

CONSULTATION RESPONSE:

Application No. 2024/93458/E (Re-submitted Refused Application 2023/62/92191/E) – 62 Houses, Cliffe Hill, Denby Dale

It appears this application is substantially the same as the previous refused application and is currently being ‘twin tracked’ with an Appeal to HM Inspectorate of Planning. Separate comments, in support of the Strategic Planning Committee decision have already been submitted to the Inspectorate of Planning.

Overview of Our Position on this Third Application for the above highly dangerous and unstable site:

- We wish to make the **STRONGEST POSSIBLE OBJECTION** to these proposals on six main counts:
 - The Applicant
 - Claims made in the Planning Statement
 - Access from Cumberworth Lane – dangerous and contravenes the access agreement with HM Planning Inspectorate for the site’s inclusion in the Local Plan
 - Site Remediation Proposals
 - Drainage and Flood Risk
 - Contravention of Local Planning Policies
 - Creates more harm than benefit to the local community

- **The Applicant:**

It is our understanding that the applicant shown as ‘Paul Butler (PB Planning Ltd.) c/o JGC (1980) and Nick Gould’ is not a legal entity and therefore, inadmissible.

Furthermore, in respect of the Appeal, this is being made by a different party to the second application applicant as the latter went into insolvency liquidation last Autumn. Again, it is our understanding that an appeal can only be made by the original applicant. Hence the Appeal is also inadmissible and should be dismissed.

It is also clear that the applicant of this current application, will not be the developer. Consent will only serve to uplift land value for the landowners/promoters and afford access to up to £4M worth of coal reserves for any purchasers.

The Applicant needs to be treated as a MATERIAL CONSIDERATION when making a decision on this application.

- **Claims Made in the Planning Statement**

PB Planning appear to be trying to construct a case of precedence by mentioning Springhead Gardens and Wood Nook.

Firstly, contrary to the claims made by PB Planning in their Statement of Case, development of part of this site (Springhead Gardens – 6 dwellings) and that adjoining it at the other side of Cumberworth Lane (Wood Nook) have suffered land slippage problems during their development, resulting in emergency preventative action. In the case of Wood Nook, we understand the Council had to place a 'Stop Order' on the development whilst structural engineers investigated and came up with solutions.

Neither of these locations involved the extraction of coal.

We would also point out that the construction process of Wood Nook also resulted in the flooding of roads, and property in the centre of Denby Dale on account of surface water draining down the construction access road. Surface water is again being routed down the access road onto Cumberworth Lane on these proposals.

We would challenge the Claim made by PB Planning in Para. 2.31. Statutory Consultees are on record as constantly asking for more information. Just as examples, at the time this application was put before the Strategic Planning Committee and refused:-

- KC Environmental Health had an objection to the current proposals dated 31 January, 2023, their reference WK/202242075, the details of which are listed on the KC Planning Web Site for Application 2023/92191.
- KC Conservation and Design had an objection (dated 19.1.2023) to the materials being proposed
- KC Highways were wanting a revised plan and further information on 8 issues
- KC Landscapes were wanting to see more green space on the site
- The LLFA had issues with the surface water outfall design which was considered 'unsuitable'.

Given the insolvency of the second application appellants, we have little confidence that the 'developer/landowner accepts full responsibility for securing the safe development of the site' (NPPF, Para 197). Failure could be catastrophic for Denby Dale and no doubt result in extensive litigation and associated compensation claims.

- **Access:**

We would point out yet again that the proposed access is in contravention of the basis on which this site was accepted for inclusion in the Local Plan by HM Inspector Mrs. Katie Childs i.e., that the access was to be from Leak Hall Lane. We expect the LPA to uphold its undertakings with HM Planning Inspectorate.

As part of the Local Planning process each suggested housing allocation was primarily assessed by the Planning Department. This assessment at the time noted '*Cumberworth Lane offers limited site frontage and a significant amount of third-party land would be required to achieve visibility splays and a footway. Access from Leak Hall Crescent is*

constrained by their junction with Wakefield Road and parked cars. The change in levels from both of these roads to the site may be an issue. Leak Hall Lane would need bringing up to an adoptable standard but could potentially be better than the other options.'

