

## DC Admin

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**Sent:** 13 May 2026 14:11  
**To:** DC Admin  
**Subject:** Planning application 2025/93572

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Please find attached the Cumberworth Environmental Community Action Group objections to the above planning application with supporting evidence.

Please confirm receipt.

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

**OBJECTION BY**  
**CUMBERWORTH ENVIRONMENTAL**  
**COMMUNITY ACTION GROUP (CECAG)**



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## INTRODUCTION

1. CECAG is an association of local residents representing those in the community of Cumberworth who object in the strongest terms to the proposal for up to 123 dwellings on an undeveloped, edge-of-settlement, Green Belt site at Barnsley Road, Upper Cumberworth.
2. As evidenced by the independent expert landscape assessment<sup>1</sup> obtained by CECAG, the site is part of an area of **high landscape value**. There will be a **major adverse effect** on landscape character if the development goes ahead.
3. While there is a housing land supply shortfall in Kirklees as a whole, and there is a need for housing to meet local needs, this proposal is **out of all proportion to the size and function of the settlement of Cumberworth**. There is **no local need** for 123 new dwellings. The development would immediately increase the settlement population by about one third.
4. Over 600 local residents have objected, on a range of issues from **highway safety** to **impact on local services**. CECAG's objection will summarise those concerns, addressing local and national planning policy and material considerations.
5. The objection is supported by independent expert reports from the landscape consultant and an ecological consultant. These are evidence that the development would have significant adverse effects on landscape and settlement character, and on the **ecology of the site and linked ecosystems** including **ancient woodland**.
6. There are also significant concerns around surface water and foul **drainage** and **flood risk**.
7. This objection, and the appended reports, are submitted to inform the officers' report to Committee and intended to be read in full by Members, so that they have a complete understanding of the harm the development will cause before they make their decision.

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<sup>1</sup> (MLI)'s main report and review of the applicant's LVA are appended to this objection (Appendix 1 and 2).

## The application process

8. While this is not a material planning consideration, CECAG would like the Council to acknowledge that the planning application process has been drawn out, frustrating, and stressful for all local residents. Even though the application was validated in February 2026, the developer did not provide correctly scaled plans, and the Council were unable to erect site notices until 23<sup>rd</sup> April 2026. A key ecological report was missing from the supporting information and, despite requests from the Council, has still not been provided. There has been no explanation for these omissions and delays. CECAG also disputes that proper public consultation was carried out by the developer. Its response to the developer's consultation document submitted in support of its application is attached as **Appendix 7**, highlighting the omissions and inaccuracies in the Communiti document.

## PRINCIPLE OF THE DEVELOPMENT

9. The first issue to address is whether the site is Green Belt or Grey Belt land, and whether "very special circumstances" are needed to justify a grant of planning permission.

### Grey Belt ?

10. The site lies entirely within the designated Green Belt. With reference to the Kirklees Local Plan SD19 'Green Belt Review' (2017), in its Planning Statement the applicant argues that the site makes a "*moderate (at most)*" contribution to the purposes of the Green Belt. Moreover, it is said to make no contribution to purposes (a), (b) and (d) of NPPF paragraph 143<sup>2</sup> and so is Grey Belt land.

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<sup>2</sup> "a) to check the unrestricted sprawl of large built-up areas;  
b) to prevent neighbouring towns merging into one another;  
d) to preserve the setting and special character of historic towns;"

11. The Committee should note that the Green Belt Review did not take into account the value of the landscape, as would have been set out within the Kirklees District Landscape Character Assessment 2015.<sup>3</sup>

12. Even if the site makes no contribution to Green Belt purposes (a), (b) and (d), it is not necessarily Grey Belt. The applicant fails to acknowledge the NPPF definition of Grey Belt which says :

*'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*

“Strong reason for refusal” : ancient woodland

13. The assets listed in footnote 7 include “irreplaceable habitats” which are defined as including ancient woodland. The south eastern boundary of the site abuts Stephen Wood, which is identified as a Plantation on Ancient Woodland Site and given the same protection in planning policy as ancient woodland<sup>4</sup>. The 2017 Green Belt review acknowledges the environmental constraint of “*Protected trees - Stephen Wood*”<sup>5</sup>.

14. The applicant’s Design and Access statement shows how close the boundary of the development will be to Stephen Wood (see extract below, the arrow shows the area of ancient woodland).



<sup>3</sup> See the landscape assessment of MLI at paragraph 4.5

<sup>4</sup> <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

<sup>5</sup> UC3, page 133

15. CECAG instructed Bioscan consultants to conduct an independent review of the applicant's submitted ecological information, including in relation to ancient woodland impacts.

16. The Bioscan report dated April 2026 highlights Government guidance<sup>6</sup> which states that *“direct effects of development can cause the loss of ancient woodland or ancient and veteran trees by: damaging roots and understory (all the vegetation under the taller trees); damaging or compacting soil; changing the water table and drainage”*. Indirect effects of development can also *“cause the loss or deterioration of ancient woodland, ancient and veteran trees by: increasing disturbance to wildlife, such as noise from additional people and traffic; increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree protection areas; increasing damaging activities like fly-tipping and the impact of domestic pets”*.

17. NPPF para 193 (c) states that development which results in the deterioration, not just the loss, of ancient woodland should be refused absent “wholly exceptional reasons”, which the applicant does not provide:

*c) 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 strategy exists [..]*

18. The Woodland Trust's consultation response dated 1 April 2026 confirms its OBJECTION to the proposal because of the proximity of the development to ancient woodland and the lack of any evidence that impacts have been assessed and can be mitigated :

“The proposal would introduce a considerable number of new dwellings and associated infrastructure in close proximity to ancient woodland. At Outline stage the applicant needs to demonstrate the feasibility of mitigating the following impacts in the context of the parameters of the design:-

- Disturbance from intensified activity within and adjacent to ancient woodland • Noise pollution and emissions from increases in traffic
- Impacts on ancient woodland from changes to surface or groundwater flows

**The applicant has not provided any assessment or supporting analysis of the impact of the proposals on the adjacent ancient woodland. Therefore, it**

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<sup>6</sup> See fn 4 above, Bioscan Report (April 2026) at para 3.8.5, Appendix 4

**has not been demonstrated that impacts can be mitigated in line with National Planning Policy Framework para 193 (c) and Natural England and Forestry Commission's standing advice.**

19. The Bioscan report corroborates this objection. At 3.8.7 it identifies that the proposed 15 metre woodland buffer (the minimum required) will need to accommodate drainage works : the surface water sewer will connect with a stone channel through the ancient woodland before discharging into Park Dike. Bioscan note that it is "*unclear how it will be ensured that only unpolluted water will outfall from the Application Site especially as it will pass through the ancient woodland and the Kirklees Wildlife Habitat Network site and onward to Park Dike*".
20. Bioscan also observe at 3.8.10 that residents of the development are likely to use the ancient woodland for leisure including dog walking, but the applicant has not carried out any assessment of the likely impacts nor given these any consideration.
21. The Committee can be satisfied that the likely deterioration, if not direct loss, of Stephen Wood as a result of the development is a "strong reason for refusal" and the site is not Grey Belt.

### **Tilted balance disapplied**

22. If it is accepted that the likely effect of the development on the neighbouring Ancient Woodland is a "strong reason for refusal", the tilted planning balance in NPPF para 11(d) is also disapplied.

### **Green belt : inappropriate development**

23. NPPF para 153 states that 'very special circumstances' are needed to justify inappropriate development in the Green Belt:

*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*

24. NPPF para 155 provides that development in the Green Belt should not be considered inappropriate if :

- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 [..]*

25. Dealing with these criteria in turn :

#### b. housing need

26. It is accepted that there is a **demonstrable unmet need** for housing in Kirklees as a whole, due to a lack of 5 year housing land supply (see footnote 56), and some Green Belt release will be required. However it is not the case that this particular site must be developed in order to provide a sufficient supply.

#### c. sustainable location

27. The development is **not in a sustainable location**. CECAG's Travel and Transport Resident's feedback<sup>7</sup> document which surveyed 89 residents demonstrates that Cumberworth is a car-dependent settlement. Public transport is rarely used by 53% of the residents surveyed, and the frequency of services does not meet the needs of 79% of those surveyed.

28. Local Plan policy LP3 (Place Shaping – Kirklees Rural) acknowledges that there are *"Limited opportunities for people to work and shop locally, more people in this part of Kirklees commute longer distances to work."*

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<sup>7</sup> Appendix 3

29. This is consistent with the Mayor's West Yorkshire Local Transport plan which shows that Upper Cumberworth is in an area of poor accessibility (see the plan at Fig 16 on page 32).

30. The reality is that the development would be car dependent. Each of the proposed dwellings will have its own car parking space. There is no way of reducing reliance on cars because of the infrequent bus services. While the site is within walking and cycling distance of Upper Cumberworth for able bodied residents, there are infrequent bus services to the nearest train station at Denby Dale, which is the route residents are likely to use to travel to work and to larger settlements (unless they drive).

31. CECAG notes that the applicant proposes to build a footway/cycleway along the site's frontage towards Upper Cumberworth, where there is currently no footway. It is said that this will "link up to the existing footway on Barnsley Road to the northwest of the site".<sup>8</sup> Application drawing no 2501801 dated July 2025 on the left, below, shows this link, which stops just short of the eastern boundary of Stone House.



32. The photograph above right shows that the existing footway ends at a point level with the wall along the frontage of Stone House. Therefore the new footway will not link up to the existing footway; there will be a gap of approximately 1.5 metres. The applicant does not appear to have considered this problem, or what permissions may be needed to solve it.

33. In any case, the development cannot do anything for residents who would prefer to travel to Denby Dale station on foot or by bicycle. The road is unlit and a 40MPH speed limit applies. There is a very narrow footway on the eastern edge of the A365 then a slightly wider footway along Wakefield Road and into Denby Dale which cannot accommodate both pedestrians and cyclists. There is an alternative route via a lane

<sup>8</sup> Transport Assessment by Via Solutions, July 2025 (para 4.1.6)

and track to the north of the A365 but this is unlikely to be safe or suitable, and the southern end of this route is used by vehicles travelling to and from the recycling centre and adjacent quarrying operations generating up to 120 HGV movements daily granted approval under application no. 2023/91280. It is very unlikely that any resident would choose such an unsafe mode of transport.

34. Contrary to the applicant's travel plan, Denby Dale station is more than 1km from the site and is not realistically walkable. The only alternative route on foot is across the fields behind Rockwood House, which is boggy for much of the year and not suitable for commuting.

35. In any event Denby Dale is on a single track minor branch line serving Sheffield and Huddersfield, but takes about twice as long as driving and is not a realistic option for residents who commute to those locations.

36. The applicant points to NPPF paragraph 116 which says that development should not be refused on "highway grounds" absent a severe residual cumulative impact on the road network or unacceptable highway safety impacts. However these are different considerations. Lack of severe/unacceptable road network or highway safety impacts do not equate to a sustainable location.

37. **Policy LP3(2)** of the local plan states that delivery of housing in a sustainable way will be supported and criterion (f) will be taken into account : "*co-ordinating housing [...] delivery with the provision of new infrastructure*". This development is not co-ordinated with the provision of any new infrastructure other than necessary changes to the highway to allow access and provide a footway along the site boundary towards Upper Cumberworth. This is clearly not sufficient given the increase in population from the development.

38. A local resident who works as a research academic developing technologies linked to the net zero agenda has provided a detailed assessment of the development's failure to make efficient use of land as required by NPPF para 129, which requires consideration of:

*c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

39. CECAG fully concurs with this assessment and asks the case officer and in due course the committee to read it in full (a copy is provided as Appendix 6). In summary, although there is a small local shop, pub, school and church in Upper Cumberworth these provide limited facilities for local residents. The shop is closed after 17.30 on weekdays, 12.30 on Saturdays and all day Sunday. Realistically, residents will need to travel further afield by car, or rely on deliveries, for food shopping. The village school is at capacity and 7 additional places are needed. There is no GP surgery or pharmacy, no early years or pre-school childcare, and no sports facilities. Moreover, to assess walking distances the applicant's travel plan uses outdated (25 year old) guidance to justify walking distances of up to 2km for access to key facilities. This is no longer realistic especially in this location, given the lack of safe walking and cycling routes.

#### 'd. Golden rules'

40. The Golden Rules in NPPF 156 mean that Green Belt development is not "inappropriate" are :

- (a) a policy compliant affordable housing contribution (of 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, which is 20%, subject to a cap of 50%<sup>9</sup>);
- (b) improvements to local infrastructure and
- (c) provision of or improvements to publicly accessible green space.

41. The applicant considers that the proposals "have the potential" to meet these rules<sup>10</sup>. This is strongly disputed. The proposal includes 20% affordable housing, not 35%. Improvements to local infrastructure are not evidenced. The illustrative layout in the Design and Access Statement shows three small areas of "POS" (public open space) but these may not be delivered and provide minimal public benefit.

42. While there is a need for housing, the site is not in a sustainable location and does not meet the Golden Rules. Therefore it is **inappropriate development in the Green Belt** and the harm must be "clearly outweighed" by other considerations.

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<sup>9</sup> NPPF 157

<sup>10</sup> Planning Statement para 7.36

## ASSESSMENT OF HARMS AND BENEFITS

### Provision of housing

43. The main benefits of the development are the provision of housing and contribution to economic growth. CECAG recognises that there is a housing land supply shortfall and low Housing Delivery Test (HDT) scores in Kirklees, and the proposal would make a contribution to improving that position. There is a particular need for affordable housing. The proposal would deliver local plan policy compliant 20% affordable homes. These are benefits which CECAG accepts would be accorded **significant weight in favour** of the development.
44. However, housing need is not an overriding material consideration. It is still necessary for the development to accord with the local plan as a whole, and all material considerations. CECAG's view and that of the vast majority of local residents is that the proposal does not accord with the plan and all material considerations for the reasons explained below.

### Local plan spatial strategy

45. The proposal conflicts with policy LP3. This emphasises that the location of new development should reflect the settlement's size and function:
- 1) *Development should reflect:*
    - a. the settlement's size and function; and**
    - b. place shaping strengths, opportunities and challenges for growth; and*
    - c. spatial priorities for urban renaissance and regeneration; and*
    - d. the need to provide for new homes and jobs;*
46. Policy LP3 also acknowledges that the sustainable delivery of housing will be supported, and a relevant criterion is :

*d. ensuring delivery of housing and jobs in **smaller settlements to meet local housing** and employment needs;*

47. Upper Cumberworth is just such a smaller settlement. While there is a housing shortfall in the Council's area overall, there is no demonstrated need for 123 new homes in Upper Cumberworth. These are not local housing needs. The focus on local needs is supported by policy LP2 on 'place shaping', which requires development to "*protect and enhance the qualities which contribute to the **character of these places***". The proposal fails to protect or enhance the qualities which contribute to the character of Cumberworth as explained below under 'landscape harm'.
48. The proposal does not accord with the spatial policy of the local plan. There are no housing allocations in Upper Cumberworth. This is not "unusual" contrary to the applicant's Planning Statement at para 7.80; it reflects the evidence base for the local plan. The plan was informed by the Spatial Development Strategy and Settlement Appraisal Technical Paper (2017) to which the developer refers at paragraphs 7.78 onwards in the Planning Statement. This Technical Paper explored a number of different approaches to allocating development. Approach 1, "*allocating development based on the size of settlements*", placed Upper Cumberworth near the bottom of the table<sup>11</sup> with its relatively small population (699). Importantly, paragraph 3.3 below the table explains the downsides of 'Approach 1':

*"This approach links planned growth to the 'achievement of sustainable development' elements of a settlement hierarchy, with some of the most accessible settlements in the district towards the top of the hierarchy, but **this approach could fail to support the redevelopment of brownfield sites elsewhere in the district and the ability to meet local housing needs in mid-sized and smaller sized settlements**"*

49. The expectation that smaller settlements would meet local housing needs carried through to policy LP3 of the adopted plan. Nowhere in the Technical Paper nor in the adopted plan is there any support for increasing the size of a small settlement by around one third as a result of a single development.

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<sup>11</sup> See page 12

50. It is clear that the principle of the development is not supported by the spatial strategy. This weighs against the proposal.

## **Transport and highway safety**

51. Policy LP20 of the local plan states that new development will be located in accordance with the spatial development strategy *“to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car”*. As already discussed above under ‘sustainable location’, the need of future residents to travel will not be met, because all but the most basic travel needs (to the local shop and pub) will require getting into the car. Because of this, the proposal goes against both local and national (NPPF para 129) planning policy.

52. In relation to highway safety, 61% of the residents surveyed by CECAG said they had been involved in or witnessed a highway accident or “near miss” (question 19, with details given in answer to question 20<sup>12</sup>). The perception of residents is that traffic in and around Upper Cumberworth is heavy and getting worse. ‘Near misses’ frequently mention speeding and unsafe overtaking on Carr Hill, endangering pedestrians and other non-car road users (cyclists and horse riders).

53. At the date of writing it is not known whether the highway authority objects to the proposal for highway safety reasons. A consultation response from Highway Structures is available on the planning register, but there is no response as yet from the HA.

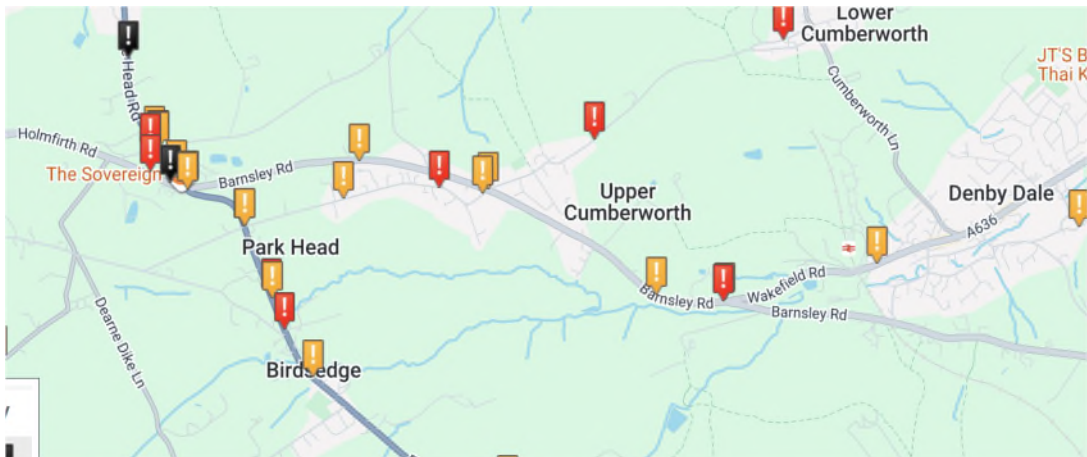
54. CECAG’s survey evidence and local knowledge shows that there are legitimate concerns about adding further trips (62 in the morning peak and 58 in the evening peak)<sup>13</sup> to an already unsafe local road network. This does not count delivery or service vehicles. The cumulative highway impacts of the development and the effects on highway safety are likely to be unacceptable. The baseline is already poor. Below is an extract from Crash Map<sup>14</sup> showing the incidents in and around Upper Cumberworth between 1999 and 2024. Orange exclamation points show a “slight” incident; red means “serious” and black means “fatal”.

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<sup>12</sup> See Appendix 3

<sup>13</sup> Transport Assessment section 6.1

<sup>14</sup> [www.crashmap.co.uk](http://www.crashmap.co.uk)



## Landscape harm

55. The character of Upper Cumberworth is a small rural settlement. While there is housing on the opposite side of the A635 and the potential for “rounding off” on the application site is mentioned in the 2017 Green Belt Review, this ignores the contribution the site makes to the landscape character surrounding, and providing the setting for, Upper Cumberworth.
56. The independent expert report provided by Liz Allen<sup>15</sup> clearly demonstrates that the site makes a significant positive contribution to landscape character, especially to open views from the A365 across to the Pennines. The applicant’s landscape value assessment (LVA) does not comply with technical guidance from the Landscape Institute, and downplays the contribution of the site to an area of high landscape value.
57. The applicant’s planning statement <sup>16</sup> says that *“long range views of the site are unlikely and limited due to distance, relatively flat topography and intervening landform, settlements and vegetation within the landscape”*. The photographs in report show this to be incorrect. The site is clearly visible on the approach to Cumberworth from rights of way to the west of the site :

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<sup>15</sup> Appendix 2

<sup>16</sup> Paragraph 7.49

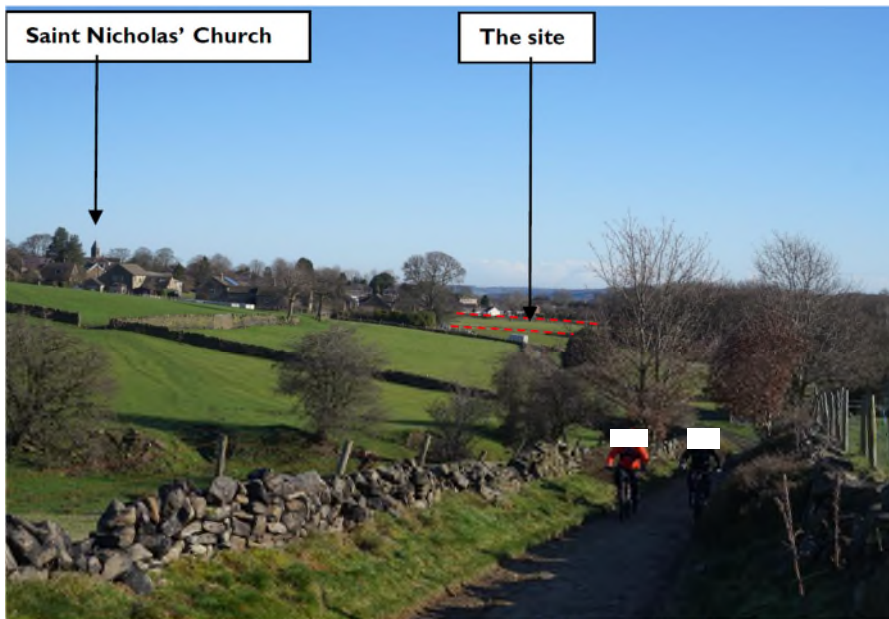


Photo viewpoint LAV5: A view from Park Lane (multi recreational route) across survey area with Saint Nicholas' Church spire (left) marking the location of Upper Cumberworth within the wider open landscape

58. The applicant has wrongly stated that the site does not lie within any local landscape designations. observes :

“The [applicant’s] LVA hasn’t recognised that since 2019, Kirklees District do not provide local landscape designations for their district. Instead to recognise landscape value they use a landscape character approach, whereby *valued features and attributes* are listed for each Landscape Character Area (LCA). This approach replaced the previous landscape designation: Areas of High landscape Value which also covered the site area. As I will evidence within this report, the site and surrounding area still retain valued features and attributes and would therefore be regarded as an area of high landscape value.”

59. independent expert opinion<sup>17</sup> is that

“The site is very open to the surrounding open landscape. Within the surrounding area there is a network of PRow, National trails, long distant walking trails, and other promoted recreational routes. From all these routes there are open views of the site as part of the wider open landscape. The proposed development will have an adverse effect on the amenity value of these recreational routes which **cannot be mitigated.**

The proposed development does not include any effective mitigation measures. The proposed mitigation measures have been over stated and will do very little in mitigating the adverse effect of the proposed development on visual and landscape receptors. Therefore, the **development proposals on the site by PGLA’s<sup>18</sup> own landscape and visual assessment will be at least major adverse.**”

<sup>17</sup> Appendix 2.1, section 2.1

<sup>18</sup> The applicant’s landscape consultants

60. This major adverse effect on landscape character is contrary to the following local and national planning policies :

- **Local plan LP1 (Presumption in favour of sustainable development)** which requires alignment with NPPF principles :
  - **NPPF para 187:** Planning decisions should contribute to and enhance the natural and local environment by (a) “protecting and enhancing valued landscapes” and (b) “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services”
- **Local plan LP2 (Place shaping)** states “*all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places*”. The strengths of **Kirklees Rural** include :
  - *Attractive landscape character including proximity to the Peak District National Park and Pennine foothills in the west and historic pre-industrial revolution villages outside of the valleys.*

61. The harm to landscape character and the setting of Upper Cumberworth clearly weighs against a grant of planning permission.

## **Heritage and archaeology**

62. The site forms part of legible historic enclosed landscape, with field patterns which have not changed for over 200 years. The remains of an old mill are nearby in Stephen Wood, and the 1850 OS map which is referred to in the applicant’s Design and Access Statement indicates “Ford Wood Spring” within Stephen Wood. This reinforces the landscape value of the site and its sensitivity to change. The proposal will have a harmful effect on landscape character as detailed in expert reports.

## **Ecology, Trees and Biodiversity Net Gain**

63. Policy LP30 of the local plan states “*the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national*

*and locally designated wildlife and geological sites, Habitats and Species of Principal importance and the Kirklees Wildlife Habitat Network”.*

64. NPPF paragraph 187 requires planning decisions to contribute to and enhance the natural and local environment by :

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*

65. The site abuts the Kirklees Wildlife Habitat Network. There are two habitats of principal importance to the south of the site (ancient woodland, and priority habitat ‘Purple Moor Grass and Rush Pasture’ – see Bioscan report at 3.9.2).

66. The development site has been included in the WYCA Local Nature Recovery Strategy of 2026 as part of the “area that could become important to biodiversity” around the south of Upper Cumberworth (shaded grey on the extract below; the arrow shows the site).



67. The Bioscan report has reviewed the applicant's submitted ecological information and found it seriously lacking in several aspects. Habitat suitable for Great Crested Newts, bats (roosting, foraging and commuting), other protected species were found on the site and its immediate vicinity, which the applicant has either ignored or downplayed. The Bioscan report concludes at 4.1.2 that :

“currently, it is considered that due to the paucity of detailed ecological information, and with some of the ecological surveys not appearing to meet industry-standard guidelines [as detailed in the report] **the impact assessment conclusions offered by the Applicant are unreliable for decision making**”.

68. The report also highlights that the omissions in protected species surveys (in particular bats and great crested newts) would undermine the legal robustness of any grant of planning permission.

69. The report also points to significant uncertainties around the accuracy of the BNG baseline (see section 3.10 of the Bioscan report). The red line boundary of the application appears to have been moved so that the woodland buffer zone is not included in the red line boundary, contrary to DEFRA's BNG metric user guide (3 July 2025). In addition, in the table at paragraph 46 the applicant's BNG report<sup>19</sup> says that further information is needed on key issues such as the length of time between loss

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<sup>19</sup> Biodiversity Net Gain Assessment – 26.08.25 ref ER-8370-03A

and re-provision of habitat, whether the development will be phased (there is no phasing plan) and whether any habitats can be retained.

70. The case officer and the committee in due course are asked to read the Bioscan report in full, to understand the extent of the missing and/or misleading information in the applicant's PEA and BNG reports. Bioscan have identified that the Kirklees Wildlife Habitat Network (KWHN) abuts the southern site boundary, and that domestic gardens are likely to back onto this area (see para 3.9.2 and image 3). The applicant has not assessed the potential impacts and effects on the KWHN, which is clearly contrary to local plan policy LP30.
71. KC Trees objects to the application for no less than 9 separate reasons, including the failure to retain TPO protected trees, harm to ancient woodland, and inadequate woodland buffer. The consultation response identifies failure to accord with local plan policies LP23 and LP24.
72. In summary, the applicant has failed to show that the development will comply with local and national policies protecting the natural environment and species.

### **Drainage, Flood Risk and Infrastructure**

73. CECAG has reviewed the applicant's Flood Risk Assessment and Drainage Strategy (FRADS) dated December 2025 prepared by Haigh Huddleston & Associates (ref E25/8281/FR01) and the associated Preliminary Feasibility Drawing (Dwg No. E25/8281/001 Dated Dec 25). No final or Issue stage drawing appears to have been made available. A copy of CECAG's review is appended to this objection.
54. There are significant concerns with the applicant's FRADS.

### **Surface water outfall**

55. A new surface water outfall is proposed through Stephen Wood and into Park Dike. This risks further deterioration of the ancient woodland by damage and disturbance to root systems. Landowner permission would be required, which has not been obtained. That is acknowledged by the LLFA consultation response (19.03.26) which otherwise does not object to the proposal. CECAG's review of the FRADS shows that the

proposed attenuation tank locations are not feasible as they overlap with root protection areas.

## Wastewater

56. Yorkshire Water have objected to the development (24.02.26) because of lack of capacity in the local sewer network. The current system already serves other villages and is under stress :

“Regarding the foul water proposals, at present the sewer network does not have sufficient available capacity to support the size of development proposed. It is understood that the site is not allocated within the adopted Kirklees Local Plan and as such the site has not been considered within the current Yorkshire Water Asset Management Plan (AMP) period. Yorkshire Water wishes to object to the development on the grounds that flood risk, pollution and public health may all be negatively impacted as a result of the development,”

57. CECAG has evidence that the current system overflows and discharges via the ancient woodland towards Park Dike. The photograph below was taken in February 2026:

The below photograph shows manhole on the existing public combined sewer system discharging contaminated discharge into the woods (06/02/2026)



58. The proposed pumping station is in an unsuitable location, affecting an RPA, and not accessible by large vehicles without oversailing the footway. It is not clear who would adopt the pumping station and whether it meets the required technical standards.

## Hydrology

59. There are worrying gaps in the applicant's assessment of hydrological impacts. The site is on Grenoside Sandstone which is part of a layered aquifer system. The springs located in the ancient woodland are part of this system : see the photographs appended to CECAG's review, and below :



Spring 6 – Wood Spring

60. Ancient woodland has thrived in this location for hundreds of years because springs have provided a uniquely stable, nutrient-rich and consistently moist environment, fostering biodiversity that has developed over centuries. Springs create specific ecological conditions that allow both specialized plants and long-lived trees to flourish. The applicant has not recognised the risk of polluting these springs. There is no hydrological impact assessment and the potential harm is severe.

## Water quality and sustainable drainage (SuDS)

61. The proposed drainage scheme comprising of a piped solution leading to a single below ground attenuation tank does not comply with current SuDS standards. It does not provide a sufficient level of treatment of surface water; nor does it provide any

crucial environmental benefits within such a highly sensitive setting. The new standards (National Standards for Sustainable Drainage introduced in 2025) introduced 7 national standards that give greater weight to water quality, amenity, biodiversity and long-term maintenance reflecting SuDS wider role in shaping sustainable resilient places.

62. Whilst previous standards focused on peak flow rates and volumes, the new standards recognise SuDS as critical infrastructure that supports urban design, improves air and water quality, reduces flood risk and delivers both ecological and social value.

63. It is unclear why the LLFA's consultation response does not consider this change in national policy standards. At present there is no evidence that the drainage proposals are capable, at least, of avoiding harm to the hydrology of the ancient woodland.

### Policy conflict

64. The proposal conflicts with local plan policy LP28 on drainage, which states that :

*Development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.*

65. It also conflicts with NPPF para 182 which requires SuDS features to provide multifunctional benefits where possible, through facilitating improvements in water quality and biodiversity ; have proposed minimum operational standards; and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

### **POLICY CONCLUSION**

66. The proposal conflicts with multiple policies of the adopted development plan, including but not limited to Policies LP1, LP2, LP3, LP20, LP21, LP23, LP24, LP28, LP29 and LP30. It does not accord with the spatial strategy or with the local plan as a whole. Nor does it accord with the NPPF, as summarised in the table below.

<b>Policy</b>	<b>Requirement</b>	<b>Accordance</b>
NPPF 153-154	No inappropriate development in the Green Belt	<b>No.</b> The proposal does not meet the 'Golden Rules'.
LP3(1)(a)	Development should reflect the settlement's size and function	<b>No.</b> 123 new houses will increase the population by around one third.
LP3(1)(d)	Delivery of housing to meet local needs in smaller settlements should be ensured	<b>No.</b> There is no local need for 123 new houses.
LP2	Protect and enhance the qualities which contribute to the character of Kirklees Rural including "attractive landscape character"	<b>No.</b> The proposal will cause major adverse effects to landscape character in the long term.
NPPF 187(a)	Protect and enhance valued landscapes	<b>No.</b> The site is in an area of high landscape value and will cause long term major adverse effects.
NPPF 187(b)	Recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;	<b>No.</b> Harm to trees and ancient woodland is likely. Proposal harms the intrinsic character of the historic field pattern and setting of Upper Cumberworth and will be prominent in views from public rights of way.
NPPF 193 (c)	Development resulting in deterioration of ancient woodland should be refused unless wholly exceptional reasons and a suitable compensation strategy exist	<b>No.</b> High risk that development will cause harm to ancient woodland and its hydrology. No exceptional reasons or compensation.
LP20	New development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car	<b>No.</b> The development will be car-dependent and is not located in accordance with the spatial development strategy
LP23, LP24	Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the wildlife Habitat Network and green	<b>No.</b> Failure to retain valuable and important trees; harm to ancient woodland; inadequate AW buffer.

	Infrastructure networks. Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction.	
LP28	Demonstrate that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.	<b>No.</b> The proposed outfall risks harm to the ancient woodland and requires landowner consent. The local sewer system is already over capacity.
LP30	Protect and enhance biodiversity including the Kirklees Wildlife Habitat Network. No direct or indirect adverse effect on Ancient Woodland unless benefits clearly outweigh and there is no alternative. Protect habitats and species of principal importance. Safeguard and enhance KWHN connectivity.	<b>No.</b> The development does not protect and enhance biodiversity including the neighbouring KWHN. It requires works to ancient woodland which risk deterioration. There is no proper assessment of harm to protected species.
NPPF 182	SuDS should have appropriate proposed minimum operational standards and maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.	<b>No.</b> This has not been demonstrated.

## PLANNING BALANCE

54. The Committee must be satisfied that the harms identified above are “clearly outweighed” by other material considerations. The provision of housing and the economic benefits of the development are positive material considerations but they do not clearly outweigh the very substantial harms across a range of impacts identified above. The applicant has not submitted any evidence of need for the development in Upper Cumberworth. It is inevitable that some Green Belt will be lost to development in order to provide sufficient housing land supply, but there is no evidence to justify the loss of this particular site.

55. This is an opportunistic and badly thought out proposal. The Committee is respectfully requested to refuse permission for the reasons listed below.

## REASONS FOR REFUSAL

## **1. Inappropriate Development in the Green Belt**

The proposed development constitutes inappropriate development in the Green Belt and is by definition harmful.

The development does not fall within any of the exceptions set out in the National Planning Policy Framework (NPPF), including paragraphs 154 and 155.

No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harms identified.

Contrary to **NPPF paragraphs 143, 153, 154 and 155**, the **Spatial Development Strategy and Policies LP1, LP2 and LP7 of the Kirklees Local Plan**.

## **2. Harm to Landscape Character and Visual Amenity**

The proposed development would result in the loss of an open agricultural field which forms part of a valued landscape and contributes positively to the rural character and setting of Upper Cumberworth.

The site forms part of a coherent and historically intact landscape, providing an important transitional area between the built form of the settlement and the wider countryside. The introduction of built development at this scale would cause major and irreversible harm to landscape character, visual amenity, and the setting of the settlement.

The development would therefore fail to protect and enhance the natural environment and would result in unacceptable adverse landscape and visual effects.

The proposal is contrary to **NPPF paragraphs 180 and 187**, and **Policies LP2 and LP7 of the Kirklees Local Plan**.

## **3. Disproportionate and Unsustainable Scale of Development**

The development, comprising up to 123 dwellings, represents a scale of growth that is disproportionate to the size, role, and function of Upper Cumberworth.

The proposal would significantly increase the population of the settlement without evidence of local housing need or the provision of supporting infrastructure and services. As such, it fails to reflect the spatial strategy for development and does not represent sustainable or appropriately scaled growth.

Contrary to **Policy LP3 (1) and LP3 (2)(d) and (f) of the Kirklees Local Plan**, and the overarching principles of sustainable development set out in the **NPPF**.

## **4. Unsustainable Location and Inadequate Accessibility**

The site is located in a rural area with limited access to services and facilities and is poorly served by public transport. The development would be highly dependent on private car use.

The proposal fails to provide realistic or effective opportunities for sustainable transport modes and would result in increased reliance on the private car, contrary to the objective of promoting sustainable transport.

The proposal would unacceptably impact on the safety of non-car highway users in and around Upper Cumberworrh.

Contrary to **NPPF paragraphs 110, 114,115,116** and **Policy LP20 and LP21 of the Kirklees Local Plan.**

## **5. Drainage, Flood Risk and Infrastructure Constraints**

The applicant has failed to demonstrate that a suitable and deliverable drainage strategy can be achieved for the site.

- There is insufficient capacity within the existing sewer network
- The proposed drainage infrastructure is not demonstrated to be technically feasible
- There is a risk of increased flooding and pollution, including potential impacts on the neighbouring ancient woodland

In the absence of a robust and deliverable drainage solution, the proposal would give rise to unacceptable risks to public health, the environment, and existing infrastructure.

Contrary to **NPPF paragraphs 173, 180, and 182,** and **Policy LP28 of the Kirklees Local Plan.**

## **6. Harm to Trees, Woodland and Ecological Features**

The proposed development would result in harm to valuable trees and nearby ancient woodland and would require works within root protection areas associated with important trees and habitats.

Insufficient information has been provided to demonstrate that these impacts can be avoided or adequately mitigated.

Contrary to **NPPF paragraph 193,** and **Policies LP23, LP24, LP29 and LP30 of the Kirklees Local Plan.**

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## **APPENDICES**

1. MLI, main report
2. MLI, LVA review

3. CECAG transport survey
4. Bioscan report
5. Flood Risk and Drainage Strategy review
6. Submission of Cumberworth resident on sustainable transport and related matters
7. CECAG response to community consultation document

**Statement by the Cumberworth Environmental community Action Group :**

**Re : Consultation by Communiti on behalf of Vivly**

**Application Number: 2025/60/93572/E**

This has been written with full sight of the document submitted by Communiti as the agent appointed by Vivly in support of the planning Application 2025/ 60/93572 and corrects some misrepresentations made. All of the emails referred to here are available upon request. The consultation and engagement falls way short of what would and should be expected.

It is correct that the National Planning Policy Framework (NPPF) recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for everyone. Communiti state that In preparing the consultation strategy, the relevant provisions of the Localism Act 2011 and Kirklees Council's Statement of Community Involvement.

We consider that the consultation falls short of what is expected in the NPPF an Statement of community involvement and furthermore , the language used in emails by the representative of Vivly suggest a contempt for the community and the spirit of consultation.

The pages of the Communiti Report are unnumbered, so this draws on the heading references.

<b>SECTION OF REPORT</b>	<b>STATEMENT</b>	<b>COMMENT</b>
<b>Introduction</b>	The consultation strategy has sought to ensure that relevant stakeholders and members of the public are given every opportunity to review the plans and provide their feedback.	<p>On 3<sup>rd</sup> June 2025 , emailed a resident and suggested an informal meeting , he also sent a site plan , requesting that this was not shared. The site plan email was not shared at any point with the wider community.</p> <p>A short meeting with a five residents was set up by Vivly's Associate Director , at his request, on the 17<sup>th</sup> June 2025 . The Vivly representatives brought with them draft site plans in paper form and left these with the residents , indicating they could be shared , with caveats , including that they might change.</p> <p>Vivly were asked to set up a community meeting . This was refused. The drawings left by Vivly were made available for the community to view.</p>

		<p>A community led public meeting was held on 28<sup>th</sup> June 2025 , with a further one on 6<sup>th</sup>September 2025 September.</p> <p>Vivly declined to attend either meeting . For the June meeting they were given 10 days’ notice. For the September meeting 2 weeks’ notice.</p> <p>There are other inaccuracies in this statement , highlighted in substantive comments below – but the nature of emails from Vivly should raise concern regarding the contempt with which they viewed the residents of upper Cumberworth and anyone perceived not to be in full support of the proposals. Their comments regarding elected members should also be of concern A summary of these is illustrated in this document.</p> <p>These concerns were summarised and emailed to the organisation leading the consultation. No acknowledgement was received.</p>
	<p>The project team is committed to ongoing engagement and will continue to maintain dialogue with relevant stakeholders and members of the local community as appropriate.</p>	<p>Nothing has been heard from the Associate Director since 26<sup>th</sup> June 2025 .</p> <p>The authors of the report were contacted on on1st September2025 , where concerns were raised regarding the consultative approach – this was acknowledged on the 8<sup>th</sup> September , but no remedy was offered , nothing has been heard from them since.</p>
<p><b>Summary of Consultation</b></p>	<p>A QR code linked to an online feedback form was provided for members of the public to provide their feedback. A dedicated telephone number and e-mail address were also provided. The pre application consultation for the public ran from 14th August to close of business on 1st September 2025 for a period of 18 days.</p>	<p>There were significant issues with the QR code , which didn’t work with users receiving a message saying the website wasn’t active. It displayed <a href="https://www.vivlyliving.com/">https://www.vivlyliving.com/</a> as a blank page</p> <p>The website when searched directly similarly did not consistently connect.</p>

		<p>The telephone simply rang out but did not connect.</p> <p>Not everyone in the village received leaflets via Royal Mail and those that did received them on different days.</p> <p>The consultation which it stated would end on the 1<sup>st</sup> September , ended early . Closing in the afternoon of the 1<sup>st</sup> September as confirmed by an email from Communiti’s Director on 8<sup>th</sup> September.</p> <p>There was no ‘book supplied ‘ for those with no access to computers as suggested by</p> <p>I would also add this was the summer holidays when many people were away.</p>
<p><b>Consultation Timeline</b></p>	<p>May –June 2025 Prior to the pre-application consultation beginning, Vivly Living notified and undertook some informal engagement and held a meeting arranged via one of the local ward members with some local residents.</p>	<p>As referred to above a meeting took place with 5 local residents . This followed a direct approach my Vivly’s Associate Director,</p> <p>The email exchange prior to the meeting and the telephone call with one resident suggested the views of older people “ were not the required demographic “ and therefore not welcome. That resident was asked to invite ‘younger people ‘to any discussion.</p> <p>The meeting was an informal discussion . It was attended by one ward councillor and a parish councillor.</p> <p>During this meeting further inaccuracies regarding the village were said and when challenged were met with aggression and dismissal. An example of this was suggestions that the local school would close , that Cumberworth didn’t welcome new people and that this was an ideal site because of access to a wealth of amenities.</p> <p>It was also made clear that a residents meeting wasn’t on the</p>

		<p>cards as they did not like facing negativity.</p> <p>It was agreed the drawings would be left and could be shared but that people should be told they might change.</p> <p>Following the meeting the drawings left ,were shared with residents , with the necessary and requested caveat. Vivly confirmed they were working to a planning application in Summer. They were urged to hold a meeting with the whole village – they declined</p>
	<p>July 2025 Regrettably, following the meeting, an early draft plan—shared without the agreement of Vivly Living and without any official supporting information—was made public by a third party as part of their own consultation. Feedback forms from this consultation were later delivered to Vivly Living’s offices. The feedback provided via this unofficial consultation does not form part of this report, however the applicant has shared the forms with members of the project team and the themes follow much of what has been provided via the formal pre-application undertaken by Communiti on behalf of Vivly Living.</p>	<p>Following the meeting on 17<sup>th</sup> June 2025 . There were several email exchanges between the organising resident and Vivly:</p> <p><b>Wednesday 18<sup>th</sup> June</b></p> <p>1: Email from resident to :</p> <p>Thanking them for the meeting on the 17<sup>th</sup> but urging Vivly again to organise a wider community meeting to share information. Advised that residents had felt a wider community meeting was necessary and had arranged this for 28<sup>th</sup> June.</p> <p>The resident said that the material given at the meeting on the 17<sup>th</sup> , or any revised information if Vivly made it available , would be shared .with the caveat that it would possible change.</p> <p>Urging attendance by Vivly at the public meeting.</p> <p><b>Wednesday 18<sup>th</sup> June</b></p> <p>2.Email from to resident in reply :</p> <p>Unable to attend public meeting. Highlighting thanks for younger people attending. Promising a website in two to three weeks. A leaflet and a book for those without computer access.</p> <p>Saying no further revised plans will be ready,</p>

	<p><i>“so use the plans given last night but to state they are work in progress.”</i></p> <p>References were made to holding a ‘court house ‘ mid to late July , inviting wider councillors but saying he has no time for them.</p> <p>This email also refers to: <i>“More issues will come to light once more people are involved , tell us , we won’t be able to solve all of them but a few of them we can”</i></p> <p>On this basis following confirmation The draft drawings were therefore made available for residents to view and arrangements were made to elicit resident views to feedback to Vivly living.</p> <p><b>Friday 20<sup>th</sup> June</b></p> <p>3. Email from _____ to resident:</p> <p>Email asks how to deal with councillors _____ ,</p> <p>It goes on to refer to social media coverage of the issue as being by the ‘Harriers ‘ and referring back to the emails prior to the meeting held on the 17<sup>th</sup> June , in which he asked the site plan that was emailed wasn’t shared . in the meeting of the 17<sup>th</sup> he was clear that drawings could be shared and this was reaffirmed in his advice in writing on 18<sup>th</sup> June , and so that sharing of the drawings took place.</p> <p>To be clear, the plans shared with residents prior to the meeting and at the meeting on the 28<sup>th</sup> June were the drawings left by Vivly , they were shared with the FULL agreement of Vivly living. It was explained to all attending that they were work in progress.</p> <p>Residents completed a Have your Say leaflet , these were collected at</p>
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		<p>the local Post office and Hand delivered to Vivly Offices on the 8<sup>th</sup> July – there were 326 . These were never acknowledged by Vivly but were an active response to seeking identification of issues from residents.</p> <p>In the absence of Vivly attending any community meeting and given the dismissal of concerns of residents who had met with them , villagers felt strongly this was the only avenue to lodge concern regarding the proposals.</p>
,	<p>14<sup>th</sup> August 2025 :Online meeting held following a request for a meeting with residents living adjacent to the site to discuss mitigation.</p> <p>14th August to 1st September 2025 Pre-application consultation period for the public ran from 14th August until close of business on 1st September 2025 for a period of 18 days.</p>	<p>This meeting happened with one resident , at their request , residents adjacent to the site report there was no invite to any online discussion .</p> <p>One other perimeter resident reported that she had advised Vivly of her intent to seek legal redress if the plans went ahead as they severely impacted on her privacy. There followed a 10 minute chat with a marketing officer and nothing has been heard from them since . However the plan to the rear of her house has been amended.</p> <p>It is misleading to suggest a residents meeting took place . A meeting actively sought by a resident is not consultation</p> <p>For reasons outlined above this Pre Application consultation was deeply flawed .</p> <ul style="list-style-type: none"> <li>● It was school holidays with many residents away</li> <li>● The website did not work consistently</li> <li>● Telephones went unanswered</li> <li>● The QR code would not scan</li> <li>● The Royal Mail leaflets did not get delivered to everyone</li> </ul>

	<p>1st September 2025 Pre-application consultation ends.</p>	<p>and arrived with those who got them on different days .</p> <ul style="list-style-type: none"> <li>• THERE WAS NO MEETING , DESPITE REQUESTS WITH THE COMMUNITY.</li> </ul> <p>It is worth noting that in addition to the above , there should be real concerns regarding the commitment of the developer to consultation .</p> <p>Email to resident from 20<sup>th</sup> June 2025.</p> <p><i>“ ...we wont be accepting comments from residents of Skelmanthorpe, Scissett , Shepley as it doesn’t really accept them directly “</i></p> <p><i>“if we see everyman and his dog getting on the bandwagon, our consultation will simply stop , as we are here to listen to the community , not from Skelmanthorpe who only ever comes to upper Cumberworth to visit the tip and does so via Denby Dale , not the Cumberworth village centre, i.e. having no interaction with the proposed development whatsoever “</i></p> <p><i>“ can we turn the temperature down”</i></p> <p>Email response 20<sup>th</sup> June 2026 to</p> <p>Reminded him of the proximity of the Ancient woodland amenity , and that people from all the villages volunteer or walk in the woods and the footpaths . These factors lead to concerns re the impact on the amenity and environment</p>
<p><b>Distribution Area</b></p>		<p>It is inaccurate to say 332 residents and businesses receive a leaflet . There is no methodology to confirm receipt and many houses did not receive the leaflet.</p>

		For information there are to our knowledge 390 houses in Cumberworth
In this section comments are limited to glaringly obvious issues , as many will be addressed in the substantive response to the planning documents.		
<b>Feedback</b>	As stated earlier in the report an unofficial consultation was undertaken by a third party. This regrettably limited the options available to the applicant for other pre-application consultation activities including holding a physical public consultation event.	<p>To e clear : following the refusal of Vivly to attend a face to face meeting in June and the email from seeking issues , some of which they would try to solve. Residents submitted ‘Have your say ‘ leaflets , these were delivered by hand to Vivly’s’ offices.</p> <p>Under the consultation Timeline this document says  <i>The feedback provided via this unofficial consultation does not form part of this report, however the applicant has shared the forms with members of the project team and the themes follow much of what has been provided via the formal pre-application undertaken by Communiti on behalf of Vivly Living.</i></p> <p>And yet it is not included in the analysis . But it does reaffirm what is being said consistently .It is also worth noting that considerable more people submitted early comments to Vivly than took part in this exercise by Communiti.</p> <p>Vivly were invited to a meeting on the 28<sup>th</sup> June and an open invitation was offered to them for a meeting to be arranged .  In the email of the 20<sup>th</sup> June 2025 ,  <i>referred to” court house meetings don’t work , voices that should be heard aren’t because loud voices from people outside the area join in , who just like moaning”</i></p> <p>There were not limitations to holding a public meeting as is suggested – Even before any discussion and feedback given to Vivly it was made clear that they would not attend such</p>

		<p>a meeting . Vivly chose not to engage with local people. .</p>
<p><b>Response to Feedback</b></p>	<p>In addition, prior to the involvement of Communiti, Vivly Living held a face-to-face meeting with representatives of a local resident group. It was unfortunately after this meeting that a third party undertook their own consultation on the proposals using incomplete information and without the consent of Vivly Living to use information shared with them in a closed meeting.</p> <p>Ancient woodland :</p> <p>In addition, engagement has taken place with some residents living adjacent to the site about additional screening and planting measures</p>	<p>This is not accurate , Vivly did not meet with a local resident group , they met with 5 community members. Cumberworth does not have a resident group.</p> <p>Residents did complete a questionnaire in response to Vivly refusing to attend a public meeting in order to Have their say .</p> <p>Material left by Vivly was circulated with their consent . See Emails from 18<sup>th</sup> and 20<sup>th</sup> June 2025 , in which consent is given .</p> <p>The Applicant response does not address the Buffer Zone issue raised by residents and the plans refer to 15 metres which fall well short of the National recommendation</p> <p>Furthermore , the issues raised by Upper Dearne woodland group relating to drainage and footfall are unanswered in the plans</p> <p>This is not accurate and contradicts the assertion made in the consultation timeline that perimeter residents took part in an online discussion re mitigation on 14<sup>th</sup> August - Some is not all , as suggested earlier</p> <p>This assertion is repeated in the summary.</p>

## **General comment**

**Throughout this process the residents of Upper Cumberworth have been treated poorly by this developer. From suggesting meetings with small groups of residents early on, almost 'in secret'- to refusing a larger meeting with the village. It is unreasonable for a developer to propose a significant development which will impact on the lives of many villagers but not be prepared to engage in dialogue. This lacks any transparency.**

**Engagement has been a tick box exercise which has not complied with the basic principles of engagement. The meeting with residents and the offer of extending this to wider dialogue with a more representative group was declined . To then suggest that residents should not have submitted their views because they deem it as Third Part Consultation is nonsense and is unacceptable .Residents submitted their views on the 8<sup>th</sup> July 2025 , a strong opportunity for Vivly to consider the feedback at the formative stage , instead of dismissing it.**

**The approach lacked any sense of proportionality and targeting , given the scale and impact of this , Vivly displayed no plans , declined any workshops and declined to attend community meetings**

**What were residents to do ? Feedback forms were a direct response to email of the 18<sup>th</sup> June , this was intended to be a helpful 'reality check ' for the developers . Residents were left waiting for two months after the small residents meeting for any real consultation to start , and a further three months before an application was issued. All of this without ANY communication .**

**This is not in the spirit of consultation as expected by the planning Framework.**

**Objection – Outline Application: 123 Dwellings, Upper Cumberworth  
#2025/60/93572/E**

**To:** Kirklees Council

**Re:** Outline Application (all matters reserved except access) – Development of 123 Homes, Upper Cumberworth

**Application reference:** 2025/60/93572/E

**Objector:** *Details Given*

**Address:** *Details Given*

**Date:** 31/03/2026

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## 1. Introduction

As a resident bordering the North (Barnsley Road) edge of the development, I wish to strongly object to the above application for 123 dwellings in Upper Cumberworth. The proposal is opportunistic, attempting to undermine the plan-led system and current development of a Local Plan, on land which is Green Belt (and any consultation to change this is now not scheduled until late 2026). The NPPF (paras 145-147) makes abundantly clear the need for exceptional changes to the greenbelt to be strategic and authority (not application) led.

