

**I am writing to set out my strong objection to the Vivly Living planning application in Upper Cumberworth (ref: 2025/60/93572/E).**

I believe that the Local Planning Authority should reject this application on the basis of the below policies within the Kirklees Local Plan:

LP1 – sustainable development  
LP6 – safeguarded land  
LP11 – housing mix and affordable housing  
LP20 – sustainable travel  
LP21 – highways and access  
LP24 – design (h relating to natural environment)  
LP27 – flood risk  
LP30 – biodiversity and geodiversity  
LP33 – trees  
LP34 – preserving and enhancing water environment  
LP52 – protection and improvement of environmental quality  
LP53 – contaminated land

**Allocated Green Belt Land**

19.4 of the Local Plan policies document states:

*National planning guidance places great emphasis on the role and purpose of the Green Belt and states that the countryside it protects should be recognised for its intrinsic character and value. This is one of the core principles underpinning the Green Belt policies in the Local Plan*

The development is proposed within Green Belt protected by the Local Plan. The application is therefore running contrary to our Local Plan and should be rejected.

LP6 sets out that Green Belt boundaries have long term permanence and should last beyond the end of the Local Plan period as a result of Safeguarded Land. The existence of Safeguarded Land within our Plan further protects this allocated Green Belt site from speculative applications.

**LP24, LP27, LP30, LP33, LP 34 and LP52**

Yorkshire Water has objected to the application and outlined its serious concerns on the grounds of potential flood risk, pollution and public health impacts resulting from the prospective development. These also been raised in many residents' comments.

I support Yorkshire Water and residents' objections on these matters.

Kirklees Trees officers have provided an objection from an arboricultural perspective for numerous reasons. Most notably, I wish to emphasise the impact on the ancient woodland and the insufficient buffer zone proposed by the applicant as set out by the Woodland Trust – who recommend a buffer of 50m here – and our own Ecology team – who recommend 30-50m.

Clearly, these would have a damaging impact on the local environment and is therefore not compatible with Local Plan policy.

As the woodland is not a Site of Special Scientific Interest, Natural England have not provided bespoke advice but advised that 'you should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193 of the NPPF'. The application is clearly in breach of this NPPF policy.

The Ecology team (Biodiversity and Land Use) have also raised issues regarding inconsistent assessment of the Biodiversity Net Gain baseline which has been reduced considerably in the final report in support of the application (LP24h). They have also set out a minimum buffer of 30-50m with the southeast boundary which the application fails to meet and is therefore in contradiction to local and national planning policy.

West Yorkshire Archaeology Service have strongly recommended geophysical surveys to identify anomalies and archaeological trenching to assess archaeological potential. It is strongly recommended by them that this takes place prior to the determination of the application – they state that not doing so carries significant risk.

### **LP20, LP21**

Carr Hill Road (ending at the Penistone Road crossroads) and the central village crossroads on Barnsley Road (meeting Carr Hill Road) form a critical part of the village's highway infrastructure, upon which this application would have a considerable impact.

The Sovereign junction is a well-known as a busy and accident-prone section of the Penistone Road highway.

Carr Hill Road is well known for being used as a cut-through and alternative access to that section of accident-prone highway, where it meets Cumberworth Road at its own crossroads.

This is an area for which there is much highways concern.

Carr Hill Road has regularly been one of our preferred sites for the Speed Indication Devices throughout my eight years as a councillor – and Penistone Road from Birdledge is a regular site for police intervention due to highways issues.

There are also concern about speeding and road safety within the central village itself, including at the Barnsley Road crossroads, leading onto the First School which sites on the roadside.

Given that this is an unplanned major development from which the highways impact was not considered in the Local Plan, due to this being a protected Green Belt site, residents will be deeply concerned about the potential impact upon these highways and their safety.

As such I would object on highways grounds (LP20 and LP21) until a full assessment of impacts on local highways has taken place, including upon the central village and Carr Hill Road, and appropriate mitigations have been considered to ensure that highways safety will not be detrimentally impacted.

### **LP53**

KC Environmental Health have identified that intrusive investigation is needed to establish the contaminated land issues. Given the potential seriousness of the matter to any potential

development and its possible environmental impact, I believe that these should take place before the decision is taken and therefore object on this basis.

### **LP11**

The Council (strategic housing) does not support the application.

The applicant proposes 25 affordable units. A minimum of 43 would be required to meet the expectations of a Grey Belt site, which the applicant claims the site to be in its efforts to negate the Green Belt status. This is, of course, strongly contested, with the field being undeveloped agricultural land since the mid-nineteenth century, bordering an ancient woodland and holding Green Belt status in the Local Plan. However, even if the applicant's claim were to be accepted, which it is not, the application contradicts LP11 on its own merits.

### **Community Consultation**

The National Planning Policy Framework states that 'the planning system should be genuinely plan-led'. Under the Local Plan, this application should be rejected.

The NPPF also encourages developers to engage with the local community.

I also note that, during this application process, the developer has stated in writing that whilst it had 'spoken to Cllr Bamforth [sic]' before any consultation it was exploring ways that they could 'play Cllr McKerchar and Cllr Simpson' and was personally disrespectful to us within our community. This is not an appropriate or professional approach which the planning authority should expect and demonstrates issues with their approach to local community engagement.

### **LP1**

On the basis of all of the above, I do not believe this is a sustainable development and is therefore incompatible with LP1.

Yours

Cllr Will Simpson, in consultation with Cllr Hannah McKerchar  
Denby Dale (Labour)