AQMA which was declared due to exceedences of the annual mean NO₂ AQO and is described as follows.

"The designated area incorporates Leeds Road (A653), Dewsbury Ring Road (A638), Wakefield Road (A638), Highgate Road, Highgate Terrace, Bank Street and Old Bank Road, which is in close proximity to Dewsbury Town Centre."

Air Quality Monitoring

10.45 Monitoring of pollutant concentrations is undertaken by KMDC throughout their area of jurisdiction. Recent results recorded in the vicinity of the Proposed Development are shown in Table 10.6. Exceedences of the relevant AQO of 40µg/m³ are shown in **bold**.

Table 10.6 – Monitoring Results – KMDC

Monitoring Site		Monitored Annual Mean NO ₂ Concentration (µg/m ³)		
		2016	2017	2018
4	Princess Street, Batley	32.68	25.20	28.47
20	Rockley Street, Dewsbury	36.20	35.69	33.96
39	Bradford Road, Batley	39.30	36.41	30.47
40	Leeds Road, Dewsbury	54.40	53.44	52.40
42	Leeds Road, Dewsbury - 2	43.60	45.94	39.60
43	John Street, Dewsbury	43.00	38.59	42.93
44	Calmswood Road, Eastborough	32.20	34.44	35.07
54	Wakefield Road, Dewsbury	39.00	35.00	33.87

note – Tables demonstrate increase risk of poorer air quality.

Mine Gas

Mine Gas

12.59 Both recorded and probable unrecorded shallow and recorded deep mine workings beneath the Site together with recorded and unrecorded former mine entries within the Site will collectively give rise to the potential of mine gas emissions migrating to the surface and posing a human health risk to Site end users and the Proposed Development. The risk is assessed as **Moderate to High**.

[10] Impacts on buildings and substructures as a result of unstable ground (mining features, shafts, shallow workings etc.)	Proposed buildings, substructures	Direct	Moderate adverse
[11] Impact on future Site occupiers as a result of hazardous ground gas	Future occupiers, site users	Direct	Substantial adverse

note – The Coal Authority have attached a second Consultee Response which places major conditions, which could make the site non developable due to cost.

CONCLUSION

It is the opinion of the that submitted documents demonstrate contradictions throughout and rely on vague assumptions that mitigation can be carried out without any supporting evidence and that the role KMDC will take in assisting with mitigation is unproven at this time.