The applicants include a lengthy argument about the need for housing (which across the region is understood), but this entirely fails to make the case that that exceptional circumstances exist at this site to dispense with the pre-existing Green Belt allocation, ***in particular with reference to sustainability and the reliance on the private car*** (as directed in NPPF para 148 and refs therein). Claims about walking, cycling and public transport are made with no understanding of the limitations of this infrastructure in terms of gradients, pavement widths, or safety that bear any resemblance to lived experience. This is supported by the applicants with statistical information presented about car use and transport plans that is misleading (such as using MSOA data where the larger population centres in each have more local (walkable) employment options). As a keen advocate of sustainability initiatives (I’m a research academic developing technologies linked to the net-zero agenda, a passionate advocate of sustainability and a user of public transport in other places), I am all too aware that almost all journeys we do as a family necessarily involve the use of the private car as other realistic options do not exist from the village. While unfavourable to me personally, I also believe strongly this development to be very poor in meeting the needs of the wider community and very

damaging to the natural environment I moved into existing housing in the village to be close to.

As set out below there are a range of problems with the proposal spanning **sustainability, transport, residential amenity impacts, Green Belt justification, settlement character, landscape harm, drainage capacity, and highway safety**. Many of these factors relate to the overall proposal where the outline / access only nature of the application precludes detailed assessment, but it can nevertheless be seen that it is difficult to conceive of a workable incarnation of the development that is proposed. There are also specific points in relation to the detailed access. Overall, two issues are paramount:

- 1) **Lack of sustainability and the inevitable dominance of the private car**, including misrepresentation of the public transport, pedestrian and cycle offer; and
- 2) **Residential amenity impacts, particularly (winter) daylight/sunlight, privacy, and implications for density constraints** — the current indicative plans give for development behind our property and those of our neighbours would result in unacceptable residential amenity penalties. At present these have not been taken into account. As such, I think it is very important to flag at this stage I don't believe the indicative plans or something similar can be realised, once this is considered in the reserved matters stage. This has implications for the consideration of the development as a whole.

Both are addressed separately in more detail in accompanying **Appendices A and B**.

My core objections are summarised below.

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## 2. Sustainability, Walkability and Dependence on the Private Car

*(Expanded in Appendix A)*

The proposed development dramatically expands a village with patterns of high car dependency without any meaningful change to address this, contrary to **NPPF Section 9**, which require developments to promote sustainable modes and “limit future car use” (NPPF para 129). Locations are to be chosen that “limit the need to travel” and offer “a genuine choice of transport modes.”

2.1 Amenities beyond the village mean travelling beyond Upper Cumberworth is essential for many activities.

Much is made of provision for a shop, pub, school and church in walking distance. The consultee response Active Travel England (id 1125211) provided refers to the need for a

mix of local amenities within an 800 m walking/wheeling distance – i.e. within Upper Cumberworth.

**Shop:** The shop opens 9h00-17h30 weekdays, 9h00-12h30 Saturday and closes Sunday – *i.e.* while being a valuable service to a small number of less mobile locals, in both its availability out of working hours and its (understandable) convenience store pricing isn't a realistic option for most. For most “convenience” shopping errands we use either the co-op Sovereign garage (~ 1 mile from site entrance) or even Penistone Tesco (~5.6 miles / 10 mins by road) if after something specific. We try to ensure we use the post office to keep the village amenities alive, but this is conscious effort / dependant on whether a working from home or on leave and able to shop during working hours.

**School:** The first school in the village is operating at or near capacity – as shown by the KC education consultee response (id 1125387), indicating the need for 7 additional places in the timeframe considered (and it appears likely from availability in areas further away there would be displacement to those rather than expansion on the school's quite fixed site).

**Pub:** The pub while of value to the community doesn't currently advertise food beyond bar snacks with sports fixtures and is relatively small in footprint – as such there are no eateries within Upper Cumberworth.

**Church:** Public data in a parish profile document showed a typical congregation size of ten adults a few years ago, with services advertised for only two Sunday's a month – rotating with Upper Denby (a 2.8 mile drive away). Sadly, parishes of this size are realistically likely to decline further and we believe it is disingenuous to count as more than an occasional community space. We travel to nearby New Mill (~3.3 miles by road) most Sundays to attend a church with a broader age range more active congregation.

**What there isn't:** In the mix of local amenities needed for day-to-day life (in addition to the above) **healthcare** (GP/Pharmacy – main surgery Skelmanthorpe available to register with when we arrived, 2.4 miles), **sports facilities** (gyms at the sovereign junction barncliffe mills or denby dale > 1 mile) and **early years/pre-school childcare** (Grey Fell (2.1 mi), Skelmanthorpe (2.5 mi) or Denby Dale School (1.8 mi)) / holiday club type childcare are all entirely unavailable without substantial journeys (which are likely to be by car).

## 2.2 Transport plan uses obsolete (25 year-old) guidance and applies that incorrectly beyond its original purpose, ignoring current relevant statutory benchmarks

The transport plan included by the developer relies heavily on a figure of “2000 m” from the now obsolete (over 25-year old) Guidelines for Providing for Journeys on Foot (Institution of Highways & Transportation, 2000) to justify walking distances of up to 2000 m for access to key facilities such as rail stations, convenience retail and essential

amenities. This is inappropriate, outdated, and inconsistent with current national planning and transport guidance.

Table 3.2 of the 2000 document sets out suggested walking distances (e.g. 2000 m as a “preferred maximum” for commuting, 1200 m for other activities), but these were written for general pedestrian behaviour in the 1990s, not for assessing sustainable accessibility or acceptable walking distances for new development. The document predates the National Planning Policy Framework (2012–2024 revisions), Inclusive Mobility, LTN 1/20, the National Design Guide, and—critically—the establishment of Active Travel England (ATE) as the statutory consultee for active travel matters from 2023.

ATE’s current Standing Advice and associated guidance (they have pointed to as a consultee – response id 1125211) now establish clear expectations for accessibility distances, specifically amenities to be within 800 m walking/wheeling distance, using safe, direct and inclusive routes.

These distances directly contradict the developer’s reliance on 2000 m thresholds. ATE’s position reflects modern evidence, inclusive design requirements, and active travel policy, whereas the 2000 IHT guidance does not reflect current statutory duties or accessibility expectations.

Consequently, the use of 2000 m to justify the location of essential services, stations or amenities is not acceptable in 2026 planning assessments, and ATE’s current guidance must be given significant weight as the relevant statutory benchmark.

### 2.3 Misleading claims regarding public transport provision

The applicant’s Planning Statement implies that the site is well-served by public transport. This is not realistic:

- Bus services exist, but **are limited in terms of real-world usability**. Illustrations of this in terms of comparison journey times and access to employment destinations or use around childcare timings given in the appendix show this is insufficient to be a practical choice (before even considering reliability – see DfT Local Transport Note 1/24). The same is true for rail services. They do not really merit the definition of frequent (travel plan says hourly) to most destinations – for example the X1 towards Wakefield past the site has a weekday gap through peak times between 8h07 and 10h00 during school term; some services (e.g. to Barnsley) run only once on a Saturday.
- Information provided in the planning statement with respect to bus services is erroneous and misleading. (7.81 The site is directly served by bus stops on Barnsley Road, that provide regular connections between Holmfirth, Shepley, Denby Dale, Barnsley, Huddersfield and Wakefield.//8.26 reiterates this point,

these locations, but saying the bus stops are around 100 m away). Not all of these destinations, in particular the major city of Huddersfield is accessible from the nearest bus stop as brief consultation with a route map shows the bus D2 goes down Cumberworth Lane rather than past the site so on return the bus stops are outside the school or Rowgate– both somewhat further from the site and > 400 m by the proposed walking route from some properties within the development. The nearer bus stops do not serve the full range of destinations mentioned (this is more accurately represented in the travel plan document).

- Bus stops are located on **narrow paved, fast roads** without safe waiting areas for families or children. Active travel England suggest the bus stops should ideally be accessed via routes 1.5 m wide – the two on the north side of the road are <1.0 m at the bus stop. The south-east bound services also lack shelter or provision other features recommended by Active Transport England. The one located closest to the village centre is especially concerning as children already wait on a very narrow pavement sandwiched between a 40 mph road and a stone retaining wall, where drivers are distracted negotiating a difficult junction and on the outside of a slight bend and convex slope (this needs addressing development or otherwise).
- The railway station is a single-track minor branch line eventually serving Sheffield and Huddersfield, but again, as shown in the appendix considering, for typical journeys it is not practically useable, introducing commute times > 2x driving and not compatible with childcare arrangements due to limited frequency/timing. From personal lived experience, I travel by train for work more than once a month on average, but do so after driving to Meadowhall or Wakefield Westgate as the time penalty of starting from Denby Dale station is prohibitive, would often turn a day trip into an overnight stay. [The one journey I've done to a medical setting by public transport for an eye scan (so unable to drive after) to Seacroft Eye Clinic a 40 min road journey, but was 2h20 each way by public transport (21 mins walking to Denby dale station, 1h44 scheduled train to Cross Gates and 15 mins walking).
- When assessed from the site's midpoint, as recommended by Active Travel England rather than the entrance point selected by the developer, ***the walking distance to Denby Dale Station is approximately 1.3 miles*** via the road network, involving a substantial uphill return gradient of around 223 feet, and requiring pedestrians to use a route that includes sections of narrow footway adjacent to a busy 40 mph road and frequently affected by spray from blocked drainage (as shown in the appendix). The only alternative public route, across fields behind Rockwood House (around lat/long 53.57260, -1.67244), is wet and boggy for much of the year and is not realistically usable for commuting. On any

reasonable assessment, the station is not within 1000 m of the site as claimed in Table 1 of the Travel Plan; even the closest corner of the red-line boundary lies more than 1.2 km from the station in a straight line, and significantly farther by any practical walking route, making the developer's assertion outrightly incorrect in the context of accessibility and sustainable travel expectations.

The Transport Assessment therefore **fails to accurately reflect the true public transport accessibility** for real world journeys from the site and may mislead decision-makers.

#### 2.4 Walking and cycling access to amenities and employment locations is not viable

The NPPF expects safe, attractive, and direct walking/cycling routes. The village's topography, fast roads with narrow / no pavements, and absence of adequate cycling infrastructure make active travel to shops and amenities **impractical and unsafe**, particularly for children or those with mobility issues.

Local employment, food shops, healthcare, and secondary schools are beyond realistic walking distance as defined by Active Transport England of 800 m. This undermines any suggestion that the development meets the "exceptional circumstances" previously claimed when justifying Green Belt boundary changes.

**Routes beyond the village are not "safe attractive" walking routes**, useable for everyday activity – this was highlighted by a school trip on foot to Denby Dale library original planned to use the Barnsley Road pavement (04 March 2025), but after consideration of the possible risks replanned to use an alternative (muddier) route and the rationale for the change communicated to parents.

**The hazards in relation to the major A-road crossing** (proposed to be improved with tactile paving, but not signalised) to the south-east of the junction in the middle of Upper Cumberworth (A635), which will sit between the proposed development and the village (including school) are significant. Currently this is used by ~4 households on a regular basis, and for those with children with extreme caution. Visitors are warned to be very cautious and if on the way to work my wife will put children in car to drive to the school (0.14 miles away) to avoid crossing the road with them / twice. Adding a second similar (non-signalised) crossing appears to be inadequate for the increased pedestrian footfall likely within the village. The hazards here are exemplified by the cones and signs knocked over during water main repairs when they spanned the full width of the central hashed area, much the same space shown for the plans of the tactile crossing island (see appendix).

In terms of cycling, we have children with whom we cycle on holiday (taking bikes with us), use local cycling routes (e.g. from Penistone), but **do not feel comfortable cycling from the village**. Even as an adult who has at various life stages commuted by bike, I would not cycle any significant distance on the A635 due to safety concerns and the

route towards lower Cumberworth I have cycled (to collect car from garage), but is concerningly narrow (barely space for 2 vehicles without a bike to squash). The route down Carr Hill Road suffers from parked cars and being a “cut through” to avoid the queue at the nearby Sovereign junction often making cycling there feel vulnerable (as well as being least directly towards shops or employment). Cycle accident data shows incidents at the junction in the centre of the village in 2015/16 and more recent accidents around the nearby Sovereign junction (<https://bikedata.cyclestreets.net/>).

The travel plan highlights the availability of cycle networks to include NCN route 627. Aside from the fact this is >> 800 m away anyway, this doesn't point out this section of **NCN Route 627 running south of Shepley cannot be considered high-quality active-travel infrastructure for the purposes of supporting this development**. The overall route is only 54.6% traffic-free, with the remainder running on local rural roads through Stocksmoor, Shepley and Haddingley. These roads are unsegregated, hilly, and expose cyclists directly to motor traffic, with no protected cycle provision. This form of provision is directly contrary to modern expectations for safe, inclusive, everyday cycling infrastructure. The safety concerns associated with such on-road NCN sections are also recognised at a national level: Sustrans, in a 2020 review, has formally removed or reclassified thousands of miles of NCN routes where on-road exposure made them unsafe or suitable only for experienced riders. These national statements confirm that on-road NCN sections—particularly those on rural roads—are not regarded by the Network's own custodians as high-quality or family-friendly active travel routes. Given that NCN 627 in the Shepley area relies heavily on unprotected rural carriageways, with significant gradients and narrow road geometries, it does not constitute the kind of safe, direct, accessible cycling infrastructure required to support sustainable travel arising from new development. Within the last couple of months, we stopped so my wife could assist at the scene of an accident near this cycle routes crossing point with the A635 (resulted in road closure and ambulance recovery of cyclist – 01st Feb 26).

Access to employment within walking distance is negligible and use of **MSOA travel-to-work data is inappropriate for this location**. The Travel Plan provided benchmarks using 2021 Census data from MSOAs Kirklees 056 and Kirklees 057, but these geographies cover a very wide area that includes the much larger settlements of Shelley, Shepley, Denby Dale, Scissett and Clayton West, all of which have substantially greater employment opportunities and more diverse transport patterns than Upper Cumberworth. As a result, MSOA-level data is highly misleading when used to represent travel behaviour in this village context. Lower-Layer Super Output Area (LSOA) data is the correct scale for assessing this site (or meaningful aggregation of genuinely similar LSOAs). The relevant 2021 Census unit for the immediate locality is LSOA Kirklees 057F, which corresponds largely to Upper Cumberworth and its surroundings. This dataset is significantly more representative of local travel behaviour and provides an accurate reflection of transport choices available to residents. This LSOA data confirms an

overwhelming dependence on private cars. Within Kirklees 057F, over 90% of commuting journeys by those who do not work from home are made by car or van (see Appendix). This is the figure that correctly reflects the settlement's limited local employment, limited public transport accessibility, and rural morphology, and it strongly contradicts the more favourable MSOA-level mode shares presented in the Transport Assessment.

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### 3. Residential Amenity: Light, Privacy and Density

*(Expanded in Appendix B)*

#### 3.1 Privacy and Use

Although matters other than access are reserved at this stage, the principle of residential amenity in terms of privacy remains a material consideration when determining whether the site is suitable for residential development, and the proposed density is likely to be achievable. Our property and those of immediate neighbours lie downhill (~1.5 m established using QGIS with LiDAR Composite DTM data and checked with standard trigonometry based measurements). Currently we experience a high level of seclusion, with no facing residential development across open land for in excess of 100 metres. These homes were clearly designed and habitable rooms oriented to take advantage of this openness, and garden areas are used for sensitive domestic activities that rely on the established level of privacy. Introducing housing on the application site would fundamentally alter this relationship by creating potential intervisibility where none presently exists. In this rural context it would be inappropriate to rely on standard suburban separation guidelines such as the commonly cited 21-metre rule, which assumes an existing pattern of some mutual overlooking. The acceptability of future layouts, building heights and window positions therefore raises significant unresolved concerns regarding overlooking and loss of privacy, and these impacts cannot be fully mitigated or deferred without careful consideration at the outline stage of whether residential development is appropriate in principle on this site. Privacy was discussed with subcontractors of the developer and the need for improved screening / distance / orientations highlighted.

#### 3.2 Impacts of reduced light on residential and garden amenity

At outline stage, even where only access is formally sought and layouts remain indicative, it is still necessary for the authority to understand whether the principle and likely density of development can be accommodated without unacceptable loss of residential amenity. The council's assessment should therefore have regard to the daylight and sunlight guidance set out in *Site Layout Planning for Daylight and Sunlight*:

*A Guide to Good Practice* published by the Building Research Establishment (BRE). Given the rising topography immediately to the south-west of our property and the elevation difference measured at approximately 1.5 m between the indicative building line and our property, there is a clear risk that compliant BRE relationships may not be achievable once realistic building heights are modelled. The absence of detailed level information at this stage makes it impossible for affected residents or decision-makers to verify whether acceptable daylight and sunlight standards could be met, which is precisely why the issue must be examined now rather than deferred to reserved matters.

Importantly, the concern is not speculative but relates to foreseeable loss of low-angle winter sunlight to a primary south-facing kitchen/dining/living space, an amenity highly sensitive to obstruction from elevated south-western development. This is the primary habitable space and highly open with full height glass through a large part of the space to take advantage of natural light. Thus, reduction in winter light would represent a credible harm. Even if annual sunlight reductions were ultimately shown to fall below the headline 20 % threshold, the combination of a minimally separated row of houses, rising landform, and obstruction of late-afternoon winter sun raises a realistic prospect that the indicative density shown cannot be delivered without significant amenity harm. Similar issues have been recognised in decision-making elsewhere, including large residential schemes (Cambridge Station Road, Wandsworth Ravenslea Road), where officers and inspectors have accepted that low-angle winter sunlight loss and topographical relationships may justify reduced building heights, increased separation distances, or lower site densities even where headline BRE numerical targets were not exceeded but perception or experiential effects would have an unacceptable impact. Raising this issue at outline stage is therefore material because it goes directly to whether the scale and quantum of development currently envisaged are feasible on the site without redesign, reduced height, increased offsets, or lower density — matters that cannot realistically be corrected later if the outline parameters already assume a form of development that inherently causes unacceptable overshadowing. Appendix B does include some approximate geometries based on the indicative plan that show why this is a credible concern.

In addition, the loss of winter sunlight would extend beyond internal living accommodation and materially affect the reasonable enjoyment and productive use of the garden which extends much closer to the proposed new buildings. The property includes vegetable growing areas and a greenhouse that rely on low-angle southern sunlight during autumn, winter, and early spring months when solar availability is already limited. Overshadowing during these periods can substantially reduce growing viability and garden usability, which precedents for planning practice recognises as part

of residential amenity, rather than a purely private preference. The potential reduction in direct winter sunlight to cultivated garden areas therefore represents an additional and cumulative amenity impact that should be assessed alongside BRE daylight and sunlight considerations.

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#### 4. Impact on Local Woodland, Landscape and Rural Character

The development site sits adjacent to **ancient woodland** and forms part of a long-established rural settlement pattern. The proposal poses several risks to the ecological integrity, landscape setting and rural character of Upper Cumberworth.

First, despite being a **completely greenfield farmland site**, the scheme appears unable to achieve a **genuine on-site biodiversity net gain**. There is also some doubt according to KC's own ecology unit assessor on the figures provided. Instead, the applicant proposes to rely significantly on **off-site biodiversity offsetting**, which is inherently less effective and provides little local ecological benefit. In a location with existing species richness and uncomplicated opportunities for habitat enhancement, the fact that net biodiversity is projected to fall locally is a serious concern and suggests the proposal is poorly aligned with the biodiversity principles of the NPPF.

Second, the ecological surveys submitted do **not reflect the wildlife regularly observed by residents and visible in the field**, particularly at the end of the site farthest from the woodland boundary where we live. Locally recorded species include **roe deer, multiple bat species, barn owls, stoats**, and a wide range of common and uncommon bird life. The omission of detailed quantification raises questions about the robustness of the ecological baseline and the adequacy of the methodology employed.

Third, the adjacent **ancient woodland has already been highlighted during consultation** as requiring stronger protection than that currently proposed. Yet the layout and drainage design still risk indirect impacts. The site **directly feeds the woodland watercourse**. Altered hydrology - such as increased surface run-off, pollutant load, or changes in soil moisture - poses a realistic risk of **habitat change** within this sensitive ecosystem. This concern is reinforced by issues raised in recent appeal and judicial decisions (such as the Chidswell case), where ecological effects on ancient woodland were found to be significant and inadequately mitigated.

This particular woodland is known locally to support **rare invertebrate species**, including notable ant populations associated with mature **beech woodland**. Such habitats are highly sensitive to even minor shifts in ground conditions, moisture levels or edge disturbance. The proposal does not convincingly demonstrate that these impacts will be avoided both during construction and upon completion.

The current plans also remove an unacceptable number of mature trees, some of which are now protected by granted TPO (unclear in some of the supporting documents due to the timeline), giving a sense of the villages strong feeling about their value as part of the village as key habitats visible to many residents bordering the field and walkers along the adjoining footpaths.

Combined with the risks of **disturbance to wildlife corridors, increased light pollution, and severance of rural character** at the village edge, the scheme fails to comply with the requirements of **NPPF Chapter 15**, which obliges decision-makers to protect and enhance valued landscapes, conserve habitats and species, and recognise the intrinsic character and beauty of the countryside.

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## 5. Access and Highway Safety Concerns

### 5.1 Proximity to an already problematic junction

The proposed access lies extremely close to the **already crowded junction in Upper Cumberworth** (outside Post Office) where visibility, queuing, and turning conflicts already occur. Adding traffic from 123 dwellings will significantly increase pressure at peak times. There is also a strong likelihood of substantial increased pressure on the nearby Sovereign Junction (a local fatality blackspot – see Appendix A), and pinch point in the road infrastructure where substantial queues form at peak times. Notably the 5 year crashmap data makes it difficult to see trends visible over a longer period, such as an accident cluster at the junction outside the post office, and has not been extended away from the site towards the Sovereign junction and Shepley where multiple fatalities have occurred. However, substantive changes to the road network have not occurred in this time to address these problems.

### 5.2 Travel assessment model problems

The applicant's Transport Assessment records around 700 car movements in the AM peak (1-hour) on the A635 through Upper Cumberworth, based on the surveys undertaken for this application. Against this baseline, the TA's trip-generation work assumes ~530 one-way vehicle movements per day from the development and describes this as a 'worst case'. However, that "worst case" is derived from TRICS sites in private residential areas, some better served by public transport and/or embedded within larger conurbations with proximate employment; as such, it does not reflect the local context of Upper Cumberworth. Moreover, a number of the lower traffic counts used in the TA are drawn from 2021/2022, when COVID-related working-from-home effects were still material; this suppresses observed flows and understates present-day peak activity.

The “optimism” of the traffic assessment model choice can be seen by considering Local Census 2021 ‘method of travel to work’ data for the relevant LSOA show that most employed residents travel by car. For a scheme dominated by 3–4-bed homes, the average number of employed people per dwelling is likely to exceed the area benchmark of around 1.15 per household (based on LSOA Kirklees 057F as the local reference point; sources: Nomis Census 2021 Topic Summaries TS066 / TS041). Applying the Census proportion of 54% driving to work would therefore generate around 77 peak-time outbound trips, almost double the 44 assumed in the Transport Assessment. Not all commuting trips will fall neatly within the census peak hour, but this is likely to be offset by additional non-commute journeys, particularly to childcare settings (as none exist in village).

Even accepting the applicant’s daily trip total and a 50:50 directional split, the proposal would add approximately ~265 one-way movements through the junction at the middle of the village outside the post office over the day and the Sovereign junction (A635/A629). We are likely quite conservative in the journeys done (some home or away overnight working, one of us not full-time), and our typical week shows the 2 round-trips per household per day is a substantial underestimate (see appendix) for likely conservative real-world experience of living here. Because of proximity to shops, we also use regular delivery services and visitors to us tend to travel by road. Using these two counts would put between 4 and 10 % extra vehicle movements through this junction (noting the 2.5 times higher junction use we experience versus that assumed for the travel assessment – appendix A).

The TA focuses on modelled queueing for only two junctions and concludes there is no material queueing impact through the village; however, **queueing is most likely to form at the Sovereign junction, which the TA does not assess**, while the route through the village (narrow pavements, frequent crossing movements, school buses) would be subject to materially higher conflict and delay for vulnerable users. The other place queues often arise in the daytime is for the Bromley Farm recycling centre – see below, this has also not been considered). Critically, the TA does not assess the increased difficulty of crossing safely in an area with already conflicted traffic movements so drivers are distracted, and footway adequacy is poor, or the change in accident risk arising from a material increase in peak-hour flows, despite NPPF §115(b) and §116 requiring that developments provide “safe and suitable access for all users” and requiring proposals be refused where there is an unacceptable impact on highway safety

In summary: the applicant’s trip generation is optimistic for this rural commuter context; their network assignment relies on pandemic-period counts and larger suburban contexts where employment and transport opportunities exist. The TA omits

the Sovereign junction where queues would form and does not address crossing difficulty, narrow footways, or collision risk commensurate with a significant uplift in AM-peak traffic on the A635 through the village. On this basis, the application fails to demonstrate compliance with NPPF §115–116 and should be refused or, at minimum, be subject to re-assessment requiring: (i) updated baseline counts; (ii) locally appropriate TRICS selection and a road commuter-led peak profile; (iii) modelling of the Sovereign junction; and (iv) a forward-looking road safety assessment addressing pedestrian crossing, footway adequacy and collision propensity under the forecast flows.

### 5.3 Overlooking of the Quarry/Bromley Farm recycling centre junction

The access plans fail to recognise the **regular HGV and tractor movements** associated with the quarry and recycling centre, and recent approvals to substantively increase HGV movements associated with the quarry. These are unmarked on the plan but the access for this downhill of the site entrance with a middle turn lane, an intermediate point with a middle turn lane and then the proposed site entrance, interleaved by two pedestrian crossings and then the junction with Cumberworth lane mean **drivers will be faced with a substantial number of successive obstacles to negotiate, on a 40 mph road. In the assessment of the quarry proposal that was adopted, the increased traffic considerations were already a key concern.** Putting 123 homes in a location, where reliance on the private car as the near exclusive means of travel, will inevitably further increase the likelihood of vehicle conflicts in relation to the quarry vehicles, as well as put more pedestrian users in the vicinity of the quarry entrance than was originally accounted for. As above, queuing occurs currently more frequently at this location (without the increase of quarry traffic) on days when the recycling centre is open than at either of the points modelled in the transport assessment.

### 5.4 Cycle infrastructure concerns

A cycle lane that terminates abruptly on a rural road invites unsafe behaviour:

- cyclists may divert onto pavements;
- motorists emerging from driveways might not see approaching bikes on these pavements;
- pedestrians are already at risk due to narrow footways.

The proposal appears to install a short cycle lane from nowhere to nowhere, which will inevitably lead to cyclists remaining on the existing pavement to the junction with Carr Hill Road. Several driveways including ours already have poor visibility (partly due to screening hedging to reduce road noise from the busy road). I'm really concerned about the difficulty of seeing a cyclist who inevitably diverts onto this pavement when it is not easy to rejoin a busy 40 mph road and this short cycleway has run out. This is

particularly problematic as in the uphill direction the cycleway disappears shortly before the road narrows to accommodate the pedestrian island forcing cars and cyclists to converge if they do not divert illegally onto the pavement. It would seem better not to build this rather pointless stretch of cycleway than include at all.

For pedestrians, the cycleway also does not appear to deviate for the lower crossing proposed at the eastern most corner of the site / the access plan doesn't explain how this will work.

This contradicts NPPF paragraph 112, which expects developments to prioritise pedestrian and cycle safety.

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## 6. Drainage, Water Infrastructure and Flooding

The local water and drainage network is already demonstrably under strain, with **frequent mains leaks, low mains pressure, recurring road flooding, storm-drain overflows** and episodes of **sewer surcharge discharging into nearby watercourses**. Introducing a further 123 dwellings without secured, funded upgrades would materially increase loading on an infrastructure system that is not currently performing to an acceptable baseline. Yorkshire Water has previously acknowledged capacity constraints in this area, reinforcing the need for robust evidence before any intensification is approved and positive support from Yorkshire water to confirm this is achievable. The current statutory response is really very serious indicating the infrastructure cannot cope and **Yorkshire water indicate this lacking provision means "public health may ... be negatively impacted"**

Given the pattern of failure, it is essential that a **full, independent hydraulic modelling assessment** is undertaken and published before determination, in line with the NPPF's requirement that developments do not place unacceptable pressure on existing utilities and that infrastructure capacity is properly evidenced. This is not a theoretical risk: in the short length of highway outside our property alone, there have been **three significant mains bursts within the last year alone**, and Yorkshire Water has offered a settlement exceeding £1,000 to address damage from one such incident — a clear indication of the scale of current vulnerability. Repair teams have repeatedly described these fixes as "temporary", yet no permanent, systemic solution has been put in place. Other points around the village also leak and reduce water pressure to the rest of the village on a regular basis. In this context, approving a major housing scheme without firm, costed and deliverable infrastructure upgrades would be unsound and contrary to the requirement for safe, resilient development.

## 7. Conclusion

For the reasons outlined above, this Outline proposal is **inadequate, insufficiently evidenced**, and poses clear risks to sustainability, residential amenity, environment, and public safety. The development fails to demonstrate compliance with the NPPF and relevant Kirklees policies. In particular it vastly oversells the sustainability of the location in terms of access to amenities and public transport within an appropriate distance. These exaggerated attributes are strongly relied on by the applicants to justify the exceptional case for greenbelt development, which is therefore not made. In places information given is inconsistent (e.g. BNG) or misleading/erroneous (around travel distances).

I therefore respectfully request that Kirklees **refuse** the application.

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## 8. Key References – Web Links for Policies Cited

### **National Planning Policy Framework (NPPF, 2023 version)**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

### **Manual for Streets (DfT)**

<https://www.gov.uk/government/publications/manual-for-streets>

### **Kirklees Local Plan Strategy and Policies**

<https://www.kirklees.gov.uk/beta/planning-policy/local-plan.aspx>

### **Kirklees Highways Design Guide**

<https://www.kirklees.gov.uk/beta/transport-roads-and-parking/highways-design-guide.aspx>

### **National Design Guide / National Model Design Code**

<https://www.gov.uk/government/publications/national-design-guide>

<https://www.gov.uk/government/publications/national-model-design-code>

### **Active Travel England guidance document referred to in planning consultation response**

<https://assets.publishing.service.gov.uk/media/667ace3fc7f64e234208ffb5/ate-travel-sustainable-development.pdf>

<https://www.activetravelengland.gov.uk/planning-active-places/bus-stops>

### **DfT Local Transport Note**

<https://assets.publishing.service.gov.uk/media/65f48b65811225001a579f7c/local-transport-note-124-bus-user-priority-report.pdf>

**Building Research Establishment: Site layout planning for daylight and sunlight: a guide to good practice (BR 209 2022 edition)**

<https://bregroup.com/store/bookshop/site-layout-planning-for-daylight-and-sunlight-a-guide-to-good-practice-br-209-2022-edition>

**St Nicholas Church Parish Profile data**

<https://share.google/S0HApX5TxQ5BORTNd>

## Appendix A

### Action Travel England Planning Application Assessment Toolkit

This assessment toolkit matrix is provided by the statutory consultee (*Standing advice note: active travel and sustainable development – 1.8*) some of the information provided in the following section shows how far short of sustainable the site falls against the criteria given. The applicants have opted not to follow the publicly available guidance document from this statutory consultee recommending “*ATE encourage design and transport consultants to use the toolkit and submit a completed version with future planning application submissions. Local authority officers (planning and highways) are urged to use the toolkit in their assessment of planning applications.*” It is hoped Kirklees will follow the guidance from their statutory consultee and use this framework to assess the proposed development.

### Maps showing Active Travel England’s 800 m wheel/walk distance thresholds / 400 m bus stop thresholds.

Active Travel England Standing Advice Note: Active travel and sustainable development (given as the statutory consultee response [id 1125211]) 2.4 indicates “A mix of local amenities should be located within an 800m walking and wheeling distance (using well-designed routes) of all residential properties” (and determined from appropriate point, not the site boundary). Similarly 2.9 “Most buildings within the application site should be within 400m of a high-frequency bus stop or 800m of a rail/light station or tram stop, with appropriate facilities. Local bus stops should have good natural surveillance and provide seating, lighting, shelter, real-time passenger information and raised bus boarders or specialist kerbs. ... Footpaths/ways to public transport nodes should conform to the design standards identified in paragraph 2.6 of this advice note.” (2.6 includes width of 2 m and pinch points not less than 1.5 m and smooth even surface).

As of (1 June 2023), ATE is officially a statutory consultee on all planning applications for developments equal to or exceeding 150 housing units, 7,500 m<sup>2</sup> of floorspace or an area of 5 hectares. The proposed development is for an area of > 5 hectares (5.6 hectares) and a 3-4 bed led development is estimated using Nationally Described Space Standard minimums to be at least 12500 m<sup>2</sup>.

(<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard/technical-housing-standards-nationally-described-space-standard>). Other obsolete standards from 25 years ago cited in the application documents with longer than currently accepted distances must be disregarded.

While these standards are to be met regardless, the correct interpretation of the site being sustainable based on appropriate public transport and access to amenities in walk/wheel distance is pivotally important in this case. The arguments put forward by the developer to justify Green Belt construction rely entirely on meeting the “exceptional circumstances” criteria which require them to meet this definition of sustainable, which the plans very clearly do not.

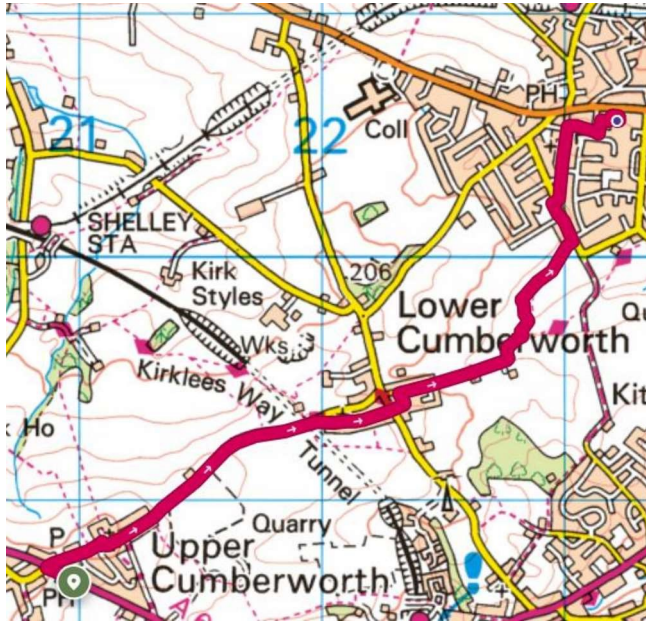
Measurements from the farthest houses within the site **via available walking routes** using available access points show some maximum on site walking distance and minimums are assumed to be from those corners in the larger scale map. OS maps online was then used to identify 800 m intersects with road /walking routes out of the village as shown. (These points are joined arbitrarily to produce circles to indicate max [dark red] and min [pink] 800 m thresholds). Similarly the 400 m thresholds overlaid on bus stop map (bustimes.org).



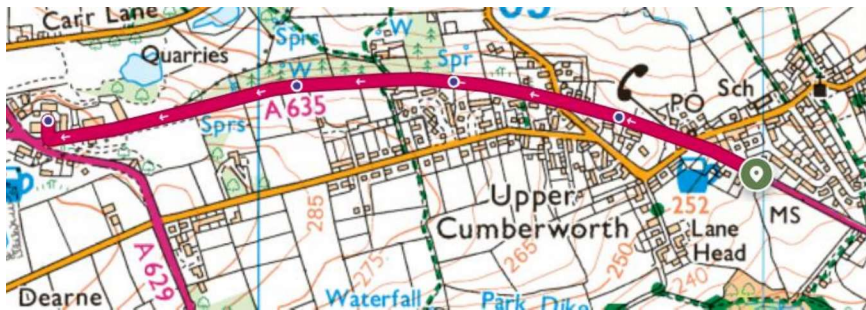


Maps to key amenities

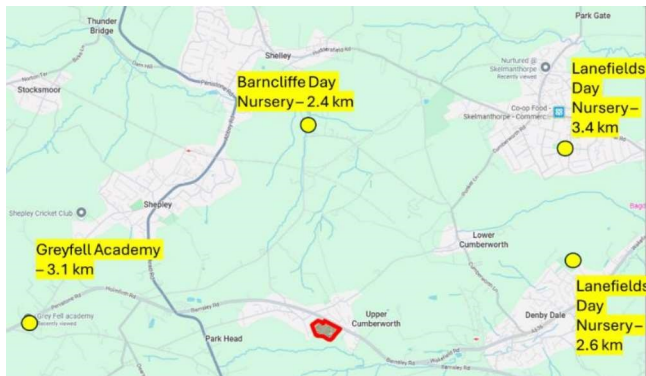
**Skelmanthorpe Family Doctor - 3.79 km from site corner:**



**Nearest substantial convenience store (excludes post office due to limited hours) – 1.48 km from site corner (listed as 1000 m in Table 1 of travel assessment, section 2.32):**



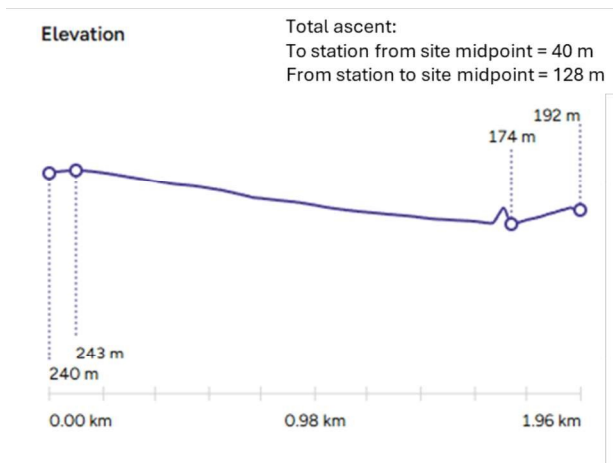
**Nearest preschool / nurseries from nearest site corner:**



**Distances to station at Denby Dale from nearest site corner showing walking routes and crow flies route** (claimed in application 1000 m – Table 1 of travel assessment, section 2.32, along with other services in near end of Denby Dale all > 1km):



**Station walking route elevation map** Additionally, for the station, an elevation profile of the walking route shows that the topography makes practical use far less attractive than an equivalent flat route. Although the horizontal distance is 1.96 km from the site mid-point (and more than 2 km for a substantial proportion of proposed dwellings), the significant ascents materially increase journey time and effort. The gradients also render cycling impractical for many users. Using the well-established Naismith’s Rule—adding one minute for every 10 m of ascent—it can be shown that the outbound route is equivalent in time to a 2.3 km flat walk, and the return journey to a 3.0 km flat walk. Even if one accepts the obsolete 2 km figure included in the applicant’s travel assessment, this simple calculation illustrates why the site cannot reasonably be described as having practical access to the station once the topography is taken into account.

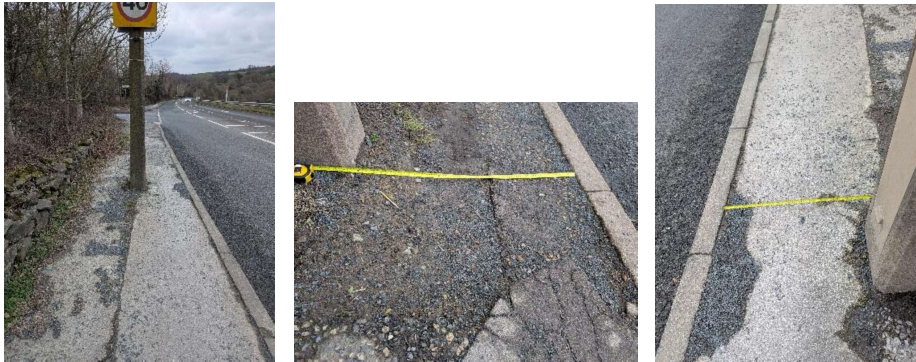


## Pavement widths and pinch points

Active Travel England – the statutory consultant, make clear in the advice note linked from their guidance ([Active Travel England Standing Advice Note: Active travel and sustainable development](#)) that pedestrian routes to amenities should “have a minimum width of 2m, with limited pinch points no less than 1.5m;” and “have a smooth, even surface;” (Para 2.6). In Upper Cumberworth few pavements are close to 2 m and many pinch points and uneven surfaces are present – some examples are provided below. All 4 road routes have significant footway pinch points (in the case of Carr Hill Road no footway at all).

### A635 SE:

Regular pinch points below 1 m



Including long term maintenance issues not addressed

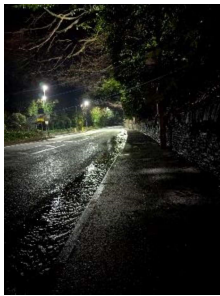


Additionally surface runoff water makes spray from road due to puddled surface water necessitate a change of clothing or high end waterproofs for anyone using this route to, for example, commute by train.

