
From: Cllr Tim Bamford <Tim.Bamford@kirklees.gov.uk>

Sent: 17 June 2025 11:33

Subject: Cliff Hill, Denby Dale 2024/93458

Dear Sirs,

I hope this email finds you well.

I am writing in relation to the deferred planning application at Cliff Hill, Denby Dale, where Members agreed to defer the decision to allow time to draft a Section 106 agreement concerning the disposal of incidental coal and historic underground workings.

While I welcome the intent to control the use of this material — particularly preventing commercial gain or burning — the current approach to the 106 agreement is fundamentally flawed and misdirected.

Firstly, the applicant's claim that the coal is "inert" is inaccurate and misleading. Coal is not inert and suggesting otherwise risks downplaying the environmental and safety implications of disturbing and disposing of this material.

The agreement, as currently framed, also fails to address the key concerns raised by local residents, particularly those whose properties border the site. The real issues here are the depth of excavation on a steep hillside and the risk of destabilising surrounding homes. These concerns are serious, and any development must be based on a full understanding of the ground conditions.

At present, the applicant has not undertaken a full intrusive site investigation and therefore cannot even provide a detailed description of the proposed works. It is wholly inappropriate to proceed without this information.

To protect local residents and ensure a responsible approach to development, the Section 106 agreement must include:

1. A comprehensive and independently reviewed intrusive site investigation, to be completed prior to any works commencing.
2. A detailed excavation and management plan, clearly setting out the scope, methodology, and monitoring of the proposed works.
3. Conditions for real-time monitoring and mitigation measures, in the event that excavation poses risks to neighbouring homes or land stability.
4. A requirement to specify and approve the disposal site(s) for the extracted coal — to ensure it is handled safely and lawfully, and to provide transparency for the local community.

Furthermore, I must express my deep concern about the Council's recommendation to approve this application, when a near-identical scheme was refused and is currently subject to appeal. This lack of consistency undermines public confidence and weakens our position in defending the refusal. If the Council believes the previous application should be defended at appeal, it cannot now support a materially similar proposal. The message this sends is contradictory and erodes trust in the planning process.

I urge the planning authority to reconsider its recommendation, revise the 106 agreement to reflect the real and legitimate concerns of residents, and ensure no decision is taken until all necessary investigations and protections are in place.

Kind Regards

Tim

Tim Bamford
Kirklees Councillor for the Denby Dale Ward

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