The LPA is reminded that at the Stage 4 (Allocations, Matter 41) Local Plan Hearings in March 2018, the presiding Inspector, Mrs. Katie Childs raised questions, stemming from her own concerns, about this allocation (then known at H690, latter reassigned as HS144 in the Final Local Plan) and particularly about the proposed access. Members of UDVET actively participated around the table on that day. Mrs. Childs asked the two Highways (Planning) representatives called to the table, to confirm exactly where the access to this site was to be taken. After some embarrassing fumbling and delay, they confirmed that the **access should be from Leak Hall Lane** as this offered clearer and safer visibility splays and turning at its junction with the A636 Wakefield Road and kept site traffic away from the centre of Denby Dale.

This amendment is noted in the Local Plan Inspector's Final Report, dated 30 January, 2019, Page 61 – Point 309, Amendment ref: SD2-MM220. Subsequently, the Council's own schedule of modifications agreed as a result of the LP Hearings, 'Allocations and Designations Main Modifications', Section 4, Page 107, notes that on Page 122 of the Local Plan Allocations under 'Constraints' for this allocation that a new piece of text is to be inserted, viz *'The provision of a pedestrian footway is required across the site frontage at Leak Hall Lane'*. The site frontage is, therefore, designated as on Leak Hall Lane, NOT Cumberworth Lane.

It was on the above basis that the Inspector accepted this allocation as part of the Local Plan and given the Council's own assessment of the nearby roads and agreement to make this access amendment, we expect it to be upheld by Highways and the LPA. If it cannot be achieved, development should NOT be allowed, neither should splitting the original allocation.

The proposed access off Cumberworth Lane is totally unacceptable and unsafe. It fails to meet NPPF Para 115 (b) and LP21.

Neither the Transport Assessment or Road Safety Assessment (*see further points below*) appears take into account the proposed remediation proposals which still include an element of open cast mining operation which further negates its credibility and reliability. Just how are extremely large quarrying, and construction plant and vehicles to access the site from a lane with heavily restricted turning room?

Neither has the Transport Assessment been updated with the latest site plan.

The modelling used in the Transport Assessment uses unrepresentative data and filters giving inaccurate and unreliable results. Kirklees Highways should not accept these results and demand a separate truly independent, professional assessment. (*See Transport Assessment comments below*).

The proposed access is at a particularly constricted part of Cumberworth Lane with very limited visibility splays. As the largely unconvincing Transport Assessment shows, the **average speed** of traffic is nearly 5mph above the speed limit, requiring a stopping distance of around 29.16M – far greater than the left hand 22m visibility splay from the proposed site entrance. (*See further comments on the Transport Assessment below*).

A Tracking Plan has been provided to show that an RCV can negotiate left and right turns out of the site. Firstly, the plan omits to show the end of the Methodist Church which juts out into Cumberworth Lane. Secondly, the RCV would have to swing out into oncoming traffic on the opposite carriageway. Thirdly, the space is so tight it is likely the RCV superstructure would catch anyone on the very narrow pavement opposite the proposed entrance.

The applicant has not demonstrated how large construction traffic vehicles (likely with trailers) will be able to negotiate the proposed access on this narrow lane without endangering road users and pedestrians.

- **Site Remediation:**

This consists of a still highly inadequately specified 'Remediation Strategy' which is in still contains an element of Open Cast Coaling Mining over an extraction area of 4500 square metres, yielding 4150 cu metres of coal. This contravenes both local Kirklees local planning policies and Paragraph 230 of the National Planning Policy Framework (NPPF) and is totally unacceptable. We believe such an activity will have a **Severe Negative Impact** on the village of Denby Dale threatening existing property, infrastructure and the health and safety of residents and all road users.

In addition, 550 further drill sites are proposed for the injection of concrete.

It is also clear that further borehole investigations are needed now to fully understand conditions underground throughout the site. The report from GRM confirms this, pointing out that only a small volume of the ground compared to the size of the site has been investigated and that very localised conditions and constraints or exceptional ground conditions could easily be undetected as present.

