

## **OBJECTION LETTER – PLANNING APPLICATION 2025/92776**

**To:** Planning Department, Kirklees Council

**Application No.:** 2025/92776

**Site:** Land at Eastfield, Shepley

**Date:** 18<sup>th</sup> November 2025

Address: 22 Eastfield, Shepley, Huddersfield, HD8 8HB

**Subject: Formal Objection to Planning Application 2025/92776**

Dear Sir/Madam,

I wish to register my strong objection to the above application for residential development at Eastfield, Shepley. The proposal presents serious, unmitigable and irreversible risks to public health, groundwater protection, highway safety, local amenity, ecology, and the local economy. It also contains significant inaccuracies and omissions which undermine its soundness.

For the reasons set out below, I respectfully request that Kirklees Council refuse this application.

### **1. Unacceptable and Unmitigable Hydrogeological Risk (SPZ1)**

A substantial area of the site lies within Source Protection Zone 1 (SPZ1) of Shepley Spring Ltd's licensed drinking-water abstraction. SPZ1 represents the highest-risk groundwater protection category, where contamination may reach the boreholes within 50 days.

The Technical Hydrogeological Memorandum submitted by Shepley Spring Ltd (6 Nov 2025) concludes that:

- The applicant has submitted only a Tier 1 desk-based HIA, which is wholly inadequate for SPZ1.
- No site-specific data has been collected: no borehole logs, no groundwater level monitoring, no aquifer testing, no numerical groundwater flow modelling, no contaminant transport modelling.
- The fractured Pennine Coal Measures aquifer beneath the site provides minimal natural attenuation, meaning pollution would be effectively permanent.
- Contamination would require immediate cessation of bottling, stock recall, loss of contracts, and likely permanent closure of a major employer.

The hydrogeologist concludes that the principle of development cannot be established without a full Tier 3 / DQRA approved by the Environment Agency.

Granting outline permission would therefore be premature, unsafe, and contrary to: NPPF para 183 (preventing unacceptable water pollution), Kirklees Local Plan Policy LP34 (water environment), LP52 (pollution control), and EA Groundwater Protection Policies N7 and N8.

## **2. Banks Group's Mitigation Claims are Scientifically Invalid**

Banks Group argue that groundwater risk is low because contamination sources are limited, the spring may abstract from a deeper aquifer, SUDS features will manage risk, and previous development within the wider SPZ supports their case.

### **These statements are technically unsound.**

2.1 SPZ1 is mapped because shallow groundwater feeds the abstraction. If the spring drew solely from deep strata, SPZ1 would not be present at all.

2.2 Development itself introduces contamination pathways.

Groundworks, services trenches, footings, accidental spillages, and SUDS infiltration create new pathways into the aquifer.

2.3 SUDS systems are wholly inappropriate in SPZ1. Swales, ponds, soakaways and infiltration features increase risk, not reduce it.

2.4 Precedent cannot justify cumulative risk. Groundwater vulnerability does not diminish because another development exists nearby.

Banks have not demonstrated zero-risk, which is the only acceptable threshold in SPZ1.

### 3. Severe Economic and Public Health Implications – Shepley Spring Ltd

Shepley Spring Ltd is a major local employer and the UK's largest independent water bottler. They operate under strict Natural Mineral Water and Food Safety regulations, requiring absolute purity of source.

Contamination, or even a minor chemical alteration would result in immediate production shutdown, product recall, loss of retailer contracts, reputational damage, and economic collapse of the business.

This is a material planning consideration of significant importance to the community and the wider region.

### **4. Highways Impact – Including Harmful One-Way System**

The introduction of a one-way system through existing residential streets is unjustified, unsupported by modelling, harmful to residents, likely to worsen congestion, detrimental to emergency and service vehicle access, and disruptive to long-standing traffic patterns.

This is contrary to Local Plan policy requirements for safe and suitable access.

