

DC Admin

From:
Sent: 08 January 2026 20:35
To: DC Admin
Cc: Cllr John Lawson; Cllr Andrew Pinnock; Cllr Kath Pinnock
Subject: 2024/62/92727/E Planning objection Land adjacent to Ashbourne Drive

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Objection to planning application 2024/62/92727/E

Post this ANONYMOUSLY

I wish to formally object to the proposed residential development on the grounds that it would cause significant and demonstrable harm and is contrary to national and local planning policy. My objections are set out below:

The **Geoenvironmental** Appraisal confirms the presence of asbestos fibres, heavy metals, contaminated made ground, unstable coal workings, subsidence risk and potential mine gas migration. This represents an unacceptable risk to the health, safety and wellbeing of both future and existing residents.

- The safety strategy relies on soils remaining permanently damp to prevent asbestos fibre release. This is unrealistic and unenforceable over the lifetime of the development and fails to protect future residents. This has been proven with the current development happening off Westgate where residents have found asbestos in their homes and witness the above not being carried out on this site.
 - The Coal Authority explicitly warns that the absence of recorded mine gas does not mean mine gas is not present and that development may generate or displace gases affecting neighbouring homes.
 - The developer admits that unrecorded mine workings and shafts may be present and may only be discovered during construction. This poses a serious risk of subsidence, structural failure and gas migration.
 - The Geoenvironmental Appraisal acknowledges that intermittent subsidence, creep settlement and collapse migration remain possible, creating long-term structural and safety risks for residents.
 - The consultant admits the investigation covers less than 0.5% of the site and that unanticipated hazardous conditions may exist. This means residents would effectively become test subjects for unknown contamination.

This proposal achieves the statutory 10% **Biodiversity** Net Gain only by first destroying almost all existing habitat, undervaluing current ecological assets, relying on private gardens and immature trees, and deferring essential safeguards to post-permission documents. It fails to comply with the

mitigation hierarchy, Kirklees Local Plan biodiversity policies, and the spirit of the Environment Act 2021.

- The report confirms that none of the existing habitats or watercourses will be retained without enhancement, and that *almost all baseline habitats and hedgerows will be lost* to the development .
- Biodiversity Net Gain is achieved only after the near-total removal of existing habitat, which conflicts with the NPPF mitigation hierarchy of avoid → mitigate → compensate.
- All existing grassland is classified as “modified grassland – poor condition” and of *low distinctiveness* despite being pasture fields and tree-lined corridors, producing only 4.69 habitat units across the whole 2.37ha site .
- This artificially low baseline inflates the apparent net gain and does not reflect the real ecological value of semi-natural pasture and mature boundary features.
- A significant proportion of the claimed biodiversity gain (1.19 units) comes from private residential gardens. There is no guarantee that householders will maintain gardens for biodiversity over 30 years, making this gain unenforceable, insecure and unreliable.
- The scheme relies on 39 newly planted small urban trees to deliver 0.46 habitat units, yet admits they will fail maturity and ecological niche criteria. There is no long-term guarantee that these trees will survive to provide the assumed ecological value.
- The development removes existing ecological corridors and hedgerows and replaces them with fragmented garden habitats, contrary to LP30 and LP31 requirements to safeguard and enhance the Kirklees Wildlife Habitat Network .
- The submitted Bat Survey is based on limited survey effort, incomplete seasonal coverage and unjustified downgrading of habitat value. It underestimates the impacts of habitat loss and lighting, defers mitigation until after consent and relies on generic measures that cannot replace lost commuting corridors. As bats are legally protected, the survey fails to provide sufficient certainty that the development would not result in unlawful harm.
- The applicant admits that 447.54 sqm of designated Urban Green Space will be lost. The report argues that the green space is not publicly accessible and therefore of limited value. This misrepresents Policy LP61, which protects Urban Green Space for its visual, landscape and biodiversity value, not solely public access.
- The proposed replacement open space is located within the housing estate, fronted by plots 19–26, and is not equivalent to the lost Urban Green Space in terms of openness, function or landscape character.

The **Housing Mix Report** relies on outdated Census 2011 data, unsupported post-Covid assertions, unverifiable marketing claims and commercial viability arguments to justify a scheme that breaches Kirklees SPD guidance, removes affordable housing and significantly exceeds the site’s allocated capacity.

- The Local Plan allocation HS100 has an indicative capacity of 53 dwellings, yet the application seeks 67 dwellings – a 26% increase . The report frames this as a viability necessity, not a planning justification.
- The developer claims “all early enquiries seek family homes” but provides no data, methodology or independent verification .
- The report argues that smaller homes are unviable because larger homes generate more profit . This is not a planning justification, it is a commercial preference, not a public interest argument.
- The Local Plan allocation HS100 has an indicative capacity of 53 dwellings, yet the application seeks 67 dwellings – a 26% increase . The report frames this as a viability necessity, not a planning justification.

- The report claims Cleckheaton lacks larger homes but its own figures show the area already has a high level of 3-bed housing . The argument that this site must correct a local “imbalance” is unsupported.
- The developer repeatedly claims Kirklees cannot demonstrate a five-year supply and therefore the scheme should be approved . This does not override Local Plan policy on housing mix, nor does it justify ignoring SPD guidance.

Financial viability report

- The appraisal uses sales values that are significantly below comparable new-build prices in Cleckheaton.
- The appraisal includes large allowances for abnormal costs such as remediation, drainage and infrastructure. Have these costs been verified as abnormal costs are a known method of artificially depressing viability.
- The appraisal assumes a finance rate significantly higher than typical residential development lending rates.

The applicant’s attempt to dismiss the **Adopted Policies Map** as a “cartographic error” is unsupported and relies on lapsed historic permissions. The proposal results in the acknowledged loss of designated Urban Green Space and fails to meet the requirements of Policy LP61. The application should therefore be treated as a policy departure and refused.

- The report relies on an outline permission granted in 2013, which has since lapsed, to argue the Local Plan should have been drawn differently. Lapsed permissions carry no material weight and cannot override the adopted Local Plan boundaries.

The Rapid **Health Impact** Assessment dismisses all construction, contamination, traffic, flood and air quality impacts as positive or negligible without evidence, contradicts other technical reports and defers safeguards to post-permission stages. This document fails to protect the health of existing and future residents.

- The HIA claims traffic will have no negative health impact despite a 67-dwelling estate feeding into existing residential roads, with no modelling of noise, pollution or accident risk.
- Is it possible to have a health/Risk assessment conducted via a third party that is not biased to or appointed by the developer to give us a true understanding of how this development will impact our lives truthfully.

For the reasons set out above, the proposal would cause unacceptable harm to human health and safety, biodiversity, designated Urban Green Space and the capacity of the local area, and relies on biased, incomplete and deferred assessments that fail to demonstrate policy compliance. It is therefore contrary to national planning policy and the Kirklees Local Plan, and planning permission should be refused.