Near Bromley Farm Entrance:



Near Wakefield/Barnsley Junction:



A635 NE (stretches generally ~ 80 cm wide with pinch points less than 50 cm):



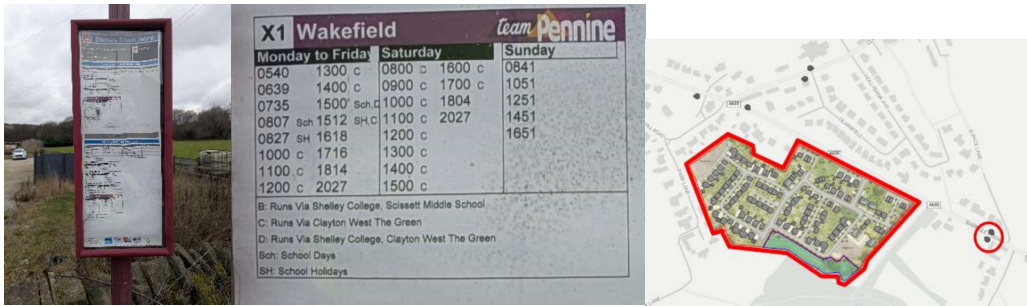
Cumberworth La to Lower Cumberworth (pinch points under 40 cm, footway only one side):



### Bus / Train services and bus stops

As indicated in the main text, many bus services are insufficiently frequent; buses to Huddersfield leave from further than 400 m from many dwellings (ATE's standing advice note states "Most buildings within the application site should be within 400m of a high-frequency bus stop" P2.9 ) as shown in the above maps, and **X1 buses from next to the**

planned site to Wakefield are 1h53 min apart during peak morning hours (term time) and when running on time. Note these bus stops don't serve Huddersfield.



Furthermore bus stops do not conform to expected specifications indicated by Active Travel England (P2.9 of standing advice note: “Local bus stops should have good natural surveillance and provide seating, lighting, shelter, real-time passenger information and raised bus boarders or specialist kerbs.”), or even provide a safe, adequately wide waiting area (as meant to be 2 m routes to the bus stop, it can reasonably concluded this applies as an appropriate minimum for the bus stop as well – for example:

SE bound near post office junction – width at bus stop ~ 90 cm:



SE and NW bound on A635 to SE of site:



Access along the side of the road with pavement (N) there are pinchpoints of 65 cm:

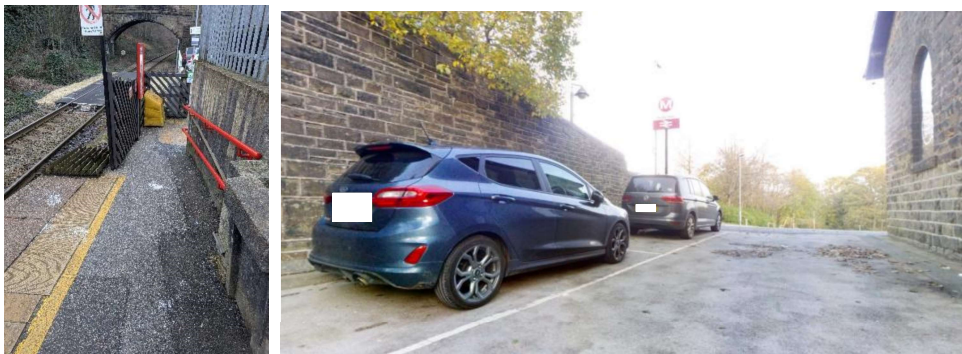


The bus stop on the N side of the road is again ~1 m total width (if hedge cut / not wet). It should be noted that both bus stops NW are inadequate.

Pavements are also often uneven:



Trains should be noted to be accessed at Denby Dale station by a fairly steep ramp and uneven car park surface (no footway) onto platform and also have relatively low frequency:



Information by internet  
 RESERVATIONS  
 PLURIBUS  
 NOTICE  
 IMPORTANT NOTE

**BARNSELEY (BNY)**  
 Mondays to Saturdays  
 Depart: 06:36 07:36 08:36 09:36 10:36 11:36 12:36 13:36 14:36  
 Arrive: 06:59 07:59 08:59 09:59 10:59 11:59 12:59 13:59 14:59

**BERRY BROW (BBW)**  
 Mondays to Saturdays  
 Depart: 06:26 07:24 08:27 09:26 10:26 11:26 12:26 13:26 14:26  
 Arrive: 06:43 07:41 08:43 09:43 10:43 11:43 12:43 13:43 14:43

**SHEFFIELD (SHF)**  
 Mondays to Saturdays  
 Depart: 06:36 07:36 08:36 09:36 10:36 11:36 12:36 13:36 14:36  
 Arrive: 06:59 07:59 08:59 09:59 10:59 11:59 12:59 13:59 14:59

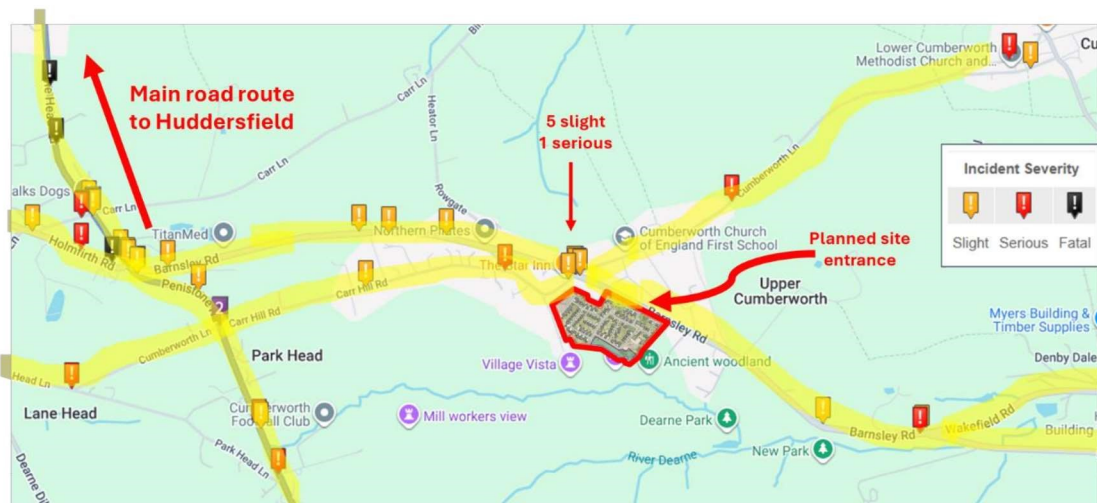
**SHEPLEY (SPY)**  
 Mondays to Saturdays  
 Depart: 06:26 07:24 08:27 09:26 10:26 11:26 12:26 13:26 14:26  
 Arrive: 06:43 07:41 08:43 09:43 10:43 11:43 12:43 13:43 14:43

**SHIREOAKS (SRO)**

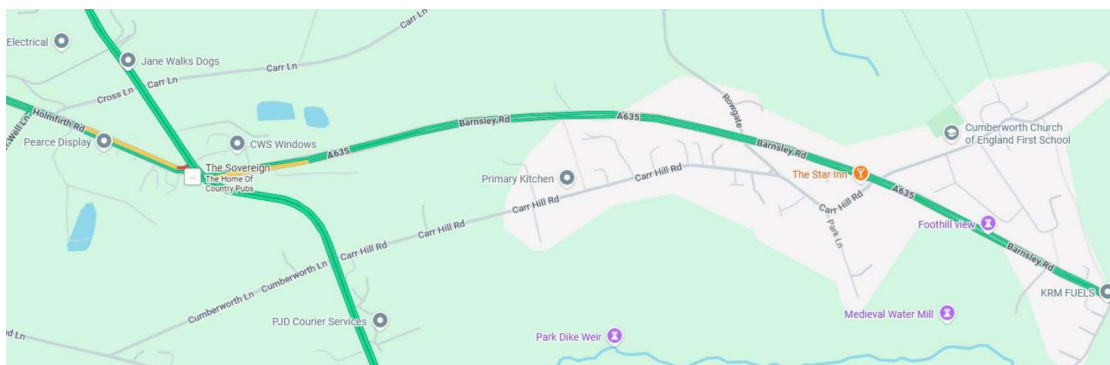
MEADOWHALL  
 HONLEY (HOY)  
 HUDDERSFIELD (HUD)  
 KIVETON BRIDGE (KVY)  
 PENSTONE (PNS)  
 RETFORD (RET)  
 SKILLY (SKY)

Local road network

It is helpful to consider a longer term assessment of crashmap data to establish blackspots – the 10 year data around the site is shown below (10 year Crashmap.co.uk UK Great Britain road accident data 2015-2024 showing serious accidents on all routes out of the village, and fatal accidents around and downhill of the Sovereign junction. There is also a cluster of “slight” accidents and one serious (19/10/2016) at the village centre junction by the star, to which improvements haven’t been made and do not form part of the plan to address. Routes out of the village are highlighted.):

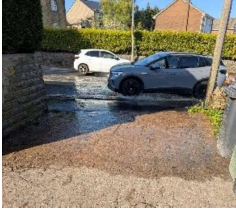
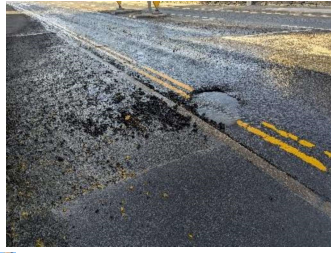


It is additionally noted in the text that the main traffic build up in the morning effecting villagers is at the Sovereign junction – not in the village itself or the points modelled in the travel plan – this is shown for 8:30 am on a typical Tuesday using googlemaps traffic feature (average queues):



### Water Leaks

In terms of water infrastructure, we noted there have been three significant leaks over a period of ~ 1 year on Barnsley Road of mains water (as well as many other locations in the village) – photos included below show the severity of these leaks. It is also notable that cones and signs were hit frequently once laid out illustrating the risks of island crossings.



Typical Journey's over a 2-week period prior to the application (full weeks 12<sup>th</sup> – 25<sup>th</sup> Jan).

As a typical family of two adults, 2 children (one early years, one primary school age), one adult working partly from home and sometimes away overnight, the other not full time we likely represent a moderate (certainly not higher end) vehicle use. We still had ~6.2 individual vehicle movements a day (1.5 times those predicted in the transport assessment – likely due to flawed comparators in the TRICS data due to non representative comparators as outlined above). In particular, however, we note the significantly higher number of movements across the Cumberworth La / A635 junction due to school drops/collection forming part of a commute, and this being the dominant direction of travel by a factor of ~2. (This is about *2.5 times the number* assumed by the transport assessment).

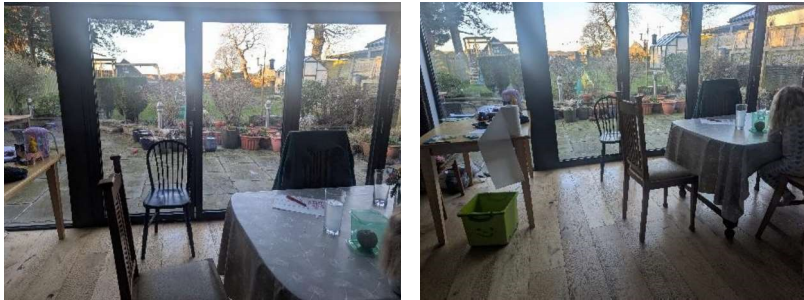
Data assembled from diaries and google timeline information. Morrisons delivery and cleaners included as stops one delivery route more distant, cleaner's journey known. Morrisons typically turn at A635 / Carr Hill Road junction, but this is ignored and only arrive/depart SE counted. A number of Amazon and Evri deliveries also made, but may have made multiple drops so not included to achieve a conservative estimate, although will add to number. Movements over the Cumberworth La / A635 junction additionally recorded as school drops on work days by car create additional movements at junction.

Day	Car 1	Car 2	Visitor	Individual movements SE A635	Individual movements NW A635	Individual movements across Cumberworth La / A635 junction
12	Work (outbound)	School, work, school	Relatives Sovereign Coop (newspaper); Relatives visiting friends	3	4	6
13	Work (homebound)	Child swim Denby Dale x 2	Relatives Sovereign Coop (newspaper); Relatives denby dale	7	3	3

			builders merchant; Relatives depart			
14	Sovereign Co-op; New Mill Church	School, work, school			6	8
15	Work	School, work, school	Cleaners	2	4	6
16	Nursery x2; Denby Dale Fisheries	School, work, school		2	6	8
17	Leisure (Holme valley walk); Denby Dale (café)		Visitor from Huddersfield	2	4	4
18	Pennine Garden Centre; Sovereign Garage	New Mill Church	Morrisons delivery	2	6	6
19	Nursery	School, work, school			2	6
20	Work trip outbound	Child swim Denby Dale x 2; Library		7		
21		School, work, school			2	4
22	Work trip return	School, work, school	Cleaners	1	4	6
23	Nursery	School, work.	Relatives arrive; Relative sovereign coop.		7	8
24	Sovereign Coop Shopping		Relatives Sovereign Coop (newspaper).		4	4
25		New Mill Church; Childrens party (Scissett)	Morrisons delivery; Relatives Sovereign Coop (newspaper); Relatives depart	4	5	5
			<b>TOTALS</b>	<b>30</b>	<b>57</b>	<b>74</b>
			<b>DAILY AVERAGE</b>	<b>2.1</b>	<b>4.1</b>	<b>5.3</b>

## Appendix B

Ours (and adjacent properties) have rear facing main habitable rooms – kitchen/dining/living space in our case that are below the level of the proposed development and designed to take advantage of natural light (e.g. full height windows):



View from window midpoint and indicative building heights (crude estimate):

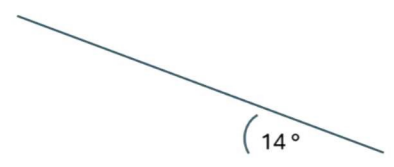


Indicative building line (for 8.5 m ridges) in Feb winter sun



Property on Barnsley Road

Approx 1.5 m  
land height  
change + 8.5 m  
houses  
(assumed) = 10  
m



Approx 40 m to buildings

The property points almost exactly SW (224 degrees) to the rear with open windows.

Basic angle calculations from suncalc.org show that as the sun traverses the south west direction (central to the back garden in the photo above) **the sun would drop below the proposed building line before getting to half way across (225 degrees) the rear elevation from 26<sup>th</sup> October to 16<sup>th</sup> Feb** in the coming year (crudely around 50% of the sun's direct light into the room) – almost 4 months through the winter. This is consistent with the photo obtained on 17/02/26 (about the end of this period). More detailed calculations are clearly needed, but this highlights clearly the proposed density may not be achievable without impacting residential amenity.

Computation path of the sun for:	Computation path of the sun for:	Computation path of the sun for:
66 Barnsley Road, Upper Cumberworth, Hudders	66 Barnsley Road, Upper Cumberworth, Hudders	66 Barnsley Road, Upper Cumberworth, Hudders
31.Mar.2026 16:08 UTC+1	26.Oct.2026 14:49 UTC+0	16.Feb.2027 15:19 UTC+0
reverse calculation from the sun altitude/azimuth at time	Solar data for the selected location	Solar data for the selected location
Sun Altitude: 14 0° - 59.9°	Dawn: 06:18:06	Dawn: 06:47:46
Sun Azimuth: 225 0° - 360°	Sunrise: 06:54:03	Sunrise: 07:23:35
Period calculation: 12 months	Culmination: 11:50:42	Culmination: 12:20:47
calculate time	Sunset: 16:46:32	Sunset: 17:18:49
24.10.2026 15:49 BST 14.45° 225.1°	Dusk: 17:22:26	Dusk: 17:54:42
25.10.2026 14:49 GMT 14.12° 224.97°	Daylight duration: 9h52m29s	Daylight duration: 9h55m14s
26.10.2026 14:49 GMT 13.81° 224.84°	Distance [km]: 148,713,213	Distance [km]: 147,787,582
27.10.2026 14:50 GMT 13.39° 224.94°	Altitude: 13.81°	Altitude: 14.03°
14.02.2027 15:20 GMT 13.39° 224.86°	Azimuth: 224.84°	Azimuth: 225.12°
15.02.2027 15:20 GMT 13.69° 225.02°	Shadow length [m]: 40.70	Shadow length [m]: 40.03
16.02.2027 15:19 GMT 14.1° 224.96°	at an object level [m]: 10	at an object level [m]: 10
17.02.2027 15:19 GMT 14.41° 225.13°	Reverse Calculation	

# Flood Risk, Drainage, Hydrology and Water Quality Statement

Land South of Barnsley Road, Upper Cumberworth HD8 8NN

Cumberworth Environmental Community Action Group

February 2026

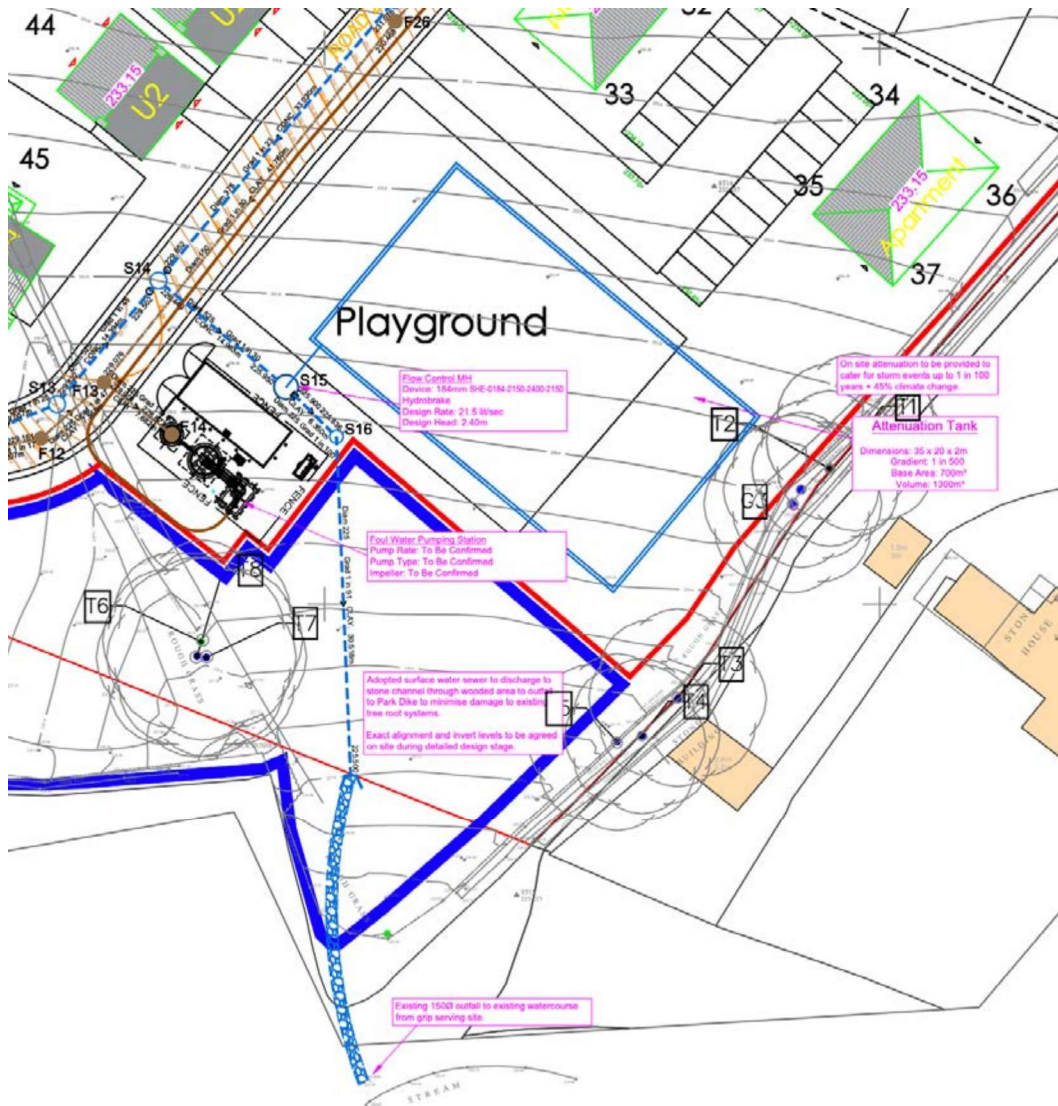
This document aims to provide an assessment of the submitted drainage proposals for the outline application with all matters reserved, bar vehicle access into the site, for erection of up to 123 dwellings with associated works including open space, landscaping, drainage infrastructure at Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8NN. Kirklees planning reference number 2025/60/93572/E.

## **Flood Risk & Drainage**

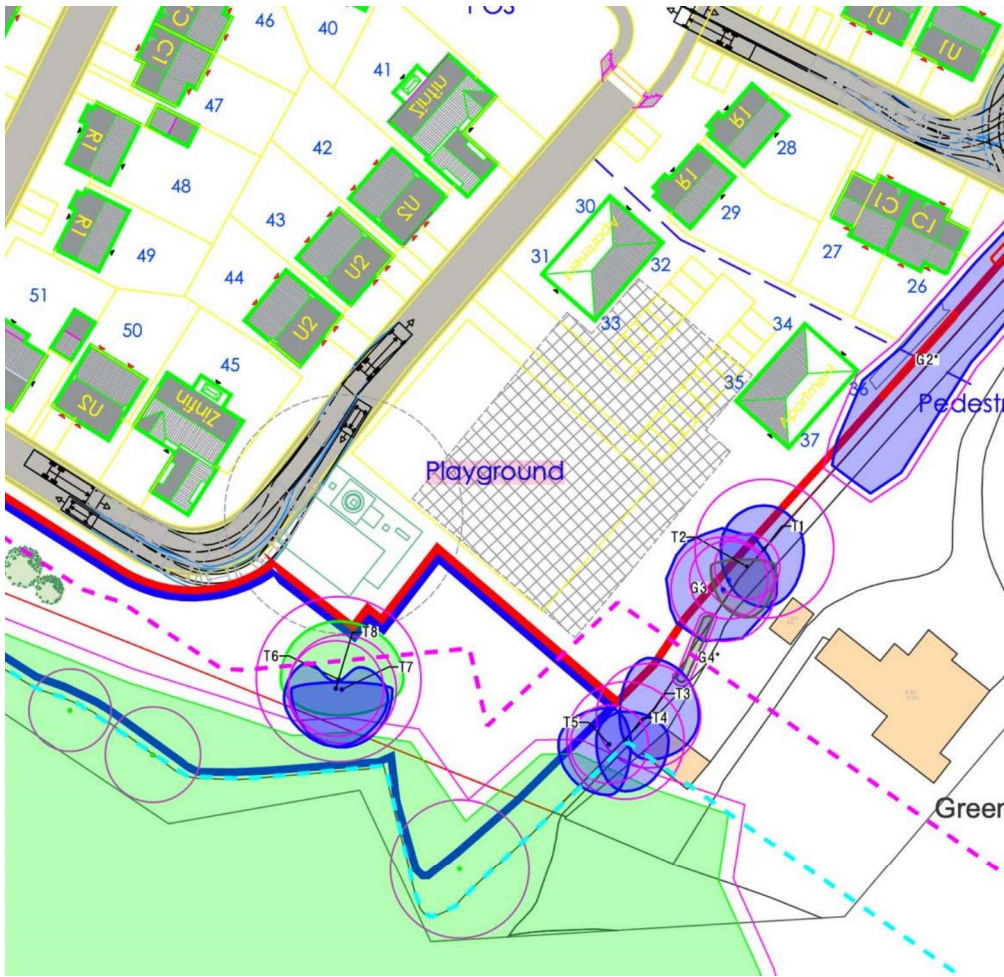
The submitted Flood Risk Assessment dated December 2025 prepared by Haigh Huddlestone & Associates (ref E25/8281/FR01) is noted, as is the associated Preliminary Feasibility Drawing (Dwg No. E25/8281/001 Dated Dec 25). No final or Issue stage drawing appears to have been made available.

A new outfall located to the South of the development through Stephen Wood designated ancient woodland into Park Dike is proposed to serve the proposal. Park Dike is remote from the site and any groundworks would affect root protection areas, undisturbed ecosystems, native bluebells, snowdrops and other important habitats. The connection would also require permission from the adjacent landowner; however no permission appears to have been obtained. The proposals do not currently appear to have a feasible connection for the disposal of surface water.

The layout does not appear to be suitable to accommodate the proposed attenuation tank. Two options are indicated; the first option is not feasible as the tank would result in incursions of root protection areas.



The amended tank location is not feasible as it would be located too close to plots 30-37.



In both scenarios the proposed drainage outfall is not feasible as it would result in incursion of RPAs.

### **Foul Drainage**

Appendix C of the submitted FRA comprises Yorkshire Water (YWS) Pre-Planning Sewerage Enquiry dated 13 March 2025 which states that the existing sewer network does not have sufficient capacity to support the size of the development proposed. As the site is not allocated within the adopted Kirklees Local Plan it has therefore not been considered within the current Yorkshire Water Asset Management Plan (AMP) Period and as such YWS would likely not support the proposal should the site come forward as part of a planning application.

Yorkshire Water's Consultation response dated 24<sup>th</sup> February 2026 for the current planning application reiterates their earlier observations and states that Yorkshire Water wishes to object to the development on the grounds that flood risk, pollution and public health may all be negatively impacted as a result of the development.

It is unclear as to why the developer chose to progress the application following the Pre-Planning Sewerage Enquiry and the subsequent Foul and surface water proposals

for the development do not appear to have been thoroughly considered and do not appear to be technically viable.

The FRA suggests that the existing combined sewer appears only to serve the existing buildings within the south-western area of the site and the properties on Park Lane. This is incorrect, the combined sewer also serves the villages of Birdseye and High Flatts.

The existing sewer is not a separate system, is currently under stress and is known to surcharge via ancient woodland upstream and into park Dike. The proposal to redirect this existing gravity system, which is at capacity, to a foul pumping station adjacent to ancient woodland with highly sensitive waterbodies is concerning and would drastically increase the flood risk of contaminated waters to the sensitive surroundings and areas downstream. Power cuts are common as are pump station failures.

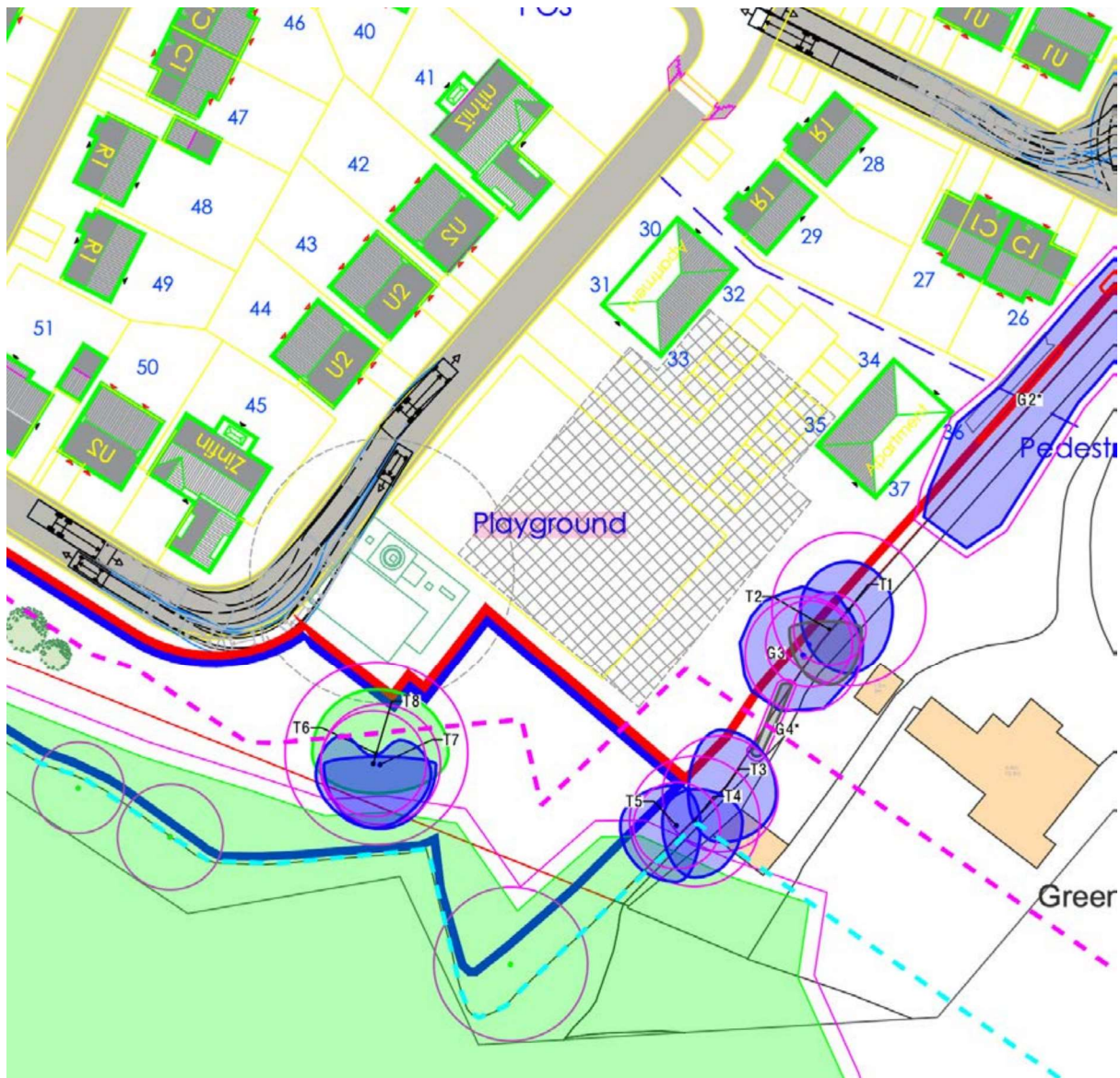
Given the proposals have omitted the flows from other villages and that there are current problems with infiltration, it is anticipated that the proposed foul sewerage pumping system is unviable, undersized and that the proposals would result in the discharge of untreated foul sewage from the existing areas served and the proposed development to a highly sensitive watercourse of low flow rate via protected ancient woodland.

The below photograph shows manhole on the existing public combined sewer system discharging contaminated discharge into the woods (06/02/2026)



A combined sewer overflow is located upstream on the public sewer system, is known to have regular issues and discharges into the infant River Dearne during periods of heavy rain.

As per the provided drawing, the proposed location of the foul pumping station compound affects root protection areas, does not allow for sufficient parking or turning and the swept path of servicing vehicles is shown to over-sail the footway. It does not appear that the current layout serves to accommodate a sufficiently sized compound and the road layout is not a safe means of access for necessary the service vehicles.



The applicant does not confirm who is proposed to adopt the pumping station. The proposals do not appear to be of adoptable standards; the system would serve a high flow of combined foul and surface water, is likely vastly undersized and there is no mention of standby and storm pumps, emergency power generation or odour control.

The incorporation of a pumping station to replace a current gravity combined system does not represent sustainable development. The pumps would likely be running constantly, and the energy use alone would deem this proposal unfeasible.

It should also be noted that the line of combined sewer indicated on the plans submitted does not correlate with public records and plot 123 fouls with the easement.

### **Hydrology**

The FRA states that the site is under land by the Grenoside Sandstone, however the hydrology of this locally significant strata is not discussed further within the submissions. Grenoside Sandstone is part of a layered aquifer system where groundwater springs are often found emerging from boundaries between porous sandstone and impervious mudstones.

It is surprising that the many springs evident within the adjacent ancient woodland have not been identified or discussed within the report. This is increasingly important due to the topography of the site in relation to its highly sensitive surroundings, specifically the adjoining Stephen Wood. Fig 1 below indicates the obvious spring outfalls with corresponding photographs included within the appendix

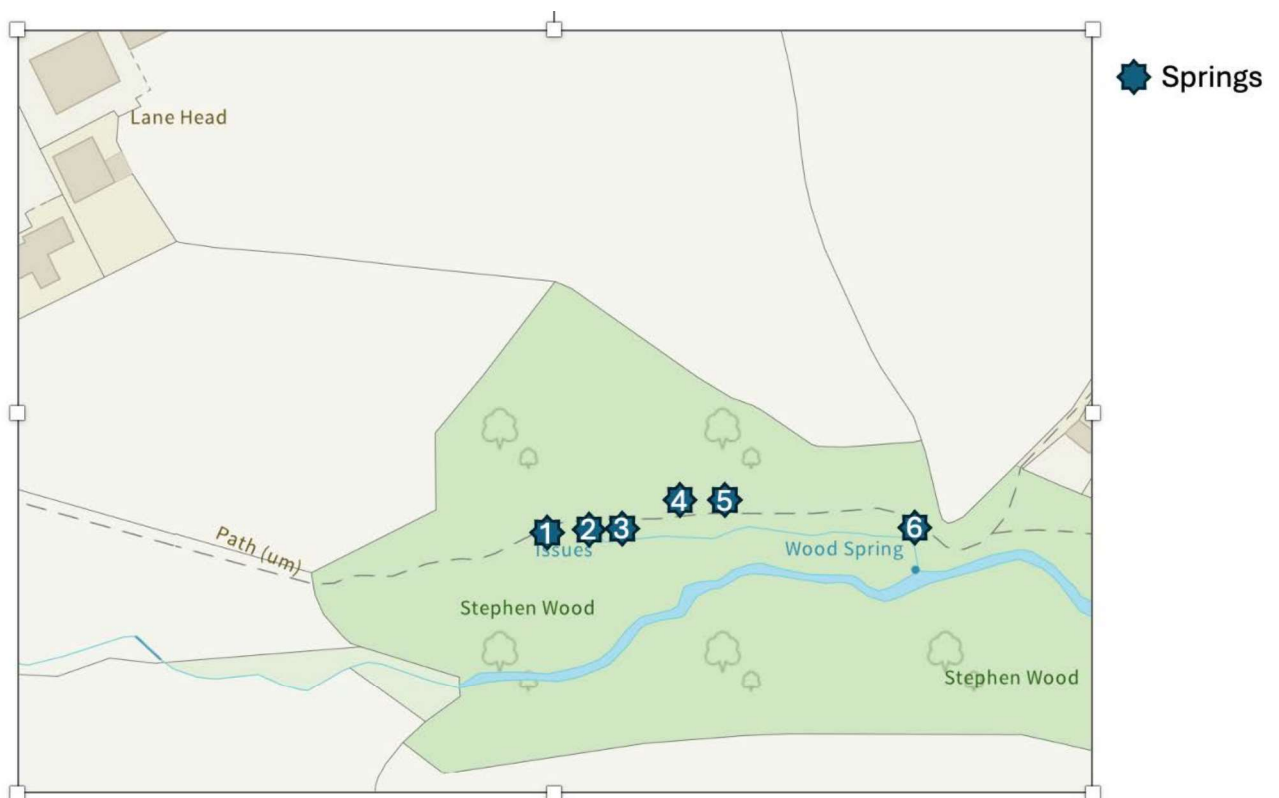


Figure 1 – Spring locations in adjacent ancient woodland

Ancient woodland has thrived in this location for hundreds of years because springs have provided a uniquely stable, nutrient-rich and consistently moist environment, fostering biodiversity that has developed over centuries. Springs create specific ecological conditions that allow both specialized plants and long-lived trees to flourish.

Springs create unique humid microclimates that protect against extreme temperatures and droughts, supporting sensitive species that cannot survive in newer or drier woodlands.

The report briefly mentions the potential for infiltration methods as a form of surface water disposal and states that due to the steep nature of the site the possibility for re-emergence affecting lower down properties on the development would need to be considered. It is therefore of concern that the neighbouring springs have not been identified nor considered.

Any change to the hydrology of the contributing areas, such as the incorporation of hard surfaces and buildings, would affect the drainage regime within the woodland.

No intrusive site investigation information or Hydrogeological Risk Assessment (HRA) appears to have been made available. A hydrological risk assessment for ancient woodland is a crucial environmental evaluation required to prevent the degradation or loss of these irreplaceable habitats due to changes in groundwater levels, flow or water quality. Ancient woodlands rely on established hydrological regimes. Development related activities can cause drying, soil compaction or pollution that can lead to long term deterioration. Alterations in hydrology leading to the reduction of water tables is likely to cause tree stress and mortality.

For many months of the year Park Dike is dry, whereas the springs continue to provide limited water resource for the woodland even in the driest conditions. To affect this water supply could cause catastrophic effects to the woodland. Indicative photographs are included within the appendix.

### **Water Quality & Sustainable Urban Drainage Systems (SuDS)**

Park Dike is a sensitive high-quality watercourse. It has a high standard of chemical, physical and biological status. It is of low flow, often dry, with very limited dilution capacity. Watercourses like this are rare. A wildlife pond thriving with frogs and newts is located downstream of the proposed point of discharge.

Surface water runoff from developments and development sites is known to contain a range of contaminants such as hydrocarbons, heavy metals, sediments, pesticides, herbicides, nutrients, pet waste, pathogens & bacteria, microplastics, bleaches and chemicals from car washing and patio cleaning etc.

The proposed drainage scheme comprising of a piped solution leading to a single below ground attenuation tank does not comply with current standards. It does not provide a sufficient level of treatment of surface water; nor does it provide any crucial environmental benefits within such a highly sensitive setting.

The submitted FRA claims that although above ground storage systems such as swales, detention basins or ponds, would provide the most sustainable urban drainage system. Due the steep nature of the site the use of open water features are not currently

considered feasible for the main development due to the large land uptake it would require.

SuDS schemes are commonly implemented on steep sites, and this site is of upmost sensitivity. It is widely accepted that sites with such constraints simply set aside more land for the necessary sustainable drainage features.

The NPPF states that all development must utilise SuDS where they could have drainage impacts. These systems are required to be appropriate to the nature and scale of the proposed development and requires the delivery of multi-functional benefits including reducing runoff, improving water quality and biodiversity, and improved amenity.

On 19th June 2025 Defra released the new National Standards for Sustainable Drainage Systems. The 2025 SuDS standards introduced 7 national standards that give greater weight to water quality, amenity, biodiversity and long-term maintenance reflecting SuDS wider role in shaping sustainable resilient places.

Whilst previous standards focused on peak flow rates and volumes the new standards recognise SuDS as critical infrastructure that supports urban design, improves air and water quality, reduces flood risk and delivers both ecological and social value.

Although schedule 3 of the flood and water management Act 2010 has yet to be enacted in England the NPPF expects local planning authorities to promote sustainable drainage, and these new standards should form the basis for LPA requirements and planning approvals.

Water quality amenity and biodiversity are no longer optional extras they must be explicitly addressed especially where pertinent to highly sensitive sites such as this one.

On 16th December 2025 the government launched a consultation on the National Planning Policy Framework. The draft NPPF policy F8 on 'Sustainable drainage systems and watercourses' revises paragraph 182. It adds a new requirement that sustainable drainage systems should be designed in accordance with the National Standards for Sustainable Drainage Systems to provide a consistent basis for improving their design.

Sustainable drainage systems are also referred to in the draft NPPS in policies CC3: Adaptation to climate change and DP3: Key principles for well-designed places.

The 'Cunliffe Review' was published on 21st July 2025. It identified that inconsistent use of sustainable drainage solutions was one of four main issues in the current wastewater and drainage regulatory regime and in turn recommended that the government should make SuDS a mandatory requirement for new developments in England.

In response the government published its white paper 'A New Vision for Water' on 20 January 2026. It addressed the recommendations in the review, and said that:

We want to do better at addressing the root causes of pollution head-on. Therefore, we are proposing a shift in focus towards 'pre-pipe' solutions, such as rainwater management, including sustainable drainage systems. These approaches are more sustainable, deliver wider benefits like reducing flood risk and supporting biodiversity, and will deliver better value for money for customers. To enable this shift, we will ensure legislation, funding streams, and regulatory mechanisms support the delivery of pre-pipe solutions.

It is unclear as to why the LLFA's consultation response of 19/03/2026 fails to recognise the widely discussed governmental stance relating to SuDS; the new requirements of the new NPPF proves to be highly topical at present amongst LLFA's nationwide.

### **Kirklees Local Plan Strategy and Policies**

The site is allocated as green belt within the local plan.

- **Policy LP27 – the proposals do not comply**

The site specific Flood Risk Assessment must take into account all sources of flooding in order to demonstrate that the proposal will be safe throughout the lifetime of the development.

A detailed topographical survey must be carried out, the mentioned drainage grip and highway drains serving Barnsley Road and Park Lane must be identified and suitably protected if necessary to prove that the development would not result in increased flood risk to the site, neighbouring land/properties or downstream.

Yorkshire Water have objected to the proposals on the grounds that flood risk, pollution and public health may all be negatively impacted as a result of the development.

- **Policy LP28 – the proposals do not comply**

The drainage proposals are not achievable, would not provide any improvements in water quality and would result in negative impact on local water quality.

The local plan states that there is a general presumption against pumping surface water and that development will only be permitted if it can be demonstrated that the water supply and wastewater infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.

The developer does not propose to incorporate sustainable urban drainage systems and therefore the associated ecological and water quality benefits have not been provided for within this proposal.

- **Policy LP30 – the proposals do not comply**

The development would result in extensive and irreparable damage to the existing biodiversity of the land and its surroundings.

As stated in the local plan The Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal importance and the Kirklees Wildlife Habitat Network.

Proposals having a direct or indirect adverse effect on Ancient Woodland will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term.

The proposals would result in significant harm to the adjacent Kirklees Wildlife Habitat Network, ancient woodland and the sensitive water environment.

## **Appendix 1 – Photographs**



Spring 1



Spring 2 – Historical village water supply



Spring 3



Spring 4



Spring 5



Spring 6 – Wood Spring



Spring 6 – Wood Spring (dry March 2026)



Spring 6 – Dry (summer)



Park Dike – Dry during summer months



Confluence - Park Dike with seasonal tributary to the North in the summer months. Note the spring fed tributary retains some flow from springs whereas Park Dike is dry as no receiving flows from upstream.



**LAND SOUTH OF BARNSELY ROAD,  
UPPER CUMBERWORTH,  
HUDDERSFIELD**

**Kirklees Council Planning Reference:  
2025/93572**

REVIEW OF SUBMITTED ECOLOGICAL INFORMATION

12 May 2026

E2293R1/V1



COMMISSIONED BY:

Cumberworth Community Action Group

**LAND SOUTH OF BARNSELY ROAD, UPPER CUMBERWORTH,  
HUDDERSFIELD**

**Kirklees Council Planning Reference: 2025/93572**

Review of submitted ecological information

12 May 2026

Bioscan Report No.  
E2293R1/V1

**BIOSCAN (UK) Ltd**  
The Old Parlour  
Little Baldon Farm  
Little Baldon  
Oxford OX44 9PU



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## 1 INTRODUCTION

### 1.1 Background

1.1.1 Bioscan (UK) Ltd was appointed by Cumberworth Community Action Group to provide an independent review of the ecological information submitted by Vivly Living to Kirklees Council in support of an outline planning application<sup>1</sup> for the development of land to the south of Barnsley Road, Upper Cumberworth, Huddersfield<sup>2</sup>.

1.1.2 The description of the planning application is as follows:

**2025/60/93572/E**<sup>3</sup>

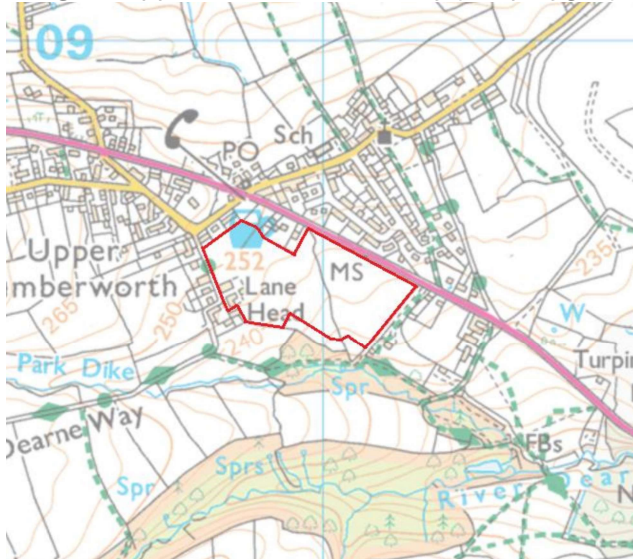
*“Outline application with all matters reserved, bar vehicle access into the site, for erection of up to 123 dwellings with associated works including open space, landscaping, drainage infrastructure.”*

1.1.3 The ecological surveys and the subsequent reports for the planning application were undertaken by Brooks Ecological.

### 1.2 Site context

1.2.1 The Application Site, centred at Ordnance Survey grid reference SE209085, comprises two field parcels and a small complex of agricultural buildings near the western boundary. In total, the site extends to approximately 5.45ha in size. Based on historic aerial photography, the fields appear to be cropped or grazed by sheep in different years. It is understood that a low dry-stone wall and drainage channel separate the two fields. Within the fields are three semi-mature and mature trees. A woodland, known as Stephen Wood, to the south of the site, has been identified as a Plantation on Ancient Woodland Site (PAWS)<sup>4</sup>. **Image 1** below provides the location and extent of the Application Site.

**Image 1.** Application Site boundary (red polygon).



Ordnance Survey map reproduced subject to licence OS Licence reference 0100005491

<sup>1</sup> Kirklees Council planning reference: 2025/60/93572

<sup>2</sup> Nearest postcode: HD8 8NN

<sup>3</sup> <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025%2f93572>

<sup>4</sup> <https://magic.defra.gov.uk/MagicMap.html>



### 1.3 Submitted information

1.3.1 The following reports on Kirklees Council's planning portal,<sup>5</sup> which were submitted with the planning application, were the subject of this review:

- **Preliminary Ecological Appraisal Report** – Dated: 20/05/2025 (Brooks Ecological report reference: ER-8370-01)
- **Biodiversity Net Gain Assessment (Baseline)** – Dated: 20/05/2025 (Brooks Ecological report reference: ER-8370-02)
- **Biodiversity Net Gain Assessment** – Dated: 26/08/2025 (Brooks Ecological report reference: ER-8370-03A)
- **Ecological Impact Assessment (EclIA)** – Dated: 26/08/2025 (Brooks Ecological report reference: ER-8370-04)
- **Arboricultural Impact Assessment** – Dated: 08/10/2025 (SEED Arboricultural Ltd. report reference: 1971-AIA-V1-C)

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<sup>5</sup> <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/default.aspx>

## **2 METHODOLOGY**

### **2.1 Review of submitted documents**

- 2.1.1 The relevant documents submitted with the planning applications were given a ‘high-level’ review by Bioscan, with particular attention focused on the supporting technical ecology reports (as listed above in paragraph 1.3.1). At this stage Bioscan has not visited the site nor carried out any independent survey work, and reliance is instead placed on the company’s extensive and long-standing experience with ecological surveys and reporting for development proposals generally, and its knowledge of applicable industry standards and good practice principles.
- 2.1.2 The veracity of the reports listed at 1.3.1 above, in particular the robustness of the data and adequacy of the surveys undertaken, has been the focus of this review. The review has been informed by a contextual desk survey, including drawing on Bioscan’s in-house fund of knowledge for sites of this type. Conclusions are offered on whether the submitted ecological information provides an adequate level of detail on ecological matters sufficient for the Local Planning Authority (LPA) to discharge its duties to have regard to all relevant material considerations, and its statutory duties in relation to protected and ‘Priority<sup>6</sup>’ habitats and species. This is set out at Chapter 3 of this report (below).

