

**COMMENTS ON VIVLY LIVING LTD. PLANNING APPLICATION FOR DEVELOPMENT OF LAND SOUTH OF BARNSELY ROAD, UPPER CUMBERWORTH, HUDDERSFIELD, HD8 8NN  
APPLICATION NUMBER 2025/60/93572/E**

**10TH FEBRUARY 2026**

The proposed development is not in the Kirklees Local Plan for housing development. It is designated green belt land that is currently used as productive arable farming. These conditions should in themselves be valid reasons to refuse planning permission for the Vivly development.

The very special rural landscape surrounding Upper Cumberworth would be changed forever. The visual effect of the proposals would mean a negative spread of urban development down Barnsley Rd towards Denby Dale. The approach to Upper Cumberworth would be significantly changed. Walking in and around Upper Cumberworth will be affected by visual changes, especially from Birds Edge to the village. Notably, the supporting Landscape & Visual Appraisal report only gives a token view which is not referenced to the current view. It does not provide the planning committee with the scale of changes that are proposed. This puts into question the whole content and professional due diligence of the report.

The proposed development will have a common border of approximately 150 meters with Stephen Wood which is ancient woodland. The wood has limited public footpath entrances, 3. Such isolation and restricted access has allowed for the woods to be protected and the flora and fauna to flourish. The development allows for a 15 meter buffer zone but this will not stop unauthorised access along the boundary of the development. The current boundary is a stone wall which is a poor state of repair. There will no doubt be access from the public area of the development to Stephen Wood will cause irreparable damage. There are bluebell glades and other flora that will be exposed to unrestricted access. This access will also interfere with the bat and bird population, notably woodpeckers, which tend to be easily disturbed.

The proximity of the development to Stephen Wood from light and noise pollution cannot be understated. The Ecological Impact Assessment states that any effects will be "minimised"; this is not objective and therefore meaningless.

The loss of biodiversity to Stephen Wood has not been addressed. The site was visited in March 2025, should it not be a year long study? It did not take into account summer visitors, martins and swallows or species that would have still been in hibernation. The scope of the study is poor to say the least. It does not mention white clawed crayfish which are present in Park Dike and the River Dearne. Other species were deemed to be not present because they were not seen, deer, bats, raptors, woodpeckers, swallows, swifts (summer visitors, not March!).

The report states that wildlife that is assumed to be affected '*will disperse into the wider suitable habitat*'. This comment shows a casual and callous disregard for loss and effects on wildlife and habitat which comes over throughout the report.

The original spring water supply to the village emerges in Stephen Wood. The proposed development will interfere with this historical supply.

There is no mention of the ancient history in the local area and heritage sites (the remains of wool fulling and felting activity) in Stephen Wood. This is a damning omission from the heritage report which undermines its value. This report is restricted to listed ancient monuments in the village, it is purely a desk top report of limited value.

The foul and surface water proposals for the development are poor and only cater for the bare minimum and pay no regard to the offsite affected environment.

The foul wastewater proposals suggest that the current YW sewer that runs across the site is diverted to the boundary, presumably to allow for the site to be fully developed. This sewer is currently under stress and in times of rainfall overflows into Park Dike. It carries combined foul sewage from Birds Edge (omitted from report) and parts of Upper Cumberworth. It is not a separate system and is currently not in good condition, suffering from blockages and high levels

of infiltration. It does however gravitate naturally to the YW main system on Barnsley Rd. The foul sewage from the Vivly development will combine with the diverted YW sewer and flow to a new foul sewage pumping station at the lowest part of the development. The introduction of a pumping station raises the question of what happens when there are mechanical failures, power outages or excess flows?

The Vivly proposal will provide a foul sewage tank sewer but since the proposals have omitted the flows from Birds Edge and the current problems with infiltration waters it is suspected that the proposed 1350 cu. m tank is wholly inadequate. The current proposals would result in discharge of untreated foul sewage from Birds Edge, Park Lane area of Upper Cumberworth and the Vivly development to Park Dike, a small watercourse that is in good condition and supports a healthy level of aquatic wildlife, notably native crayfish and juvenile brown trout. A discharge of foul sewage to Park Dike for 1 or 2 days per year will effectively destroy the ecology of the dike. This will have a knock on effect on all the other flora and fauna of the Stephen Wood that rely on a viable good quality watercourse. Park Dike is accessible from the public footpath, there is a ford crossing at the exit of Stephen Wood. This raises a public health hazard.

The likelihood of the EA granting a consent to discharge foul sewage from the new pumping station is very unlikely given the sensitive nature and low flow rate of the receiving watercourse.

Furthermore who will operate the new pumping station? It is highly unlikely that YW would adopt it given the current sensitivity to sewage discharges since the design does not include for an adequately sized tank sewer, standby and storm pumps, emergency power generation and odour control.

The inclusion of a tank sewer in the current proposals is not shown on the plan. Furthermore, if the tank sewer was designed to accommodate the Birds Edge combined foul sewage together with the problems of infiltration waters then the tank sewer would have to be considerably larger. This would be a substantial underground structure that would have to be accommodated within the tight constraints. This would be further constrained by Kirklees highways response which states that it cannot be constructed under any adopted highway within the development. YW have also stated that there is insufficient capacity within the current wastewater network for the needs of the Vivly proposal.

The whole of the foul sewage proposals are flawed and more importantly not deliverable.

The surface water flooding risk to the site has been addressed but the attenuation tank is not shown on the plans or duplicated under a play area. The attenuation tank proposed is an open pond so there cannot be a play area as shown on the plans. This is misleading.

An additional unaddressed issue is the flooding risk to Denby Dale from surface water effects of the development. During periods continued heavy rainfall the attenuation tank capacity will be exceeded and excess flows will discharge to Park Dike which runs into the River Dearne and Denby Dale. There is no objective evidence or mention of further work to remove the fear and risk of flooding from the residents of Denby Dale.

In conclusion, there has been a noticeable absence of real consultation with the community and local interest groups or other national bodies. This shows a complete lack respect for local residents who would have to deal with the loss of amenity and visual affects of the development. They will also have to live with the longer term detrimental affects of the Vivly proposals, with loss of wildlife and increased risk of water pollution from foul sewage discharges. There will be increased pressure on local services and the road network. The supporting information is incomplete, of a narrow scope and silent on sensitive problems. I suggest it would not stand scrutiny from a qualified peer review and due diligence.

The planning application should be refused.