Some of the boreholes appear to be very shallow in depth too.

There still appears to be no comprehensive Remediation Risk Assessment, no Coal Extraction Plan or Grouting Operations Plan.

The Geological consultant has also been supplied with an out-of-date site plan which is particularly concerning given that there's a suggestion in reports that the level of remediation work underground could be differentiated depending on what is to be constructed above ground. It is suggested that garden areas need little or no support which is particularly worrying given the highly unstable nature of the hillside and the fact that many gardens will have retaining walls up to 3.5 m high (including the use of gabions). This ultimately will be privately owned land and residents potentially landed with huge dangers and liabilities.

Once again, it also appears to us that the authors of many of the submitted 'Supporting Reports' (eg. Design & Access Statement, Planning Statement, Flood Risk & Drainage Strategy, Air Quality, Environmental Survey, Tree Survey, Noise Assessment and Transport Strategy) were unaware or ignored the land remediation 'precursor' to any development. We would like to believe in the name of professional integrity and competence of the sub-contractors employed by the developer, that the former is the case. Lack of consideration of

the impact of the above renders these reports, data, claims and their conclusions incomplete, inaccurate and inadmissible.

Again, we also trust that the LPA has also made all Statutory Consultees aware of the proposed remediation strategy prior to development.

Additionally, this steeply, sloping site containing 3 shafts, numerous mining entry points and underground voids has been officially assessed as a '**High Risk Geotechnical Area**' subject to instability and ground/gas contamination and clearly unsuitable for housing development.

On the above basis alone, this application should be **REFUSED** immediately. It fails not only NPPF Para 230 but Paras 11(d ii), 115 (b), 116, and 187 (e) at a minimum. It puts the community at real risk and the harm far outweighs any benefit. Given recent decisions in another part of Denby Dale, we trust the Coal Authority will also be supportive of refusal.

Additionally, we totally disagree with the mischievous assertion contained in Paragraph 6.9 of the developer's Planning Statement that Kirklees LPA felt the land could be remediated. They would not know because allocations in the Local Plan have not been assessed in great detail. It is for the planning process to prove that an allocation in a Local Plan is suitable for development and that development meets identified needs. Being an allocation in a Local Plan is not a guarantee that it is ultimately suitable for development.

We also understand from reading submitted reports that after the proposed remediation strategy, there should be a time lapse for settlement before any development activity commences. **In our view, this would appear to support a case that the Remediation of this site should be subject to a separate, and properly supported application, not contained within a housing development proposal.**

- **Drainage and Flood Risk**

We feel that the LLFA's personnel should re-examine drainage risks associated with the latest Remediation Strategy. A Risk Analysis is woefully lacking. Drilling investigations on the site have been limited and shallow in many cases. Potential underground water flows have not been thoroughly investigated it seems.

Again, we would point out, Yorkshire Water have made it perfectly clear in their letter to the Developer dated 22 September, 2022 that the combined sewer through Denby Dale cannot accept any surface water, yet the plans still describe 'exceedance' flows draining down the new site access onto Cumberworth Lane and into the existing drains. The fiasco surrounding the contamination and flooding problems generated by Wood Nook should not be repeated here.

Likewise, the capacity of the existing sewers to accept foul water appears to be in question in the same letter from Yorkshire Water. Access to the sewer is now on a 'first come, first served' basis. 34 houses are currently under construction off Barnsley Road, with another 27 in the detailed planning stage. These 61 houses will also be requiring sewer access at some point in the system in Denby Dale and would appear to be 'ahead' of this application. It seems new 'off site' provision will be required. The developer appears to be ignoring this real possibility.

The entire foul outflow from this development is planned to enter an existing sewer on Leak Hall Crescent. Does this sewer have the necessary capacity? What happens when it enters the main sewer on Wakefield Road?

Why have rainfall statistics been taken from Birchencliffe around 11 miles away when there's a National Weather Station at Emley? The latter will be far more representative of the rainfall in Denby Dale. Subsequently, it is likely the surface water volumes calculations will be understated.