### **2.2 Data search**

- 2.2.1 The desk-based data trawl exercise was conducted using readily available information sources. This included the on-line ‘MAGIC’ database managed by Natural England<sup>7</sup> in order to source data relating to statutory designations, important habitats, agri-environment schemes and European Protected Species licences. Further background information of relevance was searched for on the NBN Atlas<sup>8</sup>. A paid data request to the local records centre was not carried out as part of Bioscan’s commission.

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<sup>6</sup> Further to section 41 of the Natural Environment and Rural Communities Act 2006

<sup>7</sup> MAGIC (Multi-Agency Geographic Information for the Countryside) website. Sourced from: <http://magic.defra.gov.uk/MagicMap.aspx>

<sup>8</sup> <https://nbnatlas.org/>

### 3 CRITIQUE/COMMENTS ON THE SUBMITTED ECOLOGY REPORTING

#### 3.1 Document review process

3.1.1 The following provides a summary of where the ecological documents submitted with the planning application appear to fall short of accepted industry-standards and/or where Bioscan consider that additional information is likely to be required in order for the LPA to come to an informed and robust planning decision. For ease of reference and to keep this report as succinct as possible, the review below has been divided into sections based on individual species, species groups or habitats. For each group or habitat, the review considers the accumulated position having regard to all the reports listed at 1.3.1 above.

3.1.2 As a general comment in respect of the ecological reporting, it is considered that the reports are scant on detail. Specifically, there is limited information provided on survey methodologies and results to fully understand how the surveys were undertaken, whether they complied with industry standards around effort, expertise and timing, and consequently whether these would accurately reflect the baseline ecological position.

#### 3.2 Great Crested Newt

3.2.1 Paragraph 40 of the Preliminary Ecological Appraisal (PEA) report<sup>9</sup> states: *“Pond 2 is a fishpond fed by a stream and a river, making the likelihood of the protected Great Crested Newt (GCN) being present extremely low. This pond has also been scoped out of further assessment.”*

3.2.2 Pond 2 is located approximately 320m to the south-east of the Site, with suitable great crested newt terrestrial habitat (in the form of woodland) between the waterbody and the Application Site.

3.2.3 The Applicant’s ecologist has provided no information as to how it has been determined that Pond 2 is a fishpond. It is considered, at a minimum, that eDNA sampling should be undertaken of Pond 2 to aid in understanding the presence or otherwise of great crested newt to produce a robust assessment and inform a robust decision as regards this material consideration.

3.2.4 Following a review of aerial photography, Bioscan identified two ponds in close proximity to the Application Site (both located within 40m). **Image 2** below provides the locations of these two ponds in relation to the Application Site. The PEA provides no information on these ponds, the presence of which (being well within the terrestrial dispersal range of great crested newt), renders the decision to scope out adequate survey and assessment for this species, unsafe.

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<sup>9</sup> Report reference: ER-8370-01

**Image 2.** Location of two ponds (highlighted by blue circles) within close proximity to the Application Site (red polygon) not assessed by Applicant’s ecologist.



### 3.3 **Bats**

- 3.3.1 Paragraph 47 of the PEA report states: *“There are multiple records of bats returned for the area. Records pertaining to a roost are also present in the data search, with the nearest being a common pipistrelle roost 180m east of site dating back to 2020. Additional roosts in the area include soprano pipistrelle, brown long-eared bat and whickered [sic] bat.”*
- 3.3.2 It is not clear from the above whether the 180m distance to the common pipistrelle roost is from the centre of the site or from the boundary. The Applicant’s ecologist should clarify the position as regards this record.
- 3.3.3 Paragraph 48 of the PEA report states: *“There are three farm buildings on Site. All buildings were of a breezeblock and corrugated bitumen construction. The buildings were open and draughty and provided ‘Negligible’ roost suitability.”*
- 3.3.4 It is notable that very little information has been provided in the PEA report in respect of the methodologies followed during the bat survey element. The above referenced paragraph 48 provides an *assessment* of the building to support a bat roost (but not bat inspection survey information). In addition, a review of photographs of the buildings would appear to indicate that the Applicant’s ecologist should not have so readily dismissed the possibility of roosting bats as it would appear that suitable roost features are present. **Image 2** below provides a view of one of the buildings within the Application Site. Surveys undertaken by Bioscan of buildings of a near-identical construction have on several occasions encountered roosting bats in the gaps behind the fascia.

**Image 2.** View of one of the buildings within the site identifying potentially suitable locations for bat roosts.



3.3.5 A section of Table 4 of the Ecological Impact Assessment (EclA) is replicated below:

	Significant Effects - in the absence of mitigation	Mitigation / Compensation	Residual Magnitude
1e	<p>Potential effects on <b>Protected Species</b>. Precautions will be required to ensure / demonstrate that impacts on nesting birds, harvest mice and the potential spread of Invasive Non-Native Species (INNS) can be avoided.</p>	<p>The CEMP will detail necessary pre-works checks for nesting birds. The CEMP will set out suitable precautions in relation to INNS. The Site will be registered under a Bat Mitigation Class Licence, ensuring demolition of the roost building can process lawfully.</p>	<p>Avoided entirely</p>

3.3.6 In respect of the third point under the Mitigation/Compensation column, this implies a roost has been found on the site which contradicts the PEA conclusions. However, no information in the ecological submissions has been provided regarding this ‘roost building’ and where it is located on the site. It is obviously essential for the LPA’s consideration of the application that the ecological survey report should provide further details regarding any bat roosts on the site.

3.3.7 Paragraph 49 of the PEA report states: “Trees have been inspected for roost suitability; no potential roost features were identified. All trees are assigned a suitability rating of ‘None’”.

3.3.8 As a minimum, it would be expected, as part of a Ground-Level Tree Assessment (GLTA) for bats, that the results are presented in a table which provides a list of each tree, the tree species, a reference number (which corresponds with a plan), and the roost suitability category of each feature. The Bat Conservation Trust’s (BCT) Good Practice Guidelines<sup>10</sup> states the following should be included in respect of reporting the results of a GLTA:

<sup>10</sup> Collins (ed.) (2023; Updated March 2024). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> edition)*. Bat Conservation Trust.

- GLTA:
  - descriptions of trees surveyed (including reference number);
  - descriptions of trees with PRFs (including reference number, species, diameter at breast height);
  - descriptions of potential and actual roost features (including height above ground level and aspect);
  - description of evidence of bats found;
  - trees not surveyed and reasons why;
  - all of the above marked onto a plan of the site;
  - a set of cross-referenced photographs.

3.3.9 It is noted that the Applicant’s ecologist has not provided the relevant GLTA information by reference to industry-standard guidelines.

3.3.10 Based on the PEA report, the Applicant’s ecologist asserts that the ash *Fraxinus excelsior* tree adjacent to Barnsley Road falls within the ‘None’ category (with ‘None’ defined in Table 4.2 of the BCT Good Practice Guidelines as “*Either no PRFs [Potential Roost Features] in the tree, or highly unlikely to be any*”). However, the Arboricultural Impact Assessment (AIA)<sup>11</sup> states the following in respect of this tree (labelled as T15 in that report):

Decay present within buttress roots on southern side of stem. Crack instem on northern side from a height of approximately 30 cm height approximately 4m which has partially occluded. Hollowing and decay present were visible within crack. Moderate reduction in vitality likely attributed to colonisation of Ash Dieback Disease. Visually dominant, however of reduced value limited life expectancy.

3.3.11 The above indicates a contradictory position as regards this tree with the arboricultural assessment citing features on the tree which could well be suitable to be used by roosting bats. This is not consistent with a conclusion of “None” or “No PRFs” as regards its bat roosting potential.

3.3.12 Furthermore, supplied photographs of this tree would indicate that there are indeed PRFs present, and therefore the suitability category should be higher than ‘None’ (to either PRF-I or PRF-M level). **Appendix 1** provides views of this tree, with the PRFs circled.

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<sup>11</sup> SEED Arboricultural Ltd. report reference: 1971-AIA-V1-C

- 3.3.13 Paragraph 50 of the PEA states: *“The Site borders some areas suitable for foraging and commuting including the woodland edge to the south, and treeline along the eastern boundary. The interior of the Site is an arable field with no structured habitat.”* And paragraph 51 states: *“The Site does not however, form part of any apparent wider network of habitat which could provide key commuting habitat locally [for bats].”*
- 3.3.14 The above description neglects to mention that the interior of the site includes semi-mature/ mature trees and a dry-stone wall which could offer suitable opportunities for foraging and commuting bats. It is not simply “an arable field with no structured habitat”. Further, with the possibility of a maternity bat roost near the site (see paragraph 3.3.1 above) and the presence of the adjacent ancient woodland, bat activity surveys should have been undertaken to determine the usage of the Application Site by bats, and by which species. By reference to Table 4.1 of the BCT’s Good Practice Guidelines, the site is likely to fall within the ‘Low’ suitability category for potential flight-paths and foraging habitats. The ‘Low’ category is defined in the Guidelines as: *“Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.”* By reference to Table 8.3 of the BCT’s Good Practice Guidelines, for a site of ‘Low’ suitability habitat for bats, the minimum recommended number of surveys is one Night-time Bat Walkover (NBW) in each season, and the deployment of automated bat detectors for five nights in each season. It would appear that the Applicant has undertaken no such surveys and the EclA is thus significantly short of standard requirements in this respect.
- 3.3.15 Further, it is notable that paragraph 40 of the EclA states: *“There will be some residual impacts resulting from: Disturbance resulting from clearance and construction will result in a minor negative impact acting on foraging and commuting bats at a local scale, to be minimised by a sensitive lighting plan”*. It appears that while an impact on foraging bats is acknowledged; no survey effort has been expended to determine which bat species will be negatively impacted and to what degree. This is a breach of planning practice guidance (Circular 06/2005 paras 98 and 99).
- 3.3.16 In summary, to remedy the above deficiencies and to furnish the LPA with sufficient information for robust decision making as regards the potential impacts on bats from development of the Application Site, the following information should be provided prior to determination of the planning application:
- 1) Confirmation of the location of the common pipistrelle maternity roost as provided by the desk study.
  - 2) Confirmation if the buildings on the site have been subject to an adequate inspection for the presence of bats.
  - 3) Results of bat emergence surveys of the building (if appropriate and based on the above point 2).
  - 4) A list of the trees subject to a GLTA including the relevant information as highlighted in the BCT Good Practice Guidelines.
  - 5) Relevant assessment and surveys of the ash tree adjacent to Barnsley Road.
  - 6) Results of bat activity surveys of the Application Site in accordance with industry standards.

### 3.4

- 3.4.1 It is notable that no information pertaining to \_\_\_\_\_ has been provided by the Applicant's ecologist in the PEA report, with only scant mention in the EclA which states that there is "*suitable \_\_\_\_\_ habitat in adjacent woodland*".
- 3.4.2 Cumberworth Community Action Group has provided trail camera video footage to Bioscan of \_\_\_\_\_ in the woodland immediately to the south of the site. In addition, photographs of \_\_\_\_\_ in the southern part of the Application Site have been provided; however, it cannot be determined by Bioscan if these are \_\_\_\_\_. In addition, it is understood that there is an artificial \_\_\_\_\_ within the vicinity, and therefore the possibility that \_\_\_\_\_ use the Application Site cannot be ruled out.
- 3.4.3 The Applicant should provide survey information regarding \_\_\_\_\_ and whether any nearby \_\_\_\_\_ could affect the layout of the masterplan or if mitigation would be required.

### 3.5 Reptiles

- 3.5.1 As per the \_\_\_\_\_ point above, it is at best an oversight for the Applicant's ecologist to provide no information or assessments in respect of reptiles in the ecological submissions.

### 3.6 General species considerations

- 3.6.1 Row 1e of Table 4 of the EclA states: "*Precautions will be required to ensure / demonstrate that impacts on \_\_\_\_\_ nesting birds, harvest mice [*Micromys minutus*] and the potential spread of Invasive Non-Native Species (INNS) can be avoided*". Given that no survey information (or assessment) has been provided in respect of \_\_\_\_\_ harvest mice or INNS, the purpose of these recommendations is unclear. If these species are present, or potentially present, then more detailed surveys and/or assessments are warranted to understand the baseline and future position. It is unclear how impacts can be avoided (or how the LPA can have any confidence that impacts can be avoided) if it is not known if these species are present.
- 3.6.2 It is understood that the woodland to the south of the site is the only location in Kirklees District to support the northern hairy wood ant *Formica lugubris*<sup>12</sup>. This species is listed on the IUCN Red List (lower risk/near threatened). It is noted that no reference to this species is made in the PEA report or EclA, and therefore it cannot be determined if this species will be detrimentally affected by the development. The Applicant's ecologist should provide relevant information and assessments with details of mitigation as appropriate.

### 3.7 Habitats

- 3.7.1 Table 2 of the PEA report states for 'Modified grassland': "*Neutral grassland along field boundaries...*". Clarification is required from the Applicant's ecologist as to whether this habitat is modified grassland or neutral grassland, as these are separate and very differently scoring habitats in BNG terms. Further, as the habitat survey was undertaken in March, it is unclear whether a longer species list would have been provided if the survey had been undertaken at the optimal time of year for undertaking such surveys.

<sup>12</sup>

<https://www.kirklees.gov.uk/beta/delivering-services/pdf/northern-wood-ant-actionPlan.pdf> and  
[https://spatial.nbnatlas.org/?fq=\(lsid:NHMSYS0000875958%20AND%20occurrence\\_status:present\)](https://spatial.nbnatlas.org/?fq=(lsid:NHMSYS0000875958%20AND%20occurrence_status:present))

- 3.7.2 The proposals for the Application Site indicate that the main vehicular access into the site will be off Barnsley Road; however, the results of the habitat survey provide no information in respect of any related loss of the verge and adjacent dry-stone wall. Further, it is notable that no reference to the dry-stone wall through the centre of the site is made in the reporting. In addition, it would appear that the feature through the centre of the site could be a watercourse; however, scant information has been provided by the Applicant's ecologist to understand the function and use of this feature (particularly if it conveys water). This is one of a number of factors that significantly undermines the BNG and EclA assessment.
- 3.7.3 Paragraph 27 of the EclA states: "*Habitat losses incurred during this phase would be mitigated and compensated for in the next phases*". However, no phasing plan has been provided, and it is unclear if the next phases (if there are any) can accommodate the required mitigation and compensation.
- 3.7.4 As highlighted above, Stephens Wood immediately to the south of the site has been identified<sup>13</sup> as a Plantation on Ancient Woodland Site (PAWS). The presumption against loss or deterioration of such 'irreplaceable' habitats is enshrined within the NPPF<sup>14</sup>, with Paragraph 193 stating: "*When determining planning applications, local planning authorities should apply the following principles: c) 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 strategy exists.*"
- 3.7.5 Further, government guidance states<sup>15</sup>: "[Ancient woodland is] *any area that's been wooded continuously since at least 1600 AD. It includes: ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration; plantations on ancient woodland sites - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi*"
- 3.7.6 The guidance goes on to state: "*Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by: damaging roots and understorey (all the vegetation under the taller trees); damaging or compacting soil; changing the water table or drainage*" And: "*Indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by: increasing disturbance to wildlife, such as noise from additional people and traffic; increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas; increasing damaging activities like fly-tipping and the impact of domestic pets.*"
- 3.7.7 Policy LP30 of the Kirklees Local Plan<sup>16</sup> states the following in respect of ancient woodland: "*Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Tree or other important tree, will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term.*"

<sup>13</sup> <https://magic.defra.gov.uk/MagicMap.html>

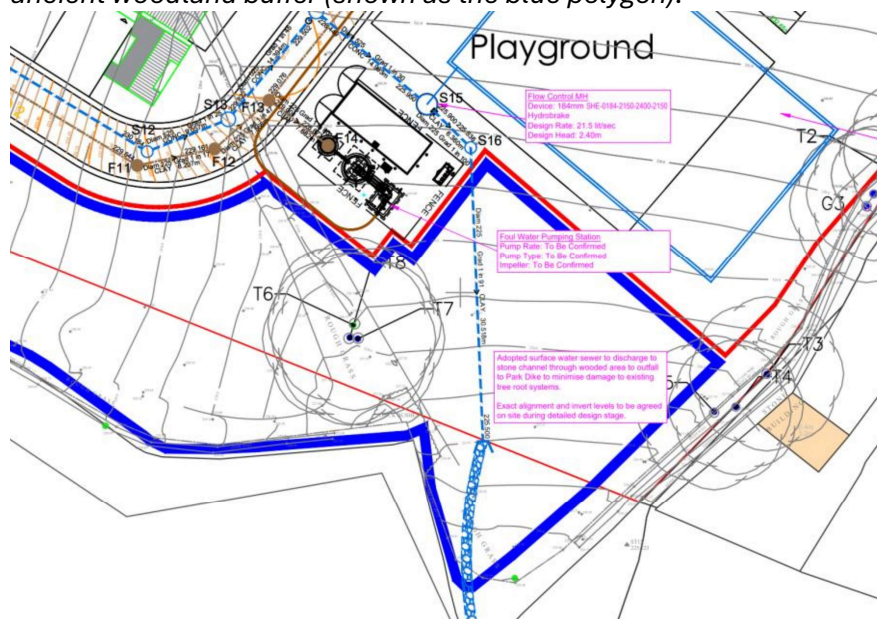
<sup>14</sup> National Planning Policy Framework dated December 2024

<sup>15</sup> <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

<sup>16</sup> Kirklees Location Plan: Strategy and Policies. Adopted 27 February 2019.

3.7.8 Row 2a of Table 3 of the EclA states: “In the absence of a well-defined and enforceable 15m ‘no works are’ [sic] to the adjacent ancient woodland shown as retained on planning drawings could be damaged or destroyed by contractors working on Site.” Nevertheless, irrespective of this proposed 15m ancient woodland buffer, a review of the drainage strategy<sup>17</sup> would appear to indicate that works will be required within this buffer area. **Image 2** below provides an extract from the drainage strategy showing that the surface water sewer will connect with a stone channel through the ancient woodland before discharging into Park Dike to the south.

**Image 2.** Drainage strategy showing a pipeline (light blue dash line) to pass through the 15m ancient woodland buffer (shown as the blue polygon).



3.7.9 None of the submissions related to ecology make reference to the implications of installing a drainage feature through the ancient woodland buffer and the ancient woodland itself. Specifically, it is unclear what type of operation/machinery will be required for pipe installation through this highly sensitive area. Further, it is unclear how it will be ensured that only unpolluted water will outfall from the Application Site especially as will pass not only through the ancient woodland but also the Kirklees Wildlife Habitat Network site and onward to Park Dike.

3.7.10 In addition, as the drainage forms part of the scheme, then by reference to government guidance,<sup>18</sup> the redline application boundary should include this infrastructure.

3.7.11 Residents of the development are likely to use the ancient woodland for leisure purposes including dog walking; however, no assessment or consideration within the EclA has been made in regards to the likely impacts on this receptor arising from such activities and whether this could also amount to deterioration of this irreplaceable habitat.

3.7.12 Overall, the submitted ecological information and assessments are wholly insufficient to enable the LPA to consider whether damage or deterioration to irreplaceable ancient

<sup>17</sup> Haigh Huddleston & Associates Drawing Reference: E25/8281/001

<sup>18</sup> <https://www.gov.uk/guidance/making-an-application>

woodland habitats can or will be avoided, and by extension whether national policy is (or is capable of being) complied with in respect of the application scheme.

3.7.13 It should be noted that ancient woodland 15m buffers are the minimum required<sup>19</sup>. No information has been provided by the Applicant’s ecologist to understand if this distance is appropriate for this site and is proportionate to the proposals.

### 3.8 Habitat value

3.8.1 A review of MAGIC<sup>20</sup> highlights that the field adjoining the Application Site to the south-west is identified as the Priority Habitat ‘Purple Moor Grass and Rush Pasture’. However, no information regarding this habitat has been provided by the Applicant’s ecologist and whether there will be impacts arising from the proposals. This habitat relies on a particular hydrological regime which has clear scope to be influenced or modified by the development of adjoining land, particularly where this generates surface or groundwater pollution vectors or influences surface and groundwater flows.

3.8.2 Paragraph 20 of the PEA report states: “The Site is not within any mapped Wildlife Habitat Network, but the Site does border the Kirklees Wildlife Habitat Network to the south. To follow the aims of the KWHN, measures should be put in place to protect and enhance this southern boundary and strengthen the wildlife corridor”. However, Paragraph 16 of the EclA states: “The Site is adjacent to the Calderdale Wildlife Habitat Network and an area of Ancient Woodland”. It appears there is confusion here, as the site is adjacent to the Kirklees Wildlife Habitat Network rather than the Calderdale Network. Further, by reference to the above paragraph 20 of the PEA report (“measures should be put in place to protect and enhance this southern boundary and strengthen the wildlife corridor”), the masterplan for the site shows no measures to protect and enhance the southern boundary, with domestic gardens backing onto this network. **Image 3** below provides the location of the Kirklees Wildlife Habitat Network (KWHN) on the left, with the right-hand image showing that domestic gardens will back onto this area.

**Image 3.** Side by side comparison of the site showing the location of Kirklees Wildlife Habitat Network (hatched polygons) and the proposals for the site (and shows that domestic gardens are proposed to back onto the Network).



<sup>19</sup> <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

<sup>20</sup> <https://magic.defra.gov.uk/>

3.8.3 It is notable that there is an absence of further consideration of the KWHN within the EclA with no assessment of the potential impacts and effects from the proposals. Policy LP30 of the Kirklees Local Plan<sup>21</sup> states: “*Development proposals will be required to: (iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*”. It is unclear how the development proposals would safeguard and enhance the function of the KWHN.

### 3.9 Biodiversity Net Gain (BNG)

3.9.1 Paragraph 5 of the BNG report<sup>22</sup> states: “*An area of the Site has been set aside for blue line land*”. However, no context has been provided in respect of requiring blue line land to be set aside (but it is presumed so that it can be called ‘offsite’ BNG land). Table 2 is labelled as ‘*Habitat types- off-site*’ and paragraph 33 refers to post-development score for ‘the site’, and again it is likely that ‘offsite’ refers to the blue line land.

3.9.2 It is noted that the BNG User Guide<sup>23</sup> states in respect of blue line land being used as off-site BNG, the following: “*You should not adjust a project red line boundary to move habitats only subject to enhancement to off-site sections of the biodiversity metric tool.*” It would therefore appear that the Applicant has disregarded this critical point of the User Guide and has adjusted the red line boundary with the express purpose of counting it as off-site for BNG purposes.

3.9.3 Further, government guidance states the following in respect of planning applications and red line boundaries<sup>24</sup>: “*As a minimum, applicants will need to submit a ‘location plan’ that shows the application site in relation to the surrounding area*”. And “*The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, **landscaping**, car parking and open areas around buildings)*. [our emphasis added]” This again indicates that the Application Site/red line boundary should encompass the blue line land.

3.9.4 Paragraph 46 of the BNG report<sup>25</sup> requests further information from the Applicant; it is unclear how the Metric was populated in the absence of the answers to these queries. These queries should be resolved in advance of determination to fully understand the implications of the proposed development.

3.9.5 Paragraph 31 of the BNG report<sup>26</sup> states: “*New hedgerows are to be planted and are classed here as native hedgerows in Poor condition. As no hedgerows are present on-Site currently, this satisfies the Metric in terms of Hedgerow Units.*” However, by reference to Figure 2 (Habitat Map), there are sections of native hedgerow along the south-eastern boundary of the Application Site so this would appear to be incorrect.

<sup>21</sup> Kirklees Local Plan (adopted 27 February 2019).

<sup>22</sup> Biodiversity Net Gain Assessment – Dated: 26/08/2025 (Brooks Ecological report reference: ER-8370-03A)

<sup>23</sup> Page 12 of: Defra (2025). The Statutory Biodiversity Metric- User Guide. Last updated: 3 July 2025.

<sup>24</sup> <https://www.gov.uk/guidance/making-an-application>

<sup>25</sup> Biodiversity Net Gain Assessment – Dated: 26/08/2025 (Brooks Ecological report reference: ER-8370-03A)

<sup>26</sup> Biodiversity Net Gain Assessment – Dated: 26/08/2025 (Brooks Ecological report reference: ER-8370-03A)

- 3.9.6 Paragraph 37 of the BNG report states: “*The Statutory Metric has been used to calculate the net unit change for the Site; this has been predicted an overall net loss of 0.15 Habitat Units (-1.07%) and a gain of 0.18 Hedgerow Units (115.32%)*”. However, paragraph 19 states: “*The Site has been assessed as having a baseline score of 14.29 Habitat Units*”, with paragraph 27 stating: “*The Site has been assessed as having a post-development score of 12.34 Habitat Units*”. Based on these values, the overall net loss of Habitat Units is calculated to be 1.95 (-13.65%). The difference in the scores may be due to whether the change within the blue land has been included; however, not all the relevant information has been included within the report to determine whether this is the case.
- 3.9.7 To understand how the BNG figures have been arrived at, Cumberworth Community Action Group requested from Kirklees Council on 16 March 2026 the following documents/files: 1) the completed Biodiversity Net Gain metric (in Excel form); 2) the habitat condition assessment sheets<sup>27</sup>; and 3) the planting plan, schedule and specification notes<sup>28</sup>. However, at the time of writing (early May 2026), these documents/files have not been provided.
- 3.9.8 In this regard CIEEM’s ‘*Biodiversity net gain. Good practice principles for development- A practical guide*’ publication<sup>29</sup> states the following under Table 10.2: “*Be transparent. Show full workings of the baseline measurement with evidence, eg date-stamped photographs. State the competencies and experience of those measuring the baseline. Make data (including GIS layers with habitats and species) available to the local environmental record centre.*” In addition, Technical Note T7 of the same CIEEM publication states: “*T7.2 Transparency. CIEEM (2018) aims to “promote a scientifically rigorous and transparent approach to Ecological Impact Assessment (EcIA)”. Transparency throughout the project life cycle, and sharing lessons with stakeholders, is fundamental to applying the good practice principles of BNG.*” Therefore, to accord with the relevant guidelines and to fully understand how the Biodiversity Net Gain scores have established, the above referenced documents/files should be made publicly available. Subsequently, the documents can be interrogated and verified as appropriate.
- 3.9.9 Appendix 1 of the Biodiversity Net Gain (BNG) report<sup>30</sup> states that: “*Some loss of trees is unavoidable*”; however, no rationale has been provided why the loss of these trees is unavoidable.

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<sup>27</sup> Document reference: CA-8370-01

<sup>28</sup> Document reference: KIR2503\_PP01\_P3-PP01 (PGLA Landscape architects, September 2025)

<sup>29</sup> CIEEM (2019) Biodiversity Net Gain: Good Practice Principles for Development, A Practical Guide. Available at: <https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development/>

<sup>30</sup> Biodiversity Net Gain Assessment – Dated: 26/08/2025 (Brooks Ecological report reference: ER-8370-03A)

## 4 CONCLUSIONS

- 4.1.1 Bioscan have undertaken a ‘high level’ review of the ecological information submitted in support of application 2025/60/93572/E which is an “*Outline application with all matters reserved, bar vehicle access into the site, for erection of up to 123 dwellings with associated works including open space, landscaping, drainage infrastructure.*”
- 4.1.2 The ecological information has been found lacking in a number of important respects with the result that it does not furnish Kirklees Council with robust or adequate information for them to be able to determine the impact of the proposed development on irreplaceable habitats and on protected and priority species and habitats, and by extension its compliance or otherwise with national and local planning policy.
- 4.1.3 Currently, it is considered that due to the paucity of detailed ecological information, and with some of the ecological surveys not appearing to meet minimum industry-standard guidelines, the impact assessment conclusions offered by the Applicant are unreliable.
- 4.1.4 In particular, the presence of scarce and declining ‘Priority’ species and habitats (as well as biodiversity more generally) is material to the discharge of the biodiversity duty that is incumbent on public authorities under the NERC Act 2006 (which not only seeks for public authorities to conserve but also to *enhance* biodiversity). Therefore, the omissions outlined above are significant for the robustness of the determination process in a legal sense. There are also information gaps in relation to European Protected Species which fall short of the expectations enshrined in planning practice guidance and further go to the matter of legal robustness. These shortfalls are particularly acute in respect of bats and great crested newt. In addition, scant information has been provided in respect of the impacts on irreplaceable ancient woodland and local wildlife sites.
- 4.1.5 The information provided by the Applicant pertaining to Biodiversity Net Gain is opaque and inconsistent with varying figures used. Further, it would appear that the redline boundary has been adjusted to move enhancement measures into the blue line, contrary to the BNG User Guide. To verify the baseline and post-development BNG scores, the BNG Metric and habitat condition sheets have been requested from the Applicant via Kirklees Council, but at the time of writing have not been provided. For transparency, these documents should be provided prior to determination to enable independent scrutiny.
- 4.1.6 In conclusion, the ecological reports submitted are adjudged as failing to accurately represent the ecological interest present on the Application Site and it is advised that extreme caution is applied in using the Applicant’s information, as it currently stands, to inform decision making. The safeguards and mitigation proposals offered in the reporting are founded on an incomplete understanding and/or conveyance of the baseline position and cannot therefore be relied upon by decision makers as a means to avoid significant net loss of biodiversity. It remains possible that significant loss to biodiversity and damage/deterioration of irreplaceable habitats could result. Such an outcome would fail to comply with national and local planning policy. It is recommended that clarity be sought from the Applicant, including justification for deviations from industry-standard survey methodologies, to enable a more robust impact assessment to be conducted. Depending on the information received in return, we conclude that some further surveys are also likely to be appropriate.

**Appendix 1.** Photographs of ash tree (T15<sup>31</sup>) located adjacent to Barnsley Road with Potential Roost Features circled in red.



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<sup>31</sup> SEED Arboricultural Ltd. report reference: 1971-AIA-V1-C





Bioscan (UK) Ltd  
The Old Parlour  
Little Baldon Farm  
Oxford  
OX44 9PU



# Travel and Transport Residents Feedback



Consultation Period: 11 days, ending on 15<sup>th</sup> February 2026

Response Total: 89 residents

## Rationale

A series of residents' surveys were issued to local residents within Upper Cumberlandworth, using an established village mailing list, with the purpose of generating informed feedback and capturing the views of those who live within the community. The surveys were completed by approximately 90 residents and focused specifically on water, utilities, and travel and transport — areas consistently identified as key concerns for local people. This is particularly in light of the proposed development adjacent to Barnsley Road.

The number of responses represents a significant sample of the village population and is understood to be larger than the sample gathered by the developer proposing development within the Green Belt. As such, the results provide a meaningful and locally grounded insight into community concerns, particularly in relation to infrastructure and service capacity, all of which would be directly affected by the proposed development.

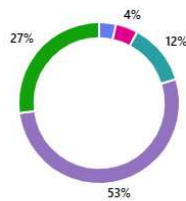
This exercise constitutes a form of public consultation undertaken by the Cumberlandworth Environmental Community Action Group (CECAG). The findings should therefore be considered as part of the wider body of consultation materials and professional documentation relating to the proposed development.

## Outcomes

Feedback and response	Commentary												
<p>1. How long have you lived in the village?</p> <table border="1"> <tr> <td>Less than 12 months</td> <td>4</td> </tr> <tr> <td>1 - 5 years</td> <td>14</td> </tr> <tr> <td>5 - 10 years</td> <td>7</td> </tr> <tr> <td>More than 10 years</td> <td>64</td> </tr> </table>	Less than 12 months	4	1 - 5 years	14	5 - 10 years	7	More than 10 years	64	<p>The majority of responders have lived in the village for longer than 10 years (72%) and so comments regarding changes over time reflect the fact that the responders to the survey have a significantly long period of time in which to reflect upon.</p>				
Less than 12 months	4												
1 - 5 years	14												
5 - 10 years	7												
More than 10 years	64												
<p>2. How many people in your household regularly travel outside the village (e.g. for work, education, shopping, healthcare)?</p> <table border="1"> <tr> <td>One</td> <td>12</td> </tr> <tr> <td>Two</td> <td>54</td> </tr> <tr> <td>Three</td> <td>11</td> </tr> <tr> <td>Four</td> <td>10</td> </tr> <tr> <td>Five or more</td> <td>2</td> </tr> </table>	One	12	Two	54	Three	11	Four	10	Five or more	2	<p>The majority of households have more than two occupants. Common occupancy is two residents.</p>		
One	12												
Two	54												
Three	11												
Four	10												
Five or more	2												
<p>3. What forms of transport do you personally use most often?</p> <table border="1"> <tr> <td>Car</td> <td>88</td> </tr> <tr> <td>Bus</td> <td>8</td> </tr> <tr> <td>Train</td> <td>7</td> </tr> <tr> <td>Bicycle</td> <td>2</td> </tr> <tr> <td>Walking</td> <td>14</td> </tr> <tr> <td>Other</td> <td>0</td> </tr> </table>	Car	88	Bus	8	Train	7	Bicycle	2	Walking	14	Other	0	<p>The dataset suggests that Upper Cumberlandworth functions as a car-dependent rural settlement. Respondents indicated that their use of public transport was rare (47%) and the vast majority indicated their main mode of transport was by private car (88%).</p>
Car	88												
Bus	8												
Train	7												
Bicycle	2												
Walking	14												
Other	0												

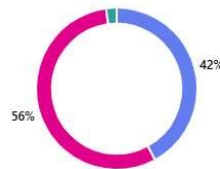
4. How often do you use public transport?

Daily	3
Weekly	4
Monthly	11
Rarely	47
Never	24



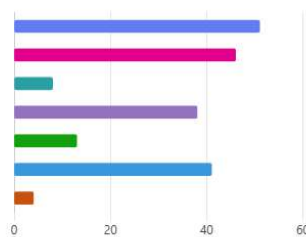
5. Which types of public transport do you use?

Bus	40
Train	53
Other	2



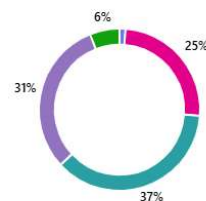
6. If you use public transport infrequently or not at all, what are the main reasons?

Limited services	51
Inconvenient routes or timetables	46
Cost	8
Reliability	38
Accessibility	13
Preference of private car	41
Other	4



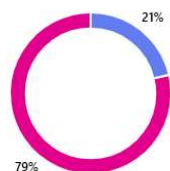
7. How reliable do you find local public transport services?

Very reliable	1
Somewhat reliable	21
Neither reliable nor unreliable	31
Somewhat unreliable	26
Very unreliable	5



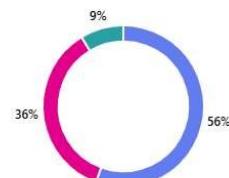
8. Do service frequency or timing meet your needs and those of your family (e.g. work commuting)?

Yes	16
No	59



9. If you answered no to the above question, when are your needs unmet?

On a weekday	45
On a weekend	29
Access to school or college	7



This has important planning implications. Any proposed development would need to demonstrate:

- Realistic transport modelling based on existing behaviour
- Meaningful improvements to road safety
- Viable alternatives to private car use
- Consideration of cumulative infrastructure strain

Where car use is already dominant, additional development risks compounding existing pressures unless significant mitigation measures are delivered which are sympathetic to the rural landscape.

This contradicts 8.24 of the Planning Statement id1123337 'the site is situated in an extremely sustainable location for development and will reduce car dependency through the provision of convenient, safe and sustainable transport options.'

The dataset showing clear concern about infrequent public transport services indicates that the existing settlement already operates under constrained transport conditions.

In such a context, a development of significant scale would likely be car-dependent by default, intensifying traffic pressures and negatively affecting pedestrians and other road users.

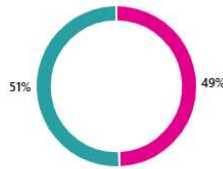
Unless substantial, guaranteed improvements to public transport frequency and pedestrian infrastructure are secured in advance, the evidence suggests that development at this scale would not represent sustainable or safe growth for a rural community, again contradicting their Planning Statement 8.24.

Planning Statement 8.36 claims the site is in close proximity to employment opportunities and sustainable public transport links. Resident feedback would suggest this is not the case and for the vast majority of respondents (79%), the current transport infrastructure serving Upper Cumberworth does not meet family commitments of school and work commuting. Needs are unmet on a weekday when residents need to get to work.

Transport Assessment id1120451 claims the site is ideally located to encourage walking trips to a range of destinations for...access to employment, access to education and leisure

10. Have public transport options improved, worsened, or stayed the same over recent years?

● Improved 0  
 ● Worsened 40  
 ● Stayed the same 41



trips including shopping. Residents data would suggest this is unrealistic and without foundation from the developer.

11. If you feel transport options have worsened, please explain in what ways this is the case.

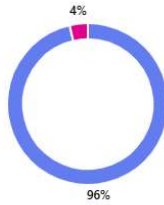
1	anonymous	Infrequent bus and train services. Awful train station.
2	anonymous	When I was younger a second bus service started up providing more transport options. This has now stopped
3	anonymous	Limited buses available for my children
4	anonymous	less frequent
5	anonymous	Unreliable, especially if you've walked to the station to be then told the train is cancelled
6	anonymous	To huddersfield bus ever 2hrs before 1hr
7	anonymous	Less bus routes
8	anonymous	Less buses to Huddersfield
9	anonymous	Bus times have become more limited
10	anonymous	Less frequent buses
11	anonymous	Fewer buses
12	anonymous	Less bus services, especially evenings (early finish), unreliable trains (frequent cancellations)
13	anonymous	WE used to have a bus from Huddersfield to Barnsley which went through the village hourly. This ceased some years ago and now we have no access to Barnsley. Also, the circular bus we now have in its place ceases just after 6.00 p.m. so we have no transport through the village at all in the evenings.
14	anonymous	School feeder buses stopped altogether.
15	anonymous	Reduced scheduled services
16	anonymous	Find problems working out when they are running, makes it difficult to plan a return journey.
17	anonymous	Bus routes extended taking over an hour to get to town
18	anonymous	I no longer commute for work as working from home but the prices became very expensive to travel by bus, and the trains were unreliable. Once we were stranded in Huddersfield after a day out. Another time, we had to walk a mile home for the car because a train to Sheffield didn't turn up. It feels like there is low priority and investment in rural public transport in this area, and there's very limited parking at Denby Dale train station for people wishing to drive there and use the train.
19	anonymous	There isn't a bus from upper Cumberworth to Huddersfield town centre.
20	anonymous	Timetables generally reduced both in frequency later in the evening, bus routes being combined resulting in longer journey times
21	anonymous	Fewer buses. No regular buses to Barnsley. No buses after 6-15pm from Huddersfield

22	anonymous	Train upgrade
23	anonymous	Buses are too infrequent.
24	anonymous	In 2022 the direct bus to Huddersfield was cancelled and replaced with a new service Denby Dart which extended the journey through an additional village. Changing what would be 24 mins in a car now 1hr 10 mins long, this is just not suitable for students and workers. As I write the next bus (5th Feb @ 22:37) is 15 mins late and I should mention I would have a 16min walk on a very fast road, poorly lit to get to Denby Dale to start my journey.
25	anonymous	Fewer bus services
26	anonymous	Buses to Huddersfield only 1 every 2hours and no bus to Barnsley
27	anonymous	Early morning train services seem even more unreliable with frequent cancellation and no alternative offer from Northern Rail. An hour to wait for the next train.
28	anonymous	Fewer buses
29	anonymous	Reduced to almost none . Goes circuitous route to town taking ages . No service late enough to get back after night out making use of cars imperative.
30	anonymous	The bus service has cut the frequency by half in the last 10 years.
31	anonymous	There are very buses now.
32	anonymous	Routes have been changed so ( bus) journey times are infeasible long and tortuous. Fewer services
33	anonymous	Getting in and out of town for sporting events is impossible as you can't get back and times don't get you there in time. As a child growing up here I went to Penistone Grammar School and used public transport to get there. This service no longer runs. I did use the Wakefield bus but now it takes too long to use!!Have used the bus to Holmfirth which can be late but always have to get a taxi back as there is no bus!
34	anonymous	Less frequent, direct service to town has been changed, now takes too long to get to town.
35	anonymous	Limited services & reduced timetable (particularly returning home late in the evening).
36	anonymous	Busses frequently just no turning up and infrequent

Feedback and Response	Commentary																		
<p>12. How would you describe the volume of traffic through the village?</p> <table border="1"> <tr><td>Very low</td><td>0</td></tr> <tr><td>Low</td><td>0</td></tr> <tr><td>Moderate</td><td>7</td></tr> <tr><td>High</td><td>41</td></tr> <tr><td>Very high</td><td>41</td></tr> </table> <p>13. At what times is traffic most problematic?</p> <table border="1"> <tr><td>Rush hour</td><td>25</td></tr> <tr><td>School times</td><td>23</td></tr> <tr><td>Weekends</td><td>1</td></tr> <tr><td>All the time</td><td>40</td></tr> </table>	Very low	0	Low	0	Moderate	7	High	41	Very high	41	Rush hour	25	School times	23	Weekends	1	All the time	40	<p>The dataset indicates a clear perception among residents that traffic levels have <b>increased progressively over time</b> and are now experienced as heavy or very heavy throughout the day, rather than being concentrated at traditional peak hours. This shift from peak-time congestion to sustained, all-day traffic flow has important implications for a rural settlement such as Upper Cumberworth.</p> <p>Historically, rural traffic patterns tended to show:</p> <ul style="list-style-type: none"> <li>• Morning and evening commuter peaks</li> <li>• Quieter mid-day periods</li> <li>• Reduced evening and weekend flows</li> </ul> <p>The data suggests this pattern has changed. If residents now perceive traffic as consistently heavy:</p> <ul style="list-style-type: none"> <li>• The road network may be operating close to capacity for much of the day.</li> </ul>
Very low	0																		
Low	0																		
Moderate	7																		
High	41																		
Very high	41																		
Rush hour	25																		
School times	23																		
Weekends	1																		
All the time	40																		

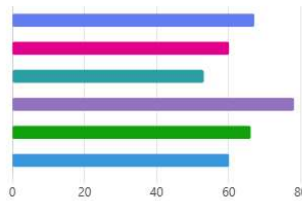
14. Have you noticed an increase in traffic over recent years?

● Yes 80  
● No 3



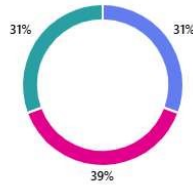
15. What problems, if any, are associated with current traffic levels?

● Congestion 67  
● Noise 60  
● Air pollution 53  
● Road safety concerns 78  
● Difficulty crossing roads 66  
● Damage to roads or verges 60



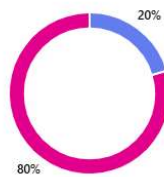
16. Are particular roads or junctions more problematic?

● Junction with Barnsley Road and Cumberworth Lane 67  
● Sovereign junction 85  
● Junction with Carr Hill Road and Penistone Road 67



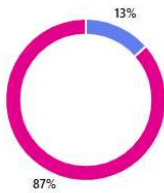
17. Do you feel safe as a pedestrian or cyclist in the village?

● Yes 18  
● No 70



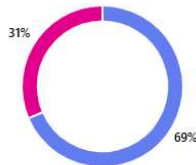
18. Are there adequate pavements, crossings, cycle routes and signage in the village?

● Yes 12  
● No 77



19. Have you witnessed or been involved in any near misses or accidents?

● Yes 61  
● No 28



- There is limited “recovery time” between traffic surges.
- Even small additional increases in vehicle numbers could tip conditions from pressured to problematic.

This indicates a structural shift in baseline traffic levels rather than temporary congestion.

Kirklees Council’s Highways Quarry Report dated 21.02.25 stated that ‘The Sovereign Junction at peak times is at or over theoretical capacity.’

If this should be the case, the daily impact on residents’ quality of life would be significant in the following respects:

Sustained heavy traffic would cause

- **Noise and Disturbance** with rural tranquillity a defining characteristic of village life being eroded
- **Safety concerns** - Crossing roads becoming increasingly difficult, lack of safety for pedestrians walking along roads without pavements with children and older residents being disproportionately affected.
- **Deterioration of air quality and environmental impact** – increased vehicle flow increasing emissions, slow-moving traffic at constrained points worsening localised pollution

There are existing professional highways reports which suggest key Junctions within the village already experience stress. There is limited headroom within the network to absorb further growth.

A development of 123 dwellings would likely generate:

- A significant number of additional daily vehicle trips.
- Increased two-way movements during commuter hours.
- School-run traffic and service/delivery vehicles.
- Visitor and construction traffic (during build phase).

Even modest per-household trip generation rates, when multiplied across 123 homes, represent a meaningful cumulative increase.

An additional 123 houses would bring an additional 289 people to the village, of which 88 would be school age children. It would also mean another 160 cars and 158,000 extra car journeys a year according to statistics taken from The Government’s UK National Statistics and countering the figures provided by Vivly.

**Conclusion**

The dataset suggests that traffic growth has moved beyond manageable peak-time congestion and has become a persistent, daily condition. In this context, the introduction of 123 additional dwellings would likely exacerbate an already challenging situation by adding further vehicle movements to a network perceived as operating under sustained pressure.

Without substantial infrastructure upgrades or demonstrable transport mitigation, the cumulative effect could materially impact safety, amenity,

environmental quality, and the overall character of the community.

20.If you have been involved in any accidents or near misses or been a witness to these, please give further details.

