

Re: Planning Application No. 2022/91911

We OBJECT to this planning application for the following reasons:

1. Coal Extraction and Environment. The plans include a Remediation Statement dated 11 July 2022 which recommends the extraction of coal from the site to stabilize the ground to be fit for development. The method recommended would be an open cast mining operation. The site is bordered by various residential properties, a spring, and a public footpath. There is known wildlife, including bats, and a tree which is subject to a TPO on the site.
 - a. Coal mining has a significant physical and environmental impact as it releases methane gases into the atmosphere leading to a significant reduction in air quality. There is no sufficient risk assessment in place which sets out how the risks to the environment will be managed whilst the extraction operation is carried out. For example, how air quality will be preserved and the tree subject to the TPO will be protected. It is known, by virtue of the Tree Survey, that this tree and other hedgerows have already been damaged by early site preparation work carried out by the Applicant. The Air Quality Assessment and the Noise Assessment do not address the risks of the proposed coal extraction operation.
 - b. The National Planning Policy Framework (NPPF) requires that the planning regime should prevent new development from contributing to or being an unacceptable risk of unacceptable levels of soil, air, water or noise pollution or land instability. We believe this is an unacceptable risk and should be refused.
 - c. The location of the spring, which runs down the left hand side of the site from the public footpath to Leak Hall Road, means that any excavation works carry a risk of water contamination to the area and surrounding properties. There is no evidence of a sufficient risk assessment being carried out in relation to water contamination.
 - d. The National Planning Policy Framework (NPPF) requires that the planning regime should prevent new development from contributing to, or being an unacceptable risk of, unacceptable levels of soil, air, water or noise pollution or land instability. Clearly these are all risks of open seam coal mining, which are unacceptable in the location proposed due to the village location and close proximity to neighbouring properties to the site.
 - e. If the land cannot be developed without resort to coal extraction and the risks to the environment associated with it, then it is submitted that the land is not fit for development. There is no overwhelming community benefit in coal extraction at this site, and it does not accord with the government's objectives or targets in relation to the environment and use of green energy. In the Local Plan there is a presumption against developments identified as being at risk of instability or where there is evidence of contamination (e.g. by methane gases present in coal seams) which could cause harm to people or the environment.
 - f. There is a presumption in the NPPF against development in the green belt which would be harmful to the land within it. It expects planning to consider open spaces and opportunities for sport and recreation and to enhance biodiversity. It is submitted that this plan does not meet those requirements.
 - g. There is no detail about how the access point for the heavy machinery and wagons which will be required to extract and remove the coal from the site, will be made safe. The Remediation Plan envisages 10 large truck movements per day, 5 days per week,

for 12 weeks. The access point for the proposed site development is problematic in any event (see point 5 below), but is certainly not fit for large vehicles in that it joins Cumberworth Lane at its narrowest point where visibility is low and traffic is high. It also abuts a public footpath which is used very regularly by walkers and children going to school, which presents a significant safety risk.

- h. There is no detail about how residents whose properties are close to the site will be compensated for noise, dust, potential damage to properties and potential loss of value in properties as a result of coal mining activity in the vicinity. It is clear from the Remediation Plan that this is a significant excavation which will cause huge noise, vibration and dust in the centre of the village on a site which is bordered by residential properties.
2. The Kirklees Local Plan was developed with projected population levels based on old census data. It is known that the population has not reached the levels envisaged and so the level of housing is not as required in the Plan. The Council accepts that a review is required although this will not happen until 2024. In the knowledge that the Plan is based on incorrect data, it would be inappropriate and unconscionable to move ahead with housing development in green belt areas before that review has been carried out. Once it is developed it cannot be reversed. If, when that review is carried out, less housing is required than envisaged, housing development should be carried out in areas outside the green belt first. It is therefore premature to allow this development to go ahead until the Local Plan is reviewed.
3. Flood Risk. There is a risk of flooding to the neighbouring properties on the south side of the site. There have been several occasions when flooding has occurred in the Wakefield Road area to the south of the proposed site as a result of run off water from the direction of the site. The Application incorrectly states that there is no water course at the site, however a spring runs down the left hand side (north to south) of the site. The Applicant has proposed a SUDs basin in the plans, but there are no details or risk assessment of how this will prevent flooding; or how the SUDs basin will affect the site's neighbouring properties or protect them from flood risk.
4. Boundaries and proposed housing. The boundary highlighted on plan 571/16(02)002 encroaches on land belonging to properties on Springhead Gardens. Trees identified as G28 in the Tree Study do not belong to the Applicant; they are a boundary feature common with the properties on Springhead Gardens and should be fully preserved. The boundary treatment proposed in plan 571/16(02)005 (1800mm closed boarded timber fence to garden side) should be erected on the Applicant's side of the boundary feature.
Plots 36/37 which back on to Springhead Gardens are positioned too close to the boundary with the neighbouring land. These are three-storey houses which will stand at a much higher land level than Springhead Gardens. The height of these homes is therefore inappropriate in the position proposed, as they will impact on the privacy of properties on Springhead Gardens.
5. Access and Traffic. The Transport Assessment identifies Cumberworth Lane as "lightly trafficked". We do not agree with this conclusion from the data provided by the Applicant. This is a busy road. It is narrow with no footpath on the side of the road at the proposed point of access to the site, with difficult visibility as demonstrated by the need for a mirror to assist drivers with turning out of the Methodist Church opposite. The increased amount of traffic due to the proposed development would create an unacceptable impact on highway safety and should therefore be refused under paragraph 111 of the NPPF.

In conclusion, there are overwhelming reasons to reject this planning application. If the council is minded to allow the application, we reserve the right to seek a Judicial Review of that decision.