Given the drainage and flooding problems currently experienced throughout the Dearne Valley, is it not time the Council, LLFA and Yorkshire Water start to demand the construction of totally new surface and foul water drainage systems both ON and OFF development sites? The existing old, creaking infra-structure was never designed to cope with what is now being demanded of it.

- **Contravention of Local Planning Policies**

In addition to other references in this response, we believe this application contravenes: -

LP21 – it does not provide a safe and suitable access/ It presents an unacceptable risk/impact on highway safety for all road users. The safest access is from Leak Hall Lane.

LP30 – does not support biodiversity and geodiversity. It delivers a net loss of -4.99 habitat units (a -34.75% net change)

LP33 and LP24 – in respect of tree protection. Plot 39 is nearly under the canopy of the protected tree.

LP36 – mineral extraction. The applicant is still proposing to open cast 4150 cu m of coal.

LP51, LP52 – excavation and the extensive drilling work proposed will cause increased and unacceptable levels of air and noise pollution for residents surrounding this site.

LP53 – unsuitable land. This is a very steep hill. Geotechnical Reports clearly show this site to be **high risk geotechnical area** caused by shallow mine workings, recorded mine entries, unrecorded mine entries, spontaneous combustion and moderate mine gas emissions.

LP63 – it delivers very little new public open space for the community at large.

We are sure many other contraventions will be noted by Planning Officers, not only of Local Policies but also those within the NPPF. We believe many claims made in the Planning Statement to be unreliable.

- **Creates More Harm than Benefit to the Local Community**

This proposal creates far more harm than benefit to the community, arising from the proposed access and increased traffic movements on an already busy and dangerous narrow lane plus risks from mining and other remediation activities. The latter negate any benefit that might arise from increased local spending claimed by the applicant. In fact, it is difficult to see any benefits at all.

We would also like to add that this section of the site HS144 is not needed. A 'windfall, brownfield site' in Skelmanthorpe at Greenside Mills has become available since the Local Plan exercise. This is now commenced and will deliver 46 houses.

We repeat, just because a piece of land is designated an 'allocation' in the Local Plan does not mean that it should automatically be accepted for development. Our legal advice has pointed out that it is for the detailed planning application process to demonstrate that it is suitable and safe for development and complies with both national and local planning policies. Clearly, this piece of land does not!

Given all the issues with this proposal, UDVET believes this portion of HS144 (if not all of it) should revert back to its original (and correct) UDP designation of Urban Green Space. It should then be enhanced with tree and shrub planting to increase its biodiversity value using 'fines' levied against the developments off Barnsley Road for failure to achieve a 'Biodiversity Net Gain' as required by local and national planning policies. We feel Kirklees Council and Denby Dale Parish Council should work with the landowner to direct and finance this work. It may be, given the changes to DFRA funding, that the landowner may also be able to claim payments for 'rewilding' – something which needs investigating further.

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We make further detailed comments and observations below: -

Design and Access Statement

- As stated above, we challenge the sustainability of this site and the assertions and claims made in this document. This development is planned on an area officially designated in both Geotechnical Reports as a '**High Risk Geotechnical Area**'.
- We believe the authors of this report were unaware or have ignored the remediation strategy proposal prior to any housing development. Therefore, the statements, claims and conclusions are incomplete and inaccurate. Consequently, this document should not be accepted by the LPA.
- We believe the road layout will not be acceptable as the LPA prefer a circular road layout so service vehicles (ie. refuse collection vehicles) do not have to make excessive reverse/3point turn movements. The road is very narrow and just one parked car is likely to cause access problems for RCVs.
- Why install gas boilers? Why not heat exchange/Solar provision now? New housing at this stage, should contain Eco friendly features.
- Many of these house types are still clearly UNSUITABLE for disabled or mobility impaired people and indeed families with young children being 2.5/3 storey and several appear to have 16/17 steps down the side of the property to the garden area below. In our view, this is a huge omission and, yet again, we see a lost opportunity. There is a considerable, unmet local need for bungalows/single storey homes for the elderly/mobility impaired. To see another green field and its trees and hedges disappear and an evident and urgent local housing need still not met, is unacceptable.