1	anonymous	Regularly have near misses up Carr hill Road with dangerous driving and no pavements.
2	anonymous	Whilst my daughter was riding her horse up carr hill road there was a high volume of traffic causing a rushed van driver to cause danger to the riders. He finally got past and then was involved in a collision at the top of Carr hill road on the junction to penistone road
3	anonymous	Speeding and overtaking on Barnsley Road, directly opposite the proposed development.
4	anonymous	Cross lane junction I was pulled out on,car written off
5	anonymous	Speeding cars past the church causes issues when walking with my family and when walking the dogs.This is also the casr when walking to the foresters in the summer as many people use upper cumberworth a cut through from Skelmonthorpe and Denby.
6	anonymous	Speeding cars on Barnsley Road as I try to pull out of my driveway, and blocked view because of parked car.
7	anonymous	Had to jump onto grass verge while walking down Carr Hill road due to oncoming car who didn't move over .
8	anonymous	Walking up Carr Hill Road, when a van overtook a car alongside me and missed hitting me by millimetres
9	anonymous	Near misses many - at the junction Barnsley Road and Cumberworth Lane - vehicles in confusion, social care worker pulling off barnsley road onto private property and struggling / attempting to reverse such that a passing police patrol stopped, cars on the inside corner between proposed development and Barsnley Wakefield road split clipping narrow pavement, collision at sovereign junction (one of many), cycle + car incident in last few days between New Mill (one possible place to cycle to) and here / just outside one of the nearest children's nursery options.
10	anonymous	Yes, elderly woman knocked over on Carr Hill Road due to speeding traffic. Regular speeding on Carr Hill Road cause multiple near misses when cars slow down to turn into their properties
11	anonymous	On my cycle too many to give details. Also access from my house near misses regularly
12	anonymous	Frequently witness near misses and accidents at the Sovereign crossroads. Top of Carr Hill is also a problem. I also live near enough to the junction of Cumberworth Lane / Carr Hill/ Barnsley Road to hear horns blaring 3-4 times a day. This is getting progressively worse as more and more cars are on the road.
13	anonymous	Witnessed Several accidents on the bend at junction with park lane and Carr hill road, accidents at Carr hill road and Barnsley road,
14	anonymous	Regularly have near misses from drivers on Carr Hill Road due to there being no pavement and it being used as a speedy cut through to avoid the Sovereign junction. Also witnessed several accidents at the Carr Hill Road/ Penistone Road junction due to over use, speeding vehicles, lack of suitable signage, and the restricted visual proximity of the junction.
15	anonymous	Frequently nearly crashed into from behind entering our driveway by speeding traffic
16	anonymous	Frequently have to be diverted or delayed due to accidents.
17	anonymous	Cars driving too quickly through the village. Exiting my driveway after checking for traffic a van flew around the corner and had to swerve around me it was going so fast it couldn't stop.
18	anonymous	Numerous instances over the years at Sovereign junction.
19	anonymous	Walking round the church corner is narrow and dangerous for pedestrians. The vehicles have to come too close or even mount the pavement often to pass each other if something big comes. I live on Dearnfield and the top of the road is badly damaged and the pavement is in a dreadful state and a definite safety hazard. This is caused by cars parking on the corners at school times and other cars u-turning there who have been to the Post Office. In general, the pavements are not easy to walk on at all.

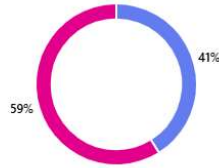
20	anonymous	Crossing in Upper Cumberwoth Village. Lights went to red for cars, green for me to cross. Speeding car screeched to a stop, narrowly missed me a shouted, 'Whats wrong with you? I stopped didnt I?'nd
21	anonymous	Nearly run over by car on Carr Hill Road, car hitting cyclist, Motor Home collision on Barnsley Road, many near misses caused by cars failing to stop at pedestrian crossing lights on Barnsley Road/Cumberworth lane crossing
22	anonymous	Regularly have to resort on the muddy verges on Carr Hill as some motorists do not consider pedestrians have the right to use their cars because road
23	anonymous	Cars going too fast so don't stop at crossing Traffic on Carr hill going too fast and no pavement. Traffic going to fast towards lower Cumberworth as pavement and road not wide enooigh
24	anonymous	Walking from Upper Cumberworth to Lower Cumberworth, you often have to step off the pavement into the road because the pavement is so narrow. Also, cars and other vehicles pass very close by your shoulder at speed, especially when passing vehicles coming the other way. This has worsened over the years I've lived in the village. The pavement infrastructure is not good enough for residents. The pavement from Upper Cumberworth to the Sovereign is also overgrown, muddy, and narrow in places making it unsuitable for pushchairs, children cycling, or wheelchairs. There are very fast vehicles travelling at a height above the pavement too making it feel very unsafe. Finally, as a cyclist, I hate cycling on the road between Lower and Upper Cumberworth, and on Barnsley Road fro Denby Dale to Upper Cumberworth. I've had very near passes by vehicles making me less inclined to cycle on these roads - fast vehicles with very little care about passing cyclists. This road goes right past where the housing development is proposed.
25	anonymous	Walking down Barnsley Road towards Denby Dale, stone fell off a van and hit my dog
26	anonymous	Numerous cars have pulled out in front of me at the sovereign garage junction when I have been travelling down penistone road
27	anonymous	Top of Carr Hill Road and Penistone Road collision
28	anonymous	It is not unusual to witness near misses where the access road to the recycling facility meets Barnsley Rd.
29	anonymous	Frequent near misses due to traffic speeding down Carr Hill Road and cutting the corners , particularly the first right hand bend as the traffic has generally gained speed way beyond 30mph as it rolls down the hill
30	anonymous	People pulling out because no traffic gaps....cars racing down Barnsley road
31	anonymous	A few times on Cumberworth Lane and turning into Dearnfield in term time, as cars parked at the top create a blind spot you cannot see if a vehicle is coming up until you have turned. Double parking on Cumberworth Lane creates one lane access.
32	anonymous	Using pedestrian crossing and van didn't stop, he just drove around me
33	anonymous	Corner by Carr hill road
34	anonymous	Poor and inconsiderate parking on the corner by the post office.
35	anonymous	Witnessed a crash at the junction of Carr Hill Road and Penistone Road, experienced close passes when cycling through the village and surrounding areas
36	anonymous	On the pedestrian crossing whilst the vehicle signal was red and the green man was on, a driver sped through whilst my friends son was stepping off the pavement, they come through the crossroads beyond the speed limit and further increase speed driving down Barnsley Road to Denby Dale and there is no speed prevention in that direction.
37	anonymous	Walking up Carr Hill Road (no pavement) my arm was struck by a passing car which didn't stop. Thankfully only bruised but 2 inches more and I would have been seriously injured. Reported to Police but "nothing they could do". Several accidents at the top of Carr Hill Road and dangerous speeding all day.
38	anonymous	My son's car was written off following a road traffic accident
39	anonymous	1 personal near miss - Sovereign cross roads witnessed 3 or 4 others.2) Car hit parked car opposite tip. Jeep swerved to avoid HGV pulling out of tip and hit kerb/fence at entrance to our lane.

40	anonymous	As a regular runner and walker on Carr Hill road I have had vehicles pass within inches of me, also witnessed cars regularly going well in excess of the 30mph limit and on a couple of occasions going flat out (no exaggeration of 60mph+)
41	anonymous	Near misses at the Sovereign junction and at the end of Cumberworth Lane by the post office. Also cars not stopping when the traffic lights are at amber by the pedestrian crossing outside the Star pub
42	anonymous	Almost hit by a car reversing on the pavement after dropping children at school. Crossing the road from the school to the other side of cumberworth lane almost hit by car at school pick up time.
43	anonymous	Car pulling out from the Soverign junction whilst I was driving on penistone road, had to break very strongly to avoid collision.
44	anonymous	No footpaths up Carr hill road causing real danger to pedestrians.
45	anonymous	Near misses at junctions and accessing private driveways on Barnsley Road. Witnessed cycle accident near Sovereign junction
46	anonymous	Near misses involving the speed of traffic in Heator Lane . I have had plenty near misses just getting out of my car .Drivers do not slow down this road has 30 restriction sign this totally ignored. This area cannot take anymore cars
47	anonymous	Yes near misses in Heator Lane and Rowgate The speed restriction on that road is 30 drivers totally ignore this. In my opinion traffic calming measures are essential and more signage this would protect pedestrians and particularly children. I believe this village cannot take anymore traffic and creating a new housing estate will create much more.
48	anonymous	Seen cyclists knocked off bikes. Avoid many routes due to poor cycling and walking insfrastructure
49	anonymous	At the cross roads of Carr Lane and Cross Lane
50	anonymous	There are crashes monthly at the junction of Carr Hill Road and Penistone Road, similarly at the Sovereign Junction - several of these have been fatal.
51	anonymous	If near misses were recorded at the top of Carr Hill / Penistone Road and the Sovereign junction there would be an enlarged H&S file. Crossing the road at these junctions you often take your life in your hands as the speed the traffic goes round the blind corners is a concern.
52	anonymous	Had to help mother in law in an accident at the top of Carr hill Road
53	anonymous	Trying to pull out from Dearnfield when visibility is blocked by parked vehicles
54	anonymous	Pulling out of Barnsley Road at the Sovereign crossroads
55	anonymous	Witness to several near misses at sovereign. Witness to car nearly being shunted from behind by a lorry when coming up the hill and turning right at the post office.
56	anonymous	The junction where carr hill road meets barnsley road is a notoriously difficult and dangerous junction and ive seen several accidents over the years there . School traffic and bad parking causes issues daily as i see it when walking the dog.
57	anonymous	People pulling out onto Barnsley Road. There is often near misses durning the morning
58	anonymous	Near miss at the Soverign twice
59	anonymous	Walking down Carr Hill Road, nearly hit by a car travelling too fast.

## Feedback and Responses

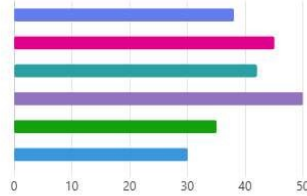
21. Do you walk to and from the railway station in Denby Dale?

● Yes 37  
● No 53



22. If you walk down Barnsley Road to the station at Denby Dale, do you agree with the following statements?

● The walk up and down the station approach is steep 38  
● The pavement is too narrow in parts on the journey 45  
● The pavement and routes are poorly lit in some areas 42  
● The traffic passes too quickly making it feel unsafe 50  
● The steep steps and dimly lit tunnel on the approach to the platform feels unsafe 35  
● I avoid walking for the reasons outlined above 30



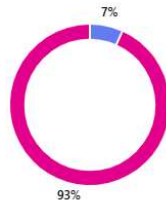
## Commentary

The dataset indicates that the majority of residents do not use train services on a regular basis and very few walk to the station. This suggests that rail is not currently functioning as a practical or accessible everyday transport option for most people in the community. While there are several identified reasons for this — including service frequency, convenience, connectivity, and journey times — survey feedback highlights more fundamental infrastructure concerns. Residents report that the approach routes to the station, as well as the station environment itself, are not well suited to accommodating increased pedestrian or vehicular traffic. Concerns relate to road width, traffic levels, lack of safe walking routes, limited parking, and general safety.

The feedback therefore indicates that, in its current form, neither the access routes nor the station infrastructure would safely or effectively support a significant increase in users. As a result, relying on rail uptake as a realistic alternative to car travel — particularly in the context of additional development — may not be viable without substantial improvements to access, safety, and capacity.

23. Is parking in the village adequate for residents and visitors?

● Yes 6  
● No 84

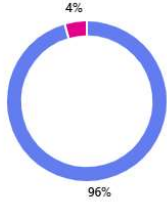
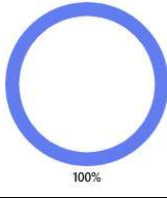
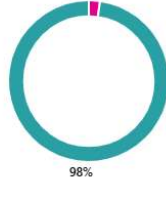


According to online statistics, car ownership in HD8 is high — averaging 2.51 cars per household which is significantly above the UK average of 1.4. Therefore we would urge planning officers to consider this as a more reasonable estimate to car ownership and traffic flow rather than the statistics provided by Vivly suggesting that residents purchasing their properties would use public transport options. This is highly unlikely and unrealistic.

24. Does on-street parking contribute to congestion and safety in the village?

● Yes 89  
● No 0



<p>25. Do delivery vehicles, agricultural traffic and heavy goods vehicles cause additional traffic problems?</p>  <p>● Yes 86 ● No 4</p>	<p>In Kirklees Council’s highways quarry report dated 21.02.25, the report states that ‘The Sovereign Junction at peak times is at or over theoretical capacity.’</p> <p>We would urge planning consideration to take into account the increased traffic flow which the quarry extension will generate.</p>
<p>26. Are you aware of plans for a new housing development in or near the village?</p>  <p>● Yes 90 ● No 0</p>	
<p>27. What impact do you think this development will have on traffic levels?</p>  <p>● No impact 0 ● Some increase 2 ● Significant increase 88</p>	<p>The data set generated by the resident’s survey portrays a more realistic picture than the speculative information provided by the developer. Vivly claims in Planning Statement 6.1.3 that only 44 vehicles will leave the site during the morning peak period. In our view this is unrealistic and without weight and due consideration given the rural location and lack of transport. In targeting families and young people, there will be a significant increase in car ownership in the village and journeys will be significantly increased.</p>

**28. What concerns, if any, do you have about increased traffic linked to the new development?**


1	anonymous	The roads are dangerous now so a new housing development will make it unbearable and dangerous.
2	anonymous	Increased problems with a new access into Barnsley Road Increased traffic volume given most of the homes will have 2 + cars I worry about increased volume of traffic at the key junctions and the safety of my children who wait for the school bus on a narrow pavement which cannot cope with more pedestrians and the increased traffic flowing past the narrow bus stop
3	anonymous	123 houses, more than likely 2 cars+ per household...
4	anonymous	Barnsley Road is already too busy and loud to have a conversation in the garden for dearnfield houses. Once the quarry becomes operational and if the housing site goes ahead, the noise and dust will render the gardens unusable
5	anonymous	Damage to the roads, air pollution, higher risk of accidents, unrest to local wildlife and farm life, congestion at peak times.
6	anonymous	Accidents. Pollution, congestion and overall safety.
7	anonymous	Increased volume of traffic causing even more build up of traffic at the Sovereign junction and Carr hill / Penistone road junction.A proposed staggered junction to the new development will cause vehicles to come to a standstill on Barnsley road whilst cars at the junction are waiting to pull out onto Barnsley road .
8	anonymous	Wear & tear on an already poorly maintained road surface on Barnsley Road, increased traffic on Carr Hill Road being used as a rat run to avoid Sovereign Crossroads, possible increase of parking on Barnsley Road by residents of the proposed development and increased congestion on an already busy road outside the school
9	anonymous	Location lacks meaningful public transport, assertions about cycle use or lack of private motoring are far fetched - councillors should do the walk to the station or be made to commute to the council office around childcare setting hours and work a standard 9-5 day without a car. This renders it an unsustainable site. My biggest concern with increased traffic is the changing vehicle speeds due to the new junction will make judging crossing an already busy

		40 mph road even more difficult to do safely - commuting vehicles already often accelerate aggressively away from the cumberworth lane junction and trying to judge this in both directions is difficult. The proposed location of the signalled crossing is slightly hard to follow but appears to be lower than the development, so would not be the one used between the village and the proposed site, so pedestrian crossing attempts would increase if people do walk rather drive all the time, which is doubtful.
10	anonymous	Increase parking near school and post office. Crossing the road.
11	anonymous	Safety, accidents around the access to the estate, very high traffic volumes on Barnsley road.
12	anonymous	A massive increase of cars using Carr Hill road as a rat run to avoid Sovereign junction. Which in turn will add to an already huge speeding problem on Carr Hill Road
13	anonymous	See answer to question 15
14	anonymous	Increased use of 'rat runs' such as Rowgate and Heator Lane and Carr Hill Road/Cumberworth Lane. Longer delays at the three crossroads.Speeding on local roads as virtually no enforcement of speed limits.
15	anonymous	The cumulative impact of additional housing cars and the quarry wagons will make barnsley road even noisier and busier than it is
16	anonymous	I am initially concerned with all the heavy haulage that will be required to build on this massive scale. The roads are already in terrible condition, the crumbling water system just below. How can they cope with a building site of this magnitude? Following that, a further 246+ cars trying to access Barnsley Road at busy times? More cars trying to drop children at school, when Cumberworth Lane is already over-loaded? Resident's of Cumberworth Lane already have problems with inconsiderate parking, parking across driveways, (one resident actually had a mum park on her private drive with the excuse 'I'm late to pick up my child and there's no where else to park'!) and, at times, dangerous parking. A further 246 cars trying to safely navigate the Sovereign junction. Carr Hill is already a rat-run for drivers trying to by-pass the Sovereign. A further 246+ cars will cause more congestion there and, ultimately, put residents lives at risk.
17	anonymous	The entrance will be close to Bromley recycling centre and the quarry which already brings too much traffic, pollution and road noise to the village. Adding this development will have a detrimental impact on the village. The school does not have staff parking. Cumberworth Lane/Dearnfield and Hollybank is used as a school car park so there is already chronic parking/traffic issues. The new development will worsen this situation further as they will drive the the school from the development due to the road. Also as the entrance to the development and Bromley Farm will be close this could become an accident spot.
18	anonymous	The area is already under pressure with regular RTC's at major junctions. The increase in vehicluar traffic and pedestrian needs is going to put additional pressure on a road structure already failing.
19	anonymous	The village is already
20	anonymous	Danger
21	anonymous	More congestion & speeding down Barnsley Rd
22	anonymous	Significant Increased usage of Carr Hill Road as a short cut. It does not have any pavements & is used frequently by cyclists, walkers, dogs, horses, pedestrians and unaccompanied school children. Exiting at both ends by car is already extremely frightening & movement between local villages already hard.
23	anonymous	Increase of incidents and accidents and potentially danger to life. Speeding is a huge issue and young children and elderly residents would be at an enhanced risk of injury or death.
24	anonymous	Noise pollution (road noise from Barnsley Road echoes up the valley, most noticeable on quiet days and especially motorbikes) Parking around post office has become ridiculous as the amount of people dropping parcels off has increased significantly often the road suffers from Congestion as there is only one narrow way through with cars parked on both sides of the road. Speed of vehicles along Barnsley Road is often way above the speed limit as is the same for Carrhill Road. Carhill Road junction gets extremely busy in rush hour as commuters 'cut the corner' of the Sovereign because they don't want to wait at the long queues there. It's beginning to feel like a rat run.
25	anonymous	The village is just unable to cope with any more traffic, the junction of Cumberworth Lane and Barnsley Road is regularly not easy to access as a result of both customers to the shop and school cars left all day along both sides of Cumberworth Lane. Cumberworth Lane itself is very narrow and in parts even cars trying to pass each other have to slow down and pass carefully. Meeting a bus or lorry is exceptionally difficult to get by.

26	anonymous	Additional traffic on narrow roads with limited/no footpaths and limited/no lighting will increase the risk of accidents.
27	anonymous	Road safety, congestion, increased speeding and parking, especially in snowy winter when parking at home is difficult
28	anonymous	Due to the lack of local facilities, residents will need to frequently use their cars causing further congestion at busy times. Children will have to cross an already dangerous road to catch the school buses or attend the village school
29	anonymous	Noise Too much traffic
30	anonymous	The traffic is already very congested in the village. I know of other people from outside the village who have either stopped coming through Upper Cumberworth (from Lower Cumberworth) because of the congestion, or they remark on how terrible it is - and how much that has changed over the years. There's no parking for people using the amenities (school, church, shop / post office) and this contributes to problems. We avoid having to leave or return to the house at school drop off and pick up times because the congestion is so poor. Any extra pressure from a new development will only make these issues much worse. At the very least, that's 123 extra vehicles (if 123 houses) but more likely to be 246 extra vehicles or more.
31	anonymous	Another junction onto dangerous Barnsley Road, access down Park Lane is dangerous when turning on a blind bend
32	anonymous	Increased traffic will undoubtedly lead to more collisions in our immediate area of the sovereign garage and Carr lane cross road.
33	anonymous	Will cause excess traffic at the Sovereign junction and also up and down Carr Hill Road already used as a rat run and dangerous to walk up and down because of no footpath
34	anonymous	Noise, congestion, air pollution/climate change
35	anonymous	More cars and delivery vans equal more noise, air pollution and even busier roads through the village.
36	anonymous	Inevitable pedestrian and road traffic incidents
37	anonymous	500 car movements a day. Disaster
38	anonymous	Concerns particularly about speeding (in Carr Hill Road particularly) and more accidents at the junctions mentioned above in question 16. The increased traffic in Carr Hill Road will not help the many people walking, cycling or horse riding along Carr Hill Road. They currently have to eyes in the back of their heads particularly due to the distinct lack of pavements.
39	anonymous	It will cause more air and noise pollution, more potholes. Roads and pavements are poorly maintained by Kirklees Council. There is already a chronic and dangerous parking situation on Cumberworth Lane and Dearnfield due to the school staff/parents parking. This will increase with the new development as people will drive up as it is not safe to walk up Barnsley Road, there doesn't seem to be any footpaths linking the development to the village.
40	anonymous	The new owners would all have to access a very busy road.
41	anonymous	More congestion particularly Cumberworth road onto Barnsley road and the sovereign junction, also Carr hill road will become even more of a rat run
42	anonymous	Busy, noise, danger of speeding and visibility
43	anonymous	Increased traffic on smaller side roads will create access issues and increase the likelihood of safety concerns. There is already a significant amount of pot holes in the village, this will increase significantly.
44	anonymous	Increased traffic will undoubtedly lead to more congestion, noise and pollution as well as increasing the risk of accidents due to the volume of traffic.
45	anonymous	Cars slowing to turn into this development will cause confusion to other drivers travelling at speed, the road is simply not wide enough to cope with the potential volume of cars, three cars passing, one going up Barnsley Road, one going down Barnsley Road and one sitting waiting to pull in is too tight and restrictive. I think this will be an accident hotspot, cars always pick up speed going down hill.
46	anonymous	Safety & congestion

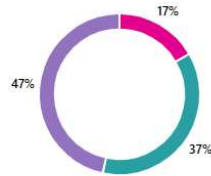
47	anonymous	More traffic = more risk, more pollution, more speeding, more congestion, dangerous parking
48	anonymous	The extra traffic would have a disastrous effect on the village
49	anonymous	The volume already causes our house to shake when heavy goods vehicles go down Barnsley Road, when Bromley Recycle Centre start their project it will be even worse, a housing development would just add to these ongoing issues
50	anonymous	A conservative estimate of 200 additional vehicles is bound to make a significant difference to not only traffic levels but safety. Pulling out from the proposed exit into the busy traffic - many HGVs - is bound to cause problems and indeed danger with an impatient driver. It can offer take 3 or 4 minutes to pull into the traffic flow.
51	anonymous	Congestion would increase considerably
52	anonymous	The village already has so much traffic passing through, the school traffic is already at capacity & is unsafe to cross the road at certain times due the amount of parked cars, this puts people at risk. The speed in which vehicles travel is ridiculous & is extremely dangerous.
53	anonymous	More people rushing to work/school will mean the issues I've highlighted above will only get worse. In addition, there are new developments all around the immediate area which in turn add their 300+ cars to the problem.
54	anonymous	Barnsley road speed limit too high
55	anonymous	Pollution , amount of extra traffic especially cars, more congestion and accidents. NOISE
56	anonymous	More cars means more pollution, noise, speeding motorists, parking issues
57	anonymous	Many concerns - the road may be even more difficult to cross during the development phase. More cars - more noise and pollution
58	anonymous	Increased double parking on cumberworth lane and Hollybank Avenue. Cars blocking driveway access when dropping off children and picking up from school will increase. Increased traffic on Carr hill road making it unsafe to walk on the sides of the road particularly where the pavement is in made or non existent. Unsafe for cats on Carr hill road. Inevitable parking on Barnsley road near the development when the weather is bad or visitors come.
59	anonymous	The road through Upper Cumberworth already has a high number of traffic accidents - more traffic from the new housing estate will increase the probability of accidents occurring. Traffic goes too fast through the village often above the speed limit. There has been times when we have been crossing the road by the The Star pub to the Post office where cars/traffic have gone through the lights whilst red. Cars also speed up Carr Hill Road using it as a short cut to avoid the junction at the Sovereign - if you are walking up Carr Hill Road there is no pavement making it unsafe with speeding cars/lorries.
60	anonymous	Already difficult to get out of drive due to heavy traffic caused by vehicles trying to avoid sovereign crossing or access to M1. Carr hill road will become nightmare with increased due to quarry permission and extra traffic from any further development , environmentally, noise , lack of safe pedestrian paths noise etc .
61	anonymous	More noise - impact on wildlife and people. A new dangerous junction onto Barnsley Road.
62	anonymous	Not sustainable to have such dependence on private car Increased risk to pedestrians and cyclists
63	anonymous	As I have said many concerns some of these smaller roads cannot take anymore traffic it's already unsafe
64	anonymous	The village struggles already with the amount of traffic .Anew development with families and more cars will create many hazards .
65	anonymous	More cars and therefore congestion, some difficult junctions in Upper Cumberworth with multiple accident hotspots which are distressing to witness, these are becoming the norm rather than the exception. Walking along Barnsley rd is difficult, due the the high volume and fast flow of traffic - cars frequently go through red lights at the Star crossing. More cars turning in and out of a housing development is a serious and problematic issue.
66	anonymous	With 123 houses potentially thousands more car journeys every year - not only from residents but from all the many and increasing deliveries households are having year on year. Hazards caused by this on an already busy road opposite the tip. All these additional vehicles will be travelling up and down Barnsley Road and, causing more conjection and accidents at the Sovereign Junction, or going up Car Hill Road or down Rowgate/Heator Lane (2 small 30mph roads that suffer badly with speeding and dangerous vehicles cutting through).

67	anonymous	Traffic is too much at present, there is a Quarry starting soon, this will make it worse. A new housing estate will make it very dangerous
68	anonymous	Barnsley Road through Upper Cumberworth is already congested and dangerous for pedestrians- Road noise is increasingly bad .
69	anonymous	It will be more even more stressful trying to get out of the junctions on to Barnsley Road and Penistone Road. Both dangerous junctions. More vehicles are likely to cut through on Carr Hill Road. There will now also be more lorries from the clay quarry.
70	anonymous	Because of the location of the development and the inadequacy of public transport all households will have at least one car. All that traffic will feed into Barnsley Road increasing traffic volume, adding to noise and pollution, adding to congestion at the junctions especially for traffic trying to get in and out of Cumberworth lane and at the Sovereign junction both of which are already very difficult. At busy times ( especially between school finish up to the end of the evening rush hour this could be very significant and almost certainly lead to an increase in accidents with people trying to get out of junctions and misjudging .
71	anonymous	Safety of pedestrians getting around, volume of traffic noise, increased pollution and traffic
72	anonymous	No matter what is said and parking spaces for each property cars will park on Barnsley Road. Barnsley Road is already difficult to cross increasing cars on the road will make this more difficult. The junction parking at the post office is terrible people ignore double yellow lines. As I regular village dog Walker I feel crossing the road and walking on no pavement will have increased risk.
73	anonymous	Tip of park lane is a really busy corner and a difficult lane to pull out of
74	anonymous	Access to proposed development is on fastest part of road, it will be dangerous accessing the main road.
75	anonymous	Noise level, air pollution, safety for vehicles and pedestrians, wildlife.
76	anonymous	The junction with Barnsley Road from the proposed development will cause a high risk of further accidents from vehicles attempting to turn into or out of the development onto a fast road. It will also cause further conjection on the roads with increased traffic & parking.
77	anonymous	It will make our roads more congested/ unsafe, especially when combined with increase in traffic due to quarry
78	anonymous	More dangerous junction crossings to negotiate on an ever increasingly dangerous fast road
79	anonymous	Noise, air pollution, congestion, added danger to pedestrians
80	anonymous	It will cause for not only delays on joining Barnsley Road from Cumberworth lane but a high risk to highway safety and increased damages to the road.
81	anonymous	The traffic going through the village via Barnsley Road is already unsafe due to the speed and volume. Adding to this will increase the risk.
82	anonymous	The increase in traffic and parking will be a nightmare.

Feedback and Response	Commentary
<p>29. Do you feel the existing transport infrastructure can cope with additional traffic?</p> <div style="display: flex; align-items: center; justify-content: center;"> <div style="margin-right: 20px;"> <p><span style="color: blue;">●</span> Yes 1</p> <p><span style="color: magenta;">●</span> No 89</p> </div>  </div> <p style="text-align: center;">99%</p>	

30. Overall, how satisfied are you with the local transport infrastructure?

Very satisfied	0
Somewhat satisfied	15
Somewhat dissatisfied	33
Very dissatisfied	42



31. What do you see as the biggest transport related issue facing the village if plans for the development go ahead?

1	anonymous	Increased volumes of traffic, danger and pollution.
2	anonymous	Increased traffic from the potential housing development combined with increased quarry traffic will make the roads very unsafe and very congested for all users
3	anonymous	Extra volume of traffic, noise, cars pulling out on to a busy main road which gets busier every year (such as increased quarry traffic)
4	anonymous	Traffic on Barnsley Road, pulling out at the post office and sovereign junctions
5	anonymous	The infrastructure is already at its limit in peak times. School traffic blocks roads and I am concerned that if needed fire and ambulance services would be cut off from entering the village quickly and safely. At school time increased traffic reduces visibility and puts children and parents at risk. As I work in Rotherham it is already a 2.5 hour transport journey. If the number of public uses increases this could be at maximum capacity and would further delay travel time.
6	anonymous	Speeding.
7	anonymous	The increased amount of traffic from the development. Each property will have at least one parking space and some 2 or 3 parking spaces so it is clearly anticipated that there will be a lot of cars. Not all cars will be electric so there will be increased noise and pollution.
8	anonymous	additional cars and journeys, damage to roads, more accidents
9	anonymous	Increase in traffic, lack of parking facilities at local amenities
10	anonymous	Pedestrians crossing Barnsley road and using narrow Barnsley road pavements - currently dangerous, but infrequent as few residents (a handful of houses) live on the south east side of the Barnsley Road / Cumberworth lane junction will dramatically increase, even if only walking occasionally so the likelihood of an accident (risk x frequency) will be much, much higher.
11	anonymous	More accidents will occur. Problem at sovereign junction will cause traffic onto local roads trying to avoid junction.
12	anonymous	A creaking infrastructure could not cope.
13	anonymous	Too many cars putting pressure on three junctions mentioned above

14	anonymous	See answers to question 15
15	anonymous	Volume of traffic.
16	anonymous	The number of new car journeys, especially at rush hour, will add to the problems especially at the junctions on cumberworth lane, carr hill/penistone rd and the soveriegn
17	anonymous	Far, far too many vehicles, large and small, for a small village to cope with.
18	anonymous	More Noise, pollution and accidents. Roads and potholes increasing
19	anonymous	There is already congestion at all junctions, Carr Hill Road is a rat run for traffic at rush hour and will only get worse with the likelihood of well in excess of an additional 150 cars (+) in the village. Traffic exiting onto Barnsley Road from the new development and Pedestrians (including school children) crossing Barnsley Road from the new development to access public transport will cause additional road dangers.
20	anonymous	There is already insufficient parking space in the village, and it is being used as a cut through to avoid the Sovereign junction. An additional two hundred vehicles, and an additional junction, will worsen the situation.
21	anonymous	Congestion and noise
22	anonymous	More congestion, pollution & noise, speeding from. towards Denby Dale
23	anonymous	The lack of traffic lights at the Sovereign crossroads.
24	anonymous	Increased numbers of incidents and accidents, roads unfit for safe driving due to damage (pot holes etc), insufficient funding to maintain damage. Increased levels of air pollution.
25	anonymous	Increase traffic in and around the village especially between especially on Cumberworth Lane which is very very narrow with a narrow foot path. Most of the people in the new estate would rely on cars for transport because public transport is just not good enough. This includes commuting for work but also for school - dropping children off at Shelley High School would dramatically increase the number of cars on Cumberworth Lane
26	anonymous	Neither the A635 nor the village can cope with this amount of traffic being added to the existing flow which honestly is at its capacity.
27	anonymous	Too many cars causing Upper Cumberworth to no longer be a safe village.
28	anonymous	Narrow roads with limited/no footpaths and/lighting.
29	anonymous	Road safety, congestion, increased speeding and parking, especially in snowy winter when parking at home is difficult. Increased danger of pedestrians walking along roads with no pavements especially Carr Hill Road
30	anonymous	Congestion o the roads and pedestrian safety.
31	anonymous	Heavily congested roads making it unsafe
32	anonymous	Traffic congestion. This is a small rural village. It's already congested with vehicles. People travel from miles around to use the Post Office (have spoken to people who have driven from Holmfirth, Shelley, New Mill, and Denby Dale and beyond) because of the service and perceived close / free parking. However this is making congestion in the village

		overwhelming. Added to that, vehicles travel very fast through the village, especially on the main road. But also on Cumberworth Lane outside of school and post office hours - it's jokingly referred to as the Cumberworth race track between the Post Office and the church corner.
33	anonymous	Air Pollution from the extra vehicles on the road, also safety on the roads is a big problem with the hgvs that currently use the routes this will only increase .
34	anonymous	All will need a car because weekly shopping cannot be obtained locally or carried up the long road from the station, even if they got the train none of the stops are near a supermarket. more traffic, more issues
35	anonymous	Convoys of construction vehicles. Lots of mud and debris on the road from the development site causing it to become slippery. Heavy goods vehicles going to and from the site onto Barnsley road which in my opinion isn't sufficient enough for such a large development.
36	anonymous	Excessive traffic using an already busy Barnsley road culminating in the Sovereign junction
37	anonymous	Safety
38	anonymous	The village will be a drive through part of a conurbation covering West Yorkshire. Increased traffic will produce health and safety issues and will destroy the character of the village .
39	anonymous	Congestion, noise and pollution
40	anonymous	Lack of parking at local services, and narrowness of local road, Cumberworth lane in particular which is not simply not wide enough for two modern cars ( which seem to be getting bigger and wider) let alone buses or wagons travelling in opposite directions. The increase in traffic also giving rise to further deterioration of the road structure which has already failed, The recent re surfacing work was like putting a sticking plaster on a broken leg.
41	anonymous	Far too much traffic and knackered roads
42	anonymous	You can probably multiply the number of houses by two to get an idea of the potential number of additional cars, and once you add in delivery vehicles, then all the points in question 15 are multiplied by a considerable factor.
43	anonymous	It will create more traffic in the village, especially for the reasons mention above. The residents already have a lot to put up with and are totally fed up with the chaos and pollution that the school traffic brings to this area. It has been reported to Kirklees Highways many times but nothing gets done. We need the Post Office and the school! So this is probably the 'elephant in the room' situation. It is now a necessity to address the parking issues that these bring to this part of the village. Kirklees needs to do something to address the school not having a staff car park, which was removed when the school was extended. Most councils are implementing clean air zone around schools and 20mph speed limits. This development is going to make everything much worse! The village has also seen an increase in articulated wagons especially on Cumberworth Lane, this will also get worse once the quarry expands a. The speed limit should be reduced to 30 mph on Barnsley Road to make it more safe and reduce the noise levels.
44	anonymous	The very busy Barnsley Road
45	anonymous	This is a village with no parking and school run times are gridlock more traffic will make this worse
46	anonymous	As above

47	anonymous	Greater volume of traffic already using highly populated side roads, in particularly, Cumberworth Lane which becomes very busy with local residents parking and at school times. Also, Carr Hill Road, this will be used as a short cut with increased traffic, which already exceeds the speed limit on many occasions and where they are limited pavements.
48	anonymous	The sheer volume of traffic will increase if the development goes ahead causing further congestion
49	anonymous	Parking in appropriate areas on Cumberworth Lane near the post office junction, safety for children crossing road in between cars. Crossing Barnsley Road will be very unsafe with cars pulling in and out, other drivers breaking to accommodate these actions.
50	anonymous	Access from development to existing infrastructure already at capacity. Increased parking/congestion in Cumberworth Lane (school/post office)
51	anonymous	Road safety Barnsley Road (and Penistone Rd/Carr Hill Rd) are busy enough and the various junctions are problematical as it is
52	anonymous	Buses are too infrequent and roads couldn't take all extra traffic
53	anonymous	Increased levels of traffic on Barnsley Road Road would be horrendous and adding a junction out onto this road is asking for an accident to happen, crossing the road is hard now if you want to go into the woods adding to current levels heightens the possibility of someone getting knocked over. Excess traffic towards Huddersfield would impact on the junctions at Carr hill road and the sovereign as that will most likely be the route taken to avoid long queues at the sovereign junction
54	anonymous	Congestion in the environs which creates danger has to be a very major concern. The notorious and well documented danger at the Sovereign Cross Roads together now with increasing pressure at the top of Carr Lane - bearing in mind the 120 per day additional HGVs that will be unleashed upon us at some point.
55	anonymous	The ability of the services to cope with such a potentially large increase in demand.
56	anonymous	Not enough room for more cars on the roads for parking at the school or post office, this increases risks. More cars speeding up & down Barnsley road which will again increase riskss massively.
57	anonymous	Traffic control and speeding. Road maintenance/condition.
58	anonymous	More regular service
59	anonymous	Congestion
60	anonymous	Volume of traffic. Noise. Safety - some cars travel much too fast up Barnsley Rd.
61	anonymous	With 120 lorrys a day going to the tip and school traffic double parking, more cars are likely to lead to casualties. Parents drop children and pick them up on the way to and from work. It's inevitable more cars will be in the village causing parking chaos.
62	anonymous	Increased traffic will put more congestion on already high accident junctions and roads through the village
63	anonymous	Heavy traffic up Carr hill road due to quarry traffic and increased cars and road deterioration .a
64	anonymous	More noise - impact on wildlife and people.

65	anonymous	Increased traffic making crossing Barnsley Road more difficult, especially with narrow pavements which often have water flowing down them and the road so being a pedestrian is both dangerous and unpleasant.
66	anonymous	As above answer too many cars
67	anonymous	Upper Cumberworth and surrounding villages have some narrow roads, adding more congestion will certainly change the character of the village from semi rural to urban sprawl. Just look at what's happened to Flockton - that should serve as a reminder that over housing without the appropriate infrastructure in place is a disaster in the making.
68	anonymous	Definitely accidents at the 3 hot spots - Sovereign Junction, Carr Hill Road/Penistone Road, and Carr Lane/Cross Lane. All these three places are hazardous, the latter two are used as 'cut throughs' to avoid the sovereign junction depending on direction of travel. These traffic issues have been going on for decades. What possible impact will all these extra cars have.
69	anonymous	Roads are too busy and dangerous at present. I'm extremely concerned re the quarry but adding a new housing estate will break an already overloaded transport system
70	anonymous	Congestion, increased road noise,dangerous traffic speeding- Lack of safe pavements to walk on ie Carr Hill Road and Barnsley Road.
71	anonymous	Increased traffic. Not enough public transport for school and college children. No safe crossing places other than by the Star.
72	anonymous	See 28
73	anonymous	Volume
74	anonymous	Amount of traffic and parking.
75	anonymous	Traffic around the 3-4 very dangerous junctions around the village AND traffic around the school
76	anonymous	Increased traffic
77	anonymous	increased traffic and safety
78	anonymous	Additional traffic & increased road safety concerns for both other car users & pedestrians
79	anonymous	More cars on the road. It is unlikely that people will have jobs that are near by and public transport links are not adequate
80	anonymous	Unreliable services and limited routes
81	anonymous	If the new build is approved it will result in a minimum increase of 100 plus vehicles and probably much more. This increase in vehicles would be entering and exiting by an already very busy Barnsley road and a very dangerous Sovereign cross roads. Not to mention Breton round about which adds to an increase in traffic throughout the villages in Denby Dale.
82	anonymous	There will be an increase of road users on already strained junctions or if there is more cyclists on the current road layouts this will also cause dangers

83	anonymous	Pedestrian and vehicle safety
84	anonymous	Congestion

### 32. Is there anything else you would like to share about traffic or transport in the village?

1	anonymous	Any further development will utterly ruin this village. It's already dangerous and will become more so with a sharp increase in cars on the road.
2	anonymous	The amount of speeding that takes place directly opposite the proposed development on Barnsley Road. It acts like a race track on summer evenings...
3	anonymous	There has been numerous accidents, I personally had to assist two drivers who crashed at the Cumberworth Lane Junction.
4	anonymous	Public transport in the area is unreliable, the increase in traffic in a small village is already high and roads are not fit for purpose, add into the equation the quarry wagons due to begin working from Bromley Farm, there's a disaster waiting to happen!
5	anonymous	The location of the east bound bus stop is on a narrow pavement, slightly outside of a slightly downhill bend in the middle of the village by Barnsley Road . I cringe whenever I see school children wait there, as it is an accident waiting to happen - and the narrow pavement is against a wall. These subtle effects combine to make it a high risk spot to wait / only needs a split second driver error. This wants addressing irrespective of the development. Travel options are incompatible with work and childcare settings in the village except by car - nursery for under school age children is a car journey away, wrap around care in the school for those at the school is good but consideration of buses to Wakefield or Huddersfield would suggest it infeasible to have a 9-5 job and reliably be able to drop or collect children in either of these nearby towns. Much is made of the proximity to Denby Dale station. This is a steep narrow path along a busy road (ignoring the route across the fields which is too wet for a sizeable fraction of the year, not lit, isolating etc.) - to the middle of the proposed development site it is around 1.15 miles, but 275 ft of ascent (as well as a steep downhill). The widely used Naismith's rule therefore puts this at over 30 minutes away. You can get from the station to Huddersfield in 25 minutes, but by the time you've then reached a specific location, you could drive in half the time, it just isn't realistic for most. I do use national rail services regularly, but drive to Wakefield Westgate or Meadowhall to start my journey as the services from Denby Dale are too slow and do not commence early enough to make many journeys (by the time you get to Sheffield or Doncaster to connect with a major national service).
6	anonymous	Traffic build up at local tip.
7	anonymous	No effort to control excessive speeding on Barnsley road especially past proposed new development
8	anonymous	I feel very unsafe. New development will make this much worse.
9	anonymous	needs full traffic cameras on barnsley road. May need lights or roundabouts at sovereign
10	anonymous	Meeting an articulated lorry on the road between Upper and Lower Cumberworth, or a modern, very large tractor, towing a long trailer is hair-raising for all concerned. The pavement is narrow. My husband had his arm clipped by a wing mirror of a driver who wouldn't wait a few seconds to pass an oncoming car. More cars mean more accidents and more risk to life of village residents. Also modern housing estates never allow enough parking spaces for visitors so, if it was allowed to go ahead, presumably there will constantly be cars parking on the main road too.
11	anonymous	Cumberworth Lane should be closed to articulated wagons between Upper and Lower Cumberworth. There should be a school clean emission zone implemented in Cumberworth.
12	anonymous	HGVs are using Carr Hill Road as an alternative to Barnsley Road as they are unable to get traction to turn left at Sovereign crossroad due to incline and road surface. Residents and visitors are regularly parking on, and blocking, pavements making pedestrian access difficult especially for prams and people with mobility issues.
13	anonymous	Carr Hill Road is becoming increasingly dangerous for pedestrians as there is no footpath, insufficient signage, no traffic calming measures, speeding drivers, and it is being used as a cut through to avoid the Sovereign junction.
14	anonymous	Already at maximum capacity.

15	anonymous	We have had village meetings regularly with the police to try to resolve the issue as all of us are concerned about safety for both pedestrians and drivers but nothing changes. The speed of cars and lorries going through the village (where we have a primary school) is frightening.
16	anonymous	The village can not safely support the burden of additional cars
17	anonymous	The junctions are dangerous as proven by the number of accidents
18	anonymous	The traffic is already too busy so the increase from the building of the development would be too much. It's only matter of time before someone gets knocked over.
19	anonymous	Excessive traffic on Cumberworth lane at school times
20	anonymous	There are plans to start quarrying at Bromley Farm. This will involve a huge increase in HGV traffic through the village affecting safety and quality of life for residents. Adding a substantial housing development will create traffic problems to an unsustainable level.
21	anonymous	They will say we are within a great area for public transport links...it's a nonsense
22	anonymous	Speeding vehicles and increased numbers of HGV's are all contributing to my current concerns about traffic in the village.
23	anonymous	Inadequate provision of pavement infrastructure around Upper Cumberworth especially along Barnsley Road towards the Sovereign crossroads and between Upper and Lower Cumberworth, and the lack of pavement up Carr Hill Road makes it dangerous for pedestrians especially children and parents with pushchairs. An increase in the volume of traffic from a large development will only increase the risk for pedestrians and lead to more reliance on vehicles even for short journeys.
24	anonymous	Regardless of this we need pavements on Carr Hill Road, wider pavements elsewhere and better maintenance.
25	anonymous	The village and the environs have grown but the transport infrastructure has remained the same which is totally inadequate for the expanding volume of traffic - particularly HGVs. The issue should not be brushed aside as it seems to have been in the past.
26	anonymous	I am concerned with the affect of so many cars (2 per household?) on the leaving and entering the development onto a major road and the risks involved.
27	anonymous	The pollution from more cars in the village hasn't been considered, but this would be a real issue.
28	anonymous	Kirklees seem to be waiting for a fatality before taking any actions - their usual excuse is that there haven't been any yet which is preposterous. They only need to spend some time at the key junctions and roads in the village during rush hour over a few days to experience it.
29	anonymous	Speed limit too high near school
30	anonymous	At the moment there are severe traffic problems (1) in Cumberworth lane due to school and other parking making it difficult to get up or down it particularly for buses etc plus the the crumbling state of the surface (2) the difficulties at the Sovereign crossroads. (3) Carr Hill road will become a big problem with heavy traffic and no footpaths causing difficulty to both vehicles and pedestrians.
31	anonymous	Most days there are people speeding on Barnsley Road, I think some people because they generally choose to speed, and some who specifically use Barnsley Road as a place to speed in their loud sports car / motorbike - especially on sunny days, weekends, holidays, evenings. It feels really intrusive, noisy, dangerous and disrespectful. We have asked the police if they can do anything and they said no, only if we have specific evidence of a specific incident to share with them.
32	anonymous	There is no childcare provision for children under school age within walking distance so this requires a private care as public transport does not have the routes or frequency needed. The first school does provide wraparound care from 7.30-18.00 however with the limited public transport options this is still not sufficient for people to commute to work and reliably drop off and pick up children.
33	anonymous	Already too many cars and lorries for this village
34	anonymous	For clarification I have no objection to farmers using farm vehicles on the roads, as per one of the questions further up - this is to be expected when you live in Upper Cumberworth.