## 5. Misrepresentation by Omission: Unlawful Vehicular Use of a Footpath Not Declared by the Applicant

The application does not claim that a vehicular access exists through the woodland on the northern/eastern boundary. However, local evidence shows that the current landowner is regularly using this public footpath to access the adjacent fields with agricultural machinery, including tractors and harvesting vehicles.

This raises several planning and legal concerns:

### **The route is legally a public footpath only.**

The Definitive Map confirms this is a footpath, not a bridleway, restricted byway or vehicular track.

By law, footpaths permit pedestrian access only, not motorised vehicles of any kind.

### **The landowner's vehicular use appears to be unlawful.**

The ongoing use of agricultural machinery over a public footpath is likely to constitute:

- unauthorised use of a public right of way
- a highways offence
- damage to the woodland environment
- a material change of use without planning consent
- intensification of an access that does not lawfully exist

### **The application fails to disclose this material fact.**

The applicant omits any mention of this activity, despite the fact that:

- the route is visibly being used as an access track, and
- the condition of the footpath and woodland shows clear vehicular damage.

This omission is significant because:

- it affects the understanding of existing access patterns
- it raises questions about the legality of current land use
- it implies a potential intention to formalise or intensify this unlawful access in future
- it affects the assessment of PROW, ecology, highways safety, and amenity impact

**The LPA cannot ignore or assume lawful access rights.**

Because the existing vehicular use is unlawful, any future development:

- cannot rely on this route for construction, emergency access, or connectivity
- cannot obtain planning consent based on an access that does not legally exist
- would require a separate PROW Diversion or Modification Order, which is unlikely to be approved in woodland or SPZ1 land

**Conclusion**

The application is materially incomplete because it fails to disclose that the landowner is using a public footpath for vehicular access without lawful rights. This must be investigated by Highways and the PROW team before any planning determination is made.

**6. The “Grey Belt” Argument Is Not a Valid Planning Justification**

The applicant relies on the political term “grey belt” to suggest reduced Green Belt protection. This term has no basis in the NPPF or the Kirklees Local Plan.

Green Belt cannot be reclassified through a planning application, and the site continues to perform multiple Green Belt functions: safeguarding countryside from encroachment, preventing sprawl, preserving openness, and maintaining settlement identity.

The argument carries no policy weight.

## **7. Absence of Any Plan for Relocation or Clearance of Overhead Power Lines**

The application does not explain how the existing overhead power lines crossing the site will be diverted, removed, or made safe. There is no evidence of consultation with National Grid or Northern Powergrid, no confirmed easements or wayleave agreements, and no assessment of EMF or statutory clearance distances.

This is a major omission and renders the application technically unsound.

## **8. Drainage and Ecology Concerns**

The proposal introduces open swales, ponds and culvert alterations that are wholly unsuitable within SPZ1. They increase infiltration risk, threaten the aquifer, and undermine biodiversity and woodland root protection.

This conflicts with Local Plan Policy LP30 (biodiversity).

## **9. Policy Conflicts**

The application is in conflict with the following adopted policies:

- LP34 – Water Environment
- LP52 – Pollution Control
- LP24 – Design and Amenity
- LP30 – Biodiversity

It also conflicts with the NPPF (2024) paras 174, 183, 188, 196 and Environment Agency Groundwater Protection Position Statements N7 and N8.

## **10. Request for Determination**

For the reasons above, I respectfully request the Council refuse planning application 2025/92776 in full.

Should the LPA consider otherwise, determination must be suspended until:

- a full Tier 3 quantitative HIA is completed,
- lawful access rights are evidenced,
- overhead line diversion is confirmed,
- and the SPZ1 area is permanently removed from developable land.

### **Conclusion**

The proposal presents serious, irreversible and unmitigable risks to the public water supply, the environment, local residents, and a major local employer. It conflicts with national and local policy and should be refused.

Yours faithfully,

### **Residents Declaration:**

I confirm that I am a local resident directly and materially affected by this proposed development. This objection reflects my own personal views and my interpretation of the evidence and documents published on the Kirklees Council planning portal. My comments are submitted in good faith and in response to matters that may impact my home, my environment, and my community