

Upper Dearne Valley Environmental Trust (UDVET)

Response to Application No. Application 2025/60/93572/E – Land South of Barnsley Road, Upper Cumberworth.

OBJECTIONS, COMMENTS AND OBSERVATIONS

Our Overall Position on this Application:

- **We are vehemently opposed to this application and wish to make the strongest possible OBJECTION, not only to this particular application, but also any development of this site in the future.**
- **We are in full support of the Cumberworth Environmental Community Action Group and their stance against this application.**
- This site is defined GREENBELT in the existing, approved Local Plan. It is NOT ‘grey belt’ as currently defined in the NPPF. It is NOT an allocation in the Kirklees Local Plan.
- It is productive farmland – its use alternating between grazing and crop cultivation for hundreds of years. It is not ‘previously developed’ land.
- We understand the site forms part of the White Rose Forest area, itself part of the wider National Forest. According to NPPF para 152, the land in question should be subject to *‘the normal policies for controlling development in Green Belts.’*
- The site forms an important feature in preserving the open landscape of the area, it provides the baseline for the ecological food chain hence its importance for a diverse range of birds, bats, mammals and insects and is bordered by a designated ‘Ancient Woodland’ dating from the 1600s within which are known heritage features. This proposal represents substantial harm to the openness of the green belt, contrary to NPPF para.153 and broader ecological damage. It is no use providing bird and bat boxes on new dwellings if their food source has been obliterated by development – something we are now seeing all too often in the Denby Dale Valley.
- Paragraph 193 (c) of the National Planning Policy Framework (Dec 2024), states: *“Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation unless there are wholly exceptional reasons and a suitable compensation strategy exists”*. We believe this proposal will result in the deterioration of ancient and irreplaceable habits and rare species such as that for the northern wood ant. We provide other

reasons why we believe habit will be harmed or destroyed in 'Other Comments and Objections' below.

- Overall, we believe the applicant is attempting a 'pre-emptive' manoeuvre, designed subvert the current review and revision of the Kirklees Local Plan, part of which will revisit greenbelt boundaries.
- In making this application now the application subverts Paragraph 145, 146 and 147 of the NPPF – Clause 145: *'Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.'*
- Further Clause 146 goes on to explain that local Strategic Policies need to establish the need for changes to the green belt. At the moment, Kirklees is still formulating its revised strategic policies. This will need to take into consideration new transport developments such as the Trans Pennine Upgrade and the WYCA Mass Transit Project - policies which may result in a refocussing of housing demand and placement to the north of the Borough.
- 'Exceptional circumstances' are further defined in Clauses 146 and 147. Clause 147 makes it clear that before concluding that 'exceptional circumstances' exist to justify any changes to green belt boundaries, *'the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies'*
- **Clearly, the above has not yet happened. This is not a released Green Belt site. The required Local Plan development processes of public consultation and external, independent, formal examination associated with Kirklees revised and legally recognised Local Plan have not yet taken place. Hence our assertion of 'pre-emptiveness'. The Council should not allow its hand to be forced in such a way.**
- **The NPPF states Para.142 that *'The Government attaches great importance to Green Belts.....the essential characteristics of Green Belts are their openness and their permanence'*. The Mayor of West Yorkshire Combined Authority has publicly stated brownfield sites should be developed before any greenbelt development. We believe Kirklees LPA should embody these sentiments in their handling of this type of application by its refusal for the good and betterment of communities, our environment and the special character of our countryside and to avoid the subversion of defined legal, planning procedures.**

Other Comments and Objections:

(These are by no means comprehensive, but serve as illustrations of compliance failure. We are certain specialist professionals will be able to identify other issues more comprehensively).

Application Form:

- According to web site – outline pp being requested. Form mentions full pp and access??
- GREENBELT site NOT greenfield (as stated) – two different things
- Note multiple landownership/tenant interest which spans the globe
- Only given notification to all interested parties – no interested party consent evident
- 123 houses but only 19 affordable, social rent, intermediate houses. A Greenbelt site in KMC requires 35% of total housing to be affordable i.e. 43 dwellings (Ref: NPPF Para 157). See below.
- The applicant has failed to take pre-application advice from LPA – which is evident from multiple non-compliances with both national and local Supplementary Planning Documents.

