

## DC Admin

---

**From:**  
**Sent:** 21 August 2026 12:07  
**To:** Jillian Rann; DC Admin  
**Subject:** Birdsedge Community Objection - Planning Application 2026/91494 — Land off Penistone Road (A629), Birdsedge (outline application for 70 dwellings, Yorkshire Land Limited)  
**Attachments:** 2025-93572\_+Consultee+Responses\_1127847 Yorks Water.PDF; 2025-93572\_+Consultee+Responses\_1142776\_WYCA.PDF; 2025-93572\_+Consultee+Responses\_1131264 Forestry Commission.PDF; 2025-93572\_+Consultee+Responses\_1134030 Woodland Trust.PDF; 4-bat-alert-zones-kirklees.pdf

### Categories:

Dear Jillian Rann,

The following objection is sent on behalf of the Birdsedge Residents Committee to object to the above application.

The 3.17-hectare site is agricultural land on the edge of Birdsedge, bounded by hedgerows, drystone walls and rough field margins. On the applicant's own evidence, Priority Habitat woodland and Ancient Woodland lie immediately along its north-western and north-eastern edges, and the River Dearne runs 12 metres to the north.

This letter takes account of the consultee responses published between 3 and 13 August 2026, including those of the Council's Landscape, Highways Development Management and Conservation and Design teams.

### First Objection

The Council has already assessed this land and rejected it. Through the Local Plan process it was housing site H2582, and the Council concluded that the eastern boundary "does not follow any feature on the ground so does not present a defensible new green belt boundary," that this "would leave land to the east at significant risk from encroachment contrary to the role and function of the green belt," that the site "could not be released in isolation and the Local Plan strategy does not include the removal of Birds Edge from the green belt," and that there are "no exceptional circumstances to justify the removal of this site or any part of this site from the green belt."

That assessment covered 1.35 hectares and a capacity of 47 dwellings. This application is for 3.17 hectares and 70 dwellings — more than twice the area the Council found could not be released without creating an undefensible boundary. A larger site does not answer that finding; it makes it worse. The Council also assessed and rejected two other Birdsedge sites put forward through the same process, at Springfield Farm (H177) and Birdsedge Lane (H249).

That conclusion has since been tested by events. Application 2025/93572, for up to 123 dwellings on land south of Barnsley Road, Upper Cumberworth, is currently before the Council and undetermined. It lies approximately one kilometre from this site, on the opposite side of the same River Dearne valley. It too is Green Belt, it too is unallocated, and it is promoted by an unrelated developer outside the Local Plan process. Taken together the two applications propose some 193 dwellings on unallocated Green Belt land within a kilometre of one another, brought forward within a single year. When the Council concluded that this site could not be released in isolation, that was a judgment about a hypothetical future. It is no longer hypothetical, and the Council's own reasoning has been borne out.

Those are findings about whether this land should have been allocated. The test now is a different one, and we ask the Council to apply it squarely. This remains Green Belt, and the applicant accepts that the site lies wholly within it. Housing here is therefore inappropriate development under paragraph 152 of the National Planning Policy Framework — by definition harmful, and not to be approved except in very special circumstances. Paragraph 153 requires substantial weight to be given to any harm to the Green Belt, including harm to its openness, and provides that very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.

We anticipate reliance on the grey belt provisions, and ask that they be applied precisely. Under paragraph 155, development will be regarded as appropriate only where four conditions are all met:

- 1.
- 2.
3. That the land is grey belt and its development would not fundamentally undermine the purposes, taken together, of the remaining Green
4. Belt across the plan area;
- 5.
- 6.
- 7.
8. That there is a demonstrable unmet need for the development proposed;
- 9.
- 10.
- 11.
12. That the location is sustainable, with particular reference to paragraphs 110 and 115;
- 13.
- 14.
- 15.
16. That the Golden Rules at paragraphs 156 to 157 are satisfied.
- 17.

Those conditions only arise if the land is grey belt in the first place. The Framework's glossary excludes from that definition any land where the application of the footnote 7 policies would provide a strong reason for refusing or restricting development, and designated heritage assets are among those policies. The Planning Statement disposes of the point in a single sentence at paragraph 4.18, asserting that footnote 7 would give no strong reason for refusal. The Council's Conservation and Design officer reached the opposite conclusion on 13 August 2026, objecting to the harm the development would cause to the setting of the Grade II listed Birds Edge Mill and to the Upper Cumberworth Conservation Area. Our seventh objection sets that out. If that objection stands, the grey belt route closes before the four conditions are reached, and the application falls to be determined as inappropriate development in the Green Belt.

On the evidence already before the Council, two of those four conditions also fail.

On the first, the Framework's glossary defines grey belt by reference to land which does not strongly contribute to purposes (a), (b) or (d) of paragraph 143. Purpose (c) — safeguarding the countryside from encroachment — does not appear in that definition. But it returns at paragraph 155(a), which asks whether release would fundamentally undermine the purposes of the remaining Green Belt taken together. That is precisely the question the Council answered in 2017, when it found that releasing this land would "leave land to the east at significant risk from encroachment contrary to the role and function of the green belt" and that the site "could not be released in isolation." The Upper Cumberworth application is that predicted encroachment materialising, a kilometre away, within a single year.

On the third, the Council need not take our word for it. Its own Highways Development Management officer concluded on 10 August 2026 that the site "is unlikely to be considered accessible by public transport due to the

infrequent bus services” and that the development “is likely to be heavily car dependent.” The West Yorkshire Combined Authority, the strategic transport authority, reached the same conclusion on 1 June 2026 about the better services serving the next village along. Our fifth objection sets both out. A location which the Council’s own highway authority describes as heavily car dependent is not a sustainable location within the meaning of paragraph 155(c).

If the grey belt route is not available, very special circumstances must be demonstrated, and the considerations advanced do not amount to them. Housing land supply is not in itself a very special circumstance, and the shortfall relied upon is calculated by selecting the highest available requirement and applying buffers to it; where a genuine shortfall exists the Local Plan review is the route by which it is addressed, and this is a site that process has already considered and rejected. Policy compliance on affordable housing and the Golden Rules are not an exceptional public benefit capable of outweighing Green Belt harm.

The stated “Biodiversity net gain” is mitigation rather than benefit, and on the Council’s own Ecology Unit’s findings the claimed 29.33% is incorrectly constructed and must be reduced; a benefit the Council’s own officer has found to be overstated cannot carry weight in this balance. Construction employment and expenditure are generic, and would arise from any development anywhere.

On harm to openness, there is no assessment before the Council at all. The applicant’s Landscape and Visual Appraisal states at paragraph 3.3.1 that the site “lies entirely within Green Belt, which is a planning designation and outside the scope of this assessment.” The Council’s Landscape officer has since found that the appraisal’s own conclusion on loss of openness “is not reflected in the effect ratings, given the change in use and appearance and the scale of the development.” Paragraph 153 requires substantial weight to be given to harm to openness, and the Council is being asked to weigh a harm that no document in front of it has measured.

Against those, the harm is permanent: the loss of openness on land the Council has expressly found could not be released without creating an undefendable Green Belt boundary, together with the heritage, landscape, ecological, highway and drainage harms set out below. The very special circumstances test is not met, and the application should be refused on this ground alone.

