18c The Maltings, Gynn Lane, Honley, HD9 6LF

30th June 2025

Chief Planning Officer

Planning, Development and Regeneration Service

Kirklees Council

HD1 2JR

Dear Sir,

Planning Application REF 2025/91370

1. I am responding to your invitation to offer a response to an outline application for the building of up 50 houses on land at Gynn Lane, Ref 2025/91370

2. While I do not oppose a sensitive development of the land at Gynn Lane, I wish to object strongly to the scale and nature of the proposed development on two grounds which I believe are material planning considerations.

3. These are:

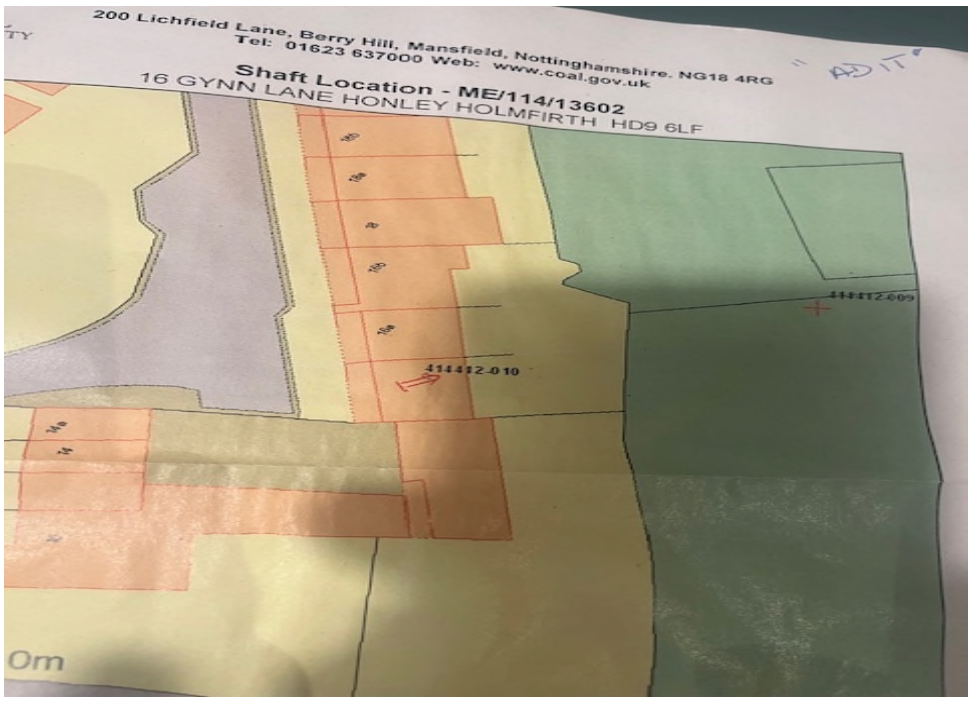
(a) **Risk from existing coal and mine workings**. The proposed development is located in a Coal Mining High Risk Development Area. Exploratory Ground works which disturbed ochrous mine water in an adit on the N/W boundary of development site flooded my property and that of neighbours. There are currently no safeguards to prevent this happening during and after any proposed development. The groundworks also failed to locate and survey a mine shaft and mine adit which run within a zone of influence from potential site disturbance which may put at risk existing residential development on Gynn Lane.

(b) **Irreversible damage to a designated heritage asset.** Aspects of the proposed development are in direct and open contradiction to the advice the Council received in an independent heritage impact assessment report from Farrell and Clark about the potential damage to an historic asset of "considerable significance". The proposal also ignores a strong objection from Historic England made in 2019.

4. I set out below detailed evidence for both of these considerations. I would be happy to expand on this evidence, should you or the Committee wish to know more.