- There is still excessive use of ugly, close boarded fencing both within and around the site boundary. Surely, in line with KMC's green and 'carbon zero' policies, hedgerows and 'green fencing' should be required to produce a more environmentally friendly and improved aesthetic appearance. Close boarded fencing has a limited life span and soon looks in a poor state of repair, especially after winter gales. As shown this summer, it is also a fire risk – acting like 'touch paper' providing a fire route between and linking properties.
- The public bridleway/footpath will be reduced to a boarded tunnel.
- Similarly, we view the use of 'gabion baskets' unacceptable. They have a limited life span depending on the quality of basket galvanising (maximum longevity 40 years we have been informed) and liable to slippage if not properly locked and stepped or built on unstable ground which this site clearly is.
- To state that this development will have negligible effect on local traffic volumes and flows is utterly misleading. It sends traffic directly into the centre of Denby Dale via a highly constricted lane to a busy junction with the A636 which has poor visibility, particularly from the rhs owing to the 'rise' in ground levels and roads congested and narrowed by parked cars. Any additional vehicles in Denby Dale will exacerbate the existing traffic movement and parking issues prevalent throughout the village. The accident 'status' of the A636 is also changing to reflect the increasing number of traffic incidents. Traffic heading for South Yorkshire is likely to increase traffic flows through Upper Denby and along High Flats to the Penistone Road.
- We have included conservative estimates of traffic movements, based on the number of parking spaces provided in this proposal below under 'Traffic Assessment'. We also question the validity and reliability of the research and conclusions reached in the latter. It misrepresents the current situation and the experience of local residents.
- The scheme will not protect wildlife unless positive steps are taken to preserve and protect it prior to any development work commencing e.g., trapping hedgehogs. This should be a pre-start and monitored Condition for any permission related to this site

Observations on Plans/Drawings

- Given the steep hillside location, 2.5/3 storey houses will have an ugly, overbearing and domineering effect on the village and surrounding properties. At the time of the Local Plan development, it was stated that the Council wished to avoid developments on steep hillsides.
- Natural stone should be required, not a cheap artificial substitute.
- The house designs do not reflect traditional, Pennine architectural features despite claims to the contrary. Traditionally porches would be of stone not exposed timber beams. A current development in the area shows this far more effectively and perhaps this developer should take note.
- We believe the housing design still does not meet LP24.

- There is inadequate visitor parking provision. According to our calculations at **least 15** spaces (1 space for 4 houses) would be required to meet the current requirements in the KMC Highway Design Guide SPD, November 2019. We can only identify **11 spaces** at present.
- Contrary to Principles 5, 11 and 12 of the KMC Housebuilders Design Guide, there is considerable 'front of house parking', ugly integral garages or no garages at all. The street scene will be utterly dominated by rows of parked cars.
- We query the size of garages. They appear to be only 3m x 6m maximum overall width. Garage door entries rather narrower. The five most popular family cars last year were 5'11 in. wide and 14ft 1in long. Garage design allowances appear to have not kept up and width has remained at 6ft. 11in. Any driver needs more than 6in. to exit the side of a vehicle once inside the garage. A recent RAC Foundation Study found that 2/3 of people do not use their garage for the car, but for storage and this creates chaos on developments. Counting a garage as a 'parking' space appears to be totally over optimistic and doing so is likely to cause overspill onto estate roads/pavements. This is further exacerbated by the apparent lack of visitor parking. What happens when the 'work's van' comes home or a caravan/motorhome? **If garages are unusable, the developer cannot claim to have met the Authority's Highways Design Guide, Section 5.4 for parking spaces. The LPA should not be accepting inadequately sized garages for modern cars as 'parking space'.**
- There appears to be contradictory statements regarding parking space provision. The requirements set out in the Kirklees Highway Design Guide, November, 2019 require 3 parking spaces to be provided for 4+ bedroomed properties. This requires clarification from the applicant.