## **Second Objection**

The Council’s own highway authority does not accept this application. Highways Development Management responded on 10 August 2026 that there are “highway safety concerns in regards to the proposed access arrangements and insufficient information to ascertain the highways implications of the proposals,” and that the access arrangements “as submitted are not acceptable.” It has asked for ten separate pieces of further work. What follows adds the local evidence the highway authority does not hold, and identifies where the applicant’s case has already been overtaken.

On speeds, the question is now settled. The applicant’s Transport Statement offers visibility splays of 2.4 metres by 43 metres, the Manual for Streets figure for a 30mph road, without any speed survey at all. The highway authority holds the data. Automatic traffic count data captured in April 2025 at the location of the proposed pedestrian refuge recorded an average 85th percentile speed of 40.4mph over a week, with 77 per cent of vehicles exceeding the 30mph limit, 16 per cent exceeding 40mph and around 150 vehicles a day exceeding 50mph. Sample data from the past month gives a 24-hour average 85th percentile of 41.6mph, rising above 45mph between 10pm and 7am. Paragraph 3.34 of the Kirklees Highway Design Guide provides that where vehicle speeds exceed 37mph the visibility standards in the Design Manual for Roads and Bridges are to be followed, and the highway authority has concluded in terms that “the proposed visibility splays demonstrated are not appropriate and the standards set out in DMRB should be used.”

That is what the Council said about this site in 2017. Its own Local Plan assessment recorded a requirement for a 2.4 metre by 120 metre splay here — a figure consistent with the speeds now measured, and nearly three times what the applicant proposes.

The reason for the discrepancy is on the file. The Kirklees Council (Speed Limit) (No. 103) Order 2017 set 40mph on the lengths of A629 Penistone Road either side of Birdsedge, and provided that the section between them — the section containing the proposed access — “will revert back to 30mph by means of a system of street lighting.” The 30mph limit at the access is the statutory default for a restricted road under section 81 of the Road Traffic Regulation Act 1984, arising automatically from the presence of street lighting. It is not a limit the Council set after

assessing appropriate speeds. Where it did make that judgment, on the lengths immediately either side, it chose 40mph. The applicant has designed to the sign rather than to the road. Residents have said for years that traffic through the village runs well above the limit, and the Council's own data now confirms it.

On the access itself, the drawings and the text do not agree. The Transport Statement describes a priority-controlled T-junction with a right-turn ghost island. Neither the submitted "Proposed Site Access and Pedestrian Crossing" drawing nor the drawings in the Transport Statement appendices show any ghost island. The highway authority has confirmed that on the applicant's own trip figures — 6.609 trips per dwelling, 462.63 trips a day from 70 dwellings, against an average weekday two-way flow of 7,850 on Penistone Road — Figure 2.3.1 of DMRB CD123 requires a ghost-island junction, with a minimum right-turn lane width of three metres. It has also asked for the junction radii to be eased to reflect the recorded speeds, for swept path analysis covering refuse vehicles and the Yorkshire Water tanker required for the pumping station within the site, and for clarification of what is to happen to the existing stone retaining wall in the site frontage, which it notes may bear on the stability of the highway. Means of access is the only matter not reserved by this application. What is being determined now is a junction that has not been designed.

On the crossing, the highway authority does not accept what is proposed. It states that a pedestrian refuge island is not an acceptable form of crossing at this point on Penistone Road, given the recorded 85th percentile speeds and the likely demand on foot between the development and Birdsedge First School, and that a PUFFIN crossing should be provided. The school stands 50 metres opposite the access. The applicant's Transport Statement treats it only as an accessibility benefit, never as a point of pedestrian and vehicle conflict, despite an assessed morning peak of 08:00 to 09:00 which coincides exactly with the school run and 38 additional vehicle movements predicted in that hour.

The traffic figures themselves are not accepted either. The highway authority finds that the trip rates "appear lower than what we would expect to see for a site of this nature in a location such as this," that the TRICS surveys used are not multi-modal and have not been refined to reflect local car ownership or the frequency of public transport here, and that the peak hours modelled were taken from the TRICS survey rather than from the local highway network. No trip distribution or junction assessment has been carried out, so the highway authority is "unable to assess the likely impacts of the development on the local highway network." It also records that the applicant did not engage with it for pre-application scoping, and that what has been submitted is not what Kirklees would have required for a development of this type in this location.

On collisions, the highway authority would have required an assessment of the most recent five years of Personal Injury Collision data, with dates, times, road conditions, road user types and causation factors. None was obtained. The applicant's road safety case is a search of the free CrashMap website confined to 400 metres either side of the access (Transport Statement paragraph 2.6.1), which returned a single slight collision from August 2020, and that empty result was then used to justify not requesting the Council's validated data, the consultant concluding at paragraph 2.6.4 that "additional collision data is not required to be requested from KC given there are no clusters or hotspots identified." The same free website records eight collisions between 2019 and 2023 at the Sovereign, Carr Lane and Cross Lane junctions — the junctions development traffic will use, and which the applicant's own report identifies as the route to Huddersfield. The data was always there; the 400-metre line is the only reason it does not appear.

While that conclusion was being written, Kirklees Council was accepting a petition of more than 3,000 signatures and determining that this same stretch of the A629 qualifies for permanent speed cameras to tackle the number and severity of accidents, two of which are to be installed with the West Yorkshire Safety Camera Partnership. Excluded by the applicant's 400-metre line are the following example incidents, all matters of public record:

- 
- 
- On 5 March 2020, a five-vehicle collision involving two HGVs on the A629 just outside Birdsedge near the Carr Hill Road junction, roughly
- 500 metres from the proposed access: a lorry driver was cut free after an hour and taken to hospital with suspected serious injuries, three others were hurt, and the road was closed from 8am until after 2pm.
- 
-

- 
- On 27 June 2021, a collision at the Carr Lane / Cross Lane junction in which a 16-year-old motorcyclist suffered serious leg, arm and
- chest injuries, the air ambulance was dispatched, and the A629 was closed in both directions for over three hours.
- 
- 
- 
- On 11 and 12 July 2026 the A629 was closed on two consecutive days after further collisions at the same junction, vehicles leaving the
- carriageway and demolishing drystone walls on both occasions — two months after the Transport Statement was written, and three weeks before the close of consultation on this application.
- 

These add weight to the evidence that the safety position on this road is live, and that a May 2026 assessment built from a 2020 collision record is already out of date. A Freedom of Information request has been made to Kirklees Council and West Yorkshire Police, and any response will be supplied by way of supplementary representation.

The highway authority has asked for a Stage 1 Road Safety Audit of the new access layout to be carried out by an independent team “before planning permission is granted,” with the access layout resolved with it first. We ask that this be taken at its word rather than deferred to a condition.

Under paragraph 116 of the National Planning Policy Framework development should be refused where there would be an unacceptable impact on highway safety, and Policy LP21 requires “adequate information and mitigation measures to avoid a detrimental impact on highway safety.” On this evidence neither test is met.

### **Third Objection**

This relates to the ecological evidence, which is incomplete in ways the applicant’s own consultants and the Council’s own officers have each identified — not merely in our assertion.

The applicant’s entire ecological baseline rests on one site visit, on 26 January 2026, in overcast conditions at 3°C. The applicant’s own ecologist records that the survey fell outside the recognised growing season and writes, in terms: “It is recommended that a re-survey of the site is undertaken within the growing season to more accurately assess the condition of habitats.” That re-survey has not been carried out. The Council is being asked to determine the application on the version its author said should be re-done.

