

Address: 8 Leak Hall Crescent Huddersfield HD88RZ

### About the application

Application number: 2024/62/93458/e	
What is the application for?:	Erection of residential development for 62 dwellings including grouting remedial
Address of the site or building:	land at, Cliff Hill, Denby Dale, Huddersfield, HD8
Postcode:	YO1 0LT

### User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	No
<p>Addendum to my initial objection (reference 108291) as it has not been possible to copy over same.</p> <p>Objection to Planning Application 2024/93458 I also strongly object to the above planning application on the following grounds:</p> <p>Legal Obligation to Undertake Risk Assessment:</p> <p>Under the Management of Health and Safety at Work Regulations 1999, employers are under a clear duty to conduct a suitable and sufficient risk assessment of any work that may impact employees and members of the public (Regulation 3). This is reinforced by the Health and Safety at Work etc. Act 1974, notably:</p> <ul style="list-style-type: none"><li>• Section 2(1) – Duty to protect employees</li><li>• Section 3(1) – Duty to protect people not in employment, including the general public.</li></ul> <p>These duties apply explicitly to hazardous work like opencast mining, especially when sited in or near populated areas.</p> <p>A risk assessment must be based on credible evidence and follow the five key steps:</p> <ol style="list-style-type: none"><li>1. Identify hazards</li><li>2. Identify who may be harmed</li><li>3. Evaluate the risk and implement controls</li><li>4. Record findings</li><li>5. Review and revise as necessary</li></ol> <p>And must apply the test of “so far as is reasonably practicable” - weighing the level of risk against the cost, time and trouble of mitigating it. In this case, the known serious health impacts demand comprehensive mitigation — anything less is a breach of duty.</p> <p>English law uses three forms of knowledge to determine whether a risk is foreseeable:</p> <ul style="list-style-type: none"><li>• Expert knowledge, medical, toxicological, and environmental sciences</li></ul>	

- Expert knowledge: medical, toxicological, and environmental science
- Industry knowledge: what the sector already knows about the hazard
- Public knowledge: awareness of risks and public perception

All three categories confirm that opencast mining poses a serious threat to health, with supporting data below.

## Documented Health Effects of Opencast Mining

### A. Respiratory Illnesses (Silicosis, COPD, Asthma)

- Crystalline silica dust is common in mining environments and is a Group 1 carcinogen (IARC classification).

• The UK Health and Safety Executive (HSE) confirms silicosis is caused by long-term exposure to respirable crystalline silica:

"Chronic exposure can lead to permanent lung damage, COPD and silicosis."

– HSE: Silica Dust HSE Silica Dust Guide

- A systematic review published in Occupational and Environmental Medicine (BMJ) confirms elevated rates of COPD and respiratory issues in surface coal miners:

"Significant associations found between opencast mining dust exposure and chronic bronchitis, obstructive lung diseases and impaired lung function."

### B. Lung Cancer

- The International Agency for Research on Cancer (IARC) classifies both diesel engine exhaust and crystalline silica as Group 1 carcinogens:

"There is sufficient evidence in humans for the carcinogenicity of inhaled crystalline silica in the form of quartz or cristobalite."

– IARC Monograph Volume 100C, 2012

### IARC Silica Review

- The British Occupational Hygiene Society (BOHS) and HSE state that long-term mining exposure increases risk of lung cancer due to diesel particulates and silica.

### C. Cardiovascular Disease

- Studies show elevated risk of cardiovascular conditions near opencast sites due to exposure to PM2.5 and PM10 particles.

- The Committee on the Medical Effects of Air Pollutants (COMEAP) notes:

"There is robust evidence that exposure to fine particulate matter contributes to an increased risk of heart attack, stroke, and premature death."

### D. Mental Health and Wellbeing

- Residents living near surface mines experience increased stress, poor sleep, and reduced quality of life.

- A study published in Public Health noted:

"Residents reported increased symptoms of anxiety, depression, and sleep disturbances associated with proximity to opencast mining."

### E. Impact on Children

- Children are particularly vulnerable to air pollution, with evidence of impaired lung development and increased asthma in areas near surface mining sites.

- Studies published in Thorax and Environmental Research have linked PM10 levels from mining sites to increased hospital admissions for respiratory conditions in children. Denby Dale First & Nursery School is located < 1 mile from the proposed works.

## Industry Guidance and Public Precedent

- HSE's publication "Controlling Exposure to Dust" (HSG103) provides controls for the

industry and acknowledges the inherent health risks.

- Cases such as the Ffos-y-Fran mine <https://www.bbc.co.uk/news/uk-wales-67564413> in Wales and Druridge Bay <https://www.bbc.co.uk/news/uk-england-tyne-54078944> in Northumberland have highlighted significant public opposition, health-based objections, and legal scrutiny of surface mining close to communities.

To proceed with opencast mining in or near a public area without a comprehensive, documented risk assessment is a clear breach of both Regulation 3 of the Management of Health and Safety at Work Regulations 1999 & Sections 2 and 3 of the Health and Safety at Work etc. Act 1974. The health risks are not theoretical they are well-documented, widely recognised by experts, and understood by the public. Therefore, any failure to act on them is legally and morally indefensible.

In conclusion, this proposal presents unacceptable risks to the environment, public health, and the quality of life of local residents. The incomplete risk assessment fails to identify all potential hazards and does not provide satisfactory control measures to ensure risks are minimised as far as reasonably practicable. This raises serious safety concerns and demonstrates a lack of due diligence. Additionally, the absence of a clear and enforceable timescale means this disruption could persist indefinitely, making it impossible for affected communities to plan their future. Furthermore, the traffic, pollution, and environmental concerns far outweigh any perceived benefits of the development.

perceived benefits of the development. I urge Kirklees Council to reject this application in its entirety due to its harmful consequences and failure to align with local and national planning priorities.