

From:
Sent: 20 April 2026 13:00
To: DC Admin
Subject: 2025/93572 - objection

Application 2025/93572 – Land South of Barnsley Road, Upper Cumberworth

I strongly object to the application on the basis that the drainage strategy is fundamentally flawed, undeliverable and incapable of being implemented without causing unacceptable ecological harm.

The comments of the Lead Local Flood Authority (LLFA) are materially incorrect and should be withdrawn. The LLFA should be asked to reconsider its position and submit a formal objection to the application.

1. The surface water strategy is not deliverable

The LLFA states that it “generally accepts” the proposed discharge of attenuated surface water to Pike Dike at the south-eastern corner of the site via a stone channel through the adjacent woodland.

However, the proposal as described is not physically achievable within the red line application site.

The consultee response itself admits that:

“3rd Party Land permissions may be required to discharge the attenuated surface water run-off via the stone channel through the adjacent woodland.”

This is a fundamental flaw.

The proposed drainage route does not lie within the red line boundary. The drainage infrastructure therefore cannot lawfully or practically be delivered by the applicant as part of this application.

If the proposed outfall and conveyance route through the woodland are genuinely necessary to make the development acceptable, then the red line boundary must include:

- the full route of the drainage channel;
- the point of discharge into Pike Dike;
- all land required for construction, access, maintenance and future management;
- any easements or attenuation works required within the woodland.

Without this, there is no certainty whatsoever that the development can be drained.

The application therefore fails the basic test of deliverability.

The LLFA is wrong to support a scheme that depends upon unspecified future agreements over third party land outside the application site.

Planning permission cannot properly be granted for a development whose essential drainage infrastructure lies beyond the site and is not controlled by the applicant.

2. The proposed drainage route would require intrusive works within ancient woodland

The woodland through which the drainage route is proposed is ancient woodland.

The LLFA response entirely fails to acknowledge the ecological significance of this designation.

Ancient woodland is an irreplaceable habitat. National planning policy is clear that development resulting in the loss or deterioration of ancient woodland should be refused other than in wholly exceptional circumstances.

In order for the proposed drainage strategy to work, the applicant would have to:

- excavate or alter the existing stone channel through the woodland;
- install pipework, culverts, outfalls or headwalls;
- provide access for machinery and future maintenance;
- potentially widen, deepen or regrade the existing route;
- carry out periodic vegetation clearance and maintenance operations.

All of these works would directly affect the ancient woodland and the stream corridor within it.

The LLFA has simply assumed that surface water can be routed through the woodland without any analysis of:

- impacts upon ancient woodland soils;
- changes to hydrology within the woodland;
- increased flows and scour within Pike Dike;
- ecological impacts on the stream and woodland habitat;
- sedimentation, erosion and pollution;
- the likely need for future maintenance access.

No ecological assessment appears to have been undertaken of the effect of introducing a permanent engineered drainage outfall into an ancient woodland stream.

The proposal is therefore contrary to:

- paragraph 186 of the National Planning Policy Framework;
- standing advice relating to ancient woodland;
- the requirement to avoid deterioration of irreplaceable habitats;
- the requirement for sustainable drainage to provide environmental benefit.

The LLFA's suggestion that this issue can simply be dealt with through a condition is not acceptable.

The location and route of the discharge are not a minor detail. They are central to whether the site can be drained at all.

If the woodland route cannot be used without ecological harm, then the entire drainage strategy fails.

3. The LLFA has ignored the fact that the drainage proposal cannot connect without extending the red line into the woodland

The drainage drawings rely upon a discharge point beyond the edge of the application site.

The application red line stops short of the woodland and does not include the land needed to connect into Pike Dike.

Accordingly:

- there is no legal route for the drainage connection;
- there is no certainty of ownership or rights;
- there is no evidence that the required works can be undertaken;
- there is no maintenance corridor;
- there is no mechanism to secure the long-term operation of the drainage system.

The LLFA is therefore incorrect to conclude that the surface water strategy is acceptable.

At the very least, the application should be withdrawn and re-submitted with:

- an amended red line boundary extending into the woodland and to Pike Dike;
- full details of the required drainage works;
- ecological surveys and an impact assessment of the ancient woodland and watercourse;
- confirmation of ownership and rights over the land;
- a long-term maintenance and management plan.

Absent this information, the Local Planning Authority cannot lawfully conclude that the drainage strategy is deliverable.

4. The LLFA has failed to address the foul drainage proposals entirely

The LLFA response is also seriously deficient because it does not address the foul drainage strategy at all.

This is despite its own suggested condition requiring details of foul drainage.

The submitted proposals indicate that the existing combined sewer serving Upper Cumberworth, Birdsedge and High Flatts would be diverted to a new pumping station and then pumped uphill.

This proposal is plainly unrealistic and appears fundamentally unsound.

The existing sewer network already serves multiple settlements and there is no evidence that:

- the combined sewer has sufficient capacity;
- the proposed pumping station can accommodate existing and future flows;
- the uphill pumped main is technically feasible;
- the system would operate without frequent surcharge, failure or maintenance problems;
- there is sufficient resilience in the event of pump failure or power outage.

Pumping foul sewage uphill from a combined system serving several villages is not a minor detail that can be left to a condition.

It is a central infrastructure requirement which goes to the heart of whether the development can proceed.

The LLFA's silence on this issue is inexplicable.

The Authority has effectively endorsed the application without considering whether the foul drainage proposals are workable.

This is contrary to its role as statutory consultee.

5. Yorkshire Water has objected and the LLFA should do likewise

It is highly significant that Yorkshire Water has objected to the application.

Yorkshire Water is the body responsible for the sewerage network and is best placed to assess whether the proposed foul drainage arrangements are feasible.

Where Yorkshire Water has identified concerns over capacity and the ability of the network to accommodate the development, the LLFA should not be taking a contradictory position and supporting the application.

Instead, the LLFA should reconsider its response and align its position with Yorkshire Water.

The combined position of:

- an undeliverable surface water outfall route;
- reliance upon third party land;
- direct impacts upon ancient woodland;
- absence of land within the red line to make the connection;
- lack of any proper foul drainage assessment;
- dependence upon a pumping station and uphill foul sewer;
- Yorkshire Water's objection;

means that the drainage strategy has not been demonstrated to be achievable.

6. Requested action

For the reasons set out above, the Local Planning Authority is requested to:

1. Give no weight to the current LLFA response.
2. Require the LLFA to withdraw and reconsider its consultation response.
3. Require the LLFA to submit a formal objection based on the inadequacy of the drainage strategy.
4. Refuse the application unless and until:
 - the red line boundary is extended to include the full drainage route;
 - the applicant demonstrates that the ancient woodland will not be harmed;
 - a lawful and deliverable surface water outfall is identified;
 - a robust and technically feasible foul drainage strategy is provided;
 - Yorkshire Water's concerns are fully resolved.

As submitted, the drainage proposals do not work. They are not deliverable, they rely upon land outside the application site, they threaten an irreplaceable ancient woodland habitat, and the foul drainage proposals are technically unsound. The application should therefore be refused.