The same report accepts that the adjacent River Dearne and pockets of ancient and deciduous woodland “may classify as major foraging sites” for bats — a European Protected Species — and the applicant’s own data search returned 112 bat records within 2 km. No bat activity survey of that adjacent habitat has been undertaken, and none could have been in January, when bats are hibernating. The effect of the development on bat foraging and commuting is therefore unassessed and left entirely to a lighting condition.

This matters more because of where the site is. Plotted against its own grid reference from the application form, the site falls well within a Bat Alert Zone as mapped by West Yorkshire Ecology — areas within 200m of significant woodland or watercourses where there is a reasonable likelihood of bats roosting. West Yorkshire Ecology’s published Minimum Standards for Bat Surveys state that bat surveys “need to be undertaken before a planning application can be determined,” and the accompanying flow diagram for surveys carried out between October and April applies only to household and small applications. For anything larger it directs that applications “should be referred to the District Ecologist or West Yorkshire Ecology” and that these “will normally need emergence surveys, between May and September.” An outline application for 70 dwellings is not a small application, and no such referral or survey has taken place to our knowledge.

On 27 July 2026, residents photographed and GPS-recorded active field signs in and around the site: burrows, foraging pits with soil and roots dug out, worn runs passing under fences and through wall bases, and predator feeding remains. These are consistent with badger — protected under the Protection of Badgers Act 1992 — as well

as rabbit, fox and small mammals. We do not suggest the applicant's ecologists overlooked anything visible to them in January; runs worn through summer growth are not apparent in dormant winter vegetation. That is exactly why the timing of a survey matters, and why a targeted badger survey at the right time of year is needed before a decision, not after.

One ecological effect is not deferred at all. Means of access is the only matter not reserved, which means the access design is settled by this permission rather than at reserved matters — and with it the vegetation clearance the visibility splays require. The Transport Statement proposes splays of 2.4m by 43m along the A629 frontage and states that “vegetation will be trimmed and maintained to keep the visibility envelope clear of obstructions.” Forming a new priority junction into a field enclosed by drystone walling will necessarily mean removal of a length of that wall, and maintaining a clear visibility envelope means the roadside scrub and rough vegetation on the frontage would not be cleared once but permanently suppressed. That clearance has been described on the basis of a 43-metre splay. Now that the highway authority has confirmed DMRB standards apply, the length of frontage affected would be considerably greater than anything in the application has assessed.

The Council's own officers have identified further gaps. Its Ecology Unit has found that the biodiversity net gain metric wrongly assigns high strategic significance and must be updated, and that enhancement within an Ancient Woodland buffer can only count up to no net loss — both of which reduce the claimed 29.33% gain. The same Unit has found that the Air Quality Assessment “does not identify any sensitive ecological receptors but misses the ancient woodland adjacent to the site,” despite Government advice that air pollution from development can seriously harm ancient woodland. Kirklees Environmental Health has concluded that the air quality assessment “cannot currently be fully verified,” and has required a revised assessment addressing eight separate deficiencies, including a model verified against monitoring locations 5.5 km away in Barnsley and no supporting statistical indicators as required by DEFRA guidance.

We ask the Council to be precise about what the consultee responses cover, because their scope is narrower than it appears. Natural England's advice is expressly confined to statutory designations — it states that the development “will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes,” and records that it “does not routinely hold species data.” It contains no assessment of the adjacent ancient woodland, of priority habitat, or of protected species here. The Ecology Unit and Environmental Health have each proposed conditions while identifying, in the same breath, a specific unresolved deficiency: an air quality model that cannot currently be verified, a biodiversity metric incorrectly constructed, and an ancient woodland receptor omitted altogether. Our objection rests on those findings, which are the Council's own.

These matters engage the Council's own adopted policies directly. Policy LP30 provides that proposals having a “direct or indirect adverse effect” on Ancient Woodland “will not be permitted” unless the benefits clearly outweigh the need to safeguard it “and there is no alternative means to deliver the proposal” — a test the applicant has not attempted to meet, on a receptor its air quality assessment omits altogether. Policy LP30 also requires enhancement measures reflecting the priority habitats and species of the relevant Kirklees Biodiversity Opportunity Zone; the submitted material does not identify the zone or address it, and Policy LP31 designates a Strategic Green Infrastructure Network that expressly includes the River Dearne corridor, which runs 12 metres from this site.

It is worth being precise about the woodland in question, because its status is stronger than the application conveys. The land immediately east of the site is Green Wood, also recorded as New House Wood. The Forestry Commission, responding to this application, describes it as an area of Plantation on Ancient Woodland and Ancient Replanted Woodland lying “immediately to the east of the proposed development,” and notes that its extent was enlarged in Natural England's revised Ancient Woodland Inventory to take in the woodland on the west side of Jordan Beck — so the designation now reaches closer to this site than older mapping showed. It forms part of the inventory parcel recorded as New House, Green and Burn Woods (reference 1103223), and it carries the further protection of Woodland Tree Preservation Order DD2/51/w38. Ancient woodland is an irreplaceable habitat, and paragraph 193(c) of the NPPF requires that development causing its loss or deterioration be refused unless there are wholly exceptional reasons — which footnote 70 confines to cases such as nationally significant infrastructure.

The shape of that woodland matters. New House, Green and Burn Woods covers just under 15 hectares but has a perimeter of some 3,272 metres, roughly two and a half times that of a compact wood of the same area, because it is a narrow ribbon following the river valley. A ribbon woodland is almost entirely edge. It has no buffered interior to absorb air pollution, noise, light spill, changes in drainage or recreational pressure, and effects entering at any point

travel through the whole. That is the context in which an air quality assessment omitting the woodland altogether, and a biodiversity metric the Council's own ecologist has found to be incorrectly constructed, should be judged.

We would also note that the applicant's biodiversity net gain area and its ancient woodland buffer are the same piece of land. The joint Natural England and Forestry Commission standing advice states that development proposals should not be approved within a buffer zone, and that access should be permitted only where the habitat is not harmed by trampling; the Woodland Trust's guidance recommends that part of any buffer be safeguarded rather than laid out as public open space. Land presented at once as a protective buffer, as a biodiversity gain area and as amenity space for new residents cannot perform all three functions. No assessment of recreational pressure on Green Wood has been submitted. We note that the Council's Landscape officer has separately recorded that the woodland along the northern boundary of the site is designated as part of the Kirklees Wildlife Habitat Network, whose protection and enhancement is required by Policies LP30, LP31 and LP33.

There is also an unresolved conflict on this file between two things the Council is being asked to require at once. The Crime Prevention and Secured by Design material seeks consistent dusk-to-dawn street lighting to BS 5489, expressly without motion sensors. The Ecology Unit requires a Sensitive Lighting Strategy under the 2023 Bat Conservation Trust and Institute of Lighting Professionals guidance, demonstrating that lighting will not impact ecological networks. Those two objectives meet at the woodland and river edge — the dark corridors bats use. The applicant's ecological appraisal sidesteps the point by promising a lighting scheme only "if additional lighting is proposed," when a 70-dwelling estate with adopted highways will certainly be lit. No indicative lighting layout has been submitted to show that both requirements can be met at the density proposed.

#### **Fourth Objection**

This relates to the mitigation the scheme itself requires. To meet external noise standards, the applicant's noise consultant recommends that localised acoustic screening may be needed where parts of the site do not benefit from the barrier formed by intervening buildings. The site gradient falls at roughly 1 in 11, so rear and upper plots look over the front row rather than being shielded by it. Solid acoustic screening across an elevated, open rural edge whose boundary vernacular is drystone walling is itself a suburbanising feature, visible at distance because of the topography. The applicant is caught either way: mitigate properly and harm the character of the site's edge, or omit the screening and fail its own consultant's standards.