Access Road Safety Audit

Once again we repeat our comments on the first application such as our concerns about road safety.

- **The Audit Team appear to be unaware of the site remediation proposals and the serious safety implications of such a development have not been considered.**
- **It fails to assess the impact of the 16 consented dwellings given outline planning permission which will use an exit just below the one proposed – See Application No. 2019/60/93906/E. There now appears to be additional piece of land with outline pp for 10 dwellings on the south side of this site which has just come on the market.**
- Notwithstanding the above, serious issues have been rightly raised by the Audit Team which need resolution immediately.
- The proposals include a pedestrian crossing which would allow pedestrians to cross to avoid a section of Cumberworth Lane where there is no footway. The Road Safety Audit identifies the problem that there is limited visibility at the crossing point and pedestrians would be at risk when using the crossing. **The designer taken the view that at 43m there is sufficient visibility. This might possibly be appropriate within the development when applying the standards contained with the Manual for Streets. However, this section of Cumberworth Lane is outside the development and is part of the local road network linking local villages. A Stopping Sight Distance of 43m is well below the desirable minimum stopping distance for a road of this type.** The designer should demonstrate how he/she intends to

accommodate the crossing at an appropriate location within the scheme layout with a more appropriate level of visibility (including the restrictions caused by car parking).

- The Safety Audit appears to consider only cars. Fully loaded earth moving wagons from Peace Wood Quarry use Cumberworth Lane en route to Naylor's at Cawthorne. These types of vehicles require a far longer stopping distance. Having to make an emergency stop could lead to these trucks 'jack knifing' with disastrous results.
- The Road Safety Audit team also raised concerns regarding a section of Cumberworth Lane where there is no footway. This would be on the pedestrian route between the development and village centre. They took the view that this might lead to pedestrians stepping into the carriageway and into the path of oncoming vehicles and that a continuous footway should be provided. The designer's surprising response (particular in view of the Travel Plan aims) was that there would be few pedestrians, there would be an alternative route and that the safety risk would be 'minimal' – totally inconsistent with the Travel Plan supplied!!
- The designer and developer should be required to revise the proposed layout and demonstrate how a continuous footway can be provided **before** any decision is made. It certainly should NOT be a matter to be dealt with after any approval is given.
- **As it is, the access, fails to meet Para 115 (b) of the NPPF and LP21. It does not ensure the safety of all users.**

Transport Assessment

- Again, this document fails to consider the impact of the grouting and open cast mining remediation proposals and explain how heavy open cast plant and earth moving waggons are to access the site without endangering existing road users and pedestrians.
- A Transport Assessment which on its front cover, shows photographs which are truly unrepresentative and utterly misleading of the real day to day traffic conditions through Denby Dale, immediately casts doubt as to its reliability and credibility in the eyes of informed readers and local residents.
- Denby Dale and the Upper Dearne Valley is a car dependent area. The bus times shown do not represent a frequent bus service and journey times are often long. The bus routes are linear and interconnectivity is poor – fine if you happen to work along the route or in the terminus town centre. Apart from the Penistone Line which terminates in Sheffield City Centre (but only an hourly service), public transport does not serve the main areas of high value employment opportunities (eg. Leeds) which provide the salaries to support the expensive properties proposed. Car use is essential for most people of working age (and beyond).
- No 'Swept Path Analysis' has been provided to show that large construction vehicles and refuse vehicles can, in fact, safely turn right and left out of the proposed access road without causing a danger to oncoming traffic and pedestrians on the very narrow footway opposite the entrance.