35	anonymous	Roads are already too busy. Lorries travel too fast
36	anonymous	The Village struggles to cope with the volume of traffic as it is at Rush hour, School Run times and Weekends- any increase in Road volume will be dangerous and cause severe congestion at peak times.
37	anonymous	It's not safe as it is due to all the tricky junctions - a busy park lane junction will 100% lead to more accidents cumberworth
38	anonymous	Traffic is too fast on Barnsley Road. Parking issues on Cumberworth Lane outside the school & Post Office which cause conjestion & access problems. Too many HGV's attempting to travel along Cumberworth Lane.
39	anonymous	Inconsiderate parking outside the post office close to the junction is a safety issue. Public transport links are inadequate, I work only 4 miles away, but it would take me nearly 2 hours to commute each way by bus.
40	anonymous	I live on the junction where cumberworth lane meets barnsley road and over 20 years it has become increasingly more dangerous. The traffic is relentless with bigger and heavier wagons. The traffic speed has increased and people are more immersed with distractions like mobile phones and satnavs. The air pollution has increased, we now have two huge air purifiers in the house to help regulate it. With the heavy demands of life and work in general and getting to places quickly people are distracted and unthoughtful where they park causing danger to residents and other road users.
41	anonymous	It cannot sustain the new development

**A review of the Landscape and Visual Appraisal (LVA) which forms part of the planning application for a site south of Barnsley Road, Upper Cumberworth (01/CECAG/LA/2026)**

**By MLI**

on behalf of

**CUMBERWORTH ENVIRONMENTAL  
COMMUNITY ACTION GROUP (CECAG)**

**PLANNING APPLICATION NO. 2025/60/93572/E**

Outline application with all matters reserved, bar vehicle access into the site, for erection of up to 123 dwellings with associated works including open space, landscaping, drainage infrastructure



**A view from Park Lane (Upper Cumberworth) across the site down towards Stephen Wood with undeveloped ridgeline beyond (February 2026)**

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### 5.0 Assessment against national and local policy

## Appendix A: Methodology

### Notes:

02/CECAG/LA/2026: An assessment of the value of a site and its contribution as open land within the Green Belt

Note on Photos: Camera: Sony A7 Full Frame: lens FE 1.8/50 Height of camera: 1.5m:  
Visualisation Type: Type I, Projection: Planar, Horizontal Field of View (HfOV) 39.6 degrees

Technical Guidance Note (TGN) 1/20 (10 Jan 2020) *Reviewing Landscape and Visual Impact Assessments (LVIA's) and Landscape and Visual Appraisals (LVAs)*

Technical Guidance Note (TGN)02/21: *Assessing Landscape Value Outside National Designations*

Technical Guidance Note LITGN-2024-01 ( August 2024) *Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3)*

Technical Guidance Note 06/19 *Visual Representation of Development Proposals*

## 1.0 Introduction:

- 1.2 As a registered Chartered Member of the Landscape Institute, I was appointed by Cumberworth Environmental Community Action Group (CECAG) to assess the Landscape and Visual Appraisal (LVA) by PGLA Landscape Architects. This LVA part of the outline planning application NO. 2025/60/93572/E for the proposed development of 123 dwellings on the site south of Barnsley Road, Upper Cumberworth.
- 1.3 I have been a chartered landscape architect for over 35 years. Within this time, I have worked as a landscape architect within private, public and charitable organisations. My work has included for a number of local planning authorities the review of landscape assessments (LVIA and LVA) for a range of planning applications including potential housing sites. I have also supported LPA's at Appeal as an expert witness, as well as providing landscape evidence for Local Plan Reviews.
- 1.4 For the assessment of PGLA's LVA, a review was undertaken following the guidance produced by the Landscape Institute Technical Guidance Note 1/20 (10 Jan 2020) *Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)*. Additional to this review, where I considered that PGLA's LVA was incomplete, I have supplemented this report with my own assessment.

## 2.0 Summary and conclusion

2.1 An overall review and summary of PGLA's LVA is set out below:

- An LVA with no methodology: PGLA provided no methodology, therefore the LVA and conclusions they reached can only be the subjective opinion of the assessor. As stated within TGN LITGN-2024-01 para 3(4) *...It is the assessor's responsibility to ensure their methodology is clear and the levels of effect are clearly defined.*
- An incomplete LVA: PGLA made a number of key commissions within their LVA, including (but not limited too) not fully referencing the Kirklees District Landscape Character Assessment 2015. PGLA also omitted key visual receptors from their assessment and also downgraded highly sensitive visual receptors, in particular the multi recreational routeways and PRoW; therefore, not fully providing a comprehensive visual assessment.
- A valued landscape: PGLA incorrectly stated that the site does not lie within any local landscape designations. The LVA hasn't recognised that since 2019, Kirklees District do not provide local landscape designations for their district. Instead to recognise landscape value they use a landscape character approach, whereby *valued features and attributes* are listed for each Landscape Character Area (LCA). This approach replaced the previous landscape designation: Areas of High landscape Value which also covered the site area. As I will evidence within this report, the site and surrounding area still retain valued features and attributes and would therefore be regarded as an area of high landscape value (see also separate report: 02/CECAG/LA/2026: *An assessment of the value of a site and its contribution as open land within the Green Belt*). As this report shows, proposed development will permanently degrade this high valued landscape.
- A visible site: The site is a very open to the surrounding open landscape. Within the surrounding area there is a network of PRoW, National trails, long distant walking trails, and other promoted recreational routes. From all these routes there are open views of the site as part of the wider open landscape. The proposed development will have an adverse effect on the amenity value of these recreational routes which cannot be mitigated

- The proposed development does not include any effective mitigation measures. The proposed mitigation measures have been over stated and will do very little in mitigating the adverse effect of the proposed development on visual and landscape receptors. Therefore, the development proposals on the site by PGLA's own landscape and visual assessment will be at least major adverse.

### 3.0 Submissions:

3.1 The following reports and plans have been submitted as part of the Planning Application: 2025/60/93572/E which I have used within my review and assessment

- Landscape and Visual Appraisal (LVA) by PGLA Landscape Architects December 2025
- Design and Access Statement Bowmanriley/Virly living

#### Submitted Plans by Bowmanriley

- Street Elevation: Drwg A1073-BOW-A1-ZZ-DSR-A-4001, date 31/07/2025
- Site Sections: Drwg A1073-BOW-A1-ZZ-DSR-A-4000, date 31/07/2025
- Colour Proposed Site Plan: Drwg A1073-BOW-A1-ZZ-DSR-A-0003, date 31/07/2025
- Design and Access Statement Bowmanriley/Virly living

## 4. Review of the Landscape Visual Appraisal by PGLA Landscape Architects December 2025

4.1 This report was undertaken following the guidance produced by the Landscape Institute Technical Guidance Note (TGN) 1/20 (10 Jan 2020) *Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)*. TGN 1/20, also sets out a series of questions, which where relevant I have used within my report. Additional to my report, where I disagree or have evidenced there are gaps within PGLA's LVA, I have undertaken my own assessment. My methodology is set out within Appendix A.

#### *Undertaking the review*

4.2 As stated within TGN 1/20, there are three main components of a review of a LVIA or LVA, in respect of the completeness, competency and reliability of the LVIA/LVA. They are as follows:

1. Checking the methodology used to undertake the assessment, the criteria selected (including balance between), and the process followed
2. Checking the baseline, content and findings of the assessment
3. Checking the presentation of the assessment findings

#### **Step 1 - Review of PGLA's Methodology:**

4.3 PGLA LVA did not include an accepted method of working or a methodology (PGLA's LVA: para 1.5-1.14), with their reasoning of its omission (PGLA's LVA: para 1.5) as follows: *... the baseline study and identification of key visual receptors has been progressed in accordance with the approach and methodology put forward in the Guidelines for Landscape and Visual Impact Assessments, Third Edition, 2013 published by the Landscape Institute and IEMA (para 1.5).*

4.4 The GLVIA 3<sup>rd</sup> Ed, which PGLA LVA referenced, does not provide a methodology. The GLVIA 3<sup>rd</sup> Ed is guidance on how to produce a methodology and undertake a LVIA/LVA. There are three questions the TGN 1/20 (10 Jan 2020,) asked under the heading of 'checking of the methodology, scope and process used in the assessment', as follows:

- TGN 1/20 question - d) *As part of the methodology, has the terminology been clearly defined, have the criteria to form judgements including thresholds been clearly defined and have any deviations from good practice guidance (such as GLVIA3) been clearly explained?*
- 4.5 PGLA's did not comply with this approach. As PGLA did not clearly outline a methodology or then subsequently follow it, their assessment cannot be checked, isn't transparent and can only be the subjective opinion of the assessor. PGLA's LVA used a number of words to describe sensitivity, magnitude of change etc, but without criteria and thresholds for these levels it is not possible to check them or understand what they mean.
- TGN 1/20 question - f) *Does the assessment demonstrate comprehensive identification of receptors and of all likely effects?*
- 4.6 PGLA did not clearly set out all the landscape receptors and with no methodology; a landscape assessment wasn't clearly undertaken. Again, with the visual assessment with no methodology and levels of criteria, the value, susceptibility and overall sensitivity for each visual receptor could not be clearly defined. With no clear definition, this can permit and has within PGLA's visual assessment for receptors to be devalued, resulting in the overall visual effect of the proposed development to be reduced. For example, PGLA assigned a sensitivity for Public Rights of Way and footpaths as medium; even set out within the GLVIA 3<sup>rd</sup> Ed (para 6.33 and 6.37), they have a higher sensitivity.
- 4.7 PGLA also omitted key visual receptors from their visual assessment. These included from the west an important multi recreational route and adjacent residential properties (Park Lane and Carr Hill Road – see LA12, page 23). As I have shown there are views from these locations. Therefore, PGLA's visual assessment was incomplete.
- TGN 1/20 question g) *Does the assessment display clarity and transparency in its reasoning, the basis for its findings and conclusions?*
- 4.8 As there was no methodology, there was no clarity or transparency within the assessment, which therefore did not provide a solid basis for their judgements and conclusions.

## **Step 2 - Review of the baseline, content and findings of the assessment:**

- 4.9 The following section, looks at in detail the scope and appropriateness of PGLA's LVA, under the following headings
- Site location and description
  - Reporting on landscape character and referencing national and local landscape character area assessments
  - Value of the landscape - site and surrounding area
  - Landscape strategy and mitigation PGLA's LVA Chapter 5
  - Review of the landscape and visual assessment

### **Site Location and description**

- 4.10 A description of the site was provided within PGLA's para 1.20-1.22 and in more detail in section 3: 3.1 – 3.9. PGLA LVA submitted 13 site photos. However these photos were taken with a wide angled lens, which extends the depth of field, meaning the surrounding landscape is pushed back in the view, which in this case has reduced the intervisibility of the adjacent landscape with the site. Better photos of the site are used within PGLA's own visual assessment (Photos 1-17). A summary of the site location and description and my own site photos are as follows:

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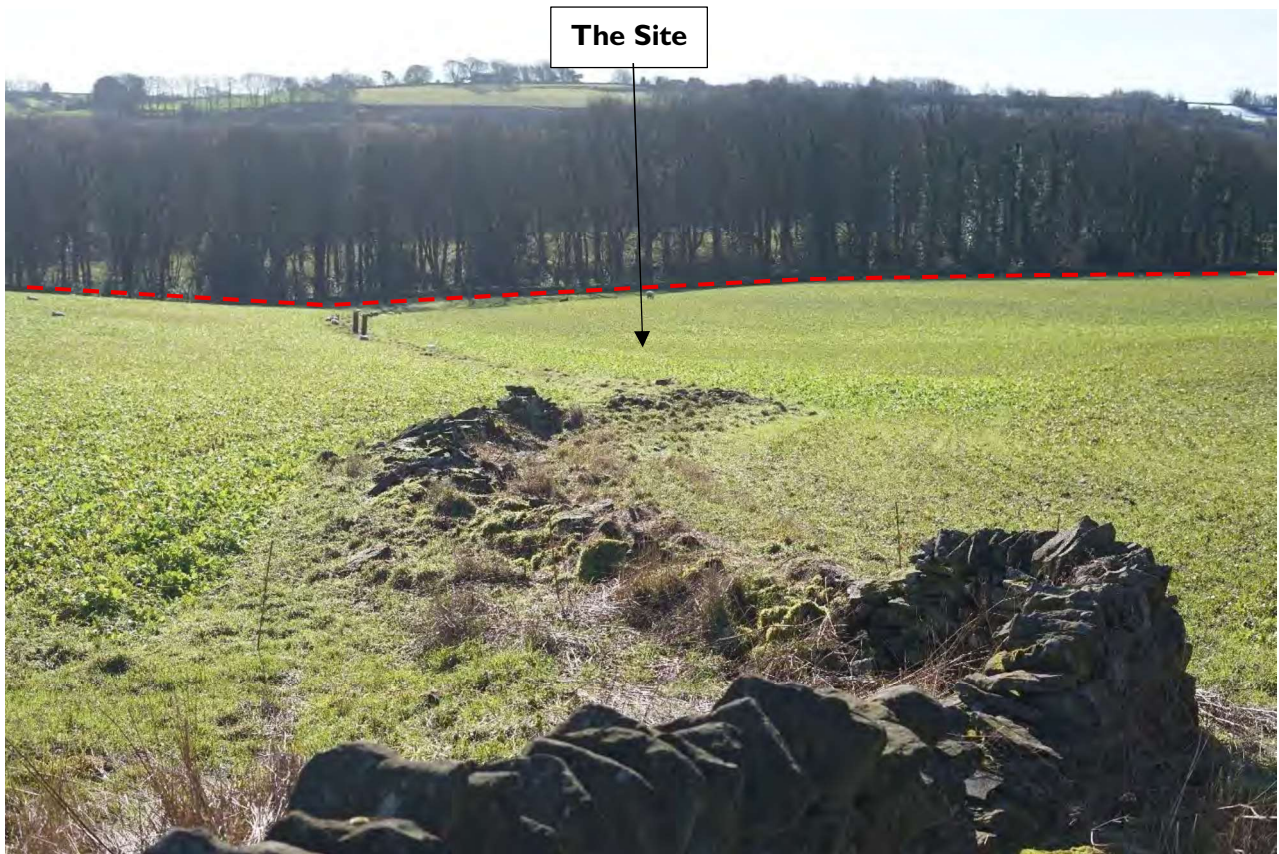


**LA1: View from the PRoW on the NE corner of the site (which also aligns adjacent to the site). The site forms an open setting for Stephen Wood (Ancient Woodland), with long views further extending to fields to the south of the site (February 2026)**

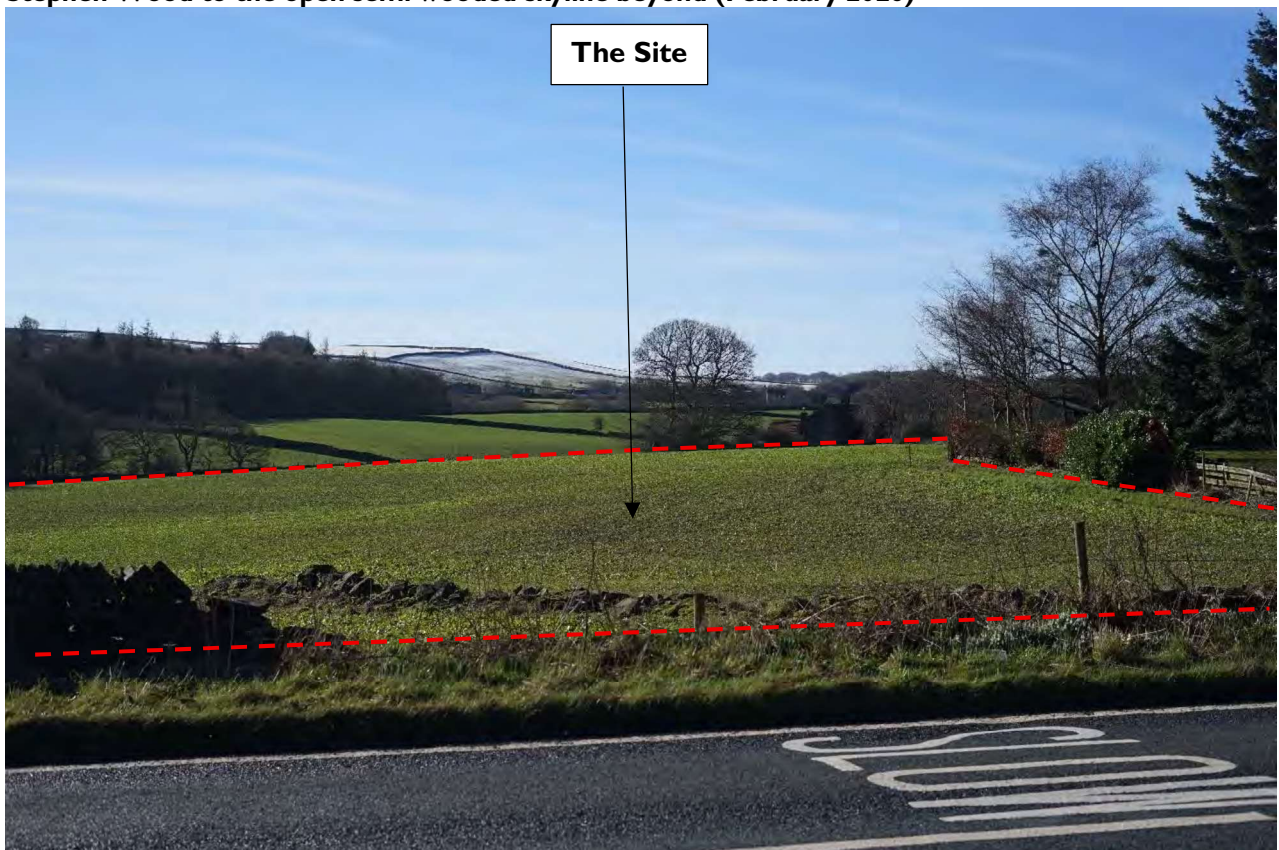


**LA2: View from Barnsley Road. The site forms part of the River Dearn valley side landscape. The characteristic low Grit stone wall allows open views across the site to the three agricultural barns (right) and traditional fields leading up and out beyond to further open countryside (February 2026)**

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**LA3: View from the north (Barnsley Road) looking down along the old field boundary which cuts across the centre of the site to Stephen Wood (Ancient Woodland). There are views out over Stephen Wood to the open semi wooded skyline beyond (February 2026)**

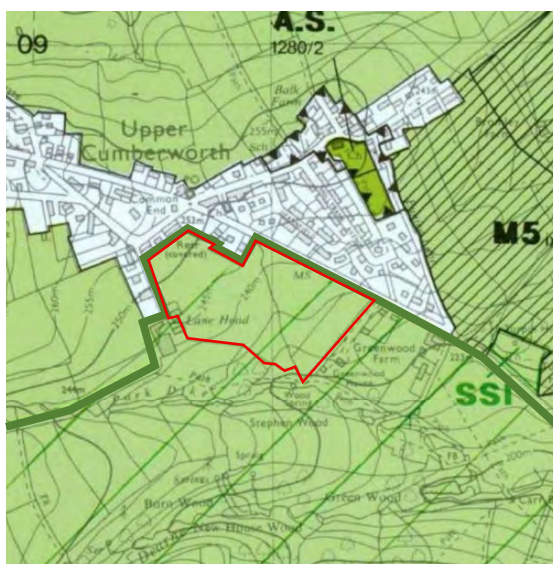


**LA4: View from Barnsley Road looking across the site, which forms part of the traditional fields which continue within an intermediary landscape and then up to elevated hills (covered in snow) in the background (February 2026)**

- The landform of the site includes a gentle 'V' shaped valley (base marked by an historic field boundary) which aligns across the site sloping down towards Stephen Wood, located within a lower wooded stream valley
- The site forms an open foreground to the setting of Stephen Wood and a foreground to a wider area of gently undulating open countryside located on the southern side of Upper Cumberworth
- A low-lying Grit stone wall is the main site boundary and due to its low-lying height allows views out across the site to the wider landscape. These low-lying walls are a characteristic traditional feature of field boundaries within this area
- Relationship with the site and Upper Cumberworth: From the site there are a range of views of the settlement edge of Upper Cumberworth and vice versa across the site, which can be described as follows:
  - The site is open to the settlement edge of Upper Cumberworth, which is viewed as sitting below a partly treed horizon, except for the Grade II Listed Saint Nicholas' Church which is visible protruding above the skyline, a noted village landmark
  - The detached dwellings on Park Lane are partly visible; however, their larger gardens allow mature garden trees to soften their overall built form character on the settlement edge
  - The Lane Head farmstead is also visible as a cluster of rural buildings, evidence of Upper Cumberworth's connection to its rural location
  - The building style of the dwellings on Barnsley Road also includes low-lying single storey dwellings, which also sit below a treed skyline (as viewed from the south). The scale and massing of the built form character of Upper Cumberworth therefore steps down towards the southern settlement edge, therefore reducing the prominence of the built form on adjacent areas of open countryside
  - View of Upper Cumberworth from the site adjacent Stephen Wood are largely obscured by the sloping site landform

### **Reporting on landscape character and referencing national and local landscape character area assessments**

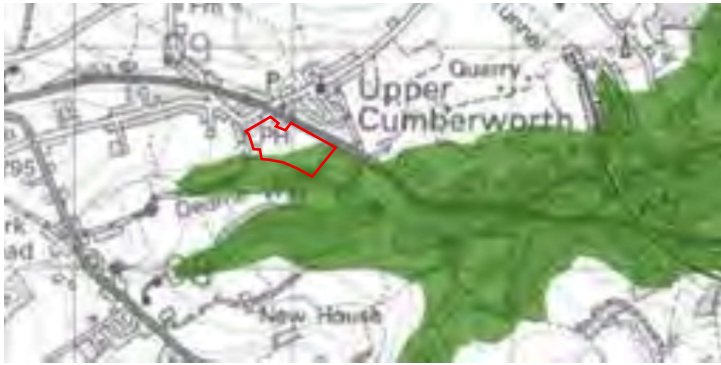
- 4.11 To inform the baseline of the site and surrounding landscape, an LVA would need to reference national and local landscape character assessments. PGLA's LVA correctly referenced that the site is located within the National Character Area *NCA37: Yorkshire Southern Pennine Fringe* (west) and *NCA38: Nottinghamshire, Derbyshire and Yorkshire Coalfield* (east). I also agree with the LVA, that the characteristics of NCA's can be quite broad, which is when the local landscape character assessment: *Kirklees District Landscape Character Assessment July 2015 (KDLCA 2015)* are of more relevance. This local LCA should then be used to inform the LVA of the baseline and value of the landscape features and character of the site and surrounding area.
- 4.12 The KDLCA 2015 also replaced the requirement for local landscape designations which had originally formed part of the now superseded Kirklees Unitary Development Plan (UDP) 1999. Originally the site and adjacent area to the east and south was covered by the Policy NE8: Area of High Landscape Value (AHLV). Policy NE8 AHLV was not saved within the adopted Kirklees Local Plan (Feb 2019) because it had been superseded with the KDLCA 2015 which provides a more informative landscape character approach to evaluate value within the landscape. The landscape character approach sets out key characteristics for each LCA which are then evaluated and listed within a table titled: *Valued Landscape Features and Attributes*. Therefore, for further clarification because the AHLV blanket designation (Policy NE8) is not applied anymore, this does not mean that areas of previous designated AHLV (including the site and surrounding area) have been regulated to a lower level of value.



**LA5: Extract from the superseded UDP 1999 showing the site and area to the east and south covered by the Area of High Landscape Value AHLV designation**

- 4.13 The LVA also referenced the Kirklees District Landscape Character Assessment July 2015 (KDLCA 2015). I agree with PGLA that the site falls within two Landscape Character Types E - Rural Fringes and G - Wooded Rural Valleys. However, it should also be noted that the site is also visible from LT D: Moorland Fringes / Upland pastures. Furthermore, it is accepted that the boundaries for Landscape Character Types and Landscape Character Areas cannot be identified as a physical feature on the ground, as landscape features do not abruptly change at the boundaries as they are often blurred between two adjacent areas.
- 4.14 Within the KDLCA 2015, the Landscape type is then subdivided into character areas which are geographically specific. The relevant ones for the site are: LCA E6 - *Fenay Beck Valley Rural Fringes* and LCA G10 - *River Dearne Valley* respectively and due to the site's intervisibility with the land to the south also includes: LCA D9 – *Low Common Royd Moor and Whitley Common*.
- 4.15 PGLA LVA listed the key characteristics for each of the two LCA (LCA E6 - Fenay Beck Valley Rural Fringes and LCA G10 - River Dearne Valley) however omitted the important evaluation section: *Valued landscape features and attributes*, which would provide information on what is of value within each LCA. PGLA not referencing this means that they have provided their own value judgement. Again, with no recognisable methodology, there is also no clear and transparent way how PGLA provided this.
- 4.16 As PGLA's reporting on the landscape character of their survey area was not sufficiently based on KDLCA 2015. For this review, I have provided a baseline assessment for the site and surrounding area which references the KDLCA 2015. For each landscape character area, I have also used the KDLCA 2015 evaluation to identify the valued features and attributes found within the site and surrounding area. These will then inform my landscape assessment.

Kirklees District Landscape Character Assessment July 2015: LCA G10 – River Dearne Valley



**LA6: The LCA G10 – River Dearne Valley (green) and the site boundary (red line)**

4.17 The site is located and shares intervisibility with LCA G10 River Dearne Valley. The site contains key characteristics of the LCA: G10 as described below:

- The site forms part of the open valley side leading down to a wooded stream valley (Stephen Wood) a tributary of the River Dearn
- The site as two small arable fields provides seasonal change of colour and texture.
- Traditional Grit stone walls form the field/site boundaries
- The site forms part of the tributary valley of the River Dearn, this part of the LCA is typically quiet

4.18 Evaluation of the site and surrounding area with reference to LCA G10: *Valued Landscape Features and Attributes*:

- Perceptual qualities: The site forms and contributes to the quiet wooded valley as well as enhancing its rural setting
- Role as a setting to development: LCA G10 plays an important part within the setting of the Upper Cumberworth. With open visibility of this LCA from Upper Cumberworth, this provides the village with an intact rural backdrop which enhances and contributes to its rural setting and character
- Access and enjoyment of the landscape: A number of PRoW cross-cross this LCA including The National Trail: Dearne Way within Stephen Wood, the PRoW (DEN/121/20 and Denby and Cumberworth circular Trail) aligns the eastern site boundary, where from this pathway there are open and direct views across the site and wider area of LCA G10. Stephen Wood also has Open Access

Kirklees District Landscape Character Assessment July 2015: LCA E6 - Fenay Beck Valley Rural Fringes



**LA7: The LCA E6 - Fenay Beck Valley Rural Fringes (orange) and the site boundary (red line)**

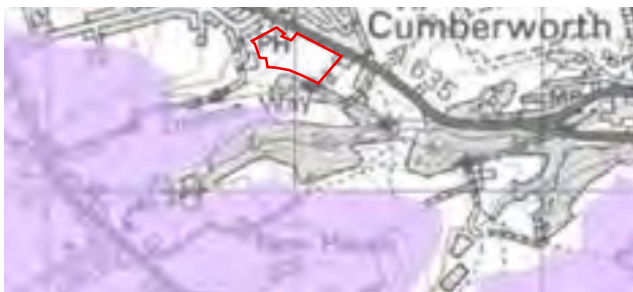
4.19 The site includes some landscape characteristic of LCA E6 - Fenay Beck Valley Rural Fringes. However, it could be considered the site's landscape character is more reflective of the adjacent G10 LCA River Dearne Valley. Key features found within the site are as follows:

- Hall Head Farm is a historic farmstead, where the original stone buildings and more modern barns form an edge of settlement cluster of rural buildings.
- The site forms part of a settled intact rural landscape
- The site includes two small size fields with Grit stone wall boundaries
- Mature in-field trees are a feature

4.20 Evaluation of the site and surrounding area with reference to LCA E6: *Valued Landscape Features and Attributes*:

- Perceptual qualities (including levels of tranquillity): This is mostly perceived as a tranquil landscape with a traditional rural feel, - Away from Barnsley Road the site has a high level of tranquillity due to an intact landscape which relates the site to the open countryside further to the south
- Role as a setting to development: The open site aligns with the settlement edge of Upper Cumberworth. This forms an intact rural setting and interface to the southern edge of the village, with long and open views out over adjacent countryside
- Access and enjoyment of the landscape: KDLCA 2015 states...*There are several public rights of way emanating into the wider countryside from settlements, although some areas of the LCA are less accessible.* As shown, there are a high number of PRoW and signed posted footpaths which lead out from Upper Cumberworth. The ones which are located to the south of Cumberworth all have views of the open site

Kirklees District Landscape Character Assessment July 2015 D9 – Low Common Royd Moor and Whitley Common



**LCA8: The LCA D9 – Low Common Royd Moor and Whitley Common (purple) and the site boundary (red line)**

4.21 The site has intervisibility with the higher ground to the south set within this LCA (View LA4). Therefore LCA D9 contributes to the site's rural landscape character and vice versa. Key features of LCA D9 as experienced from the site are as follows:

- The land visible (within LCA D9) from the site is divided into a regular patchwork of small fields, almost entirely grazing pasture, and characteristically enclosed by the Grit stone walls
- Open, large scale and quite exposed landscape, the gently rising topography affords long distance open views over the district including the site
- This is a highly rural landscape with strong traditional agricultural feel

4.22 Evaluation of the site and surrounding area with reference to LCA D9: *Valued landscape features and attributes*:

- Role as a setting to development: This LCA provides an elevated rural backdrop to lower-lying settlements. Due to the intervisibility with the site, LCA D9 contributes to the wider rural landscape setting of Upper Cumberworth
- Access and enjoyment of the landscape: The LCA is crossed by a number of Public Rights of Way including short lengths of the Dearne Way. There are views from these PRoW towards the site, where the site as open land will contribute to the amenity value of these paths

4.23 **Conclusion:** The site contributes and forms part of the valued landscape features and attributes of the three landscape character areas as set out within the KDLCA 2015. The landscape effect of the proposed development on these valued features and attributes will be assessed within section 4.30 of this report.

### Value of the landscape

4.24 The Technical Guidance Note 1/20 (10 Jan 2020) *Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)* asks the following question

- TGN 1/20 question - b) *Has the value of landscape and visual resources been appropriately addressed (including but not necessarily limited to) considerations of: local, regional and national designations; rarity, tranquillity, wild-land and valued landscape?*

4.25 The LVA included an assessment on the value of the landscape (para 2.30-2.40). PGLA correctly referenced the Landscape Institute's Technical Guidance Note 02/21 'Assessing Landscape Value outside National Designations'. However, the methodology and assessment as set out within this guidance was not followed. Therefore, I disagree with PGLA's assigned medium level, the level would be far higher. I have also undertaken my own value assessment (report: 02/CECAG/LA/2026) My comments on PGLA's assessment are as follows:

- PGLA did not clearly state the area being assessed. Although the conclusion states the site and its setting has been assessed as medium, however the wider landscape (setting) was not fully included within the assessment. PGLA's assessment was more site specific. As stated within the TGN 1/20 para 2.4.5 bullet point 5 - *When assessing landscape value of a site as part of a planning application or appeal it is important to consider not only the site itself and its features/elements/characteristics/qualities, but also their relationship with, and the role they play within, the site's context. Value is best appreciated at the scale at which a landscape is perceived – rarely is this on a field-by-field basis*
- There was no word scale for landscape value, this is a requirement as stated within the TGN LITGN – 2024-01 para 5(8) *The word scale used to express landscape value is up to the assessor to determine, as long as definitions are provided, and the process is clearly set out in the methodology.*
- As stated above (para 4.16) PGLA value assessment did not reference the Kirklees District Landscape Character Assessment 2015 list of *Valued landscape features and attributes*. Therefore, their assessment was based on their own subjective opinion on what is of value within the survey area

4.26 In the following table I have set out PGLA's Value assessment and justification from their LVA (left column) and my comments to their assessment (right column).

**Table LATI: PGLA's value assessment**

PGLA's LVA paragraph	My comments
Para 2.33 - <i>in general, the Site is visually contained to most boundaries by dense vegetation of woodland and boundary hedges as well as the surrounding built</i>	The site is not visually contained, but is open to the surrounding landscape. Hedgerows are also not a feature of the site boundary, as shown the site boundaries are the

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<i>form of housing where the boundaries are adjacent to various fences and hedges.</i>	characteristic low Grit stone walls which allows the site to be visually open to the surrounding landscape
<i>Para 2.34 - The fields and associated field boundary vegetation are typical of those found in the wider area and these elements are in varying degrees of condition, combination of species and density. The vegetation contributes to the local green infrastructure network and provides ecological value.</i>	The characteristic field boundary within this area are the Grit stone walls, not hedgerows.
<i>Para 2.35 - The Site contains local characteristic features but none of which are considered particularly important examples and none that are considered to be rare and generally are typical of the local landscape character.</i>	PGLA's assessment needs to state what these features are? It is a misconception that when a landscape feature is typical of the local landscape character, this landscape feature is less important; however, due to their abundance they make up the landscape character and therefore are generally are more valued
<i>Para 2.35 - Stephen Wood is an ancient woodland to the south east of the Site and contributes high value to the setting of the Site</i>	I agree that Stephen Wood contributes high value to the setting of the site, however additionally the open character of the site contributes to the setting of Stephen Wood as well
<i>Para 2.36 - The boundaries comprise of a mix of sporadic hedges and trees that adjoin the open countryside and a variety of fences that are in varying condition adjacent to the existing dwellings of the Upper Cumberworth settlement edge</i>	The site boundaries are not a mix of sporadic hedgerows and trees; they are the Grit stone walls and Stephen Wood (ancient woodland) which are characteristic of this local area and are valued features
<i>Para 2.37 - There is no public access or public rights of way across the Site and therefore currently provides no recreational value. The closest public footpath is DEN82/10 that runs at a lower level to the Site outside of the south eastern boundary</i>	The site has no public access, but as the site is open to the surrounding landscape which contains Public Rights of Way and a series of promoted walking routes and mixed recreational routes the site would contribute to the amenity value of these routes. The site as shown on PGLA's Figure 7 Access and circulation page 18 is surrounded by pathways. PRow Den/82/10 aligns the eastern site boundary
<i>LVA PGLA para 2.38 - The Site provides a sense of the rural countryside that extends out to the south and west but this is tempered by the presence of housing in Upper Cumberworth as well as the traffic that passes by on Barnsley Road and the landscape contains no dramatic or striking landform or landcover</i>	The comments are particular to the site and not to the wider setting of the site. As shown the site and setting is set within an undulating landscape where woodland occupies the stream valleys. Due to the intact character of the landscape, its strength is not significantly tempered by the presence of the settlement of Upper Cumberworth
<i>LVA PGLA para 2.38 - The surrounding vegetation in the wider landscape screens many views in and out of the Site and contains no, or contributes towards any memorable or distinctive views of landforms</i>	I disagree with PGLA's comment. As illustrated by PGLA own photos the site is visible from the surrounding landscape. Stephen Wood provides a lower wooded screen to the south east, however there are views over this woodland and beyond to an elevated ridge/landform. Also, the low Grit stone walls field boundaries (instead of hedgerows), results in the landscape being particularly open, resulting in far reaching views from a number of PRow and recreational routes to further areas of open countryside

LVA PGLA para 2.38 - <i>Stephen Wood provides a robust and distinctive edge to the southern setting of the Site</i>	As shown within the views from Barnsley Road, Stephen Wood is visible, however the view extends over the wood to the wider open countryside further to the south, therefore does not fully provide a distinctive edge to the setting of the site
LVA PGLA para 2.40 - <i>The Site and its Setting does not form part of any national or local designation but is within the spatial designation of the Green Belt</i>	Kirklees do not follow the blanket AHLV landscape designation approach to conserve and enhance their local landscape. As stated above the AHLV landscape designation was replaced with a landscape character led assessment approach, whereby the KLCA 2015 lists <i>Valued landscape features and attributes</i> for each landscape character area. As I have shown the site and its setting include a number of these valued landscape features and attributes

- 4.27 **Conclusion:** PGLA value assessment concluded that the site and surrounding area had a medium value. As I have evidenced, PGLA has not taken into consideration the KLCA 2015: *Valued Features and Attributes*, therefore they have not recognised the existing documented valued features within the site and surrounding landscape. I have undertaken my own value assessment (report: 02/CECAG/LA/2026) which concludes the site and its setting would have a high value.

### Landscape Strategy and Mitigation PGLA's LVA Chapter 5

- 4.28 PGLA within their chapter 5, set out the mitigation proposals and landscape strategy for the site. Due to the housing layout a number of these proposals are physically not achievable and or due to their size will have little or no mitigating effect. My comments on the housing layout and why the mitigation measures will also be ineffective are as follows:

#### Housing layout:

- The housing layout will block the existing views from Barnsley Road out to the south and open countryside (Design and Access Statement- Illustrative views). The proposed soft treatment along this edge will not mitigate this loss of view or soften the hard view of the built form
- The housing layout will result in the location of rear garden fencing adjacent and up against the existing PRoW along the eastern site edge and Park Lane/multi recreational route (west). This will not only degrade the amenity value of both this PRoW and multi recreational route, but totally block existing views out over the adjacent open countryside
- The high density of dwellings on a sloping site will when viewed from the south will read as a continuous area of roofs. The proposed small street trees will not mitigate this effect

#### Mitigation measures:

- No detailed and site-specific mitigation measures were proposed. No detailed plan was provided by PGLA LVA. Only within the text was there a 'broad landscape strategy and mitigation' which then did not fully relate to the Proposed Layout – LVA Figure 8
- Trees proposed in the very small front gardens of the properties will only be small trees, even when mature. They will have very little effect on mitigating the two-storey built form on the site
- The planting of a wild flower meadow may have biodiversity merit but it will not mitigate the scale of the development on the site
- Hedgerows are not a characteristic feature of this area, therefore the introduction of them will have an adverse effect on the landscape character of the area where boundaries are predominantly the Grit stone walls. The hedgerows are also not shown on the Proposed Layout – LVA Figure 8
- Reference to reinforcing the existing boundary treatment of the site is not shown on the Proposed Layout – LVA Figure 8 or the illustrative viewpoints. The proposed boundary treatment along the western, north western and eastern site edge is rear garden fencing

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and probably high close boarded timber fencing. There is no tree planting or hedgerows at these locations just a hard urban style fence. The Design and Access Statement provided indicative artist impressions of views from the west (Park Lane), the north (Barnsley Road) and within the site showing the relationship of the development proposals with Stephen Wood (Ancient Woodland). These three illustrations show a continuous row of dwellings which also block the existing views to the wider open countryside, See below:



**LA9: View from Barnsley Road: The new street scene is dominant within the view and blocks the originally longer views across to Stephen Wood and the elevated landscape further to the south (Image taken from the Design and Access Statement Bowanriley/Virly living)**



**LA10: View from Park Lane: The new street scene is dominant within the view and blocks the originally longer views across to Stephen Wood and the elevated landscape further to the east (Image taken from the Design and Access Statement Bowanriley/Virly living)**



**LAI 1: View from within the site adjacent Stephen Wood: The new street scene is now dominant to the once open setting of Stephen Wood (Ancient Woodland) (Image taken from the Design and Access Statement Bowanriley/Virly living)**

- 4.29 **Conclusion:** The proposed mitigation measures are not shown on the Proposed Layout – LVA Figure 8 and subsequently have been inflated within the LVA text. Where the few mitigation measures have been proposed these are also not reflective of the surrounding landscape character, therefore will in themselves have an adverse effect on the landscape character of the site, the surrounding area and local views. Overall, the proposed mitigation will not offset the proposed development, enhance the landscape character on the site or surrounding area.

**Review of the landscape and visual assessment:**

- 4.30 My comments on PGLA's landscape and visual assessment are set out below:

Landscape assessment

- 4.31 The landscape assessment, assesses the effect of the proposed development on the landscape features of the site, landscape character of the site and surrounding landscape. Overall PGLA's assessment on the landscape was insufficient for the following reasons:
- No recognisable methodology
  - No reference to the *valued features and attributes* as set out within the KDLCA 2015, therefore PGLA's comments were often generic, did not relate to the character of the site or surrounding area and most importantly did not recognise what landscape features are of value within the site and surrounding area
  - The proposed mitigation measures are limited and have been overplayed in reducing identified adverse landscape effects. For example, there is no evidence of an enhanced landscape framework (PGLA LVA - para 4.11) on the submitted plan
  - No assessment was undertaken on the effect of the development on the settlement character of Upper Cumberworth and then how the development proposals will support and sustain its rural character

PGLA's LVA potential effects on the physical fabric of the site - Operational

- 4.32 The proposed development on the site will totally change the fabric and character of the site from a sloping arable field to an urban housing development with limited mitigation measures. I agree with PGLA that the magnitude of change on the site from an arable field to an urban housing development will be major and will result in a major adverse landscape effect. However, I disagree that the proposed mitigation will result in have any significant improvements and reduce the

overall effect to moderate adverse landscape effect. The effect of the development on the site will be major and permanent.

PGLA's LVA Landscape setting of the site assessment

- 4.33 PGLA undertook an assessment on the landscape setting of the site. The assessment made no reference to the Kirklees District LCA 2015 which outlines what would be valued within the landscape and setting of the site. PGLA deemed the sensitivity of the setting of the site to be 'Medium', with no methodology, it is unclear how this level was arrived at. PGLA stated the magnitude of change is deemed to be 'mostly medium' as the new development is in the location of existing buildings and the vegetation on all of the boundaries will be retained. It is not clear what existing buildings this is referring to, as there are only three farm buildings within a small area of the site which will be removed and also there is hardly any vegetation within the site boundaries, the site boundaries are Grit stone walls.
- 4.34 PGLA LVA (para 4.25) then went on to state that the *...the potential effects on the setting are deemed to be moderate adverse at year one of completion and this is likely to be reduced to minor moderate adverse in the long term.* I disagree with this assessment for the following reasons:
- No reference to the Local LCA's which states what is of value within the landscape which forms the setting of the site
  - Overplaying the extent of mitigation measures, where I have shown no mitigation measures are proposed
  - It is also unclear what length of time is long term, 30, 50 100 years?

PGLA's LVA Potential effects on the broad landscape context:

- 4.35 PGLA set out within their LVA an assessment of the proposed development on the broad landscape context. It is unclear how this differs to the setting of the site and then how relevant it is to assess areas which do not share an intervisibility or proximity to the site. Only the landscape which has a relationship with the site needs to be assessed, this is usually where the site can be visible from (ZTV). My comments on PGLA's assessment are as follows:

**Table LAT2: PGLA's Broad landscape context assessment**

<b>PGLA's LVA paragraph</b>	<b>My Comments</b>
PGLA's LVA para 4.27 stated- <i>The nature of receptor (sensitivity) of the broad character area has been assessed as medium to account for the overall condition and susceptibility to change of the landscape.</i>	No methodology how the level of sensitivity was assessed. No description of the condition. No evidence to state the sensitivity of the broad character area is medium. Also, what character is PGLA referring to?
PGLA's LVA para 4.28 stated <i>... The overall existing boundary vegetation is to remain as existing and enhanced were necessary therefore retaining the key landscape characteristics. Additional hedgerows and trees will be introduced and will reflect and reinforce the local character especially adjacent to Stephen Wood.</i>	There is no significant boundary vegetation to the site. Boundary hedgerows are not characteristic of the site, or the surrounding area. The field boundaries are the Grit stone walls; this is a defining characteristic of the area and due to their low height allow long views across the landscape. This comment is also not specific to the broader landscape context
PGLA LVA para 4.30 - <i>The proposed redevelopment will be removing the existing house and garden and introduce new housing as well as hedgerows, trees, scrub and wildflower grassland as part of the overall design and therefore any adverse effects are considered to be reduced by the beneficial effects that the high-quality building, planting and other landscape interventions will introduce. This will assist in integrating the Site into the landscape.</i>	The proposed minimal mitigation measures will not reduce the adverse effect of the development on this very open site. Therefore, due to the location of the site it will not be possible to reduce the landscape effect of the development on the adjacent landscape character. It is also not clear what this para means as there is no existing house on the site
PGLA LVA para 4.31 - <i>The potential and likely effects on this LCA has been determined as <u>moderate minor adverse</u> initially and this will reduce long term to <u>minor adverse</u> due</i>	The proposed development will not enhance the current status of the landscape character areas. The proposed development due to its visibility within the area will have

to the associated landscape interventions which will enhance the current landscape condition and status of the landscape characters	an adverse landscape effect on the wider landscape which will be permanent
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- 4.36 As the PGLA's assessment did not follow a methodology, I have produced my own landscape assessment following a methodology (based on the GLVIA 3<sup>rd</sup> Ed) as set out within my Appendix A.
- 4.37 When assessing the landscape impact and resulting effect of development proposals on a site, these are assessed under the two headings, of direct, which will be the result of the proposed development on physical landscape features on the site and then the overall landscape character of the site. And indirect which will be the effect of the development proposals on the surrounding landscape character(s) of the site. The value for these receptors has been taken from the KDLCA 2015. My assessment is as follows:

**Table LAT3: The site – Direct Impact of the development proposals on the landscape features and character of the site**

Landscape receptor	Value	Susceptibility	Sensitivity	Magnitude	Landscape effect Year 1	Landscape Effect Year 15
Landform	High	High	High	High	Major Adverse	No Change – Major Adverse
Land use	Medium	High	Medium/High	High	Major Adverse	No Change – Major Adverse
Field trees	High	High	High	Medium	Major/Moderate adverse	Major/Moderate adverse
Setting and character of Stephen Wood	High	High	High	High	Major Adverse	No Change – Major Adverse
Grits Stone walls	High	High	High	Medium	Major/Moderate adverse	Major/Moderate adverse
3 No farm buildings	Medium	Medium	Medium	High	Major/Moderate adverse	Major/Moderate adverse
Site landscape character	Medium /High	High	Medium /High	High	Major Adverse	No Change Major Adverse

- 4.38 **Conclusion** The proposed development will result in a major and major/moderate landscape adverse effect on a number of landscape features of value, including a major adverse effect on the valley side landform, the land use, the landscape character of the site and the open setting of Stephen Wood. The proposed development will also result in an overall major adverse effect on the landscape character of the site which can not mitigated.

- 4.39 **The site – Indirect landscape impact:** Due to the intervisibility of the site with the surrounding LCA (as identified within the KDLCA 2015), the proposed development could also have an effect on their landscape character. Both the LCA G10 River Dearne Valley and LCA D9 – Low Common Royd Moor and Whitley Common would qualify as areas with a high sensitivity

**Table LAT4: The surrounding area – Indirect landscape impact of the development proposals on the landscape character of the surrounding area**

Landscape receptor	Value	Susceptibility	Sensitivity	Magnitude	Landscape effect Year 1	Landscape Effect Year 15
KDLCA 2015 _ E6 - Fenay Beck Valley Rural Fringes	Medium	Medium	Medium	Medium	Minor Adverse	Minor Adverse
KDLCA 2015 G10 – River Dearne Valley	High	High/exceptional	High	High	Substantial adverse	Substantial adverse

KDLCA 2015 D9 – Low Common Royd Moor and Whitley Common	High	High/exceptional	High	Medium	Major moderate adverse	Major moderate adverse
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4.40 **Conclusion:** The KDLCA 2015 Landscape Character Areas (LCA G10 and LCA D9) would be regarded as having a high sensitivity to change, both assessed as high valued landscapes within the survey area. They would also have a high/exceptional susceptibility to the proposed development of 123 dwellings. The landscape effect on the LCA G10 Dearn Valley will also be substantial adverse, due to the erosion of key valued landscape features and attributes, including the quite open setting of the wooded stream valleys and the loss of the amenity value of a high number of recreation routes.