#### **Fifth Objection**

This is not a sustainable location for development of this scale, and the Council's own highway authority has now said so.

Highways Development Management records that the only bus service of any use at the site is the D3 between Huddersfield and Denby Dale, running every 120 minutes between approximately 7am and 7pm, Monday to Saturday, with no services on Sundays. The only other service, the 77 between Meadowhall and Holmfirth, runs once a week, on a Monday. Against the applicant's claim that "the frequency of services is consistent with the site's semi-rural location and provides reasonable public transport connectivity to surrounding settlements," the highway authority's conclusion is that the site "is unlikely to be considered accessible by public transport due to the infrequent bus services and the development is likely to be heavily car dependent."

On walking, the same response finds that Birdsedge First School, Birdsedge Village Hall and Birdsedge Wesleyan Reform Church are the only facilities within the 800 metres the applicant's own Transport Statement adopts as the measure of a walkable neighbourhood. The nearest shop and public house are at the Sovereign Crossroads, approximately 1.2 kilometres north, reached by a route which is steeply graded, lacks continuous footway on one side and is subject to a 40mph limit for much of its length — a route the highway authority describes as "not accessible to all," and which has a well documented collision history at the junction it leads to. The travel plan submitted with the application targets a 5 per cent reduction in vehicle trips, which the highway authority considers insufficiently challenging.

The strategic transport authority reached the same conclusion about better services one village away. The West Yorkshire Combined Authority assessed the services in Upper Cumberworth on 1 June 2026, responding to the development application one kilometre from here. It found that the only services of any regularity are the D2 between Huddersfield and Denby Dale, running approximately every two hours on Monday to Saturday daytimes only, and the X1 between Wakefield and Holmfirth, hourly but falling to two-hourly in the evenings and on Sundays.

Its conclusion was that “despite the number of individual services accessible from stops near the site, their frequency results in a limited weekday daytime offering and an extremely limited evening and Sunday offering. It is therefore unlikely that public transport would be sufficiently attractive to encourage modal shift from private cars.” It went on to price the shortfall: securing a half-hourly frequency would require a developer subsidy of £500,000 a year for the D2, or £750,000 a year for the X1, typically over five or ten years. In Birdsedge the only bus service is the D3 Denby Dart, which is less frequent still.

The same response rejected rail as a realistic alternative at Upper Cumberworth, noting that Denby Dale station is 1.8 kilometres away by a route “which involves steep gradients and poorly-lit roads with limited pedestrian facilities.” Shepley, the nearest station to this site, is 3.1 kilometres away. Policy LP20 requires new development to be located so that the need to travel is reduced and essential travel needs can be met by means other than the private car. On the assessments of both the Council’s highway authority and the strategic transport authority, this site does not meet that test.

The West Yorkshire Combined Authority has not been consulted on this application. We ask that it be consulted. It responded substantively to the Upper Cumberworth application, on services better than these.

### **Sixth Objection**

This application is being determined on an evidence base that takes no account of the second Green Belt application a kilometre away, and the two cannot properly be assessed in isolation from one another.

Both applications bear on the same designated ancient woodland. The parcel over which the Woodland Trust and the Forestry Commission objected at Upper Cumberworth — recorded there as Stephen Wood — falls within New House, Green and Burn Woods: the same inventory parcel that lies immediately east of this site. The two developments would load a single irreplaceable habitat from opposite ends. The Forestry Commission’s conclusion on this application is directly on point, its “principal concern in this case” being to ensure that the development “does not result in the loss or deterioration of adjacent ancient woodland, whether through direct, indirect or cumulative effects.” No cumulative assessment has been carried out by anyone. At Upper Cumberworth the Woodland Trust objected on the ground that no assessment of the impact on the adjacent ancient woodland had been provided at all.

On education, the Council assessed this application on the basis of 70 dwellings and found that Scissett Middle School is already over capacity — a net capacity of 567 against a current roll of 592, forecast to rise to 598 — and sought a contribution of £86,877. On the Upper Cumberworth application there would then be a further 123 dwellings in the same sub-area, feeding the same secondary catchments. The Council’s own methodology anticipates exactly this problem, stating that “contributions from more than one development may need to be joined together to provide effective mitigation of the impact of more than one development,” and that contributions are for that reason to be used in the geographical vicinity of a development rather than tied to individual schools. We ask that the Council undertakes this combined review.

On surface water, the Lead Local Flood Authority has accepted a discharge rate of 7.4 litres per second from this site into the River Dearne. The same officer accepted 25.1 litres per second from the Upper Cumberworth site into the same watercourse system. Both sites sit in the headwaters of the same catchment, this one upstream of the other. Neither Flood Risk Assessment considers the other development, and the combined effect on the catchment and on downstream receptors has not been modelled. The adequacy of the surface water strategy for this site is addressed separately in our tenth objection below.

On highways, neither Transport Assessment models the other’s traffic, although both developments load the same A629 and A635 corridor and the same junctions. Highways Development Management has now required that committed developments be added to existing traffic flows in accordance with Planning Practice Guidance, and that has not been done. We ask the Council to set out how cumulative impact across the two applications has been assessed, and to explain how either can properly be determined on an evidence base that ignores the other.

### **Seventh Objection**

The Council’s Conservation and Design team objects to this application. Its response of 13 August 2026 concludes that the development “would be likely to have a negative impact on the setting of the nearby listed building, heritage assets, historic landscape and Upper Cumberworth Conservation Area by virtue of the siting and scale of

the development,” and records that the site is in a prominent location at an exposed elevation, within a linear settlement, currently lacking mature landscaping or any substantial boundary treatment.

That objection bears on more than the heritage balance. Designated heritage assets are among the footnote 7 policies, and the Framework excludes from the definition of grey belt any land where those policies would give a strong reason for refusing or restricting development. Our first objection explains what follows from that.

The Council’s own 2017 assessment of this site flagged in amber that it “lies 50 metres from Bird’s Edge Mill, a Grade II Listed Building” and that development “could affect elements which contribute to the significance of this building.” The applicant’s Heritage Impact Assessment (CLB Heritage, March 2026) bears that out, accepting that the development would cause less than substantial harm to the setting of the Grade II listed Birds Edge Mill (list entry 1184959). Harm being admitted, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the building and its setting; paragraph 212 of the Framework requires great weight to be given to the asset’s conservation irrespective of the level of harm; paragraph 213 requires clear and convincing justification for it; and paragraph 215 requires it to be weighed against the public benefits of the proposal — which, for the reasons given above, are the generic benefits of a speculative scheme.

The harm is also understated. The assessment accepts that the open agricultural land contributes positively to the mill’s setting and retains the openness which expresses the historic relationship between farming and the textile trade. Building on that land removes the very openness the assessment identifies as a positive contributor. That harm cannot be designed out at reserved matters, because it arises from the loss of the open land itself rather than from the form of whatever replaces it.

On the conservation area, the Council’s officer rejects the assessment’s conclusion outright. The Heritage Impact Assessment finds the impact on Upper Cumberworth Conservation Area to be neutral. The Conservation officer finds that the views from Birdsedge towards Upper Cumberworth, which the conservation area appraisal itself highlights, would be at least partially obstructed by the development, including views of the tower of the Grade II listed Church of St Nicholas (list entry 1135330), identifiable from Penistone Road adjacent to the site. Her conclusion is less than substantial harm to a second designated asset, and a negative effect on how the conservation area is appreciated from the wider landscape. Section 72 of the 1990 Act requires special attention to be paid to preserving or enhancing the character and appearance of conservation areas.

