

## **Response to Application No. 2023/62/91649/E – OBJECTION**

### **Our Position on This Matter:**

**We would like to lodge the STRONGEST OBJECTION to this application on the following grounds:-**

- **It involves not only the destruction of two TPOs but the entire row of mature trees which fringe the Conservation Area. We seriously question why all the row of trees are not TPOs, given the trees on the LHS of Wood Street are so and they fringe the Conservation Area boundary line.**
- The trees have a high amenity value and form a very distinctive and attractive feature not only on Wood Street, but are visible from a wide area around the western side of Skelmanthorpe.
- These trees which also extend up the western boundary of the site, support a wide range of wildlife and biodiversity – birds, squirrels, owls, bats and amphibians are present. They form a natural corridor for nature.
- The consequences of removing so many mature trees on the environment needs further investigation. We also believe that removal of so many mature trees may have the potential to affect the underground drainage flows. There are at least 4 known wells on Wood Street fed, we believe, via an aquifer which passes over the bedrock. The Environment Agency Flood Map for the area shows water rising and draining down the bottom of gardens on the northern side of Wood Street, past No. 11 and then down into the former quarry. This now has a massive attenuation system below it which pumps directly into the mains sewer on Station Road.
- The wall in question is a Highway retaining wall built many, many years ago to allow Wood Street to pass through what was a rocky wooded knoll. Bedrock is evident close to the surface in the entire area and can be seen protruding through and supporting the wall in various places along its length. The eastern boundary of No.11 is an old quarry face – the old quarry and former Council Depot now accommodates 7 large detached houses in a gated community.
- Responsibility for the upkeep and maintenance of this wall has long been undertaken by Kirklees Highways (Structures).

- The last repair undertaken was in 2016 of a similar fault to that now evident. The Supporting Report also notes prior instances of Council repairs.
- The above repairs have been successfully undertaken by Council contractors WITHOUT damaging the trees or necessitating their removal.
- The wall is generally in good condition and in keeping with the Conservation Area, apart from a small section near the driveway to No.11 Wood Street. The latter is bulging in this area only. The application appears to purport that the entire length of wall is about the collapse. This is NOT the case. We note the Consultants have only performed a perfunctory, visual examination.
- Our view is that only the bulging area is in need of repair at present, preserving the trees. Kirklees Highways Structures should be instructed to carry out this work.
- We also question why this retaining wall has suddenly become a ‘garden wall’ with a seemingly private individual prepared to send £1000’s on the proposed works.
- Overall, this application appears to contravene or attempt to circumvent many Kirklees LPA policies e.g. LP30, LP33 and likely LP31 and LP32 and the explicit requirements in Supplementary Planning Documents such as:-

**‘Housebuilders Design Guide SPD June 2021’, Section 6: Setting Design Parameters**

**Para 6.9 Trees and Hedgerows:** *‘Planning permission will not be granted for developments which directly or indirectly threaten trees or woodlands of significant amenity’.....,Existing tree and landscape features should be incorporated into a scheme at the concept or initial design stage and sites should show a net gain in tree coverage.’*

**‘Kirklees Highway Design Guide SPD, November 2019, Section 4 Street Trees, Para 4.13:**

*‘Designs should normally retain any valuable or important trees where they make a contribution to public amenity and distinctiveness of a specific location or contribute to the environment’*

**‘Biodiversity Net Gain in Kirklees – Technical Advice note on Biodiversity Net Gain requirements for developments within Kirklees’**

**Para 1.3.4 –** *‘NPPG states that net gain is an approach to development that leaves the natural environment in a measurably better stated than it was beforehand’*

**Para 1.4.1 –** *‘All development in Kirklees will be expected to avoid significant loss or harm to biodiversity through protection, mitigation and compensatory measures and seek opportunities to enhance biodiversity value and ecological links. As set out in Local Plan Policy LP30.....As per LP30, proposals will be required to*

- i) *Result in no significant loss or harm to biodiversity.....’*
- ii) *Minimise impact on biodiversity and provide net biodiversity gains....’*

- iii) *Safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network....'*
- iv) *Establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist'*
- v) *Incorporate biodiversity enhancement measures to reflect the priority habitats and species ....'*

**Para 1.4.3:' .....the council will also seek to ensure that development proposals do not result in the fragmentation of the (wildlife) network and provide improved ecological links.....'**

**'Open Space SPD' Appendix 2 Design Guidance, Bullet Point 6**

*'The Council will encourage well-designed green spaces, recreation facilities and provision.... that: Support net biodiversity gain – including retention of existing natural features.....'*

Overall, we have very serious concerns and questions about the real intent behind this application. We are observing that one of the unintended consequences of Biodiversity Net Gain regulations and Kirklees own planning rules, is that intended development sites are being stripped of their biodiversity assets prior to a formal development application and subsequent biodiversity scoring of the site. The net effect of the latter, reduces the biodiversity net gain failure payment due by any developer. We view this application in just this light.

We trust the Planning Department will investigate any wider circumstances that might compromise the integrity of this particular application as well as its more obvious reasons for refusal.

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July, 2023