Landscape effects of the proposed development on the settlement of Upper Cumberworth:

4.41 PGLA did not undertake an assessment on how the proposed development will impact on the settlement character of Upper Cumberworth, except supplying the following statement as follows:

- PGLA LVA para 4.12 – *The development Site generally accords with the key characteristics regarding settlements within the Landscape Character Types and areas as described in Section 2 above.*

4.42 As PGLA did not provide an assessment, there is no evidence their statement above is correct. I have therefore undertaken my own assessment. The main Landscape characteristic of Upper Cumberworth are listed as follows:

- An elevated ridge line settlement located on a low ridge above the River Dearn valley (located to the south) with Saint Nicholas' Church located on the ridgeline
- The characteristics of this ridgeline settlement include a series of framed elevated open views out to the wider surrounding countryside. This contributes to the rural character of Upper Cumberworth
- Long views and connectivity out to higher ground to the south from the southern edge of the village
- The adjacent countryside on the southern settlement edge is well intact (as shown within my landscape value assessment) contributing to a rural interface
- A good network of recreational routes spread out from the village providing good access to the adjacent countryside
- These long open views which characterises Upper Cumberworth elevated location contrast with the enclosed valley landscape of Denby Dale to the east
- Southern edge of settlement-built character includes single storey buildings

**Table LAT5: the effect on the settlement character of Upper Cumberworth**

Landscape receptor	Value	Susceptibility	Sensitivity	Magnitude	Landscape effect Year 1	Landscape Effect Year 15
Settlement of Upper Cumberworth	Medium	High	Medium/High	High	Major Adverse	Major adverse

4.43 As my assessment has shown the proposed development will have an adverse landscape effect on the key landscape characteristic of Upper Cumberworth, which will be major and cannot be mitigated. The loss of the open views to the open countryside from a significant proportion of the southern edge of Upper Cumberworth will degrade the gateway into the village from a range of PRow, recreational route ways and Barnsley Road. This will result in a permanent adverse effect on Upper Cumberworth's rural setting and character which cannot be mitigated.

Review of the Visual receptors:

- 4.44 PGLA LVA produced a Zone of Theoretical Visibility (ZTV) plan showing where potentially the site will be visible from (Figure 10 -ZTV, page 23). From this, PGLA identified 17 viewpoints to be as visual receptors, where the change in view will be assessed. As shown from the ZTV and the number of viewpoints, Visibility of the site can be summarised as follows:
- The site is very visible from the adjacent landscape
  - Within this ZTV, there are numerous locations including the extensive network of recreational paths including PRoW, roads and residential properties where the site is visible from
- 4.45 For recommended good practice, I have put PGLA's visual assessment into table format, where I have then added my own comments in red and italics as shown (Table LAT6). There are a four major concerns of PGLA's visual assessment as follows:
- No methodology: PGLA did not produce a methodology for their visual assessment. Therefore, it was not transparent how the assessment was undertaken or the how the sensitivity of the receptor was assigned. As stated with TGN LITGN-2024-01 Chapter 6 Para 6(5)... *Word Scale for view value: The word scale used to express view value is up to the assessor to determine, as long as definitions are provided, and the process is clear to follow.*
  - Downgrading of visual receptors: I disagree with PGLA's assessment of the sensitivity of the 17 visual receptors. As stated within the GLVIA 3<sup>rd</sup> Ed (para 6.33, on susceptibility and para 6.34 on value) the sensitivity of the following visual receptors would be a lot higher than as assessed by PGLA:
    - PRoW, Long Distant Trail and multi recreation routeways: PGLA assessed these with a medium sensitivity, their sensitivity would be high.
    - Residents PGLA assessed these with a medium sensitivity, their sensitivity would be high.
    - Travellers on the road: PGLA assessed these with a medium/low sensitivity, their sensitivity would be medium
  - No winter visual assessment, or reference to views within the winter months, when any screening value afforded by trees/leaves will be lost. In particular from locations within Stephen Wood. As stated within TGN LITGN-2024-01 para 2(3) the 'worst-case' approach should have been provided. PGLA did not provide this.
  - Reliance on the inadequate mitigation measures: As I have identified within my para's 4.27-4.28, the mitigation measures will have little impact on mitigating the adverse visual effect of the proposed development on views. This will mean that the change from Year 1 of completion to the long-term visual effects will remain unchanged and the same.

**Table LAT6: PGLA summary of their visual assessment and my visual assessment: This table sets out PGLA's Visual Assessment. However, as the assigned sensitivity to the visual receptors has been downgraded (column 2), the resulting visual effect is therefore lower and inaccurate (column 4 & 5). Additional to PGLA's assessment, where I disagree, I have added my own assessment in red/italics, this is based on my methodology (appendix A) and good practice for a visual assessment as set out within the GLVIA 3<sup>rd</sup> Ed.**

PGLA's Viewpoint/ receptor	Sensitivity of receptor PGLA – black LA – red italics – disagree	Magnitude of change	Visual effect Year 1	Visual - likely long-term effects <i>Year 15</i>
1	Medium/low – (vehicle users) Barnsley Road <i>Medium</i>	Major	Moderate/major adverse	Moderate adverse <i>No Change Major/moderate adverse</i>
<i>1 Additional receptor</i>	<i>Cyclist/equestrian – (vehicle users) Barnsley Road High</i>	<i>High</i>	<i>Major Adverse</i>	<i>No Change Major Adverse</i>
2	Medium/low– Barnsley Road <i>Medium</i>	Minor <i>Negligible</i>	Minor adverse <i>Negligible</i>	<i>Negligible</i>
3A/3B	Medium/low (vehicle users) – Barnsley Road <i>Medium</i>	Major	Moderate adverse	Moderate adverse <i>No Change</i>
	Medium (residents) <i>High</i>	Major	Moderate/major adverse <i>Major adverse</i>	Moderate adverse <i>Major adverse</i>
<i>3A/3B Additional receptors</i>	<i>(Pedestrian/equestrian/cyclists) High</i>	<i>High</i>	<i>Major adverse</i>	<i>Major adverse</i>
4	Medium (walkers on PRoW) <i>High – PRoW and historic routeway</i>	Major <i>High</i>	Major/ moderate adverse <i>Major adverse</i>	Moderate/ major adverse <i>Major adverse</i>
5	Medium (walkers on PRoW) <i>High – PRoW and historic routeway</i>	Major <i>High</i>	Major/ moderate adverse <i>Major adverse</i>	Moderate/ major adverse <i>Major adverse</i>
6	Medium (walkers on PRoW) <i>High – PRoW and historic routeway</i>	Moderate <i>High</i>	Moderate adverse <i>Major adverse</i>	Minor/ moderate adverse <i>Major adverse</i>
7	Medium (walkers on PRoW) <i>High – PRoW and Long distant walkway</i>	Minor/imperceptible <i>Medium</i>	Minor adverse	Minor adverse or negligible
<i>7 Additional receptors</i>	<i>Open Access – Stephen Wood High</i>	<i>High</i>	<i>Major adverse</i>	<i>Major adverse</i>
8	Medium (walkers on PRoW) <i>High – PRoW and National Trail/Long distant walkway and village vista</i>	Moderate <i>High</i>	Moderate adverse <i>Major adverse</i>	Minor/moderate Adverse <i>Major adverse</i>
9	Medium (walkers on PRoW) <i>High – PRoW and National trail/ Long distant walkway</i>	Moderate <i>High</i>	Moderate adverse <i>Major adverse</i>	Minor/moderate Adverse <i>Major adverse</i>
10	Medium <i>High – Public Access, National trail/ Long distant walkway</i>	Moderate <i>High</i>	Moderate adverse <i>Major adverse</i>	Minor/moderate Adverse <i>Major adverse</i>
11	Medium <i>High – Public Access, National trail/ Long distant walkway</i>	Moderate <i>Medium-high</i>	Minor/moderate adverse <i>Major/moderate adverse</i>	Minor adverse <i>Major/moderate adverse</i>
12	Medium (walkers on PRoW) <i>High – PRoW</i>	Moderate <i>High</i>	Moderate adverse <i>Major adverse</i>	Minor adverse <i>Major adverse</i>
13	Medium (walkers on PRoW) <i>High – PRoW</i>	Minor moderate <i>Medium -high</i>	Minor/moderate Adverse	Minor adverse

			<i>Major/moderate adverse</i>	<i>Major/moderate adverse</i>
14	Medium (walkers on PRow) <i>High – PRow</i>	Minor to Imperceptible. <i>No Views</i>	Minor/moderate Adverse <i>No effect</i>	Minor /neutral adverse <i>No effect</i>
15	Medium (walkers on PRow) <i>High – PRow</i>	Minor <i>Medium</i>	Minor/moderate Adverse <i>Moderate adverse</i>	Minor adverse <i>Moderate adverse</i>
16	Medium (walkers on PRow) <i>High – PRow</i>	Minor <i>Medium</i>	Minor/moderate Adverse <i>Moderate adverse</i>	Minor adverse <i>Moderate adverse</i>
17	Medium (walkers on PRow) <i>High – PRow</i>	Minor to Imperceptible. <i>No views</i>	Minor adverse/negligible <i>No effect</i>	Minor adverse/negligible <i>No effect</i>

4.47 As shown within the table above. The proposed development will result in the following:

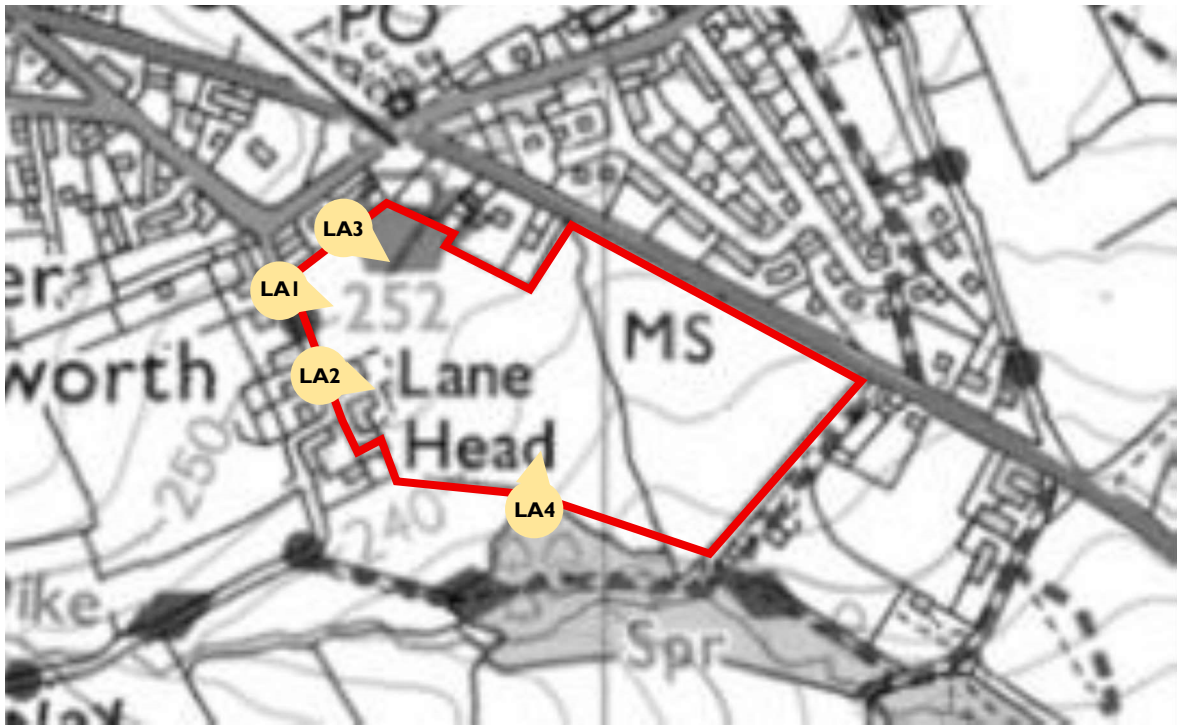
- From a high number of PRow/National trails, promoted walking routes, cyclist and equestrian the result of the proposed development will be major adverse which would result in overwhelming adverse changes to the view and the enjoyment of that view by high sensitivity visual receptors. It would introduce wholly intrusive or incongruous elements that would harm the appearance and scenic quality of the view.
- From the adjacent Barnsley Road, (viewpoint 1 & 3), the proposed development will also result in changes to the view and the enjoyment of that view by visual receptors so that the proposed development dominates the view. It would introduce many intrusive or incongruous elements that would harm the appearance and scenic quality of the view.

4.48 Additional to the above 17 PGLA's viewpoints, PGLA did not provide an assessment on the views from the west of the site. These additional viewpoints and other omitted views are as follows:

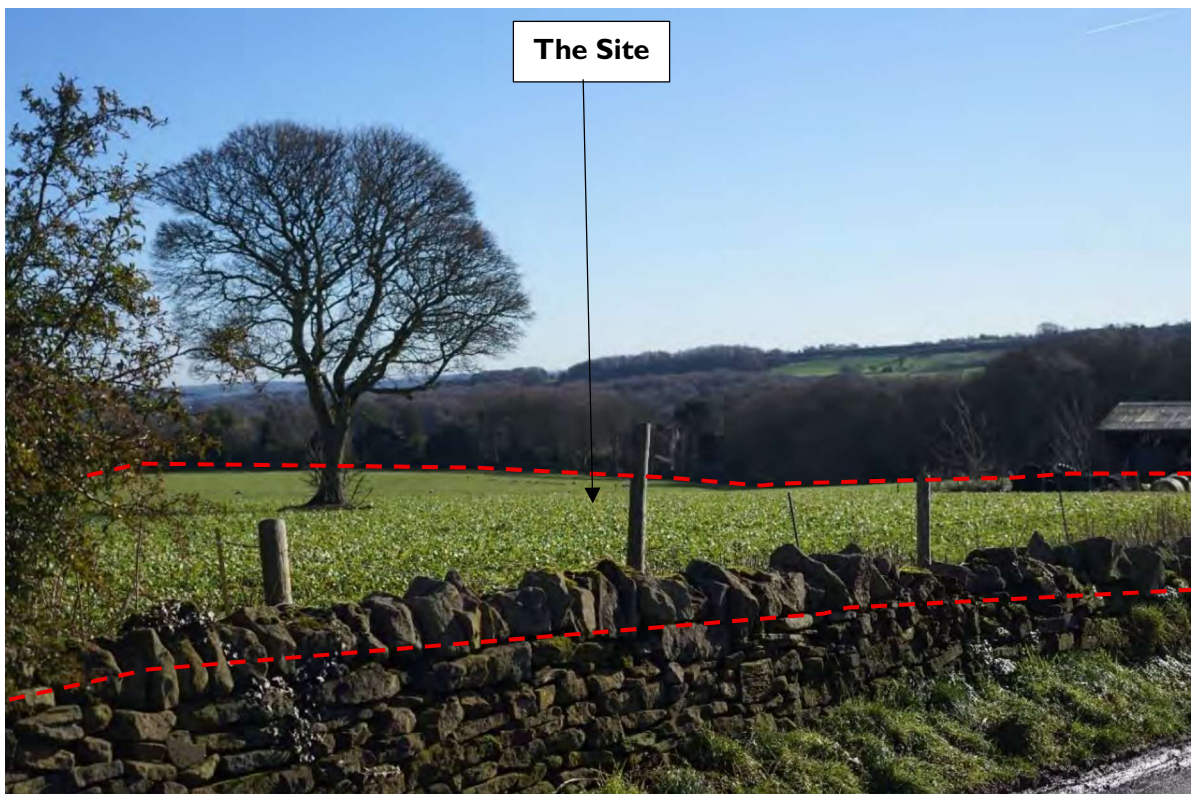
- View from the west located on Park Lane/ Denby Way, directly adjacent the site, with views across over the site
- Views from the residential properties on Park Lane, Carr Hill Road which all overlook the site
- Views from the edge of and within Stephen Wood, which is covered by Open Access (Countryside and Rights of Way Act 2000)

**Table LAT7: Additional viewpoints, which were not included within PGLA's visual assessment**

Location	Sensitivity of the Visual receptor	Magnitude of change	Visual effect Year 1	Visual effect Year 15
LA1: Park Lane recreational route used by walkers, cyclist and equestrian	High	High	Major adverse	Major adverse
LA2: Residents on Park Lane	High	High	Major adverse	Major adverse
LA3: Residents on Carr Hill Road	High	High	Major adverse	Major adverse
LA4: Stephen Wood Open access	High	High	Major adverse	Major adverse



LA12: Location of LA Additional viewpoints



**LA13 (viewpoint LA1 – see location above): View from Park Lane (recreational trail) which shows long views across the whole of the descending site down to Stephen Wood, with an elevated backdrop. The sensitivity of Park Lane would be high, with the magnitude change in view from the above to urban housing also high will result in a major adverse visual effect. As there are no mitigation measures proposed to reduce the adverse visual effect, therefore the major adverse visual effect will be permanent**

- 4.49 For all the additional visual receptors (omitted from PGLA's visual assessment) this will result in a major adverse visual effect, which can not be mitigated. As shown within the photo above, the

view of open land which extends across and over Stephen Wood will be replaced with a view of high-density housing.

4.50 **Conclusion:** PGLA's visual assessment was incomplete and downplayed the impact of the development proposals on a number of very highly sensitive visual receptors. Further comments are as follows:

- **No reference to the National Trail/Promoted Long-distance path (south of the site)** The Dearne Way is a promoted National Trail, which would have a high sensitivity to change
- **Open Access: Stephen Wood:** No reference to the Open Access within Stephen Wood. Therefore, views of the site are not just limited to the PRoW which aligns through the wood, but to the northern edge of the wood, where there will be open views across the site and the proposed development
- **Terminology:** PGLA used a term 'likely long-term effects', this is too vague for the assessment. How long is this 50, 60 years?? A set number of years should have been stated to provide an assessment when any proposed planting has matured
- **Overestimated growth of proposed trees:** PGLA stated that the trees will grow to 12-15m after 10 years (viewpoint 14, page 44): This is a gross over estimate. Tree growth will be dependent on a number of factors. Even planting large mature trees, these will still take time to grow. Also, all the trees will be deciduous and lose their leaves within the winter months, reducing any screening or integration function relied upon
- **Loss of views:** The proposed development itself will result in the loss of the view which in this case will be the loss of views of the site as an open setting for Stephen Wood and longer views to undeveloped ridgelines and valued landscapes. Any proposed intervening planting will not compensate for this loss of view
- **Inaccurate reporting on views from adjacent dwellings to the site on Park Lane and Carr Hill Road:** PGLA LVA para 6.22 incorrectly stated - *There are a small number of farmsteads and dispersed houses within the surrounding landscape to the south and west of the Site which were considered and these were mostly discounted from the assessment due to the minimal or no visual connectivity with the proposed built form of the development.*

### Step 3 - Overall conclusion on the accuracy of the LVA as submitted as part of the above application

4.51 As I have evidenced above, I have shown that the LVA is not accurate, doesn't show transparency, objectivity and has not communicated all aspects of the landscape and visual assessment. Below are a few additional comments on the presentation of the LVA:

4.52 The Figures which used the OS maps as a base are of a too larger scale, therefore useful information about the baseline of the site and adjacent landscape is diluted and additional information at a distance from the site is just unnecessary reporting. The starting point for the survey area should be the ZTV (PGLA LVA: Figure 10 – page 23), any landscape features beyond the ZTV generally should not be considered, therefore they do not need to form part of the LVA. For example, Figure 9, it isn't necessary to inform the LVA of the Conservation Areas within Denby Dale and Shipley and their listed buildings. Another example, Figure 6: Topography, this illustrates a far wider area than is necessary, rather than what would be of useful with a plan showing the sloping character of the site and how it relates to the ridge line character of Upper

Cumberworth and the adjacent open landscape. Figure 5: Site appraisal and photo location included inaccurate and misleading information as follows:

- The area of Green Belt is incorrect. Figure 5 included additional areas of housing which are not within the GB. This therefore overstates the built-up character of adjacent areas of the site
- This plan does not include all the footpaths and PRoW within the vicinity of the site. These should have been included as shown on PGLA's own drawing Figure 7: Access and circulation page 18, this therefore undervalues the high recreation value of the area

#### Comments on PGLA LVA Chapter 6 Summary and Conclusion

- 4.53 PGLA LVA Chapter 6 covered their summary and conclusion. I fundamentally disagree with PGLA's conclusion and in particular with PGLA LVA para 6.39, which states... *Therefore, the findings of this report demonstrate that the Site is able to accommodate the proposed residential redevelopment without causing undue harm to the landscape character and visual amenity of the Site and surrounding countryside and the local and broad footpath network.* PGLA's flawed LVA reported that the proposed development will result in a major adverse effect on the landscape of the site and also within their own visual assessment, there are numerous visual receptors which will also result in an adverse visual effect. Therefore, by PGLA's own omission their LVA does not support this statement.
- 4.54 PGLA's LVA para 6.14 stated... *At time of completion the noticeable effects on the landscape setting of the development site will be mostly apparent at the access point from Barnsley Road whereby a section of the existing stone wall will be removed to provide the access road with appropriate visibility splays etc. The existing tree that is in proximity to the northern setting will be retained and be located in an area of POS.* As shown within their own visual assessment, the noticeable effects will be far reaching and not limited to the entrance off the Barnsley Road.
- 4.55 I disagree with PGLA's para 6.15 that the development proposals will accentuate the setting of Stephen Wood. There will be an indirect adverse landscape effect on the setting Stephen Wood. A direct adverse effect on its perceptual qualities and a direct adverse effect on its amenity value.
- 4.56 I also disagree with PGLA's para 6.16... *The built form will be softened by the high-quality landscape framework surrounding and within the Site and the long-term effects are likely to be minor moderate adverse.* Although the planting of trees and wildflower meadows are broadly beneficial, they will not have any effect on reducing the scale of the adverse landscape and visual effects the development proposals will have on the site and surrounding landscape. Therefore, I disagree with PGLA LVA para 6.18...*The landscape proposals are also considered to be potentially beneficial and will help to reduce and neutralise any perceived adverse effects*

#### Overall conclusion: Report of the review

- 4.57 I was appointed to undertake a review by Cumberworth Environmental Community Action Group (CECAG) of the submitted LVA by PGLA Landscape Architects. For this review I followed the Landscape Institute's *Technical Guidance Note 1/20 (10 Jan 2020) Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)*. Additional to this I provided my own assessment where I considered there were serious gaps within the LVA or I decided that PGLA assessment lacked evidence. Overall, my professional opinion is that the LVA was inadequate and is not sufficient to support making an informed planning decision, for the reasons (but not limited to) as follows:

- **Methodology:** PGLA did not include an acceptable methodology or way of working. Therefore, the criteria to inform levels of sensitivity (both landscape and visual) and magnitude of change have not been clearly defined.
- **Scope of the assessment:** The LVA covered the broad subject areas for assessment, however omitted key detailed points within it. For example, only referencing the KDLCA 2015 key characteristic is commendable, but then omitting the more critical evaluation stage of the *valued landscape features and attributes*, didn't inform their landscape assessment what is then of value
- **Actual assessment of effects:** There have been serious errors with both the landscape and visual assessments. With regard to landscape, the list of valued features and attributes within the local KDLCA 2015 was not used or referenced to assess the value of the landscape; therefore, the value assigned to the landscape by PGLA was purely their subjective opinion. The visual assessment played down all the visual receptors, as well omitting key visual receptors. Overall, this has resulted in a biased assessment in favour of the proposed development
- **Presentation:** The LVA could have provided assessment tables to improve readability and Figures at a scale which related to the site
- **Appropriateness, quality, comprehensiveness, compliance and conformity with relevant guidance and regulations:** PGLA referenced the GLVIA 3<sup>rd</sup> Ed, however did not follow its guidance, including but not limited to: methodology and the sensitivity of landscape and visual receptors. The LVA was particularly vague on mitigation measures, with text ...landscape framework, however with no evidence of this on the submitted plan. The quality of the LVA was also poor, with inaccurate descriptions of the baseline characteristics of the site

## 6.0 Assessment against national and local policy:

- 6.1 This report has shown that development on the site will result in significant and demonstrable harm to the character, appearance and landscape value of this area of open countryside and the rural settlement character of Upper Cumberworth. The applicant has also not submitted an adequate landscape assessment or appraisal of the impact the development might have on the landscape and local views. Overall, the proposed development due to its location and proposed suburban character will result in damage to the rural settlement edge character of Upper Cumberworth and the encroachment of the countryside and Green Belt. The proposals are therefore contrary to the NPPF (December 2024, amended February 2025) paras, 7, 8(c), 135 (a, b, c & d), 187 (a & b) and the Kirklees Local Plan (2019) Landscape Policies: Section 13: Policy LP 32: Landscape

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## LANDSCAPE AND VISUAL IMPACT ASSESSMENT METHODOLOGY

### I. INTRODUCTION

- I.1 The landscape and visual impact assessment methodology follows the ‘*Guidelines for Landscape and Visual Impact Assessment: Third Edition*’ The Landscape Institute and Institute of Environmental Management and Assessment 2013 (GLVIA3). The GLVIA3 (paragraphs 2.19 to 2.22) sets out how landscape and visual matters are to be considered.

**Effects on landscape as a resource:**

*‘Landscape results from the interplay of the physical, natural and cultural components of our surroundings. Different combinations of these elements and their spatial distribution create the distinctive character of landscapes in different places.’ Character is not just about the physical elements and features that make up a landscape, but also embraces the aesthetic, perceptual and experiential aspects of the landscape that make different places distinctive’.*

**Views and visual amenity:**

The assessment of visual effects is ‘*assessing the effects on specific views and on the general visual amenity experienced by people.*’

- I.2 Additional to the GLVIA3, the Landscape Institutes Technical Guidance Notes are also followed: relevant ones include:

- Technical Guidance Note (TGN)02/21: *Assessing Landscape Value Outside National Designations*
- Technical Guidance Note LITGN-2024-01 ( August 2024) *Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3)*
- Technical Guidance Note 06/19 *Visual Representation of Development Proposals*

- I.2 **Assessment of effects:** The likely landscape and visual effects are described and for each effect the significance of the landscape effect can be assessed by combining the level of sensitivity of the landscape or visual receptor with the magnitude of the landscape effect. The results of the assessments are set out in summary within Landscape and Visual Impact Tables. A step-by-step approach to identifying the sensitivity, magnitude of change and effect of the development using levels set out in the following tables and a matrix to identify the significance of the effects has been employed.

### 2. AREA OF STUDY

- 2.1 The landscape and visual impact assessment considers the area from which the ZTV or site surveys show that the site or the development may be visible, unscreened by local topography and by large areas of vegetation or built form. This will be identified as the visual envelope. The landscape study area may extend beyond a small visual envelope where there is evidence that the site is part of a wider

landscape character area. Detailed studies will be carried for an area appropriate to the development where tall structures such as wind turbines may have an impact at some distance.

### 3. METHODOLOGY FOR ASSESSMENT OF LANDSCAPE EFFECTS

#### 3.1 **Landscape baseline:** This will involve identifying the **landscape receptors** by:

- Mapping, describing and illustrating the character of the landscape by appropriate means including reference to the relevant landscape character assessments;
- Identifying landscape-based designations and others (heritage, nature conservation, recreational etc) of relevance to the landscape character that may be impacted by the development;
- Identifying and describing individual elements and aesthetic and perceptual aspects of the landscape that contribute to character;
- Indicating the general condition of the landscape;
- Establishing the relative value of the receiving landscape.

#### 3.2 Where appropriate, the LVIA will identify local landscape character areas for assessment. These character areas are as determined by field work and by reference to published Landscape Character Assessments. Criteria for the selection of local landscape character areas within the likely envelope of influence will be by reference to:

- Proximity and influence on the site;
- Physical connections with the site (for example public rights of ways, rivers and canals, roads, vegetation and vegetation belts);
- Views of the site (particularly where the view is a key characteristic of the local landscape character area).

#### 3.3 **Landscape sensitivity:** This is determined by combining the susceptibility of the landscape receptor to change and the value of the landscape receptor.

#### 3.4 **Susceptibility to change:** This refers to the inherent sensitivity of the landscape receptor and ability of the landscape receptor to accommodate a particular change. Landscape receptors include specific site features, the landscape character of the appeal site, the landscape character of the receiving landscape character area (the immediate area and the relevant Landscape Character Area (LCA)), and other LCAs which may be affected indirectly by the proposals as a result of offsite works, transport needs or visual impacts.

**Table 1: Landscape susceptibility to change**

Category	Criteria
<b>High - exceptional</b>	<ul style="list-style-type: none"> <li>• Special qualities which are wholly incompatible with the development</li> <li>• Strong landscape structure, characteristics, patterns, balanced combination of landform and landcover</li> <li>• Appropriate management is being carried for land use and landcover</li> <li>• Many distinct features worthy of conservation;</li> <li>• Strong sense of place and</li> <li>• No detracting features</li> </ul>
<b>High</b>	<ul style="list-style-type: none"> <li>• Special qualities which are potentially incompatible with the development</li> <li>• Generally strong landscape structure, characteristic patterns and balanced combination of landform and landcover</li> <li>• Appropriate management for land use and landcover but potentially scope to improve</li> <li>• Distinct features worthy of conservation</li> <li>• Good sense of place and</li> <li>• Occasional detracting features</li> </ul>
<b>Medium-high</b>	<ul style="list-style-type: none"> <li>• Special qualities may be vulnerable to the development</li> <li>• Recognisable landscape structure, characteristics patterns and combinations of landform and landcover are still evident</li> <li>• Scope to improve management for land use and land cover</li> <li>• Some features worthy of conservation</li> <li>• Some sense of place and</li> <li>• Some detracting features</li> </ul>
<b>Medium</b>	<ul style="list-style-type: none"> <li>• Special qualities may be able to accommodate the development</li> <li>• Distinguishable landscape structure, characteristic patterns of landform and landcover often masked by land use</li> <li>• Scope to improve management of vegetation</li> <li>• Some features worthy of conservation</li> <li>• Some detracting features</li> </ul>
<b>Medium-low</b>	<ul style="list-style-type: none"> <li>• Developments may be appropriate</li> <li>• Weak landscape structure, characteristic patterns of landform and landcover masked by land use</li> <li>• Mixed land use evident</li> <li>• Lack of management and intervention has resulted in degradation and</li> <li>• Frequent detracting features</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>• Developments may be appropriate and unlikely to be harmful</li> <li>• Degraded landscape structure, characteristic patterns and combinations of landform and landcover are masked by land use</li> <li>• Mixed land use dominates</li> <li>• Lack of management/intervention has resulted in degradation; and</li> <li>• Extensive detracting elements</li> </ul>

**3.5 Landscape value:** The value of the landscape is based on the value or importance given to the area by society, statutory bodies, local and national government and the local community. National designations include National Parks and Areas of Outstanding Natural Beauty. Some local authorities will have local landscape designations. GLVIA3 however also concludes that the fact that an area is not in a designated landscape does not mean that it is not valued (para 5.26) and in this case reference should be made to landscape character assessments, local policies and guidance. The GLVIA3 recommends that there should not be over reliance on

designations (para. 5.45). Weight will be given to landscape receptors reported in published documents such as Village Design Statements.

**Table 2: Landscape value**

Value	Typical criteria	Typical scale	Typical examples
<b>Exceptional</b>	Greatest importance (or quality) and rarity. No or limited potential for substitution	International National	World Heritage site National Park National Landscape
<b>High</b>	High importance (or quality) and rarity. Limited potential for substitution	National Regional Local	National and local landscape designations, or listed as valued features and qualities within local landscape character assessments
<b>Medium</b>	Medium importance (or quality) and rarity. Limited potential for substitution	Regional Local	Landscape or a landscape element which contains some qualities or features which are valued
<b>Low</b>	Low importance (or quality) and rarity	Local	Areas identified as having some redeeming features and possibly identified for improvement
<b>Very low</b>	Low importance (or quality) and rarity	Local	Area identified for recovery

3.6 **Overall sensitivity of the landscape to proposed development:** Sensitivity is a factor of both the value attached to a landscape and its key characteristics and their susceptibility to change. These are combined as follows:

**Table 3: Overall landscape sensitivity**

	Exceptional value	High value	Medium value	Low value	Very low value
<b>High-exceptional susceptibility to change</b>	VH	H	MH	X	X
<b>High susceptibility to change</b>	H	H	MH	X	X
<b>Medium-high susceptibility to change</b>	H	MH	M	ML	X
<b>Medium susceptibility to change</b>	MH	MH	M	ML	L
<b>Medium-low susceptibility to change</b>	X	MH	M	ML	L
<b>Low susceptibility to change</b>	X	X	ML	L	L

**Overall sensitivity:** VH – Very high; H – High; MH – Medium-High; M – Medium; ML – Medium-Low; L – Low; X – Excluded

3.7 **Magnitude of change to landscape receptors:** The following definitions are used to assess the magnitude of change to landscape receptors. In order to determine the impact of the development the magnitude of change arising from the development has been classified as described in Table 4.

3.8 There is no standard methodology for assessing magnitude of change but key to the assessment will be:

- **The size or scale of the development:** this should take into consideration the size and scale of the proposed development and the extent of the loss to existing landscape receptors, the proportion of the

total extent on site that this represents and the contribution of the element to the character of the landscape;

- **The extent of the development:** this considers the geographical area over which the landscape effects may be felt. This is at site level; level of the immediate setting; at the scale of the local landscape character area; and may be on a larger scale affected a number of local landscape areas or a regional landscape area;
- **The permanency of the development:** This may be long term or short term; will depend on whether the development is reversible or changes the status of the site eg to previously developed land; and whether for example restoration to baseline conditions is envisaged;
- **The change to the key characteristics of the receiving landscape:** This will take account of changes to the appearance of the site; on landscape features; on key or special qualities characteristic of the landscape; and on the landscape setting of historic and nature conservation assets;
- **The proposed mitigation:** this considers the extent to which the landscape proposals will be able to mitigate the effects of the development by replacing or enhancing landscape features or limiting the effects on the wider landscape.

**Table 4: Landscape magnitude of change**

Magnitude of change	Typical criteria
High	Total loss of or major alteration to key elements/features/characteristics of the landscape baseline (ie pre-development landscape) and/or introduction of elements considered to be totally uncharacteristic when set within the attributes of the receiving landscape
Medium-high	Major loss of or alteration to key elements/features/characteristics of the landscape baseline (ie pre-development view) and/or introduction of elements considered to be largely uncharacteristic when set within the attributes of the receiving landscape
Medium	Partial loss of or alteration to one or more key elements/features/characteristics of the landscape baseline (ie pre-development landscape) and/or introduction of elements that may not necessarily be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape
Low	Minor loss of or alteration to one or more key elements/features/characteristics of the landscape baseline (ie pre-development landscape) and/or introduction of elements that may not be characteristic when set within the attributes of the receiving landscape
Beneficial	Enhancement over and above proposals to mitigate the impact of development. Improvement to the status quo for example through positive changes to existing poor landscape and built features or areas.

- 3.9 **Significance of landscape effect:** The significance of landscape effect has been determined by cross-referencing the sensitivity of the receptor with the magnitude of change expected as a result of the development.

**Table 5: Landscape significance of effect**

	High Magnitude of Change	Medium-high Magnitude of Change	Medium Magnitude of Change	Low Magnitude of Change
Very high overall sensitivity	Substantial adverse	Substantial adverse	Major adverse	Major/Moderate adverse
High overall sensitivity	Substantial adverse	Major adverse	Major/Moderate adverse	Moderate adverse
Medium-high overall sensitivity	Major adverse	Major/Moderate adverse	Moderate adverse	Minor adverse
Medium overall sensitivity	Major/Moderate adverse	Moderate adverse	Minor adverse	None
Medium-Low overall sensitivity	Moderate adverse	Minor adverse	None	None
Low overall sensitivity	Minor adverse	None	None	

3.10 **Significant effects:** For the purposes of the impact assessment, adverse effects between substantial and major/moderate effect (in darker pink) are considered to be significant and to be of key importance in decision making. Moderate adverse effects (in pale pink) should also be taken into account when considering the overall effects of the development in decision making.

3.11 The lower levels of effect: moderate and minor may not be significant in themselves but cumulatively these effects on a wide range of receptors may either together be considered important in decision making; or alternatively considered important in conjunction with significant effects on other receptors.

3.12 **Definition of significance categories:**

**Substantial adverse:** The proposed development would be at complete variance with the character of the site and its landscape setting and its landform, scale and pattern; it would permanently damage the integrity of valued characteristics; and would permanently devalue a valued landscape. A 'substantial' adverse landscape impact would only occur where landscapes of a very high sensitivity are affected.

**Major adverse:** The proposed development would be at complete variance with the character of the site and its landscape setting and its landform, scale and pattern; it would permanently damage the integrity of valued characteristics; and would permanently devalue a landscape.

**Major/moderate adverse:** The proposed development would result in material changes to the landscape of the site and its landscape setting, to its landform, scale and pattern which cannot be effectively mitigated. The integrity of the site is compromised and the value substantially undermined.

**Moderate adverse:** The proposed development would be out of scale with the landscape and result in the loss of characteristics of the site and its landscape setting

but this can be mitigated to some degree and aspects of the quality and value of the site retained and enhanced.

**Minor adverse:** The proposed development would have some effect on some characteristics of the site and its landscape setting but the overall character is sustained and the value of the landscape is not materially harmed or has been mitigated.

**Neutral:** The proposed development would not materially alter the character of the site and its setting nor detract from the value of that landscape.

#### 4. METHODOLOGY FOR ASSESSMENT OF VISUAL EFFECTS

4.1 On the basis of baseline data and site visits, visual receptors are identified and classified as to their sensitivity to changes in view.

4.2 **Visual baseline:** This will involve identifying the visual receptors by:

- Identifying the area in which the development may be visible;
- Identifying the different groups of people who may experience views of the development;
- Identifying representative viewpoints where views will be affected and the nature of those views, including where these are within the site area;
- Identifying any recognized viewpoints (known viewpoints in the landscape);
- Identifying any views characteristic of the landscape character area;
- Identifying any illustrative viewpoints (that might identify a particular effect or issue).

**Table 6: Visual susceptibility to change**

Category	Criteria
High	Residents within main rooms of house and people who are engaged in outdoor recreation including PRoW and prominent trails
Medium	Residents within non main rooms of house. Quite rural roads and rail users
Low	Other motorists and those engaged within sports or work

**Table 7: Visual value**

Category	Criteria
Very High	Viewers in locations where the view is of principal significance such as from viewpoints within World Heritage Site, National Park and National Landscape
High	Views in areas within national and local landscape designations and valued landscapes
Medium	Views in areas which contains some qualities or features which are valued
Low	Views in areas identified as having some redeeming features and possibly identified for improvement

4.3 **Sensitivity of visual receptors:** The sensitivity of the visual receptor needs to be established. This is dependent on the value attached to the view and the susceptibility of the visual receptors to change.

**Table 8: overall visual sensitivity**

	Very high value	High value	Medium value	Low Value
High susceptibility	VH	H	M/H	M
Medium susceptibility	H	M/H	M	M/L
Low susceptibility	M/H	M	ML	L

4.4 **Magnitude of change to visual receptors:** The following definitions are used to assess the magnitude of change to visual receptors. In order to determine the impact of the development the magnitude of change arising from the development has been classified as described in Table 7.

4.5 There is no standard methodology for assessing magnitude of change but key to the assessment will be:

- **The size or scale of the development:** this should take into consideration the mass and scale of the development visible and the change in the view with respect to loss or addition of features in the view and changes to its composition (including the proportion of the view occupied by the proposed development and the degree of contrast or integration of the proposed development with the existing landscape elements and characteristics) and the nature of the view in terms of duration and degree of visibility;
- **The extent of the development:** this will vary with different viewpoints and is likely to reflect the extent of the development visible in the view and the distance of the viewpoint from the proposed development;
- **The permanency of the development:** This may be long term or short term; will depend on whether the development is reversible or changes the status of the site eg to previously developed land; and whether for example restoration to baseline conditions is envisaged;
- **The proposed mitigation:** this considers the extent to which the landscape proposals will be able to mitigate the visual effects of the development by screening or design of the development (for example siting, colour use, location of open space).

**Table 9: Visual magnitude of change**

<b>Magnitude of change</b>	<b>Typical criteria</b>
High	Total loss of or major alteration to key elements/features/characteristics of the visual baseline (ie pre-development landscape) and/or introduction of elements considered to be totally uncharacteristic when set within the attributes of the view
Medium-high	Major loss of or alteration to key elements/features/characteristics of the visual baseline (ie pre-development view) and/or introduction of elements considered to be largely uncharacteristic when set within the attributes of the view
Medium	Partial loss of or alteration to one or more key elements/features/characteristics of the visual baseline (ie pre-development landscape) and/or introduction of elements that may be prominent but may not necessarily be considered to be substantially uncharacteristic when set within the attributes of the view
Low	Minor loss of or alteration to one or more key elements/features/characteristics of the visual baseline (ie pre-development landscape) and/or introduction of elements that may not characteristic when set within the attributes of the view
Negligible	Imperceptible loss of or alteration to one or more key elements/features/characteristics of the visual baseline (ie pre-development landscape) and/or introduction of elements that are not characteristic with the view – approximating to the no-change situation

4.6 **Significance of visual effect:** The significance of visual effect has been determined by cross-referencing the sensitivity of the receptor with the magnitude of change expected as a result of the development.

**Table 10: Visual significance of effect**

	<b>High Magnitude of Change</b>	<b>Medium-high Magnitude of Change</b>	<b>Medium Magnitude of Change</b>	<b>Low Magnitude of Change</b>	<b>Negligible Magnitude of Change</b>
<b>Very high Sensitivity</b>	Substantial adverse	Major adverse	Major/Moderate adverse	Moderate adverse	Minor adverse
<b>High Sensitivity</b>	Major adverse	Major/Moderate adverse	Moderate adverse	Minor adverse	Neutral
<b>Medium Sensitivity</b>	Major/Moderate adverse	Moderate adverse	Minor adverse	Neutral	Neutral
<b>Low Sensitivity</b>	Moderate adverse	Minor adverse	Neutral	Neutral	Neutral

4.7 **Significant effects:** For the purposes of the impact assessment adverse effects between substantial and major/moderate effect (in darker pink) are considered to be significant and to be of key importance in decision making. Moderate adverse effects (in pale pink) should also be taken into account when considering the overall effects of the development in decision making.

4.8 The lower levels of effect: moderate and minor may not be significant in themselves but cumulatively these effects on a wide range of receptors may either together be considered important in decision making; or alternatively considered important in conjunction with significant effects on other receptors.

4.9 **Definition of significance categories:**

**Substantial adverse:** The proposed development would result in overwhelming adverse changes to the view from sensitive viewpoints and the enjoyment of that view by high sensitivity visual receptors. It would introduce wholly intrusive or incongruous elements that would harm the appearance and scenic quality of the view. A 'substantial' adverse effect would only affect views from very highly sensitive viewpoints.

**Major adverse:** The proposed development would result in overwhelming adverse changes to the view from high sensitivity viewpoints and the enjoyment of that view by high sensitivity visual receptors. It would introduce wholly intrusive or incongruous elements that would harm the appearance and scenic quality of the view.

**Major/moderate adverse:** The proposed development would result in changes to the view and the enjoyment of that view by visual receptors so that the proposed development dominates the view. It would introduce many intrusive or incongruous elements that would harm the appearance and scenic quality of the view.

**Moderate adverse:** The proposed development would result in changes to the view from sensitive viewpoints and the enjoyment of that view by visual receptors so that the proposed development is prominent in the view. It would introduce some intrusive or incongruous elements that would harm the appearance and scenic quality of the view.

**Minor adverse:** The proposed development would have some effect on visual receptors but the overall character of the view is sustained and the appearance of the landscape is not materially harmed or has been mitigated.

**Neutral:** The proposed development would not materially alter the appearance of the area as experienced by visual receptors.

**An assessment of the landscape value of a site and its  
contribution as open land within the Green Belt  
(02/CECAG/LA/2026)**

**By MLI  
on behalf of**

**CUMBERWORTH ENVIRONMENTAL  
COMMUNITY ACTION GROUP (CECAG)**

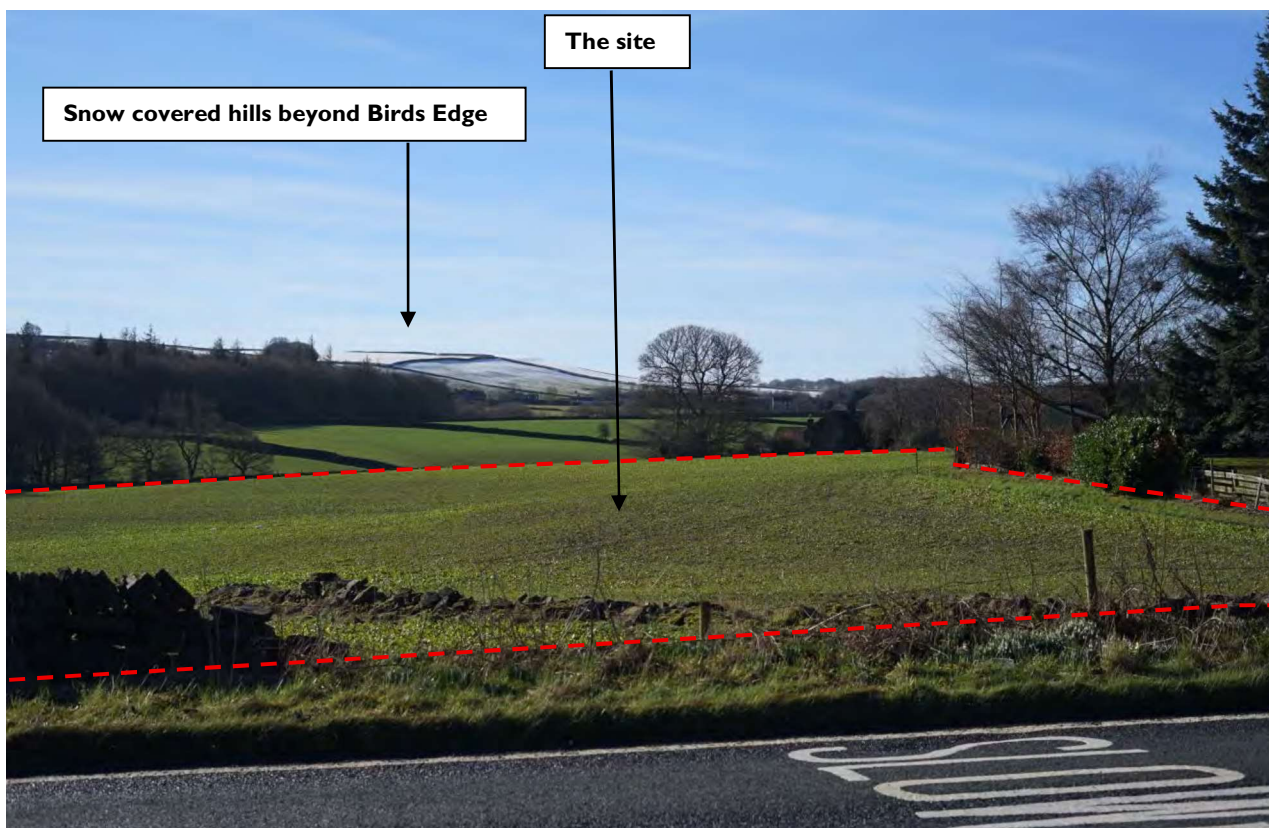


## 1.0 Introduction

- 1.2 As a registered Chartered Member of the Landscape Institute, I was appointed by CECAG to assess the landscape value of a site and its contribution as open land within the Green Belt.
- 1.2 I have been a chartered landscape architect for over 35 years. Within this time, I have worked as a landscape architect for public, private and charitable organisations. My work has included undertaking landscape character, landscape sensitivity and landscape value assessments. My work follows the guidance within the GLVIA 3<sup>rd</sup> Edition and the Landscape Institutes Technical Guidance Notes.