On Birdsedge Farm House, the residents’ evidence has been accepted. The house directly faces the site and carries a datestone in a moulded panel in its gable wall reading “1638” above the initials “W M” — the date and the initials of the yeoman who built it. It is one of the oldest buildings in the village, a pre-Civil-War survival predating the listed mill — first recorded as “Wm Dickinson’s Mill” in the 1801 Enclosure Award — by some 160 to 180 years. The Conservation officer records that neighbour representations brought the datestone to her attention, that it suggests the farm has seventeenth-century origins, and that its presence “increases the significance of the non-designated and therefore the weight which should be given to the conservation of the asset, in the balanced judgement required by Paragraph 216 of the NPPF.” She finds that the scale of harm to Birdsedge Farm “will be particularly acute,” because the open agricultural fields to its west, north and east make a significant contribution to how its significance is understood and appreciated, and that the datestone suggests the farm predates the early nineteenth-century enclosure of the moorland south of Penistone Road and is more likely associated with the assarts which make up the application site.

The Heritage Impact Assessment rated the impact on “Birdsedge Farm” as Moderate, its highest impact category, level with the listed mill. It then never identified the datestone, never described the building’s significance and never carried out the balanced judgement paragraph 216 requires. An asset scored at the assessment’s own highest level of impact was not assessed at all. The Council’s officer makes the same criticism of the assessment more generally: it does not define what its minor and moderate ratings amount to in this context or how they relate to the policy tests of harm, and it fails to set out how the significance of the named assets would be harmed and which elements of that significance would be affected. That is a breach of paragraph 207, which requires an applicant to describe the significance of any heritage asset affected including the contribution made by its setting, and of paragraph 208, which requires the authority to identify and assess that significance. Four Row and Birdsedge School are identified as non-designated assets on the same basis and their settings are not addressed either.

The assessment also misses the ground itself. The Kirklees Historic Landscape Characterisation project identifies the application area as probable assarted woodland — land cleared of woodland to create agricultural enclosure, a

pattern which can date to the founding of settlements in the medieval period or earlier. The Conservation officer finds that despite the loss of two historic field boundaries within the site in the 1990s or 2000s, this landscape retains heritage significance derived from its ability to illustrate the earliest development of the settlement of Birdsedge, and that the introduction of a dense nucleated residential development would sit at odds with the historic dispersed linear character of the settlement. The Heritage Impact Assessment does not touch on historic landscape character at all.

Policy LP35 of the Local Plan mirrors sections 66 and 72 of the 1990 Act and permits development which harms the significance of a non-designated heritage asset only where the benefits outweigh the harm. We ask that the great weight required by paragraph 212, and the statutory duties under the 1990 Act, be applied on the Conservation officer's findings; that a revised heritage assessment be required which assesses the assets it has scored; and that the consequence for the grey belt definition set out in our first objection be addressed expressly in the officer's report to Committee.

### **Eighth Objection**

The Council's Landscape team has concluded that "the proposals are not acceptable in their current form."

Its principal concern is scale. It finds that the proposed number of dwellings "appears disproportionate to the landscape capacity of the site and the scale of Birdsedge, resulting in a substantial extension of built form into open countryside," and that the development would erode the sparsely settled rural character of this part of Birdsedge, causing loss of openness, encroachment into countryside and a weakening of the transition between the village and the surrounding landscape. The site occupies an elevated and visually prominent position above the Dearne Valley and would be seen from a number of surrounding viewpoints, including public rights of way and recreational routes. The officer finds that the applicant's appraisal understates the sensitivity of those receptors, particularly the Dearne Way and the elevated footpaths from which appreciation of landscape character and long-distance views is part of the recreational experience.

The applicant's own Landscape and Visual Appraisal supplies the evidence for that conclusion. It assesses the overall effect on the character of the site and its immediate surroundings as moderate to substantial adverse during construction and at year one, reducing only to moderate adverse at year fifteen, and one of its long-term visual assessments concludes substantial adverse from a highly sensitive receptor. Fifteen years of planting growth does not, on the applicant's own evidence, bring the effects of this development back to an acceptable level. That is a finding of permanent harm.

The mitigation relied on is in any event not secured. The appraisal leans throughout on future vegetation screening without assessing leaf-off conditions or winter visibility, which matters particularly for the elevated views here. The indicative masterplan is, in the officer's words, sparse in terms of strong landscape mitigation, dominated by development parcels with limited evidence of the shelterbelts, woodland blocks or planting corridors capable of breaking up the mass of built form. The appraisal's own recommendations — additional tree planting and reductions in density, particularly towards the Dearne Valley edge — are not reflected in the scheme submitted. At outline stage the officer finds that establishment and long-term management cannot be guaranteed, while the visual and character harm would occur immediately upon construction and trees take many years to establish.

The officer also disposes of the comparison the applicant is likely to draw. The residential estate opposite the site, she writes, "does not represent a particularly successful example of development responding to the rural landscape character of Birdsedge. Rather than providing a precedent to emulate, it demonstrates how suburban estate forms can appear visually incongruous within this countryside setting."

Two procedural matters arise from the same response. The measured areas and typologies of open space required to demonstrate compliance with Policy LP63 have not been submitted, although the officer records that they are required by the Council's validation checklist. And the Denby Dale ward is already deficient in parks and recreation grounds and in allotments, with the officer's provisional figure for off-site provision in lieu standing at £206,277 across the LP63 typologies.

The Landscape response contemplates that a revised, lower-density, landscape-led scheme "may" be capable of achieving a more appropriate relationship with the rural edge of Birdsedge. That is not the application before the Council. The developable area, the density and the quantum are fixed by the parameters plan submitted with it, and a scheme of the kind the officer describes would be a materially different proposal requiring fresh assessment and

fresh consultation. Policies LP24 and LP32 apply, and on the officer's findings neither is satisfied.

That finding is borne out by the applicant's own evidence. The Landscape and Visual Appraisal assesses six of its nine viewpoints from public rights of way or recreational routes — footpaths KL/DEN/76/80, 77/10, 76/100 and 79/20, Park Lane, and the Dearne Way — and rates the sensitivity of walkers on the Dearne Way as high. At Viewpoint 6, footpath KL/DEN/79/20, it records a Moderate Adverse effect at construction, at year one and again at year fifteen: no improvement at all across fifteen years of planting growth. At Viewpoint 4 the year-fifteen rating is given as "Moderate (Neutral)", a category the appraisal does not define and which cannot be reconciled with its own methodology.

The recreational significance of these routes is greater than the appraisal conveys. The Dearne Way is a 50-kilometre long-distance route recorded by the Long Distance Walkers Association and shown on Ordnance Survey mapping; on the applicant's own account it rises near Birdsedge and passes within 70 metres of the site. Sections 3 and 4 of the LDWA Trans Pennine 100 relate to the village, and the Birdsedge–High Flatts Circular Walk is promoted by the Denby Dale Area Committee under the Council's own Walk Your Way to Health programme. The site sits within a dense local network including DEN/76/70, 76/100, 77/10, 77/20, 77/30, 78/10, 78/20, 153/10 and the Park Lane track.