Plans, Access and Parking:

- The application is for 123 houses – **represents a 33% increase in the size of Upper Cumberworth in one go** (currently 663 residents). We understand many LAs recommend only a 10% proportional growth and then staggered so infrastructure can be put in place to cope. Kirklees have already noted that ‘larger areas can accommodate more development’ (Kirklees Publication Draft Local Plan Spatial Development Strategy and Technical Appraisal Paper 2.7). Upper Cumberworth is a car dependent location. Given the lack of local facilities (and distances from required facilities), poor or non-existent above and below ground infrastructure to support such a large population increase, this proposal represents an unsustainable development.
- **Fails to deliver the proportion of affordable homes required** by the NPPF, Para 157 i.e. 35% affordable homes in the case of Kirklees. This means the provision of at least 43 dwellings NOT 19.
- The depth of the buffer zone around the ancient woodland i.e. 15m is insufficient. We understand that the West Yorkshire Combined Authority (WYCA) are bringing in a 50m zone requirement in March, 2026 in line with Woodland Trust recommendations. Kirklees should be seen to conform to this new requirement which we would support as an absolute minimum.
- In addition, we feel the woodland protection zone should be extended to protect the trees edging the footpath leading from Stephen Wood to Barnsley Road. We do not accept the SEED Associates Ltd. Assessment of ‘little retention value’ of these trees. They merely seem to be justifying the developer’s desire to fell them to accommodate more houses.
- In line with Para 7.30 of the Kirklees Housebuilders Design Guide SPD, there appears to be scope to greatly improving the landscaping at the edges of the development to ‘soften’ its

impact. This is particularly true along Barnsley Road and down Park Lane and around the existing farm house and field edge. This buffer should consist of native fruit bearing trees and hedging.

- **Fails to comply with LP33, Para 6.9 of the Kirklees Housebuilders Guide SPD** and Kirklees Environment Strategy in that significant and TPO trees have not been retained.
- We also note that yet again, **contrary to LP33 and Para 6.9 of the Kirklees Housebuilders Guide SPD, existing mature trees around the current farm house/barns appear to have been felled.**
- **Fails to comply with Kirklees Highway Design Guide SPD, Para 5.4 Key Design Driver 20** where one designated visitor parking space should be provided for every 4 dwellings. Therefore, **plans need to show 31 visitor parking spaces** on a development of 123 dwellings. There are many 'local residential streets (Type B)' and 'shared surface streets (Type C)' which need to include laybys and/or localised street widening to accommodate the required visitor parking.
- There appears to be much front of property car parking and very few side of property driveways, creating ugly and congested street scenes thus **failing to comply with Kirklees Highway Design Guide SPD, para 5.14, Key Design Driver 23 and Kirklees Housebuilders Design Guide SPD, Para 7.15.**
- Access for RCVs and emergency vehicles appears to be extremely tight on roads within the development which reduce significantly in width and includes extremely tight bends around which vision will be limited. Drawing A 1073, rev.P14 attempts to show some swept path and turning tracks. The tracking on the bends appear to show overrun onto driveways and the turning manoeuvre at a 'T' shaped cul de sac head extremely complex and awkward. One wrongly parked car (and given the lack of visitor parking spaces highly likely) will block access. As such we believe these plans **fail to comply with Kirklees Highway Design Guide Para 6.4, Key Design Driver 26.**
- Lack of clarity regarding house type, size and tenure at present means the claims for the provision of off- road parking is therefore 'fudged' and further obscured by use of square meter areas rather than linked to the number of bedrooms as in the Kirklees Highway Design Guide SPD, para 5.4. If the integral garages are the same size as existing Vivly Homes, they will be too small to be counted as a parking space in view of the size of modern vehicles. On street parking by residents will be inevitable.
- The Environmental Protection Act and Fields in Trust Standards requires that equipped play areas will need a 20m buffer from garden boundaries not the property itself. **Plans appear to fail to meet this requirement.**
- A group of houses in top western section of the development **fail to follow the natural contour lines and topography of the site required by Kirklees Housebuilders Design Guide SPD, Para 6.3**