5. Risk to existing property from mine workings

- **The National Planning Policy Framework** (2024) says that every new development should be "made safe for its lifetime, without increasing flood risk elsewhere…taking into account all sources of flood risk" (paras 170-172)
- **The Lithos Geoenvironmental Appraisal** (Rept 4749/2 Sept 2024) says that a mine adit adjacent to properties on Gynn Lane "was found to contain ochrous mine water which flooded adjacent properties c60m to the west during drilling".
- It explains, "the orientation of the adit across the site is unknown" and the "flow path and connectivity between the adit and surface water drainage is unknown…it is currently unclear whether the adit could "pose a risk to surface stability along its line" and that "further investigation of the adit will be difficult" and "may pose a high risk of damaging adjacent properties".
- The Lithos report offers suggestions about safeguarding the stability of the new development, but offers no directions for remediation to protect existing properties from flood damage through disrupting unrecorded and unknown deep water drainage systems.
- To comply with national planning guidance para 181 "local planning authorities should ensure that flood risk is not increased elsewhere" There is clearly flood risk from existing mine workings, because flooding has occurred during ground work investigations. Lithos have shown it is not possible to properly and accurately determine the risk to adjacent properties which might be posed by development over the mine adit and shaft discovered on the N/W of the site. To prevent risk of serious further damage to existing housing planning permission should be removed for the part of the development (units 3-8 of the 50 proposed) which is set on the N/W boundary of the site.
- The Lithos report also notes "a mine entry is also recorded by The Coal Authority in the west of the site… but this was not encountered during the search" I enclose a photograph of the the Coal Authority map showing the site of the mine shaft which the search failed to locate. You will see that the shaft is within 10m of the proposed development site and connected to an adit that sits underneath existing adjacent properties in Gynn Lane.



- The “Guidance for Planning Developments in Areas of abandoned Mines” says “mine shafts generally have a zone of influence of 20m radius and no development should take place within this zone even after remediation… mine entries have the potential to collapse causing potential risk to the public… the risk is increased with shallow mine workings classified as less than 50m below ground level.” Lithos estimates the mine shaft it investigated is between 17.1 and 18.3 m deep. In its guidance in 2019 during the previous planning application the Coal Authority said, “building in close proximity to mine entries should be avoided, even after they have been capped” and that “appropriate zones of influence” must be stablished. The mine entry is clearly linked to the adit lying underneath existing property. Any disturbance caused by ground workings for new developments could have serious impact on existing property. Again, the best and safest mitigation against damaging existing property is to remove that part of the development within a potential zone of influence on the N/W edge of the site in this case units 5-11 of the proposed plan.

6. Lasting and unmitigated damage to a significant historic asset

- Kirklees Council as part of its “Statement in Pre-Submission”, determined that “a heritage impact assessment was required for this site to determine the implications of site and layout”
- Farrell and Clark were appointed as independent consultants. They identified the historic importance of the two weaver’s cottages at 30-32 Gynn Lane, and said, “they are an important part of our heritage (and) …require protection as part of our industrial past”. But they also made clear that Ludhill Dyke and the “ancient woodland” are of “considerable significance”, and that part of the proposed development site is of moderate significance and the agricultural nature of that part of the land should be retained. I quote directly from the report below:

- Para 5.2 **Stream and woodland adjacent to Gynn Lane and the asset: Considerable significance –** This strip of land has considerable significance to the historic asset as the stream would have been essential in the operational activities of the weavers and the woodland forms the historic approach and view of the asset. Loss of this stream and adjacent, ancient woodland land would cause significant harm to the asset and this area should be retained as existing “
  - Para 6.2. The areas of the site that have been identified as having moderate significance are important to the significance of the asset and require assessment with the assumption that any harm will be less than substantial. This area of open land has been identified as having moderate significance as the agricultural land forms a historic view of the asset. In order to mitigate the harm to the asset this area either needs to be retained as open land or the tree belt retained and the design of the development is carefully considered to ensure that the agricultural nature of the land is retained. This may be achieved by having low density housing in this area set back from the boundary in larger size plots

    - The recommendations are set out in diagrammatic form as follows:

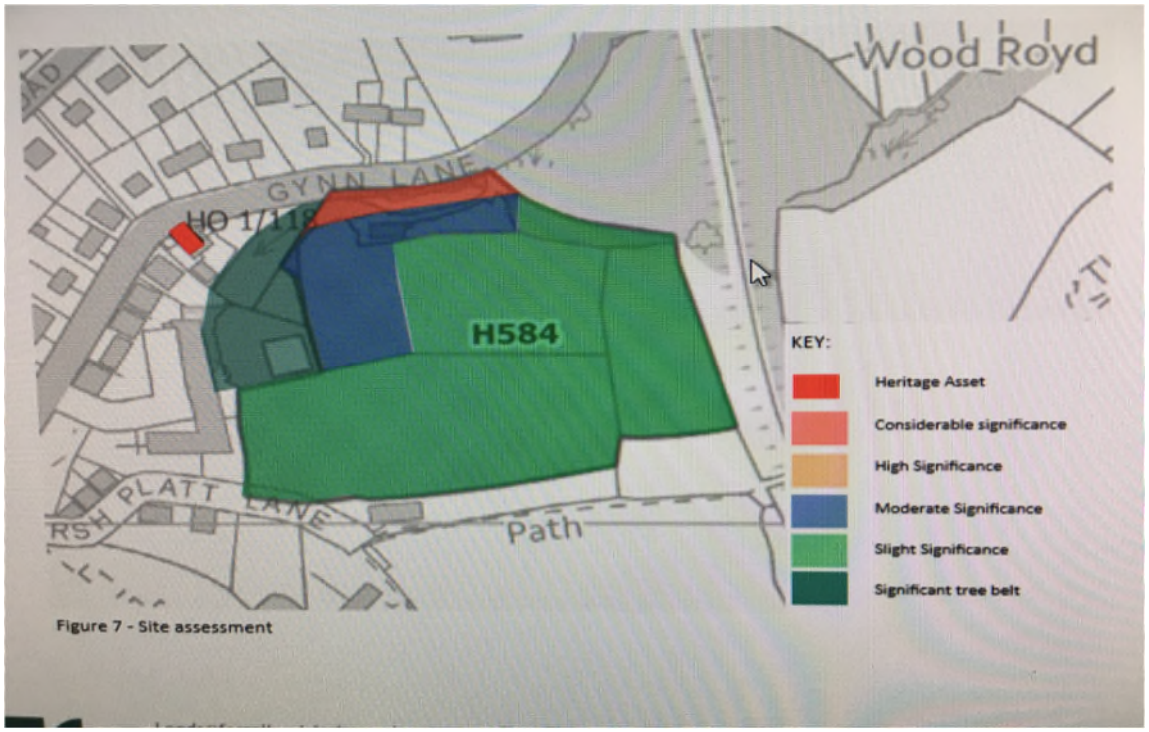


Figure 7 - Site assessment

- This report commissioned by Kirklees Council has one critical implication for the proposed site layout. Comparing the proposed development to the recommendations set out above, which aim to help protect the heritage asset, it is clear that there are 8 properties (numbers 1-8) on the area designated as of moderate significance. In my view this does not maintain the setting of the heritage asset by preserving the agricultural nature of this section of the land. This demonstrates that 50 houses cannot be accommodated on the site if harm to the heritage asset is to be less than substantial



- I would ask you to consider the partial and in some cases, inaccurate report prepared for the developer, which contradicts the independent report produced for the Council, alongside that report. I would also you to note the inaccuracy in the Vivily Design and Access Statement which denies any connection between the land being proposed for development and the historic asset. In short ignoring the case made by Farrell and Clark. These points were made in 2019 by Historic England who said, that if the site is approved for development then the "North West corner of the site should be kept free from dwellings". Again, this refers to units 1-8 on the plan.

7. I apologise for adding such a long statement to an already large set of documentation. But as a resident I think it is important to air my concerns and ask for mitigation.

8. In summary:

- I do not oppose this land being used for safe and sustainable development, butI firmly oppose this development proposal because it is not safe or sustainable
- I object on two material planning considerations.
- First, that the plans fail to identify and clear and practical steps to reduce the high levels of risk to existing property through development which affects existing mine workings. Disturbance of these workings have already flooded local properties, and the precarious nature of these mine workings prevent a proper assessment of risk. In this instance that part of the development which may contribute to the risk, should be removed from the plan.
- Second, the application shows complete disregard for clear and unambiguous independent advice about the protection and preservation of a heritage asset of "considerable significance", and proposes development which flouts advice about preserving and protecting a heritage asset of moderate significance.
- Both material planning objections point to a site which is at risk of over development, and cannot and should not sustain 50 houses. A more sensitive and appropriate development would reduce flood risk from mine workings and risk of potential damage from mine subsidence, and preserve a heritage asset of considerable significance, which once lost cannot be reclaimed.
- Both objections could be met by taking out the 11 houses on the N/W border of the site. This would enable a substantial site development and local benefit, without contravening national planning guidance through failure to protect existing housing from risk.