These routes will remain physically open. That is not the test. The amenity of a rural footpath is inseparable from the landscape it crosses, and a route can be preserved in law while the experience that gives it value is permanently degraded. Policies LP23, LP31, LP47 and LP50 are engaged, and the harm falls to be weighed as "any other harm" under paragraph 153.

### **Ninth Objection**

The archaeological position should be established before the principle of development is settled, as the Council's own advisers have recommended.

West Yorkshire Archaeology Advisory Service records that the site is open farmland which appears to have experienced limited past ground disturbance, and that "a lack of modern truncation means that any archaeological remains that exist on the site are highly likely to survive intact." The site lies north of Castle Hill Enclosure, a Scheduled Monument (list entry 1018554), in an area where survey has confirmed extensive Mesolithic, Neolithic and Bronze Age occupation, and adjacent to the Birds Edge Sandstone Quarry with its associated earthworks and relict hollow way. WYAAS recommends a geophysical survey followed by targeted trial trenching, and states that because this is an outline application determining the principle of residential development, "the archaeological status of the site should be established prior to determination," in line with paragraph 207 of the NPPF. It warns that if evaluation is deferred and significant remains are then found, "a complete redesign of layout and landscaping levels" may be required — after the principle has already been conceded. We support that recommendation and ask that it be followed. It sits alongside the Conservation officer's finding that the field pattern itself is of medieval or earlier origin.

### **Tenth Objection**

Foul drainage, groundwater and surface water. On the first of these, the answer is already on the file — in the applicant's own appendix.

Appendix D to the Flood Risk Assessment is Yorkshire Water's pre-development enquiry for this site. It states: "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. Should the site come forward as part of a planning application Yorkshire Water (YWS) would likely not support the proposal." That is the statutory undertaker's own assessment of this site, submitted by the applicant, and nothing has overtaken it.

What Yorkshire Water said elsewhere confirms the position. On 24 February 2026 it objected to the Upper Cumberworth application on materially identical reasoning, adding that it "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." Upper Cumberworth drains to the same treatment works as this site — Clayton West. The reasoning is structural rather than site-specific: an unallocated site has not been provided for in the investment planning, so capacity has not been provisioned for it. This site is equally unallocated and equally absent from that plan. Capacity

is not something a planning condition can bring into existence. There is as yet no Yorkshire Water consultation response on this application, and we ask that one be obtained and reported before determination. The Lead Local Flood Authority's acceptance of the surface water strategy does not address foul capacity, which is a separate matter outside its remit.

On groundwater, the application is silent about a system that is documented, active, and discharges into the application site. At least six properties in the village — 1 to 4 Four Row, Birdsedge Farmhouse and Field View Cottage — sit above historic groundwater springs which flow beneath their cellars. In the case of Four Row the discharge passes beneath Penistone Road and into the applicant's field; for Birdsedge Farmhouse and Field View Cottage it discharges into the field directly. These are nineteenth-century cottages built before any public water supply, and the spring was their original source, which remains active. In prolonged rainfall and through the winter months, groundwater levels rise and the spring carries substantially greater volumes, relying on its historic outfall remaining unobstructed. Residents have observed this system functioning for decades, and the cellars flood in the wettest weather as things stand.

The Flood Risk Assessment mentions groundwater once, at paragraph 3.4.1, to record that the site is not in a Groundwater Source Protection Zone. It says nothing else about it. There is no investigation of the historic spring, no mapping of the flow path, and no assessment of what foundations, land raising, roads, retaining structures or attenuation features would do to it. Groundwater flooding is a different engineering problem from surface water flooding, and it requires site-specific hydrogeological investigation rather than a desk check against national datasets. If the flow path is interrupted, water backs up beneath the buildings, raising groundwater pressure under the properties and risking basement flooding and structural damage. The Framework requires that development should not increase flood risk elsewhere and should be safe for its lifetime without increasing risk to others, and that applies to groundwater as much as to surface water.

We ask the Council to note that Birdsedge Farmhouse appears twice in this letter: as a heritage asset the applicant's heritage consultant scored at its highest impact category and then did not assess, and as a property whose groundwater the applicant's drainage consultant did not investigate at all.

On surface water, the drainage hierarchy has been inverted on inadequate testing. Building Regulations Requirement H3, quoted in Yorkshire Water's own pre-development enquiry, establishes a preferred order of soakaway, then infiltration system, then watercourse. The applicant has adopted the last of the three. The basis for doing so is three infiltration trial pits, each 0.8m by 2.1m, across a site of 3.17 hectares, of which only one returned viable rates. The sub-consultant's own report recommends that "further testing is undertaken to determine which areas of the site can provide suitable infiltration rates," and suggests testing shallower soils to see whether swales or permeable paving could be used. That further testing has not been carried out. On that basis the Flood Risk Assessment concludes at paragraph 8.6.7 that "infiltration methods are not deemed to be viable," and proposes an outfall discharging surface water to the River Dearne at 7.4 litres per second, with no pre-treatment identified beyond settlement in a storage tank.

The receiving water is not an anonymous drain. The Upper Dearne has been monitored under the Riverfly Monitoring Initiative since 2019, and the sampling site closest to this development — in the ancient woodland of the Upper Dearne Woods — has averaged a monitoring score of 10 against a catchment average of 7, with individual scores as high as 15. It is one of the healthier reaches of the river. By contrast, the sampling site immediately below the Clayton West treatment works outfall averages under 5. We do not put that forward as proof that this development would pollute the river. We put it forward as evidence that the receiving water is a monitored, sensitive and currently good-quality headwater; that road and roof runoff from seventy dwellings and 158 parking spaces carries hydrocarbons, metals, detergents and silt; and that the treatment works which cannot take the foul flow is already associated with a marked deterioration downstream.

## **Conclusion**

Three of the Council's own service areas have now responded, and none can support this application as it stands. Conservation and Design object. Landscape concludes that the proposals are not acceptable in their current form. Highways Development Management finds highway safety concerns and insufficient information to assess the implications at all. Each has set out what would be needed to put its own area right, and taken together those requirements describe a different application: a redesigned access with a ghost island, a signal-controlled crossing and an independent road safety audit; a transport assessment with a speed survey, multi-modal trip rates, trip

distribution and junction modelling; a growing-season ecological survey; a corrected biodiversity metric; a revised air quality assessment; a heritage assessment which assesses the assets it has scored; and a landscape-led scheme of reduced developable area and density. None of that is detail for reserved matters. Means of access is the only matter not reserved, and the developable area and quantum are fixed by the parameters plan now before the Council.

Taking all these points into consideration, we ask the Council to refuse this application.