- Much planting appears to be on what will be private land – not following ‘tree lined’ streets principles. These trees likely to be removed/not accepted by residents going on the past experience of arboreal specialists with whom we have contact.
- The use of increasingly narrowed roads within the development will give the place a claustrophobic and oppressive feel to the living environment and could have a negative impact on health and wellbeing, contrary to Section 3 of the Kirklees Housebuilders Design Guide.
- Dwellings appear to be very close together and doubtful if they comply with Para 7.19 of the Kirklees Housebuilders Design Guide ‘...there should normally be a minimum of 2 metres distance from side wall of the new dwelling to a shared boundary’. In effect, this means 4 metres between two storey and above dwellings.

Drainage

- The drainage network in this area and throughout Denby Dale is in poor condition. Repeated leaks, water supply and capacity problems exist and are a continuous problem for residents and the wider community and, indeed, Yorkshire Water.
- Evidence also exists that the combined drain at the southern end of the site which serves not only part of Upper Cumberworth, but Birds Edge, is currently overloaded and leaks into the field and woodland.
- Given that this site is not an allocated Local Plan site, it is unlikely that Yorkshire Water have made any provision in their Capital Development Expenditure Plans for any outflows from this site.
- The proposal holds the potential to cause real harm to the Ancient Woodland.

The current ‘Sustainable Urban Drainage’ (SUDS) regime is NOT working. It is not only surface water that is going into attenuation tanks. Paints, weedkillers, bleach, harsh household chemicals, grease, oils and car cleaning products are being disposed of down what are supposed to be ‘surface water’ only drains. These pollutants enter the attenuation tank which then, in this case, is designed to empty into existing watercourses – straight through the ancient woodland and into the headwaters of the River Dearne. Minute quantities of these pollutants can totally kill all fish and other river life forms. The Council are aware of this and, in fact, supported the Environment Agency’s national ‘Yellow Fish’ Project a few years ago. However, we fail to see it implemented by Planners or the LLFA.

- The disposal of foul waste using pumping stations is generally not supported by Yorkshire Water as pumps are notoriously unreliable and prone to failure. In this case, any such failure will result in raw sewage flowing down into the ancient woodland and paths where the public walk and again, into the headwaters of the River Dearne.
- Again, the above are more examples of how this proposal fails to comply with Para 193 (c) of the NPPF.

Traffic/Travel Assessment

- Upper Cumberworth is a car dependent area (like the rest of the Denby Dale valley), miles away from areas of large-scale employment. Walking and cycling are leisure activities in practice. Given the location of employment and topography of the area, they are not a serious or practical 'go to work' means of transport and should be discounted.
- One bus an hour is not a viable proposition for commuting purposes.
- The village is up a large hill, 1.1 miles away from Denby Dale Station – outside the 0.8Km walking distance criteria. The station serves Huddersfield and South Yorkshire to Sheffield, but has extremely limited station parking. However, it is Leeds and other large West Yorkshire towns/cities which appear to provide the greatest employment opportunities with salaries to match the house prices currently demanded by the developer. We understand that the current average salary in Kirklees is £30,000 which puts 'affordability' into its true perspective. The Council should not be condoning 'commuter dormitories.'
- Completely omits to consider the local, very serious accident spot at the Sovereign Cross Road where serious injuries and fatalities have been occurring over many years and which Kirklees Highways have done nothing about. Improvements to this junction are the subject of Local Councillor action. The traffic outflows from this development will increase the pressure on this junction.
- From experience, we have little confidence in CRASHMap data as it is not kept up to date even with incidents reported to the Police let alone the many which are not. It is an unreliable source of information.
- This Assessment fails to take into account the 120 quarry lorry movements/day that will flow onto Barnsley Road just below the proposed site entrance. These will also exacerbate the existing problems at the Sovereign Junction too.
- The site entrance appears to be too narrow in that RCVs and other large vehicles will have to cross over onto the opposite carriage when turning left into the proposed development.
- Modelling for just one 'peak' hour time is deceptive, if creates the impression of this being the 'only flow' when in fact heavy flows can be experienced either side of the 'peak time' quoted.
- The 'peak times' quoted completely miss busy school 'drop off' and 'pick up' traffic at Cumberworth First School.
- TRICS DATA – modelling data and filters can, and often are, manipulated to show lower traffic outflows. This is done by several means i.e. data collected by manual count – notoriously unreliable and inaccurate; majority of data collected midweek; most data selected from 'edge of town' locations, sub filters of 'residential zone' – only 9 strands of data were collected from a 'village' location. The algorithms built into the computer

modelling will make assumptions that many residents in the two former locations will not use a car, but will commute by means of public transport (the latter not viable for those in Upper Cumberworth) THUS CREATING LESS OUTFLOW FROM THE DEVELOPMENT.

