Objection to planning application 2024/62/93458/E

I strongly object to the proposed development of 62 new houses on Cliffe Hill, Cumberworth lane

The previous planning application for this site (2023/62/92192/E) has been rejected twice by Kirklees Planning Committee as not suitable. This new application is being submitted with no new supporting information than the previous rejected one. There are no new consultee responses apart from 1 ecology Biodiversity Net Gain (BNG) report – which confirms that the proposed develop will actually lead to a **habitat net loss** - which goes against Schedule 7A of the Town and Country Planning Act 1990 which requires all developments to deliver a biodiversity net gain on site .

New planning applications should have to provide new surveys - traffic, ecology, and new supporting information not reuse old out of date documentation from previous rejected planning applications.

The applicant has tried to compare 2 nearby developments as reason to approving this one – however neither of those sites contained un mined coal .

The 32 supporting information documents on the Kirklees planning portal are out of date going back 2+ years , they incorrectly refer to the client as Urban Developments – who have gone into liquidation – these should not be allowed to be re used .

Key reasons for my objections are:

1. Open Cast Coal Mining – disguised as grouting and land remediation.
2. Unsafe site access and traffic.
3. Noise and Air Quality assessments make no provisions for the impact on residents from the major coal mining and grouting works.
4. Existing flooding issues
5. Health and Safety risks to the public

See Detail below.

1 Open Cast Coal mining - the planning application is proposed to remove 6000 tonnes of coal that are within the proposed site in 2 existing coal seams. The deeper of the coal seams is close to 39 feet in places. It also proposed to drill and grout 500+ deep holes to pump concrete into the hillside.

The remediation report does not give sufficient information to be assessed properly, the developer's reports are vague stating that grouting will be required to the deeper coal seam however **6000 tonnes (4400m3) of coal will still need to be removed.**

If the land cannot be developed without resorting to coal extraction and the risks to the environment associated with it, then it is submitted that the land is **not fit for development**. There is no overwhelming community benefit in coal extraction at this site, and it does not accord with the government's objectives or targets in relation to the environment and use of green energy. In the Local Plan there is a presumption the environment and use of green energy. In the Local Plan there is a presumption against developments identified as being at risk of instability or where there is evidence of contamination (e.g. by methane gases present in coal seams) which could cause harm to people or the environment.

There is no mention on how the coal will be extracted, cleaned and stored on site - clearly there are significant health, safety and environmental risks associated with this as well as contamination and pollution risks that need addressing before any approval is granted.

The proposed removal of 6000 tonnes of coal equates to approx. 370 number heavy tipper lorries (in and 370 HGV tipper trucks movements out of the site- that's **740 heavy trucks driving through Denby Dale and the surrounding villages**. This number of heavy goods lorry movements will be significantly increased further by the importing of soil to backfill the volumes of coal removed - this could be another **740+ lorries** movements.

What road route are the 1480+ heavy goods vehicles (35 tonne) muck shifting lorries going to use for access to and from the site? There is no mention of where this contaminated waste/coal material be disposed of.

The grouting of 500+ deep bore holes up to 20m deep across the site will require **hundreds of concrete lorries to supply the concrete grout for pumping into the ground**, further adding to the heavy lorry disruption to residents and the wider road network. Again, like the coal removal the developers have failed to disclose the route into and out from the site to carry out this major operation.

2 Unsafe Access and Traffic

The location for entry and exit to the proposed development on Cumberworth Lane is in the worst possible location for the following reasons:

- It is at a point where the road narrows by the Methodist Church.
- The footpath at this location is very narrow only 0.9m wide, not enabling anyone to walk side by side, including those with young children, wheelchair users, parents with prams - there is only footpath on one side of the road at this point.
- Parking by residents below this point means that larger traffic, including buses, lorries, farm vehicles tractors often must wait to pass. There is insufficient space on this narrow road for 2 large vehicles to pass safely. HGV's have been witnessed driving onto the narrow pavement to pass other vehicles.
- Visibility splays at this location are poor up hill and down the hill towards the White Hart Pub.
- Large vehicles will have to swing out into the oncoming traffic to turn in and out of proposed development.
- Traffic surveys undertaken have confirmed that average speeds of traffic coming south down the hill towards the White Hart exceed the 30-mph speed limit - average speed was 34.8mph.
- I disagree strongly with their assessment that Cumberworth Lane is a lightly traffic'd road – road traffic has increased significantly since the last traffic survey was undertaken
- The traffic survey was done over 2 years ago (July 23) and HGV traffic in that time has increased by over 50% - many more HGV's from Barden transport yard located on coal pit lane and the Shepley Spring water HGVs that now seem to use Cumberworth Lane on a daily basis.
- There are significant level differences from Cumberworth Lane to the proposed site access road with a steep incline approaching 2m - there is a risk of cars exiting site in poor weather sliding out into the oncoming traffic. This steep incline will also pose serious risks to pedestrians, young children, pram users and wheelchair users ending up in the busy road.