- Given the width of Cumberworth Lane (5.5m) at the site access, we doubt two large vehicles would be able to safely pass. What happens when a bus meets a construction vehicle?
- We note that in order to create a new 2m footway up to the bridleway, excavation of the existing garden retaining wall surmounted by mature hedge is proposed. This may well affect the stability of the existing bungalow - the footprint of which is still not clearly or accurately shown on various plans. Has this risk been assessed? It could well render this house uninhabitable and uninsurable.
- ‘Crash Map’ statistics have proved unreliable for this area for years and do not reflect local experience. Many incidents are not reported or data remains unrecorded. This was pointed out at Local Plan hearings when it became evident incidents known to residents were not shown. Only recently, a very serious accident occurred demanding the attendance of the Yorkshire Air Ambulance.
- Section 3.2.6 of this Assessment tries to assert that traffic can access the M1 via Miller Hill and onward to the A635. To reach the Dodworth Roundabout using this route, cars have to travel via Barugh Green – a traffic blackspot where more traffic will be highly unwelcome. To all intents and purposes the A636 is the only main road through the Dearne Valley and the one used to access major places of employment in West Yorkshrie. This one road serves traffic flows in and out, passing through Denby Dale village, Scissett and Clayton West. It suffers from width constriction and extensive on-road parking, especially through Denby Dale and Scissett. This is the main access road to M1 Junctions 38 (south) and Junction 39 (via Calder Grove for north bound) and is very busy. The A636 is also used by increasing volumes of traffic from the Holme Valley area, again, because of building activity there. We feel the travel route suggestions made by the Consultants deliberately detract from existing problems, suggesting routes unlikely to be used in practice e.g., residents are extremely unlikely to access the M1 south bound via the Barnsley Road to the Dodworth roundabout as the route through Baraugh Green is difficult and constricted.
- The trip generation rates emanating from this development seem inaccurate and inconsistent with the number of parking spaces provided for housing within the development. There appears to be parking provision for 145 vehicles.

Therefore, assuming a very conservative 2 return journeys (ie.4 movements per vehicle)
 =145 x 4 = 580 movements per day
 =580 x 7 = **4060 movements per week minimum**

This conservative figure is far from ‘insignificant’ and does not include visitor traffic and deliveries. People will be using their cars for shopping and dropping off children at school as well as travelling to work.

- The computer modelled TRICS Data Analysis to achieve the quoted trip generation rates contains bias and inaccuracies which render the results of this analysis unreliable and unrepresentative. Selection of data and filters can be used to manipulate the results to show a lesser impact on local roads as the algorithms within them make certain assumptions about the number of people likely to travel by car and public transport. Both the primary and secondary filters are unrepresentative of Denby Dale. Examples are:-

The selected data source locations from around the country are mainly from established suburban areas or edge of town locations likely to be serviced by regular and frequent bus

and train services to places of employment. People in the selected areas are likely, therefore, to make more use of public transport. Because the algorithms within the programme will make this assumption, the outward/inward flow of vehicles at these selected locations will be less and, therefore, unrepresentative, irrelevant and inaccurate when applied to Denby Dale. Denby Dale is not a suburb of Huddersfield.

Selection of 'Edge of Town' and 'residential zone' filters when 'Freestanding' and 'village' are the accurate filters.

Using notoriously inaccurate 'manual count' data for 9 of the 11 data sets used.

Uneven 'selected survey days of the week' – why not an even distribution of data covering each day of the week.

Filters with a bias to higher levels of population inappropriate to the Denby Dale Parish Area (assumption built in about better availability and use of public transport).

Majority of data based on 1.1 to 1.5 car ownership within 5 miles. In reality, we believe it is closer to 1.6 to 2.0. This development is in a car dependent area.

- Yet again, the Junction Capacity Modelling Output contains notified system data errors linked to all its model runs because the road width is less than 6m and the user has not inputted a mix of vehicle types (only cars) which are clearly evident from the ATC Count. Even then the latter appears to exclude HGVs which regularly use Cumberworth Lane. Was the ATC set to exclude HGVs?

The modelling also fails to assess the impact of quarrying and construction vehicles using the site whilst under construction. It also fails to add the quarrying traffic from Peace Wood Quarry which is now proposed for extension. Quarry lorries used Cumberworth Lane en route to Cawthorne.

- UDVET have highlighted this type of computer modelling manipulation to the LPA/Highways (Planning) for a number of years. These reports should NOT be accepted. A truly independent contractor or the Highways Agency should be appointed to undertake genuine, accurate primary research and representative modelling where this is absolutely necessary.

