

Comments relating to planning Application 2023/91280

Comments from

Date of Submission 18th December 2023

Introduction

These comments are made following a public meeting held on 16th December 2023 . The comments are confined on this occasion to the superseded documentation . Comments have been made previously on the other documentation and of course those comments and objections still stand.

The community of Upper Cumberworth , Lower Cumberworth and Cumberworth remain opposed to this development and object in the strongest terms . In our view the development poses serious health and safety risks associated with vehicle movement and a long term serious impact on the lives of residents , the visual amenity and the environment of the area . Coupled with the cumulative impact when considered alongside other recent approvals , the adverse impact of the proposals proceeding exceed any benefits realised for Kirklees residents .

The following sets out the areas of significant concern .

1. **General:** The submitted papers do not address areas of concern previously flagged as red in earlier submissions. There is still no cumulative impact assessment .
2. **Process :** As residents we have logged our concerns relating to this process on a number of occasions . Those expressed concerns continue. As residents we have not had the benefit of oversight of documents requested from Kirklees council on the 19th September 2023 . These were the subject of a Freedom of Information Request and the council has failed to adhere to necessary timescales , despite assurances to the contrary . This matter is now with the Information Commissioners office and is the subject of the councils complaints procedure . The matter is relevant , in that residents have been denied legitimate access to documentation to assist in raising their objections. In addition the timing of this matter has disproportionately impacted on holiday times school holidays etc .
3. **Transport :**
 - A. The Transport statement Para 2.1.9 , now states that Articulated HGV are going to be used in this development . This is a significant deviation and it would be perverse to rely on previous submitted statements about impact or safety. Currently only rigid HGV are used.
 - B. The Transport statement Para 3.1.8 . For an articulated HGV to enter the site entrance travelling north towards Denby Dale on the A 635 , it would either have to enter the hatch markings or enter on the wrong side of the site road . This is fundamentally unsafe as a manoeuvre , either it places vehicles using the A635 at risk , or it seriously impacts on the safety of users exiting the refuse site . The reason for this is that the 7 meter kerb radius is insufficient.
 - C. The above is proven by the submitted Access Tracking document where it states a radius of 10 meters is needed. Where the access narrows to 5.3 meters wide , this is

at the bottom of the brow of a hill , at this point , full sight of the road ahead is not possible. The distance of junction at this point is just 30 meters , therefore an articulated HGV at 16,5 meters can wait safely in this area , but should there be two the second vehicle would be stationary with its rear end protruding into the A 635 , and posing a hazard to traffic using the public highway.

- D. Normal operating protocols for Quarry developments recognise that in the morning it is likely that several vehicles leave the depot together arriving on site for the first load of the day . Indeed this is the rationale behind stockpiling of supplies outlined in the application papers. There is nothing in the papers that suggests how the developer would seek to mitigate these issues , accordingly this is a significant risk that the circumstances described at C would prevail.
- E. The papers have no cognisance of evidence and guidance produced by the Health and Safety Executive , as recently as February 2023 . In the HSE report Quarries, Vehicles and Edge Protection , it is stated that *'roads need to be of sufficient width to allow vehicles to pass with ease , for two way roads this should be three and a half times the width of the largest vehicle using the road , these are minimum acceptable widths '* . The width of the articulate HGV proposed is 2.55 meters , therefore $2.55 \text{ (vehicle width) } \times 3.5 \text{ (minimum road width) } = 8.92 \text{ meters }$, rendering the existing road width of 5.5 meters unsafe and non-compliant
- F. In any event , and notwithstanding the facts set out at E , should two vehicles meet , at 2.55 meters each , there would be 400mm in between them , and this is with both vehicles on the edge of the road . The make up of the road was not designed for this purpose and it is highly likely the edging would collapse , it is unstable , with a considerable drop . A vehicle leaving the road as a result of the wheels coming off the soft edging is likely to cause a serious accident and possible fatality .
- G. The passing places , of which the access road has two are not long enough to allow an articulated HGV to park and wait parallel to the edge.
- H. The Transport statement 3.1.9 , makes reference to the road being surfaced to a good standard and being used on a regular basis . This is not a comparison that stacks up , given the above points A-G , the nature of the proposed vehicles , the application for development and proposals for extraction , it is perverse to compare refuse recycling containers which operate 'as and when ' needed , with the frequent usage proposed- every 4.7 minutes . Plus current use is by rigid HGVs not articulated lorries.
- I. The Transport statement at 5.1.5 refers to a HGV movement every 6 minutes , but does not consider the impact of Government Guidance on Driving hours . The calculation of 6 minutes is based on site hours of 0700-19-00 , totalling a working day of 12 hours , $12 \text{ hours } \times 60 \text{ minutes } = 720 \text{ minutes }$, divided by 120 loads = 6 minutes . In reality the daily driving hours of a HGV driver would be 9.4 hours $\times 60 \text{ minutes } = 564 \text{ minutes }$, divided by 120 loads = 4.7 minutes . This is reduced further when the daily driving hours in any two consecutive weeks are 45 hours , $9 \text{ hours } \times 60 \text{ minutes } = 540 \text{ minutes }$, divided by 120 loads equates to a load every 4.5 minutes. The 6 minute statement has been overcalculated by 25% and does not give any consideration to current driver hour guidance.
- J. The paragraph 5.1.6 is incorrect , given the issues set out at B above

The road infrastructure of the site access from the A635 is very unsafe . The developer has not considered the latest Health and Safety reports on safe operating practice at Quarries , has failed to

consider the Drivers Hours Guidance and this is an unsafe proposal likely to create a serious accident. It is inaccurate to suggest that the level of traffic can easily be accommodated , since the traffic data is incorrect and does not include the entire route , particularly the intersection with the A629

4. The HGV routing map

This document arrived after the other documents and set out a proposed route along the A635 , with a left turn on to Penistone road . The traffic and accident report does not extend to this part of the A635 , but if it did it would note that this is a well known accident site . The progression of an articulated HGV onto the A629 would require the driver to transgress onto the opposite carriageway . This is a busy highway , a staggered crossroads with the A629 , this is an issue which has been raised with the council since 2003 . Some traffic measures have been taken but the site still poses a significant hazard . Police advice to local residents is to avoid the crossroads at busy times , where queuing traffic comes back as far as Rowgate . None of this is factored into the traffic assessment and there is a serious risk to public safety.

Articulated lorries will use Carr hill Road , which has no safe pedestrian walking path and as a residential road is not constructed for Articulated lorry traffic .

5. The Air Quality Assessment

This refers to Grantham rather than upper Cumberworth . This has already been highlighted , where is the assurance that the evidence and data is accurate .

6. The Ecology Report

This report is still missing as per recommendations and is a significant gap .

protected species under The Protection of Badgers Act 1992 , as amended by the Wildlife and Natural Environment Act 2011. The developer is silent on the issues relating to wildlife and the impact of these proposals