- The issues with this location extent beyond the immediate vicinity, all the way down to Wakefield Road, largely due to poor visibility and the narrowing of Wakefield Road on this corner.
- In summary the scheme does not currently meet the standards of (see 2.2.2 of Transport Assessment) National Planning Policy Framework (NPPF) para 110, in that neither 'safe and suitable access to the site can be achieved for all users' or Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

3 Noise Assessment [id 1001759]

The planning application **does not consider the noise or vibration potential impacts of the Coal mining and grouting operations ahead of the actual construction of the project on the surrounding existing residents during construction**. Without this information the residents in the community are unable to fully understand the extent of the potential impacts of the coal mining phase of the development. There is no mitigation of potential impacts during construction to ensure that any potentially significant effects are controlled and mitigated. This is particularly important during the grouting and the extraction and exportation of 6000 tonnes of coal. Furthermore, the lack of assessment means that residents are unable to fully comment on the proposals. Therefore, the application should not be determined until this information is available and the residents of Denby Dale have been fully consulted.

3 Air Quality [id 1001751]

Air Quality Assessment The report states that (in 1.4):

Kirklees Council has adopted the West Yorkshire Low Emissions Strategy (WYLES) Group technical planning guidance on Air Quality and Emissions (WYLES Group, 2016). The proposed development includes 62 residential dwellings and will generate more than 100 two vehicle movements a day . Using the criteria stated in Table 1 of the guidance and 'Other' (detailed in the footnote of Table 1), the proposed development can be classified as a 'medium' development, and therefore, does not require a construction dust risk assessment and an emissions damage costs calculation to be undertaken.

However, It does not consider the air quality potential impacts of the Coal mining and grouting operations ahead of the actual construction of the project on the surrounding existing residents during construction. No impact has been done on the 1000's of lorries that would be required for the grouting, coal mining and back filling of the site – that before the housing development works even start. What is the impact on the wider community, residents/villages along the roads used by these 1000's of HGV vehicles ?

While this is understood, given that the development includes 6000 tonnes of coal extraction, significant ground grouting 500+ boreholes, with the potential for contaminated land, directly adjacent to residential properties, would it not be prudent to ensure that the community understands the risks; and that suitable mitigation is included within planning application to ensure that the community feels confident that the site will properly controlled and managed to protect human health from the potential harmful effects of dust/contamination.

I would urge that that dust during remediation works should be a material consideration and impacts should also be considered in conjunction with other consented developments for construction air quality.

4. Flooding

There is already historic issues with flooding on the surface water system downstream from the site by Wakefield Road which Kirklees are aware of. Any new development will exasperate this flooding.

Previous development of 6 new houses Springfield Gardens on leak Hall Road utilised grouting techniques and this caused significant ground water flooding issues to neighbouring properties and caused structural damage to a retaining wall due to the altering of the ground water pathways.

This proposed development of 62 house is proposing to drill in excess of 500 number 20m deep grout holes – there is no mention on what impact this will have on the grounds natural ability to drain away ground water safely. The developers have indicated that over 1650 tonnes of grout will be pumped into the steep site,

This significant grouting will cause the ground to become impermeable which will reduce the ability for rain water to drain away and increase surface water run off. This will have an impact on the size of the storm water retention tank that is proposed – this will need to be much larger in volume and size.

5. Health and Safety - Risk to public

The new development drawings show 2 new pedestrian connections from the new site directly onto the public footpath (PROW DEN/61/10) – this footpath/right of way is unlit and these 2 access points could lead to risks to personal safety as the connections will be blind onto the footpath, high potential for crime risk and anti-social behaviour.

One of the proposed new pedestrian access points states that there are steps needed due to level differences - how is this suitable for less abled persons , families with prams ?