If it is not minded to refuse, we ask that the following be required before determination rather than secured by condition afterwards:

- 
- 
- Disclosure of the Council's own safety-camera assessment for these junctions and the collision evidence underlying it, and an extended
- collision analysis using the Council's validated Personal Injury Collision data covering the A629 from the site to the A629/A635 junction;
- 
- 
- 
- The speed survey required by Highways Development Management, with the visibility splays re-validated against the measured 85th percentile
- speeds and designed to DMRB standards in accordance with paragraph 3.34 of the Kirklees Highway Design Guide;
- 
- 
- 
- A revised access design providing the three-metre ghost island required by DMRB CD123, the signal-controlled crossing Highways Development
- Management considers necessary in place of a pedestrian refuge, swept path analysis for refuse and tanker access, and clarification of the future of the stone retaining wall in the site frontage;
- 
- 
- 
- A Transport Assessment of a scope agreed with the highway authority, including multi-modal trip rates refined for local car ownership
- and bus frequency, trip distribution, junction assessments, committed development flows, and an assessment of the interaction with Birdsedge First School at school travel times;
- 
- 
- 
- A Stage 1 Road Safety Audit carried out before permission is granted, as the highway authority advises, rather than secured by condition;
- 
- 
- 
- A full ecological survey within the growing season, as the applicant's own ecologist recommends;
- 
- 
-

- A targeted badger survey and a bat activity survey of the adjacent woodland and River Dearne corridor, at appropriate times of year;
- 
- 
- 
- A corrected biodiversity net gain metric addressing the points raised by the Council's Ecology Unit;
- 
- 
- 
- A revised Air Quality Assessment that also assesses effects on the adjacent ancient woodland;
- 
- 
- 
- Consultation of Yorkshire Water on foul drainage capacity, having regard to its pre-development enquiry for this site at Appendix D of
- the Flood Risk Assessment and to its objection of 24 February 2026 at Upper Cumberworth, and of the West Yorkshire Combined Authority on sustainable transport, with both responses reported to Committee;
- 
- 
- 
- An assessment of cumulative impact with application 2025/93572 at Upper Cumberworth, covering highways, education, surface water and effects
- on the shared ancient woodland;
- 
- 
- 
- A site-specific hydrogeological assessment of the historic spring and groundwater flow path serving 1 to 4 Four Row, Birdsedge Farmhouse
- and Field View Cottage, including monitoring over a wet-weather period, assessment of the effect of foundations, earthworks, highways and attenuation on groundwater movement, demonstration of no increase in groundwater flood risk to those properties, and identification
- and legal protection of the existing outfall route;
- 
- 
- 
- Further infiltration testing across the site as recommended by the applicant's own sub-consultant, and a revised drainage strategy demonstrating
- that the Building Regulations H3 hierarchy has been properly applied and that surface water discharged to the River Dearne will be treated before discharge;
- 
- 
- 
- A revised heritage assessment which identifies and assesses Birds Edge Farm House (1638), Four Row and Birdsedge School as non-designated
- heritage assets in accordance with paragraphs 207, 208 and 216 of the Framework and Policy LP35, and which addresses the historic landscape character of the site, with Conservation and Design re-consulted upon it;

- 
- 
- 
- The measured areas and typologies of open space required by Policy LP63 and by the Council's own validation checklist;
- 
- 
- 
- Completion of the geophysical survey and targeted trial trenching recommended by West Yorkshire Archaeology Advisory Service, prior to
- determination and in line with paragraph 207 of the NPPF;
- 
- 
- 
- That any amended access design, revised Transport Assessment, revised parameters plan or reduced scheme be re-advertised and subject to
- a fresh period of public consultation, and that Landscape, Conservation and Design and Highways Development Management each be re-consulted, with their further responses reported to Committee.
- 

We also ask that the highways officer's site visit take place during school drop-off, between 08:30 and 09:00 on a school day, rather than at a neutral time; and that, given the level of local concern and the number of unresolved technical matters, this application be determined by the Planning Committee rather than under delegated powers.

A detailed objection report setting out the evidence in full, a map of the photographic evidence and an interactive evidence map are available and can be supplied to the case officer on request. We would also ask to be notified of any further consultee responses when published, of any committee date, and of the decision.

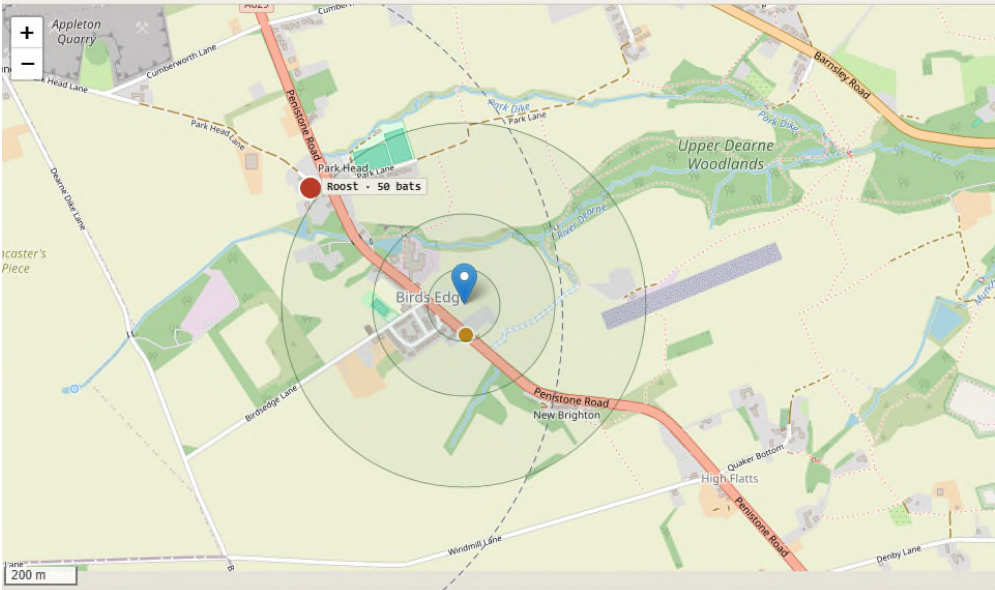
Yours faithfully,

Birdsedge Community Residents Group



Bat records within 1 km — Birdledge

Data search centred on SE 19621 07758 · 2 records returned · drag the green marker onto the application site



The green marker is indicative only — drag it onto the red line boundary of 2026/91494/E and the distances below update. Rings show 100 m, 250 m and 500 m from that point.

| RECORD                                    | GRID REF       | DATE        | TYPE    | DISTANCE TO SITE |
|-------------------------------------------|----------------|-------------|---------|------------------|
| ● 7 Park Head, Birdledge — 50 adult bats  | SE 19932 08121 | 20 Jul 2006 | Roost   | 527 m            |
| ● Penistone Road, Birdledge — 1 adult bat | SE 2036 0772   | 29 Sep 2004 | Injured | 82 m             |

Both records are Vespertilionidae (vesper bats) — recorded to family, not species. Grid references converted from OSGB36 to WGS84 for plotting; the Penistone Road record is given to 10 m precision, the Park Head roost to 1 m. Basemap © OpenStreetMap contributors.



YorkshireWater

**Mathias Franklin  
Head of Planning Services  
Kirklees Metropolitan District Council  
P.O. Box B93  
Civic Centre  
Huddersfield  
HD1 2JR**

**Yorkshire Water Services  
Land and Property  
Western House  
Western Way  
Halifax Road  
Bradford  
BD6 2SZ**

**Tel: 0345 120 8482**

**Email:  
planningconsultation@yorkshirewater.co.uk**

**For telephone enquiries ring:**

**George Mullaney on 0345 120 8482**

**Your Ref: 2025/93572**

**Our Ref: B/00160**

**24th February 2026**

Dear Sir/Madam,

**Land South of Barnsley Road, Upper Cumberworth, Huddersfield - (KIRK) 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**

Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:





YorkshireWater

### **Waste Water**

**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.**

**However, should the LPA wish to grant permission YWS requests that the following conditions are attached to the approval**

**No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a scheme for the provision of foul water drainage for the whole site, a timetable for its implementation, a phasing plan and adoption/maintenance details have been submitted to and approved in writing by the Local Planning Authority. Thereafter the foul drainage scheme shall be implemented and maintained in accordance with the approved scheme. (To ensure the site can be properly drained without risk of flooding/pollution to the local aquatic environment, public health and public amenity).**

**No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.**

**(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network)**

1) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

a) It is noted from the submitted planning application that surface water is proposed to be drained to watercourse.

b) The developer should note that further restrictions on surface water disposal from the site may be imposed by other parties. The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site. The landowners consent will be





YorkshireWater

required for the construction of a new outfall structure.

2) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

Yours faithfully

**George Mullaney**  
**Town Planning Technician**



Kirklees Council Planning Department  
Civic Centre 3  
Market Street  
Huddersfield  
HD1 1WG

1 June 2026

|                    |                                                                                                                                                                                                       |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application Number | 2025/93572                                                                                                                                                                                            |
| CA Reference       | K1025                                                                                                                                                                                                 |
| Proposal           | 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 |
| Location           | Land South of Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8NN                                                                                                                                 |
| Allocated Site     | N/A                                                                                                                                                                                                   |

To whom it may concern,

Thank you for consulting with the West Yorkshire Combined Authority on the above application.

[The West Yorkshire Plan](#) delineates the following five missions that underpin the work we do to improve lives and communities across our region:

- An inclusive economy with well paid jobs,
- Great places and healthy communities,
- A strong transport system,
- Making lives greener, and
- A region where everyone can flourish.

The Combined Authority collaborates with the public, private, and charity sectors to support the delivery of strategic developments across West Yorkshire that contribute to accomplishing these missions by 2040.

Transport accounts for 37% of our region's carbon emissions, of which 97% derives from road traffic. To meet our ambitious environmental targets of net zero by 2038 and improved air quality, new development must create places that allow for and encourage modal shift to the more active and sustainable modes of transport than the private car.

These regional ambitions are reflected in Kirklees Local Plan policies:

- LP19: Strategic Transport Infrastructure

- o “Achieve a balanced and integrated transport network which makes the most efficient and effective use of road, rail, and public transport”
- LP20: Sustainable Travel
  - o “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”
- LP21: Highways and Access
  - o “Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users”

CIHT's *Transport in Urban Developments* advises that development proposals should be within a straight-line distance of 300 metres to a bus stop – which equates to a maximum real walking distance of approximately 400 metres. All of this site is within this requirement, with the following stops being accessible within a 300-metre straight-line distance: Turpin Hill (20825), Barnsley Road/Cumberworth Road (20826), Cumberworth School (20827), Barnsley Road (20828), and Cumberworth School (23780). This has been illustrated below:



Whilst there are several services available from these stops, many of them operate only on certain days of the week at extremely limited frequencies. With service 90 offering four return weekday journeys between Holmfirth and Barnsley and one such journey on Saturdays, service 91 offering four return journeys between Holmfirth and Penistone on Thursdays and Saturdays, and service 99 offering three return journeys between Denby Dale and Barnsley on Saturdays.

The two main regular services accessible are the D2, which operates between Huddersfield and Denby Dale at a frequency of approximately every two hours from Monday to Saturday

daytimes, and the X1, which operates between Wakefield and Holmfirth at an hourly frequency apart from evenings and Sundays when it reduces to two-hourly.

Therefore, despite the number of individual services accessible from stops near the site, their frequency results in a limited weekday daytime offering and an extremely limited evening and Sunday offering. It is therefore unlikely that public transport would be sufficiently attractive to encourage modal shift from private cars when travelling to and from this site.

In order to provide a half-hourly frequency, the developer would need to subsidise two additional vehicles for the D2 (which interworks with the D3) or three additional vehicles for the X1. This would translate into a bus service contribution of either £500,000.00 or £750,000.00 per year respectively, typically for a period of either five or ten years.

The same is true of the site's rail offering – with Denby Dale railway station, the closest to the site, being a walking distance of approximately 1.8 kilometres from the site access, a walk which involves steep gradients and poorly-lit roads with limited pedestrian facilities.

If the council were minded to approve this development, we would request that the following bus stops are upgraded in order to provide better waiting facilities for passengers, and that a new stop is provided opposite Turpin Hill (20825):

|                                                         |                     |         |
|---------------------------------------------------------|---------------------|---------|
| <b>Barnsley Road<br/>Cumberworth Road</b><br>(45020826) | Bus stop shelter    | £20,000 |
|                                                         | Shelter RTI display | £12,000 |
| <b>Cumberworth School</b><br>(45020827)                 | Bus stop shelter    | £20,000 |
|                                                         | Shelter RTI display | £12,000 |
| <b>Barnsley Road</b><br>(45020828)                      | Shelter RTI display | £12,000 |
| <b>New Bus Stop</b><br>(450XXXXX)                       | Bus stop pole       | £854.50 |

Despite the limited public transport offer, we would also request that funding is sought from the developer through the Section 106 agreement for the Residential MCard (RMC) scheme to provide discounted bus tickets to residents. This would help in encouraging the use of what public transport there is at the site.

Given that the site is not within reasonable walking distance of a rail station, the most suitable ticket option is the Countywide Bus Only – offered at the discounted price of £511.50 each. This equates to £62,914.50 for the whole development at the usual allocation of one per household. However, if insufficient funding is provided, they will be given on a first-come, first-served basis.

Finally, the Combined Authority wants all homes to be as accessible and inclusive as possible. Our ten [dementia-ready housing criteria](#) can be applied to all homes at nil or minimal cost and help people have a better quality of life. We would encourage developers to make these small design changes to help our housing stock accommodate the growing number of people living with dementia so that they can stay in their own homes for longer.

I trust that these comments will be useful in your appraisal of this application. Please do not hesitate to contact us if you wish to discuss these comments further.

Yours sincerely,

**Spatial Planning and Strategic Sites Team**

**West Yorkshire Combined Authority**

Wellington House | 40-50 Wellington Street | Leeds | LS1 2DE

[landuseplanning@westyorks-ca.gov.uk](mailto:landuseplanning@westyorks-ca.gov.uk)

**Yorkshire and North East Area**

Foss House, King's Pool  
1-2 Peasholme Green  
York  
YO1 7PX

Tel 0300 067 4900

[yne@forestrycommission.gov.uk](mailto:yne@forestrycommission.gov.uk)

**Area Director**

Mark Child

**By email only**

**Date: 13<sup>th</sup> March 2026**

Dear Sir/Madam,

**Ref: 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.**

Please find enclosed the Forestry Commission's advice about the impacts that this application may have on the trees and woodland identified in this proposed application. As a Non-Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather, we are providing information on the potential impact that the proposed development could have on trees and woodland. The Forestry Commission is pleased to provide you with the following information that may be helpful when you consider the application:

- Details of Government policy relating to ancient woodland and ancient & veteran trees
- Information on the importance and designation of ancient woodland and ancient & veteran trees
- Details of Government policy relating to non-ancient woodland and trees

## **Ancient Woodlands (ASNW/PAWS) and Ancient & Veteran Trees (AVT)**

Ancient woodlands, and ancient and veteran trees, are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed, including immensely complex ecological processes and relationships, above and below the ground. This applies equally to Ancient Semi Natural Woodland (ASNW), Plantations on Ancient Woodland Sites (PAWS) and ancient and veteran trees (AVT).

It is Government policy to refuse development that will result in the **loss or deterioration** of irreplaceable habitats including **ancient woodlands and/or ancient and veteran trees**, unless “there are wholly exceptional reasons and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 186c). It is not possible to compensate for the loss of an irreplaceable habitat.

The Town and Country Planning (Consultation) (England) