

In reference to the amended plans and associated documents submitted by EcoHolmes for the above planning application I would like to confirm that ALL previous objections and comments submitted by myself and on behalf of our residents group, Save Our Scholes Green Belt (SOSGB), still stand.

We see nothing in the amended documentation that alleviates our concerns about this proposal.

I would therefore like to reiterate in the following comments and associated documents, why we **strongly object** to EcoHolmes development proposals.

- **The site is designated Green Belt** – Green Belt land should not be built on. In light of the current climate emergency we should be conserving as much Green Belt as we can! Green belt land like the Scholes Quarry (Chippings site) should be cleaned up and redeveloped as a true 'green space', such as a nature/wild flower area, which will not only help the environment but be a space that the local community can use and enjoy. There are Brownfield sites available in the valley that could and should be used to provide affordable housing, before green belt land is even considered! This site WAS NOT included in the Holme Valley NDP or KC Local Plan for development.
- **The affordable housing need for Scholes cannot be proven, therefore the 'rural exception to build on Green Belt' should not be granted!** – The Arc4 Housing Needs Survey Report, submitted to support this application and prove the need for affordable housing specifically in Scholes and Hepworth, is missing key figures and information from the Kirklees Housing Register (see attached *Issues with Arc4 Sept 2022 Final Housing Needs Survey Report* document). Kirklees Council don't hold information of housing register applicants with a local connection to Scholes, therefore the 'exceptional circumstances' as set out in the Kirklees Local Plan Policy P11 (as per below) cannot be confirmed.

"In exceptional circumstances it may be appropriate to accept schemes for affordable provision on land where development would not otherwise be permitted. The exceptional circumstances are where needs have been identified for people with jobs in those settlements, or with strong local connections"

- **Housing development sites already included in the KC Local Draft Plan/Holme Valley Neighbourhood Plan** - Kirklees Council has identified 3 sites which fall within the Scholes Built Up Area (as specified in the Housing Needs Survey report submitted by EcoHolmes). These sites should provide sufficient affordable housing if KC Planning ensure the planning policy that '*requires developments over 10 units provide 20% of their units as affordable housing*' is enforced. The sites are as follows
 - Site **HS181** located adjacent to Cross Lane/Ryecroft Lanes (39 homes)*
 - Site **HS182** located adjacent to the Moorlands estate, south of Sandy Gate fields (28 homes)
 - Site **MXS12** on the old Dobroyd Mills site, Hepworth Road, Hepworth (75 homes).

*HS181 has already been developed (by Miller Homes in 2019/20) and should have provided 7 affordable homes.

- **Loss of existing wildlife and biodiversity** – The proposals WILL result in a net loss of biodiversity (-53.19%). Both 'on-site' and 'off-site' biodiversity enhancements are required to meet the +10% net biodiversity gain! EcoHolmes are suggesting using the lower section of the school field (5.5m x 85.5m) to achieve this!
- **Road safety issues due to site being on a dangerous blind bend, with limited pavements, on a well used link road between the villages of Scholes and Hepworth** –The Traffic Survey that supports this application was carried out during school half term holidays, outside of peak times, so is not reflective of the volume and speed of traffic that passes the site. Vehicles regularly speed up and down Chapelgate and Dean Bridge Lane, which run along the front of the site, particularly during peak times such as school drop off/collection. Despite what the results from the inadequate traffic survey state, local residents, who

live close to the site, regularly face the dangers of speeding vehicles when departing/accessing their properties on foot or by vehicle. Adding an access road to the site just before the blind bend will further increase the risks, for both existing residents and residents of the proposed development.

- **Detrimental impact of increased traffic throughout the village** – Scholes has been subjected to numerous new housing developments over the years and the narrow village roads are hugely overburdened and congested, due to the increase in traffic and insufficient parking and traffic management measures. This development will attract further 20+ vehicles, further increasing the traffic issues.
- **Potential parking issues on and around Chapelgate/Dean Bridge Lane/White Wells Road** – despite providing on-site parking for residents there is the potential for an overspill of visitor vehicles parking on and around the junction of Chapelgate/Dean Bridge Lane/White Wells Road. This will further increase the dangers on an already hazardous blind bend.
- **More pressure on the Scholes village water/sewer infrastructure** - note concerns over the sewer collapse at Jackson Bridge in 2022.
- **Potential flooding issues on the site and down at Dean Bridge** – despite EcoHolmes application stating there is ‘no flood risk’ the Government flood-risk website shows flood risk from surface water as “medium risk”. Also note concerns over Dean Dyke collapsing in early 2022.
- **Loss of community green space** - the site is regularly used by local dog walkers and children riding their bikes. EcoHolmes have stated 'There is a large Council owned recreation field just above the quarry providing recreational space' for such uses, yet they are suggesting using the lower section of the school field (5.5m x 85.5m) as part of the ‘off-site’ enhancements to meet the required +10% net biodiversity gain!
- **Detrimental impact on local amenities** - doctors, dentist, schools in the area are already oversubscribed.

In addition to the above points, we believe the ‘owners’ of the Scholes quarry (Chippings Site), the Holme Valley Land Charity, may be breaching the terms of the Commission Scheme set up back in 2009, which is when they took over management of the ‘exhausted stone quarries originally awarded to Holme Valley Parish Council’, **by leasing the land to EcoHolmes and allowing affordable housing to be built on the site.**

The Holme Valley Land Charity’s purpose is ‘to promote such charitable purposes for the **general benefit of the inhabitants of the parish of Holme Valley** as the trustee thinks fit.’ (The Trustee of which is the ‘Holme Valley Parish Council.’)

As the attached letter from the Charity Commission states, ‘The proposal is for an object of any charitable purpose, for the general benefit of the inhabitants of the Parish. Any benefit that is provided must have the effect of benefitting the inhabitants as a whole, rather than just selected individuals. The provision of low cost housing may be charitable but would normally be deemed to provide individual rather than collective charitable benefits.’

To further add to this, EcoHolmes will not be able to ‘guarantee these homes will be rented to local people or applicants with a strong local connection’ as they will be required to use the Kirklees Housing Register for the first rentals, and Kirklees Council don’t hold this information.

From Kirklees Council *“The Kirklees Housing Allocation Policy defines a local connection to the district, not to specific areas within the boundary. Therefore we will not hold this information.”*

We feel this potential breach of the terms of the Commission Scheme needs further investigation before planning is granted to build on Scholes quarry (Chippings site).

2nd Floor
20 Kings Parade
Queens Dock
Liverpool L3 4DQ

Direct Line: 0151 703 1639
Fax: 0151 703 1560
General Enquiries: 0151 703 1500

Website: <http://www.charity-commission.gov.uk>

Date: 23 April 2001

Dear Sirs

EXHAUSTED STONE QUARRIES IN HOLMFIRTH

Further to my letter of the 18th April 2001 I am now in a position to offer substantive comments on this matter.

The new Scheme will be fully regulating and will specifically amalgamate the charities (each quarry served a township and was in effect a separate charity). The schedule to the Scheme will list all the separate quarries that can clearly be demonstrated as being owned by the charity. It is vital to remember that the Scheme cannot of itself serve to confer or prove ownership, please refer to section 16 (3) of the Charities Act 1993 for more information.

Land to be included in the schedule to the Scheme

The original quarries fall into six main groups.

- The three plots of land referred to in the 1987 Scheme can be simply "re-Schemed" for the reason that the 1987 Scheme placed an inappropriate permanent endowment restriction on those three endowments.
- The charity's claim on the eight pieces of land, which are registered with the Land Registry, is not in contention.
- Determining how we should treat the pieces of land which the Council believe were originally quarries, but which have subsequently been encroached upon/purchased by adjoining land owners requires some further consideration. The landowners have apparently managed to register title to the pieces of land in question with Land Registry. This suggests that if the Council correctly identified these pieces of land in question as having been given under the original award they have subsequently been lost through adverse possession OR because the Council sold them off and expended the proceeds for general charitable purposes, without keeping adequate records of doing so. You suggest in your letter of the 9th April that there is no merit in seeking to recover these plots of land. We agree that there may be nothing profitable in pursuing these claims but we do need a little more information from you before reaching that conclusion. Can you please estimate the total

land area of these plots of land, and do you have any way (e.g. with the help of the District Surveyor's department) of establishing their market value?

- In respect of the unregistered land, which appears to the trustees to have been part of the original award, we suggest that steps to register these plots with the Land Registry should be taken. The land can then be included in the Scheme.
- In terms of the other plots of unregistered land, which have been informally occupied by individuals who acknowledge the Council's legal ownership as trustee, no sale can be put into effect until and unless the Commission Scheme has been sealed. This is because the original award contains a stipulation that any sale under the power of sale must be made by public auction. Once we have conferred the power of sale we will not need to be involved in sanctioning individual sales, but those sales must comply with section 36 of the Charities Act 1993.
- In relation to Towns Quarry can you please confirm the proposed terms of the compromise? If the Council conveyed the land as part of the compromise, then they really ought to have had a Scheme giving them a power of sale and discharging the restrictions on the land. If the compromise confirmed that the purchaser has acquired title to the quarry by adverse possession, then a Scheme would not be necessary to confer a power of sale and discharge restrictions. If the compromise does relate to adverse possession this quarry need not be listed in the Scheme's schedule and the Council can proceed to dispose of the quarry to the claimant. If the compromise does not record adverse possession the quarry should be listed and no sale should take place until the Scheme is sealed.

Additional Issue to Consider

- The proposal is for an object of any charitable purpose, for the general benefit of the inhabitant of the Parish. Any benefit that is provided must have the effect of benefiting the inhabitants as a whole rather than just selected individuals. The provision of low cost housing may be charitable, but would normally be deemed to provide individual rather than collective charitable benefits. I would appreciate it if you could elaborate on precisely what you have in mind, so that we can consider whether it would be appropriate to adapt the object clause to provide for low cost housing. In particular, is it envisaged that the charity itself would develop the proposal or merely that it would make the site available, for example to a registered social landlord at less than market value?
- If you can provide plans and extracts from the award relating to each site we will consider (in consultation with the Trustee) what form of words would avoid doubt about the land referred to and whether it will be necessary to add the plans (as "exhibits") in the Scheme.
- We agree that it would be appropriate to find a form of words to cover all other land comprised in the award, but not listed in the proposed schedule. Clause 1 of the 1987 Scheme provides a suitable formula in referring to "...and all other property (if any) of the charity".

I am sure you will agree that it is important to progress this matter as quickly as possible towards a satisfactory conclusion. On receipt of your reply we will be in a position to begin the drafting consideration and settlement of the Scheme.

Please do not hesitate to telephone me if you would like to discuss this matter.

I look forward to hearing from you.

Yours faithfully