## 2.0 Summary

- 2.1 This report sets out a landscape value assessment of a site and its setting (survey area). Following the latest industry guidance (TGN 02/21), the potential value of the survey area was assessed against a range of recommended factors. The findings of this assessment have been set out within a table format (see below: Table LAV1), where evidence on its value has been provided. Overall, it was concluded the survey area (including the site), would be regarded as a landscape with a high value; in particular scoring high under the headings of: Cultural heritage, Landscape condition, Recreational, Distinctiveness, Perceptual (scenic) and Functional.
- 2.2 The site is also designated Green Belt. One of the purposes of the Green Belt is to *assist in safeguarding the countryside from encroachment* (NPPF Feb 2025). The site is an important part of the Green Belt, due to its contribution, including its open character and intervisibility with a wider landscape, as well being part of a high valued landscape. Removal of the Green Belt designation and the potential to develop the site would not only have a negative effect on the openness and functionality of the site, but also result in the encroachment into the wider adjacent area of open countryside.



**Photo viewpoint LAV1: View from Barnsley Road (southern edge of Upper Cumberworth) across the site which forms part of a wider area of open countryside (site boundary shown as red dashed lines)**

### 3.0 Landscape Value

#### Technical Guidance Note (TGN)02/21: Assessing Landscape Value Outside National Designations

- 3.1 The Landscape Institute produced a Technical Guidance Note (TGN02/21) to provide information and guidance to landscape professionals and others who need to make judgments about the value of a landscape (outside national landscape designations) in the context of the UK Town and Country Planning system. It is also intended to be of assistance to those who review these judgements, so that there is a common understanding of the approach.
- 3.2 This assessment has been undertaken for an area on the southern edge of Upper Cumberworth, which includes ‘a site’ presently proposed for housing development. When a value assessment is undertaken, it is agreed within the TGN, that a site cannot be taken in isolation, therefore when decisions are made on any change of use, an assessment on the effect of the wider area would also need to be taken into consideration and how the value of that area is also affected. TGN 02/21 para A5.1.7 it states...

*When assessing landscape value, there has been a growing consensus regarding the importance of looking at the role that a site plays in the wider landscape and not limiting the assessment to the site itself. The Inspector for APP/Z1510/W/16/3160474 (West Street, Coggeshall, July 2017) concluded at Paragraph 30 of her decision as follows:*

*‘Whilst the Framework paragraph 109 test based on the Stroud case (which I shall consider later) refers to “this site” I consider that it would be too narrow to just consider the appeal site. A site might have a variety of characteristics but, taken in isolation, for some sites it would be difficult to assess whether those characteristics have any particular value or importance. Moreover, a site might be important because of its position in the landscape as part of it rather than being important in its own right, rather like the pieces of a jigsaw puzzle. Further, as my colleague in the Nanpanton Road appeal sets out, the interactions between people and place are important in the perceptions of landscape and people will perceive the site in a wider context’.*

- 3.3 For the extent of my survey area to assess landscape value, I have used the now superseded Kirklees UDP (1999) designated Area of High Landscape Value (AHLV) which originally covered the site and surrounding area (Figure LAV2). Originally the site and adjacent area to the east and south of Upper Cumberworth was covered by the Policy NE8: Area of High Landscape Value (AHLV). Policy NE8 AHLV was not saved within the now adopted Kirklees Local Plan (Feb 2019) because it had been superseded with a more informative landscape character evaluation approach. This approach is set out within the Kirklees District Landscape Character Assessment July 2015 (KDLCA 2015). The landscape character approach is different from the previous approach of using a blanket AHLV designation, as now for each Landscape Character Area an evaluation is undertaken, whereby the key characteristics are listed, then evaluated and then those of additional value are then listed within a table titled: Valued Landscape Features and Attributes.

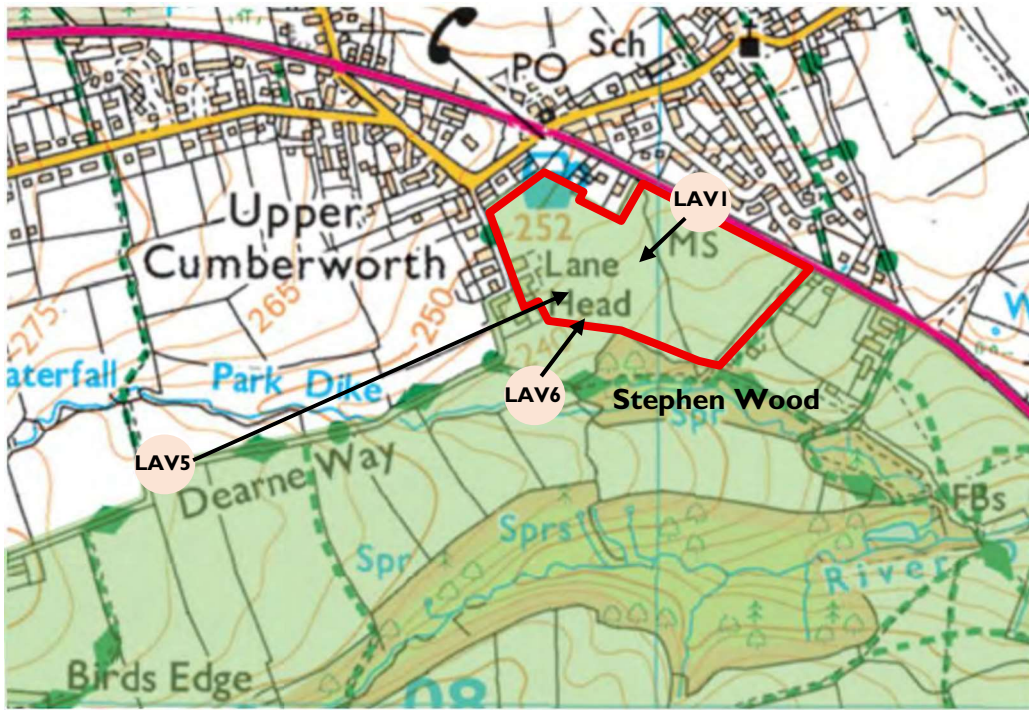


Figure LAV2: The survey area to assess landscape value (pale green), the site (outlined in red), with photo viewpoints (LAV1, LAV5 and LAV6) – photos see below

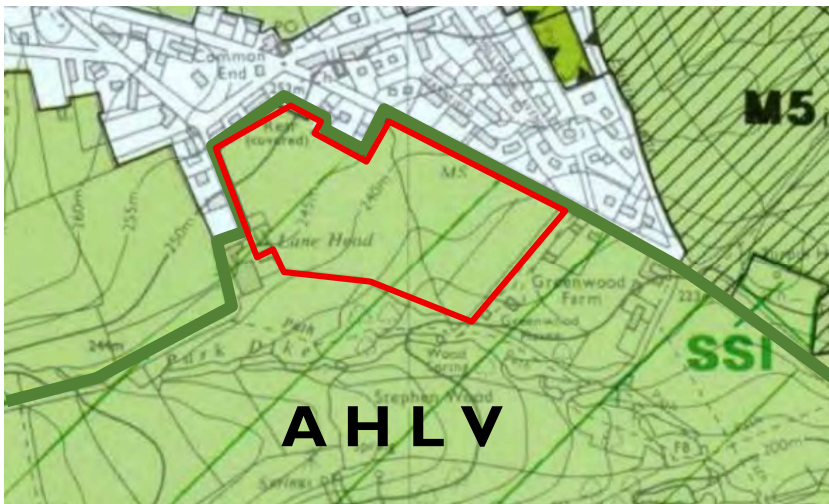


Figure LAV3: The area (green slant line) designated Area of High Landscape Value (AHLV) Kirklees Unitary Development Plan (1999), the site (outlined in red)

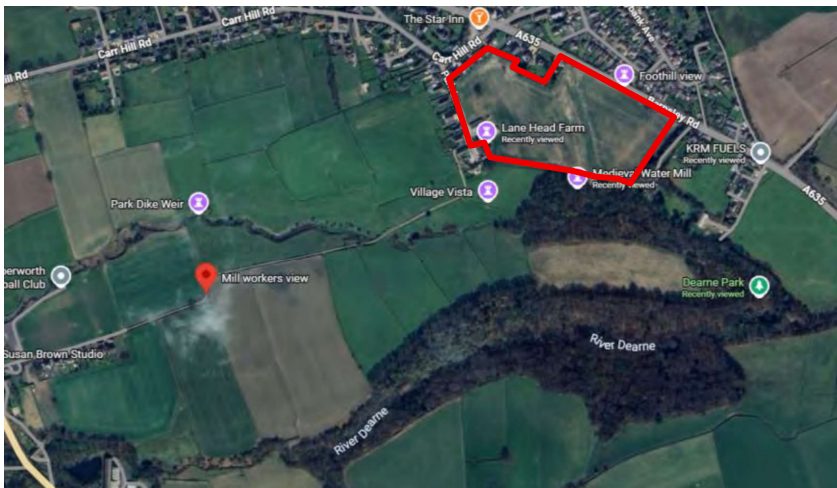
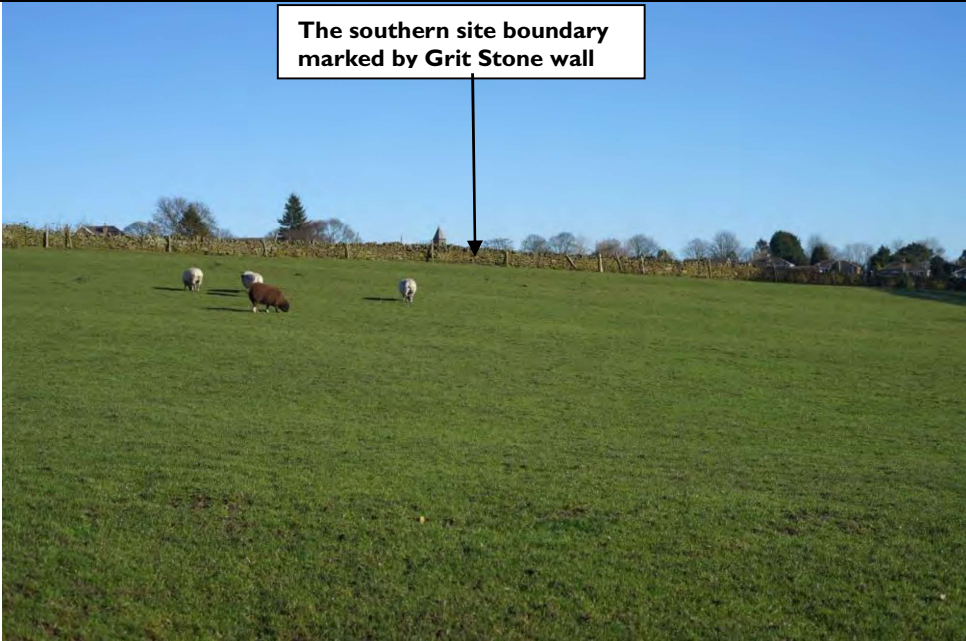


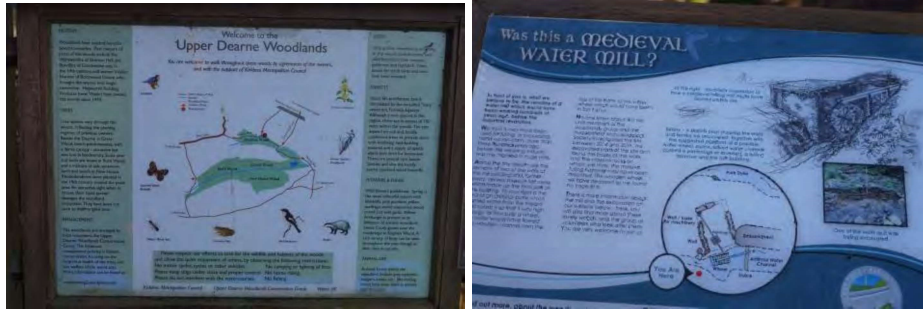
Figure LAV4: Aerial photograph with the site (outlined in red)

- 3.4 Following the guidance within the TGN 02/21 - *Assessing Landscape Value Outside National Designations*, a range of factors are listed which can be considered when identifying landscape value. This list is not intended to be an exhaustive list of factors to be considered when determining the value of landscapes, but to provide a range of factors and indicators that could be considered. My assessment with evidence to assess the value is set out within the table below:

**Table LAVI: Valued Landscape Assessment for a site south of Upper Cumberworth**

Factor	Description	Value
Natural Heritage	<p><u>The survey area includes areas of natural heritage</u></p> <ul style="list-style-type: none"> <li>• Stephen Wood is an Ancient Woodland. It has also been designated by (Kirklees Council) as part of a Wildlife Habitat Network.</li> <li>• The River Dearne corridor is part of a Strategic Green Infrastructure (Kirklees Local Plan 2019) where the functions of green infrastructure are considered to be significant and wide ranging</li> </ul>	Medium /High
Cultural Heritage	<p><u>The site and survey area has significant local time depth</u></p> <ul style="list-style-type: none"> <li>• Stephen Wood Archaeology Report Spring 2023 identified the remains of a medieval, or post medieval water mill</li> <li>• Mill Walkers' Way/Park Lane – a route for workers and merchants travelling between Wakefield and Huddersfield (now a popular recreational route), also illustrating a view across to Upper Cumberworth Church Spire (Grade II Listed)</li> <li>• Traditional field boundaries of Grit stone walls</li> <li>• View of the church (Saint Nicholas') spire within Upper Cumberworth</li> </ul> <div data-bbox="389 1064 1356 1713" data-label="Image"> <p>The image shows a wide landscape view from a path. On the left, a stone wall runs across the foreground. In the middle ground, a green valley opens up. On the left side of the valley, the spire of Saint Nicholas' Church is visible against the sky. On the right side of the valley, a red dashed line marks the location of the survey site. Two people are riding bicycles on the path in the foreground.</p> </div> <p><b>Photo viewpoint LAV5: A view from Park Lane (multi recreational route) across survey area with Saint Nicholas' Church spire (left) marking the location of Upper Cumberworth within the wider open landscape</b></p>	High

	 <p data-bbox="667 174 1035 244"><b>The southern site boundary marked by Grit Stone wall</b></p> <p data-bbox="391 813 1326 891"><b>Photo viewpoint LAV6: View from south towards site, with southern site boundary marked by traditional Grit stone wall, with view of Saint Nicholas' Church spire Viewpoint location shown on LAV2 above</b></p>	
<p><b>Landscape Condition</b></p>	<p><u>The survey area is in a good condition due to the strength of the landscape attributes and features which contribute to its defined landscape character</u></p> <p>The survey area and the site are Intact, originally part of the Area of High Landscape Value (AHLV), the landscape features which gave it its designation are still evident.</p> <ul style="list-style-type: none"> <li>• Perceptual qualities – the survey area retains a quiet and traditional rural feel away from any main roads</li> <li>• Intact historic pattern of fields with traditional Grit stone walls</li> <li>• Intact woodland and their valley location within the undulating landform</li> <li>• Visible as a traditional rural setting to the settlement of Upper Cumberworth</li> <li>• High density of recreational routes used by walkers, cyclists and equestrian, which also emanate from Upper Cumberworth</li> <li>• Absence of detracting or congruous features</li> </ul>	<p>High</p>
<p><b>Associations</b></p>	<p>The survey area does not have any none links with well-known literature, poetry, art, TV/film and music</p>	<p>Low</p>
<p><b>Distinctiveness</b></p>	<p><u>The survey area has a distinctive character with the juxtaposition of the wooded stream valleys, the adjacent historic pattern of fields and historic route for Mill Walkers (Park Lane)</u></p> <ul style="list-style-type: none"> <li>• The survey area has a strong sense of place. The open views across the survey area from the Barnsley Road contribute to the approach and gateway to Upper Cumberworth. This distinctive 'open rural landscape' contrasts with the more enclosed valley character of Denby Dale, the nearest settlement to Upper Cumberworth to the east.</li> <li>• The site and wider area are distinctive of the local landscape character areas as set out within the: Kirklees District Landscape Character Assessment 2015. Whereby the survey area is a quiet, elevated, undulating landscape with wooded (often Ancient Woodland) stream valleys. A distinctive pattern of fields enclosed by low Grit stone walls allows long open views across the area, including longer views to the south of higher ground</li> <li>• Settlements align the ridgelines allowing commanding views over the adjacent open landscape. Upper Cumberworth's location is further marked within the landscape by Saint Nicholas' Church Spire</li> <li>• The area contains a guided walk as referenced within more detail within the – <i>Dearne Way 1 – Birdsedge to Bretton</i></li> <li>• Within the woodland areas, there are information boards highlighting their distinctive character and walks, as shown below:</li> </ul>	<p>High</p>

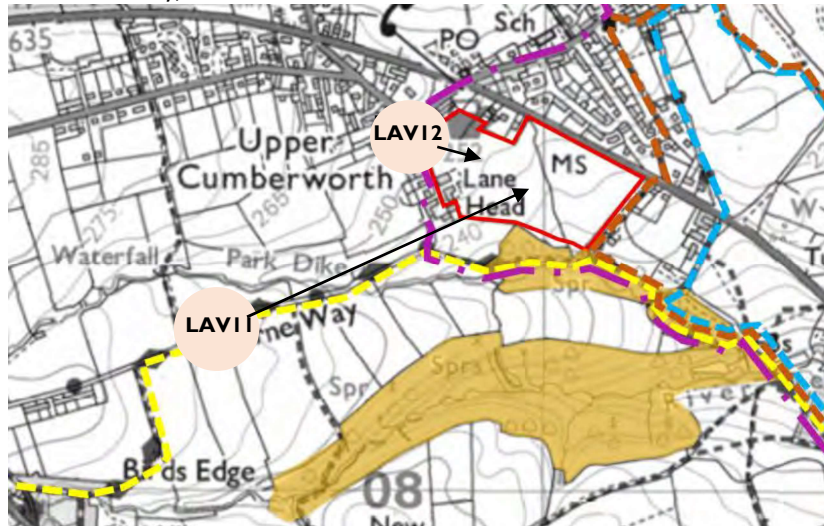


**LAV7: Information Boards** located within the woods (Stephen Wood, which forms part of the Upper Dearne Woodland) highlight the distinctive landscape character

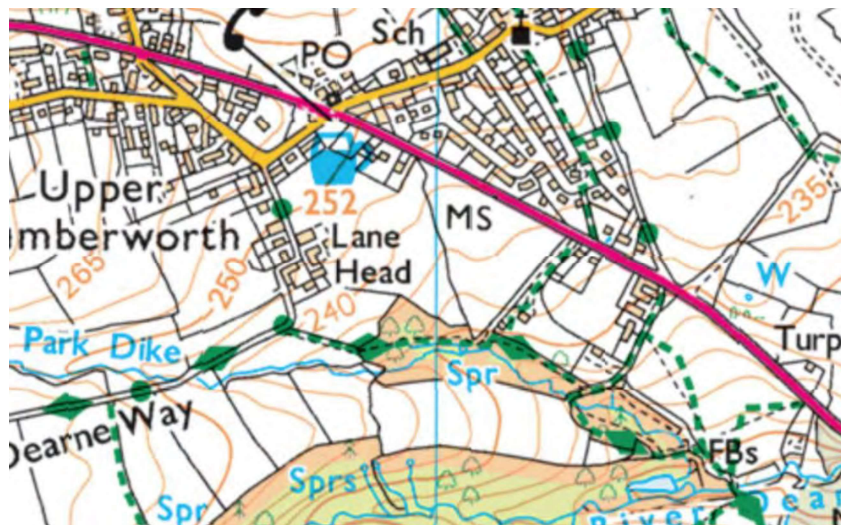
**Recreational**

The area is a destination for national, regional and local recreation, and contains many recreational routeways. The woods (including the adjacent Stephen Wood) are also designated as 'Open Access Land' Countryside Act 2000

- Numerous Public Rights of Way, promoted walking and cycle ways and National Trails: The Dearne Way, as shown below:



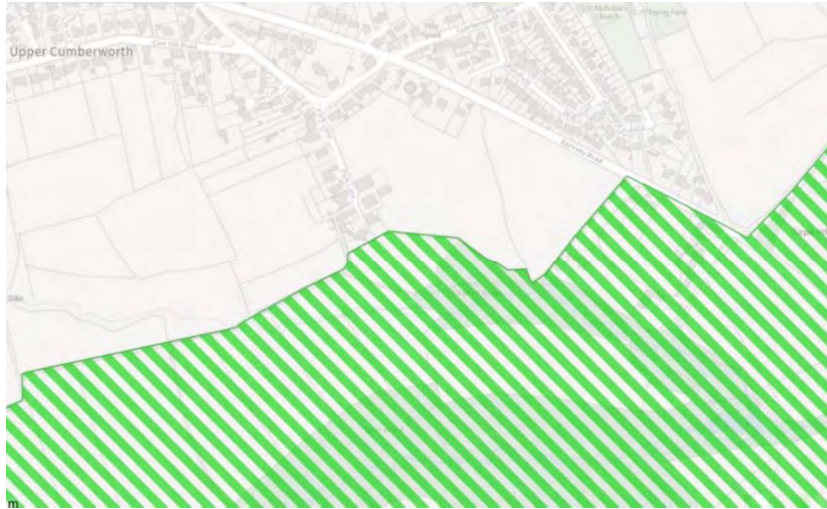
**LAV8: Promoted Walking Trails:** National Trail :Dearne Way (yellow dash); Denby Way (purple dash); Denby and Cumberworth Circular Trail (brown dash) Denby Dale Round Walk (blue dash) and Open Access Land (pale orange), with photo viepoint LAV11 & LAV12 as shown below



**LAV9: OS routes:** Public Rights of Way: footpaths (green dash); other routes with public access (green circles) National trail (green diamonds)

High

- The survey area forms part of the River Dearne Strategic Green Infrastructure Network (Kirklees Local Plan 2019) where the functions of green infrastructure are considered to be significant and wide ranging
- Stephen Wood has Open Access; therefore, the whole of the wood is accessible for recreation and enjoyment

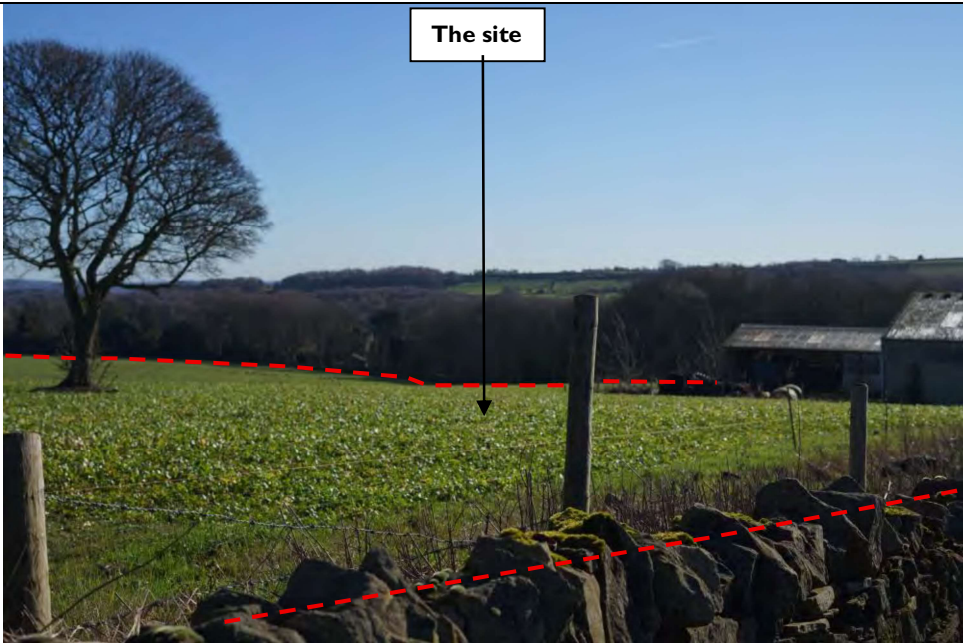


**LAV10: Extract from Kirklees Local Plan 2019, showing the area of Strategic Green infrastructure Network – River Dearn**

- The survey area is a popular destination with the high number of people encountered on my site visit including walkers and cyclists
- The survey area is also an area appreciated by the Upper Cumberworth local community, with information boards highlighting its valued attributes including views



**Photo viewpoint LAV11: View down Park Lane/millers track whereby the open landscape is part of the amenity value of this recreational route. Viewpoint location shown on LAV8 above**

	 <p><b>LAV12: View from Park Lane adjacent to the western site boundary. Park Lane is part of a promoted walk: The Denby Way, where the open countryside enhances its amenity value. Viewpoint location shown on LAV8 above</b></p>	
<p><b>Perceptual (Scenic)</b></p>	<p><u>The survey area includes distinctive features as follows:</u></p> <ul style="list-style-type: none"> <li>• A harmonious combination of traditional farmland, the wooded valleys and far-reaching views</li> <li>• The traditional farmland and wooded valleys provide strong aesthetic qualities of form, colour, scale and texture and also provide a high level of visual diversity</li> <li>• Strong scenic quality which provides a contrast and setting to the adjacent settlement form of Upper Cumberworth</li> <li>• The views towards the Church spire within Upper Cumberworth is visible throughout the survey area</li> </ul> <p>The survey area exhibits qualities which provide an outstanding example of the local landscape character which makes it memorable. These qualities include the distinctive features of the Dearne Valley landscape structure, with traditional farmland across the higher undulating landform with the distinctive woodlands within the stream valleys below</p>	<p>High</p>
<p><b>Perceptual (wilderness and tranquillity)</b></p>	<p><u>The survey area includes areas of good tranquillity within and across the contrasting valley woodlands and traditional farmland</u></p> <ul style="list-style-type: none"> <li>• The quiet wooded stream valleys are Ancient Woodlands which provide areas of wilderness. This then contrasts with the elevated mosaic of traditional small fields. Both areas provide a high level of visual and audible tranquillity</li> </ul>	<p>Medium / High</p>
<p><b>Functional</b></p>	<p><u>The survey area has many functions, as follows:</u> Functions as a rural setting for Upper Cumberworth:</p> <ul style="list-style-type: none"> <li>• The survey area of open countryside provides a rural setting for Upper Cumberworth, as follows: <ul style="list-style-type: none"> <li>• As part of a prominent wider landscape continuum, it provides the immediate open rural aspect to a settlement</li> <li>• Functions as part of the green infrastructure and recreational routes leading out from Upper Cumberworth</li> </ul> </li> <li>• Includes many valued landscape features and attributes as listed within the KDLCAs 2015 - LCA F6 – Fenay Beck Valley Rural Fringes, LCA G10 – River Derane Valley and LCA D9 – Low Common Royd and Whitley Common.</li> <li>• Provides an intact landscape setting for a high density of multi recreational routes</li> </ul>	<p>High</p>

**Conclusion:** This assessment has shown that the survey area would be considered as having an overall high landscape value, in particular under the following factors:

Natural Heritage	Medium/high
<b>Cultural Heritage</b>	<b>High</b>
<b>Landscape condition</b>	<b>High</b>
Associations	Low
<b>Recreational</b>	<b>High</b>
<b>Distinctiveness</b>	<b>High</b>
<b>Perceptual (scenic)</b>	<b>High</b>
Perceptual (wildness and tranquillity)	Medium/high
<b>Functional</b>	<b>High</b>

#### 4.0 Green Belt status review of the site

- 4.1 The site as part of a larger survey area was assessed for its value as a landscape following the Landscape institutes Guidance Note (TGN)02/21: *Assessing Landscape Value Outside National Designations*. The assessment concluded the site as part of a larger surveyed area was assessed as a high valued landscape.
- 4.2 The site and survey area are also designated Green Belt. As per the NPPF (Feb 2025), The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3 *c) to assist in safeguarding the countryside from encroachment;* The site as shown forms an important part of the high valued landscape on the southern edge of Upper Cumberworth. The sites' location wouldn't be considered as a potential for infill development, as it is not enclosed by development, but located on an open edge at the entrance to Upper Cumberworth. The site as shown within the photos below, is particularly open to views from the wider landscape to the south, east and west.

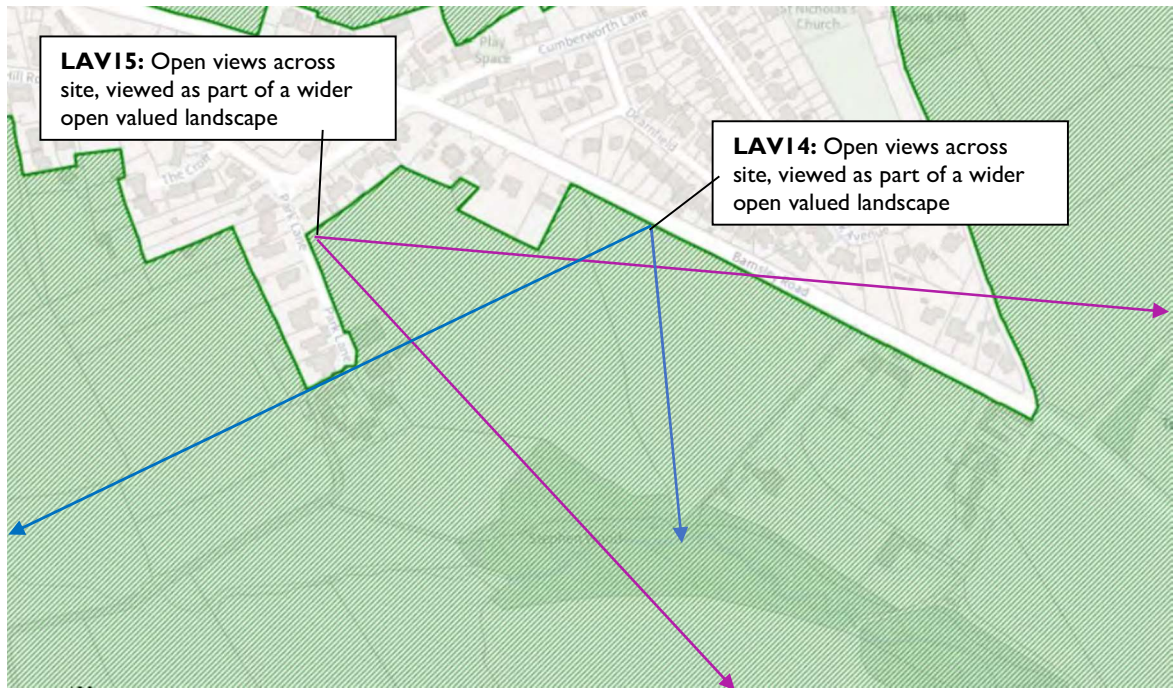


Figure LAVI3: The site with the Green Belt (hatched green), with views from Upper Cumberworth settlement edge – see photos below



Photo viewpoint LAVI4: The site is openly visible from Barnsley Road located on the southern edge of Upper Cumberworth. As also shown the site forms part of the wider countryside. Therefore, development on this site will also result in the encroachment into this wider area



**Photo viewpoint LAVI5: A long view across the site to undeveloped horizons. Development on this site will result in the encroachment into the wider countryside**

4.4 The removal of the Green Belt designation on this site will result in the following;

- Permanent loss of an area of high landscape value and encroachment into a wider high valued landscape
- An adverse landscape effect on the characteristic linear ridge settlement of Upper Cumberworth
- Loss of rural setting of Upper Cumberworth
- Loss of the rural views out from Upper Cumberworth to a wider open valued landscape
- Adverse landscape effect on the gateway approach into Upper Cumberworth from the south east along the Barnsley Road

4.5 The Kirklees Local Plan SD19 Green Belt Review (2017) undertook an assessment of the impact of development on the Green Belt Purposes. This was a planning assessment, as whereby the review did not take into consideration the value of the landscape as would have been set out within the Kirklees District Landscape Character Assessment 2015. At the time the Local Plan designation of Area of High Landscape Value would have been current, although this was not part of the reference or methodology

4.6 As set out within the NPPF 2025, para 187 (Chapter 15: Conserving and enhancing the natural environment)

*187. Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

## Conclusion

- 4.7 The site as two small arable fields is also in planning terms a green field site. The site does not contain any elements which would describe it as urban fringe, even the existing three agricultural buildings enhance its rural character. Its location adjacent the settlement edge of Upper Cumberworth also does not result in it having an urban fringe character, rather an intact rural interface with the settlement edge of Upper Cumberworth.
- 4.8 It can be agreed that built development within the Green Belt increases the footprint of development, however when the land includes extensive intervisibility with the wider open landscape, the effect of development will also encroach further into the openness of adjacent areas.
- 4.9 Paragraph 153 of the NPPF (Feb 2025) sets out that when considering any planning application, substantial weight should be given to any harm to the Green Belt, including harm to its openness. PGLA Landscape Architects undertook a LVA to assess and quantify the potential harm to the Green Belt and its openness. As I have identified within the document: 01/CECAG/LA/2026: *A review of the Landscape and Visual Appraisal (LVA) which forms part of the planning application for a site south of Barnsley Road, Upper Cumberworth* the conclusion of PGLA's LVA cannot be relied upon. My assessment within this document: (01/CECAG/LA/2026): evidenced that the result of the proposed development on the site will result in a permanent major adverse visual and landscape effect in particular on the openness of the site and adjacent open landscape character on the southern edge of Upper Cumberworth.

**Statement by the Cumberworth Environmental community Action Group :**

**Re : Consultation by Communiti on behalf of Vivly**

**Application Number: 2025/60/93572/E**

This has been written with full sight of the document submitted by Communiti as the agent appointed by Vivly in support of the planning Application 2025/ 60/93572 and corrects some misrepresentations made. All of the emails referred to here are available upon request. The consultation and engagement falls way short of what would and should be expected.

It is correct that the National Planning Policy Framework (NPPF) recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for everyone. Communiti state that In preparing the consultation strategy, the relevant provisions of the Localism Act 2011 and Kirklees Council's Statement of Community Involvement.

We consider that the consultation falls short of what is expected in the NPPF an Statement of community involvement and furthermore , the language used in emails by the representative of Vivly suggest a contempt for the community and the spirit of consultation.

The pages of the Communiti Report are unnumbered, so this draws on the heading references.

<b>SECTION OF REPORT</b>	<b>STATEMENT</b>	<b>COMMENT</b>
<b>Introduction</b>	The consultation strategy has sought to ensure that relevant stakeholders and members of the public are given every opportunity to review the plans and provide their feedback.	<p>On 3<sup>rd</sup> June 2025 , emailed a resident and suggested an informal meeting , he also sent a site plan , requesting that this was not shared. The site plan email was not shared at any point with the wider community.</p> <p>A short meeting with a five residents was set up by Vivly's Associate Director , at his request, on the 17<sup>th</sup> June 2025 . The Vivly representatives brought with them draft site plans in paper form and left these with the residents , indicating they could be shared , with caveats , including that they might change.</p> <p>Vivly were asked to set up a community meeting . This was refused. The drawings left by Vivly were made available for the community to view.</p>

		<p>A community led public meeting was held on 28<sup>th</sup> June 2025 , with a further one on 6<sup>th</sup>September 2025 September.</p> <p>Vivly declined to attend either meeting . For the June meeting they were given 10 days’ notice. For the September meeting 2 weeks’ notice.</p> <p>There are other inaccuracies in this statement , highlighted in substantive comments below – but the nature of emails from Vivly should raise concern regarding the contempt with which they viewed the residents of upper Cumberworth and anyone perceived not to be in full support of the proposals. Their comments regarding elected members should also be of concern A summary of these is illustrated in this document.</p> <p>These concerns were summarised and emailed to the organisation leading the consultation. No acknowledgement was received.</p>
	<p>The project team is committed to ongoing engagement and will continue to maintain dialogue with relevant stakeholders and members of the local community as appropriate.</p>	<p>Nothing has been heard from the Associate Director since 26<sup>th</sup> June 2025 .</p> <p>The authors of the report were contacted on on1<sup>st</sup> September2025 , where concerns were raised regarding the consultative approach – this was acknowledged on the 8<sup>th</sup> September , but no remedy was offered , nothing has been heard from them since.</p>
<p><b>Summary of Consultation</b></p>	<p>A QR code linked to an online feedback form was provided for members of the public to provide their feedback. A dedicated telephone number and e-mail address were also provided. The pre application consultation for the public ran from 14<sup>th</sup> August to close of business on 1<sup>st</sup> September 2025 for a period of 18 days.</p>	<p>There were significant issues with the QR code , which didn’t work with users receiving a message saying the website wasn’t active. It displayed <a href="https://www.vivlyliving.com/">https://www.vivlyliving.com/</a> as a blank page</p> <p>The website when searched directly similarly did not consistently connect.</p>

		<p>The telephone simply rang out but did not connect.</p> <p>Not everyone in the village received leaflets via Royal Mail and those that did received them on different days.</p> <p>The consultation which it stated would end on the 1<sup>st</sup> September , ended early . Closing in the afternoon of the 1<sup>st</sup> September as confirmed by an email from Communiti’s Director on 8<sup>th</sup> September.</p> <p>There was no ‘book supplied ‘ for those with no access to computers as suggested by .</p> <p>I would also add this was the summer holidays when many people were away.</p>
<p><b>Consultation Timeline</b></p>	<p>May –June 2025 Prior to the pre-application consultation beginning, Vivly Living notified and undertook some informal engagement and held a meeting arranged via one of the local ward members with some local residents.</p>	<p>As referred to above a meeting took place with 5 local residents . This followed a direct approach my Vivly’s Associate Director,</p> <p>The email exchange prior to the meeting and the telephone call with one resident suggested the views of older people “ were not the required demographic “ and therefore not welcome. That resident was asked to invite ‘younger people ‘to any discussion.</p> <p>The meeting was an informal discussion . It was attended by one ward councillor and a parish councillor.</p> <p>During this meeting further inaccuracies regarding the village were said and when challenged were met with aggression and dismissal. An example of this was suggestions that the local school would close , that Cumberworth didn’t welcome new people and that this was an ideal site because of access to a wealth of amenities.</p> <p>It was also made clear that a residents meeting wasn’t on the</p>



	<p><i>“so use the plans given last night but to state they are work in progress.”</i></p> <p>References were made to holding a ‘court house ‘ mid to late July , inviting wider councillors but saying he has no time for them.</p> <p>This email also refers to: <i>“More issues will come to light once more people are involved , tell us , we won’t be able to solve all of them but a few of them we can”</i></p> <p>On this basis following confirmation The draft drawings were therefore made available for residents to view and arrangements were made to elicit resident views to feedback to Vivly living.</p> <p><b>Friday 20<sup>th</sup> June</b></p> <p>3. Email from _____ to resident:</p> <p>Email asks how to deal with councillors _____ ,</p> <p>It goes on to refer to social media coverage of the issue as being by the ‘Harriers ‘ and referring back to the emails prior to the meeting held on the 17<sup>th</sup> June , in which he asked the site plan that was emailed wasn’t shared . in the meeting of the 17<sup>th</sup> he was clear that drawings could be shared and this was reaffirmed in his advice in writing on 18<sup>th</sup> June , and so that sharing of the drawings took place.</p> <p>To be clear, the plans shared with residents prior to the meeting and at the meeting on the 28<sup>th</sup> June were the drawings left by Vivly , they were shared with the FULL agreement of Vivly living. It was explained to all attending that they were work in progress.</p> <p>Residents completed a Have your Say leaflet , these were collected at</p>
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		<p>the local Post office and Hand delivered to Vivly Offices on the 8<sup>th</sup> July – there were 326 . These were never acknowledged by Vivly but were an active response to seeking identification of issues from residents.</p> <p>In the absence of Vivly attending any community meeting and given the dismissal of concerns of residents who had met with them , villagers felt strongly this was the only avenue to lodge concern regarding the proposals.</p>
,	<p>14<sup>th</sup> August 2025 :Online meeting held following a request for a meeting with residents living adjacent to the site to discuss mitigation.</p> <p>14th August to 1st September 2025 Pre-application consultation period for the public ran from 14th August until close of business on 1st September 2025 for a period of 18 days.</p>	<p>This meeting happened with one resident , at their request , residents adjacent to the site report there was no invite to any online discussion .</p> <p>One other perimeter resident reported that she had advised Vivly of her intent to seek legal redress if the plans went ahead as they severely impacted on her privacy. There followed a 10 minute chat with a marketing officer and nothing has been heard from them since . However the plan to the rear of her house has been amended.</p> <p>It is misleading to suggest a residents meeting took place . A meeting actively sought by a resident is not consultation</p> <p>For reasons outlined above this Pre Application consultation was deeply flawed .</p> <ul style="list-style-type: none"> <li>● It was school holidays with many residents away</li> <li>● The website did not work consistently</li> <li>● Telephones went unanswered</li> <li>● The QR code would not scan</li> <li>● The Royal Mail leaflets did not get delivered to everyone</li> </ul>

	<p>1st September 2025 Pre-application consultation ends.</p>	<p>and arrived with those who got them on different days .</p> <ul style="list-style-type: none"> <li>• THERE WAS NO MEETING , DESPITE REQUESTS WITH THE COMMUNITY.</li> </ul> <p>It is worth noting that in addition to the above , there should be real concerns regarding the commitment of the developer to consultation .</p> <p>Email to resident from 20<sup>th</sup> June 2025.</p> <p><i>“ ...we wont be accepting comments from residents of Skelmanthorpe, Scissett , Shepley as it doesn’t really accept them directly “</i></p> <p><i>“if we see everyman and his dog getting on the bandwagon, our consultation will simply stop , as we are here to listen to the community , not from Skelmanthorpe who only ever comes to upper Cumberworth to visit the tip and does so via Denby Dale , not the Cumberworth village centre, i.e. having no interaction with the proposed development whatsoever “</i></p> <p><i>“ can we turn the temperature down”</i></p> <p>Email response 20<sup>th</sup> June 2026 to</p> <p>Reminded him of the proximity of the Ancient woodland amenity , and that people from all the villages volunteer or walk in the woods and the footpaths . These factors lead to concerns re the impact on the amenity and environment</p>
<p><b>Distribution Area</b></p>		<p>It is inaccurate to say 332 residents and businesses receive a leaflet . There is no methodology to confirm receipt and many houses did not receive the leaflet.</p>

		For information there are to our knowledge 390 houses in Cumberworth
In this section comments are limited to glaringly obvious issues , as many will be addressed in the substantive response to the planning documents.		
<b>Feedback</b>	As stated earlier in the report an unofficial consultation was undertaken by a third party. This regrettably limited the options available to the applicant for other pre-application consultation activities including holding a physical public consultation event.	<p>To e clear : following the refusal of Vivly to attend a face to face meeting in June and the email from seeking issues , some of which they would try to solve. Residents submitted ‘Have your say ‘ leaflets , these were delivered by hand to Vivly’s’ offices.</p> <p>Under the consultation Timeline this document says  <i>The feedback provided via this unofficial consultation does not form part of this report, however the applicant has shared the forms with members of the project team and the themes follow much of what has been provided via the formal pre-application undertaken by Communiti on behalf of Vivly Living.</i></p> <p>And yet it is not included in the analysis . But it does reaffirm what is being said consistently .It is also worth noting that considerable more people submitted early comments to Vivly than took part in this exercise by Communiti.</p> <p>Vivly were invited to a meeting on the 28<sup>th</sup> June and an open invitation was offered to them for a meeting to be arranged .  In the email of the 20<sup>th</sup> June 2025 ,  <i>referred to” court house meetings don’t work , voices that should be heard aren’t because loud voices from people outside the area join in , who just like moaning”</i></p> <p>There were not limitations to holding a public meeting as is suggested – Even before any discussion and feedback given to Vivly it was made clear that they would not attend such</p>

		<p>a meeting . Vivly chose not to engage with local people. .</p>
<p><b>Response to Feedback</b></p>	<p>In addition, prior to the involvement of Communiti, Vivly Living held a face-to-face meeting with representatives of a local resident group. It was unfortunately after this meeting that a third party undertook their own consultation on the proposals using incomplete information and without the consent of Vivly Living to use information shared with them in a closed meeting.</p> <p>Ancient woodland :</p> <p>In addition, engagement has taken place with some residents living adjacent to the site about additional screening and planting measures</p>	<p>This is not accurate , Vivly did not meet with a local resident group , they met with 5 community members. Cumberworth does not have a resident group.</p> <p>Residents did complete a questionnaire in response to Vivly refusing to attend a public meeting in order to Have their say .</p> <p>Material left by Vivly was circulated with their consent . See Emails from 18<sup>th</sup> and 20<sup>th</sup> June 2025 , in which consent is given .</p> <p>The Applicant response does not address the Buffer Zone issue raised by residents and the plans refer to 15 metres which fall well short of the National recommendation</p> <p>Furthermore , the issues raised by Upper Dearne woodland group relating to drainage and footfall are unanswered in the plans</p> <p>This is not accurate and contradicts the assertion made in the consultation timeline that perimeter residents took part in an online discussion re mitigation on 14<sup>th</sup> August - Some is not all , as suggested earlier</p> <p>This assertion is repeated in the summary.</p>

## **General comment**

**Throughout this process the residents of Upper Cumberworth have been treated poorly by this developer. From suggesting meetings with small groups of residents early on, almost 'in secret'- to refusing a larger meeting with the village. It is unreasonable for a developer to propose a significant development which will impact on the lives of many villagers but not be prepared to engage in dialogue. This lacks any transparency.**

**Engagement has been a tick box exercise which has not complied with the basic principles of engagement. The meeting with residents and the offer of extending this to wider dialogue with a more representative group was declined . To then suggest that residents should not have submitted their views because they deem it as Third Part Consultation is nonsense and is unacceptable .Residents submitted their views on the 8<sup>th</sup> July 2025 , a strong opportunity for Vivly to consider the feedback at the formative stage , instead of dismissing it.**

**The approach lacked any sense of proportionality and targeting , given the scale and impact of this , Vivly displayed no plans , declined any workshops and declined to attend community meetings**

**What were residents to do ? Feedback forms were a direct response to email of the 18<sup>th</sup> June , this was intended to be a helpful 'reality check ' for the developers . Residents were left waiting for two months after the small residents meeting for any real consultation to start , and a further three months before an application was issued. All of this without ANY communication .**

**This is not in the spirit of consultation as expected by the planning Framework.**