

Application 2024/62/93458

I **OBJECT** to this planning application and support entirely all the objections made by fellow residents of this rural village.

Applicant

Please clarify who the Applicant is. I recognise Mr Gould's name from the previous corporate applicants and subsequent insolvency. It was said previously that JCG (1980) is the landowner but that is neither a legal entity nor the landowner.

The application is supported by all advisors acting for previous Applicant(s) reports commissioned some considerable time ago. If this is a new application, and all parties suffer the burden of having to submit fresh objections, how can the Applicant rely upon reports which are at least 4 years out of date? Has Mr Gould and/or whoever JCG (1980) may be, confirmed they have the relevant consents from the various agents instructed to include these reports in the application? I ask as it is noted numerous of them are unpaid creditors of the previous Applicant(s) (in liquidation).

Coal extraction

I have to say as someone who suffers from respiratory disorders, the threat of open cast mining, dust and potential poisonous gases within several metres of my home is terrifying. This was summed up succinctly by Planning Committee members comments who was opposed the last application that nobody would want coal extraction on their doorstep!

The Coal Risk Assessment of January 2022 but drawing references from previous reports as far back as 2018, is entirely weasel wordily, vague and without supporting evidence. There are no borehole reports for the site, but there were some reports for sites close to the proposed site. These reports though are felt to be "of limited value", it would be interesting to understand what these reports reveal.

The report details the mineshafts have a slight "valley" feature however no **direct indications** of collapse or mining were found and **may** relate to surface water. It further states the presence of pipes (extending a significant length into the hillside) is **unusual** and likely to be associated with underground workings. The report further states the Whinmoor Seam, to which this seam is evidently party of, to be **High Risk**.

The previous Applicant's own (very dated) report concludes development cannot be recommended to take place without gaining further information to conclusively determine the state of the mineshafts. This will involve as they state (further – *emphasis mine*) intrusive investigations. With respect to the local authority, the applicant has failed completely for well over 7 years to carry out such works, as directed by the Planning Committee, which it no doubt sees as cumbersome and expensive.

The report details a risk for mine and other potentially harmful ground gases should be assessed. Given the previous applicant's modus to create and subsequently dump development vehicles into liquidation at the loss of creditors (including the Council and their professional advisors) and the lack of any evidence requested at three different committee hearings, I have no confidence that such additional work and costs shall be undertaken.

The above is in direct contradiction of the Applicant's assertions that "the technical evidence (which they didn't obtain but rather that of a previous applicant) alongside the application **confirms** the development will not have an unacceptable impact on the environment". For the points outlined above and in previous objections, this statement must be manifestly untrue.

Previous planning decisions

The application essentially mirrors the same previous applications, and utilises the same reports commissioned at that time, which were refused. The agent for the developer at the previous hearing told of the strong need for additional homes in Denby Dale. One of the Committee members stressed the unsuitability of this site and that, with hindsight, this site should not have been approved as part of the Kirklees development plan.

The Committee also noted the original plan was being reviewed by the Council. If the Plan was based upon incorrect data, which it appears accepted it was, I submit this, and other applications proposed on greenbelt subject to the plan should not be considered until after the review concludes. This is also in keeping with the Government's manifesto to build new homes on existing brownfield sites as opposed to greenbelt.

None of the reasons for the previous Committee's deferral and two rejections have been dealt substantially or at all by the Applicant.

I note from a newspaper article that Council Officers who had recommended approval of the previous application, suggested from their perspective there wasn't enough evidence to support the Committee's reasons for refusal. I would aver to the contrary, there was no evidence the Officers or the Applicant put forward to satisfy the Committee the proposal was safe from an environmental and healthy and safety perspective for both current residents of the village and the wider area, despite sustained requests. This should not be an application to ensure the Council raises its notional housing needs based upon an outdated plan over 15 years ago at the cost of the health and wellbeing of current residents in the village.

It is also deeply concerning (**if correct**) the article quotes the "officers would do their best if the applicant decides to appeal." I would imagine such officers are professionals who are required to act with probity and impartiality.

Site Access

The site access always has been and remains unacceptably dangerous and simply too narrow. This has been dealt with previous comments and from two previous application refusals. The Planning Committee and many Counsellors also raised significant valid concerns as to site remediation traffic, the resulting environmental and health and safety impact of having large dump trucks alighting and exiting a very narrow and busy steep road with a single footpath used by families, school children, walking groups, wheelchair users and church worshipers with hazardous materials. School children regularly use this route from the footpath when going on planned school day external activities.

There is simply not enough room for the scale of large vehicles using this road to safely pass each other without mounting pavements (one Councillor who is a professional in this field having testified to this). There have been RTA incidents on the lane and one only last week. The Applicant has yet again failed to address the significant concerns and questions raised by both the Planning Committee and the numerous points raised by residents.

The Planning office's report of April 2024 states there are alternative landing sites available for air ambulances to land in emergencies (there were 2 incidents last year alone). Please clarify which sites? As a resident for most of my adult life I can confirm there are none other closer to the village and time is very much of the essence in such cases.

The transport assessment carried out some considerable time ago states Cumberworth Lane as lightly trafficked. This is not based on any semblance of reality. When I leave our home, we frequently must reverse back up the track to avoid collision with vehicles coming both ways (the site lines being so poor). This is a busy but very narrow rural road. The Methodist Church home has a mirror to enable cars leaving it to try and navigate leaving without danger. Historically, I understand the Church also had a planning permission rejected to try and build an access for worshippers to enter from the opposite side of this site due to inappropriate access.

KC Ecology

Note from the sole consultation comment received to date from Biodiversity there is no plan to make up for habitat unit shortfalls and suggest is obtained prior to planning process and states a S106 agreement will be required. Given the previous insolvencies of applicant Company's and subsidiaries, is a S106 agreement a real pragmatic approach for the Council?

Also, as it is apparent the Applicant will not be developing the site (given they contend housebuilder interest), how would any S106 agreement (particularly the level of such a contribution contemplated in the Planning Office's report of June 2024) be enforced? As a Council taxpayer, I am concerned the Council has already incurred substantial losses in both unpaid fees and time in relation to these applications. Having seen developers extracting value from sites and then allowing S106 contributions to go unpaid must surely be an embarrassment to the Council.

No consideration has been given to assess the impact of coal and cement dust (known carcinogens), gases or water pollution (does the developer even know there is a stream at the north end of the site?) will have to the community and wider community at large.

Frankly, the reality is the residents of our rural village have had enough of these developments and want quiet enjoyment of whatever greenbelt land remains. Development of sites to satisfy an apparent overblown and outdated plan of housing needs in our town should not be at the cost of the safety, health and wellbeing of residents. It is respectfully submitted the Council should focus its attention upon using its (ours as taxpayers) own land and brownfield sites in line with Government policy to develop whatever housing needs may ultimately be established.