- Secondary filtering – inaccurate selection of population data for this area- also assumed most of residents will own between 1.1 and 1.5 cars per household – should be 2 -2.5 for this area.
- Travel Plans were in place in the majority of locations – again encouraging residents away from car use.
- The data from at least one location was taken during Covid restrictions.
- Given the above, the TRICS data is likely to be unreliable and invalid.
- A far more practical way of looking at traffic generated by a development is to consider total traffic movements. Based on the given Schedule of Accommodation and earlier statements based on the number of parking spaces provided, this gives a calculation as follows as a MINIMUM:-

39, 2 bed dwellings x 2 car parking spaces = 78 vehicles
53, 3 bed dwellings x 2 car parking spaces = 106 vehicles
26, 4 bed dwellings x 3 car parking spaces = 78 vehicles
5, 5 bed dwellings x 3 car parking spaces = 15 vehicles

TOTAL: 277 vehicles

So, based on just ONE return journey per day for each vehicle =
277x 2 = 554 vehicle movements/day and
554 x 7 = 3878 vehicle movements/week.

This is a minimum and conservative calculation, excluding extra journeys, visitors and deliveries in and out of the proposed development. In practice the number of movements is likely to be much higher.

The above represents a significant impact on local roads and junctions. This in addition to other planned and under construction developments in the area all of which are spilling traffic onto existing unimproved, rural roads many of which are in a poor state of repair. Examples are:-

Upper Cumberworth, Quarry Development – planned 120 lorries/day
Denby Dale, Barnsley Road (under construction) – 34 dwellings
Denby Dale, Barnsley Road (planned) – 42 dwellings
Denby Dale, Cliffe Hill, Cumberworth Lane (Planned) – 62 dwellings
Skelmanthorpe, Cumberworth Road – 190 dwellings (construction just completing)
Skelmanthorpe, Station Road -14 dwellings (just completed)
Skelmanthorpe, Station Road – 30 dwellings (just completing)

Skelmanthorpe, Greenside Mills – 46 dwellings (under construction)

The above also illustrates there is no shortage of new housing in the area and building on greenbelt is certainly not necessary.

Environmental and Ecological Reports

The Woodland Trust in “Planners’ Manual for Ancient Woodland and Veteran Trees” (2019) state that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase.

This area is a significant part of the local green belt

The Site borders the Kirklees Wildlife Habitat Network to the south. This is a significant Wildlife Corridor and in accordance with the aims of the Wildlife Habitat Network, this boundary should be protected and enhanced to strengthen the network (a recommendation from Preliminary Ecological Appraisal).

- The Preliminary Ecological Appraisal Report indicates that this site, an area of arable farmland, it is of low ecological value. This does not take into account the findings of local residents over a sustained period.
- The above is desk-based research conducted in March only. It fails to consider the true ‘wildlife year’, including the presence of migratory birds/animals. It is incomplete and forms an unreliable assessment of the true value of the site in providing for many forms of wildlife.
- The report does not note the invertebrate species, including those that use the animal dung when the land is grazed. The invertebrate fauna of the UK is under great stress, despite being essential, eg, as a basis for the food chain web for vertebrates, including, eg, swifts. The value of foraging, the role of Insect and invertebrate life on the site to support birds, bats, hedgehogs is totally ignored.
- The report fails to mention of the presence of deer. This field is used as a wildlife corridor and feeding area which the small patches of POS cannot possibly replace. (illustrations in Design & Access Statement are misleading)

Heritage Assessment

- Omits latest evidence of what is believed to be an old fulling mill in the ancient woodland.

Final: 20 February, 2026