Noise and Air Quality Assessments

- Again, the author of this document appears to be unaware of the proposed remediation work and open cast mining part of this application – something which will cause much noise, vibration and air pollution in Denby Dale. These reports need rewriting and the effects of the 'Remediation Strategy' comprehensively and accurately assessed and documented.

Tree Survey/Ecology/ Biodiversity Reports

- Again, the authors of these reports appear unaware of both the latest site plans and the remediation proposals which will effectively sweep away much if not all existing flora and fauna on the site, including, it appears, the TPO as grouting would have to be carried out very near tree roots in order support the houses in the vicinity of Plot 39 and surrounding area. Many trees have a life expectancy of 20+ years. This ransacking of our environment and wildlife habitats is totally unacceptable.

- It is pointed by the Consultant that *'the majority of the existing habitats on site would be lost to facilitate the proposed scheme, which has the potential to impact upon the integrity of the KWHN' (Section 5.1.5)*. It is suggested that the landscaping proposals will mitigate this loss. We consider that the landscaping suggested on latest plans, will in no way compensate for the loss of existing trees, hedgerows, vegetation and habitat. The landscaping features proposed are, in fact, very minimal in the context of the entire site.
- The Consultants make much of the retention of a 'wildlife corridor' and vegetation following the ditch at the northern edge of the development, but seem to be unaware of the latest site plans which clearly show the gardens of 4 properties impinging on this very ditch and likely to be subject to destruction/alteration by residents.
- The plans do show a small number of 'new' trees. However, many of these still appear to be within the gardens of proposed residential properties. We have been informed by a local tree expert that when trees are specified in this way, 90% of new residents refuse to allow them to be planted. KMC Guidance favours tree lined streets and greenery to avoid this problem.
- A number of trees have already been damaged owing to the activities of the builder of the 6 new houses off Leak Hall Crescent who, we believe, has excavated ground and refilled it with building waste from that lower site. We note this fill has been identified as 'non-engineered fill' in the Geotechnical Reports. This will need to be removed from site.
- Precautionary working methods to ensure species such as hedgehogs, badgers, birds, bats and other wildlife appear to be missing. The Consultant has made some recommendations but there's no evidence at present these have been incorporated in work plans.

Other Comments:

- **We note that the Community Involvement Statement and Planning Statement note that due to viability, no affordable homes can be provided, yet the new site plans show 12 affordable homes (albeit very small). Is this a careless 'copy over' mistake? The matter needs clarification as the submission of a Viability Report is also indicated.**
- In the light of the large number of developments under way in the Dearne Valley (See below), there is an urgent need for the Planners and Planning Committees to see the bigger picture. A total Impact Statement upon the Dearne Valley is desperately needed.
- We already have an education 'progression block' in the 3-tier system existing in the valley in that Scissett Middle School and Shelley College are absolutely full. We are delighted to note that finally, Kirklees Education Department has acknowledged these facts and are requiring a total contribution of £97,444 from the developer.
- To illustrate the scale of the demand on the local education provision in addition to this proposal, currently under construction at present, or at an advanced planning approval stage, are:

61 Houses on 2 sites around Inkerman Court, Barnsley Road, Denby Dale (reflects latest application from Strata Homes)

190 Houses, Cumberworth Road, Skelmanthorpe
44 houses in total off Station Road, Skelmanthorpe
46 houses. Greenside Mills, Saville Road, Skelmanthorpe
200 houses, off Pilling Lane, Scissett (now on final phase)

- Asking developers to make no 'educational' payment for Denby Dale First School makes no sense in view of the volume of housing downstream – newly built provision will be needed and should be planned now.
- Medical services are over-stretched and struggling to cope. In the case of Denby Dale, the doctors' surgery is a satellite practice operating from Skelmanthorpe Health Centre. To serve these communities, the Medical Centre has 4 FT doctors + 1 long standing vacancy, partly covered by Locums who tend to move on quickly. The Centre is already grossly over-subscribed and waiting times for an appointment are a source of continual complaint within the community – 3 weeks is not uncommon we understand.

Upper Dearne Valley Environmental Trust

9 April, 2025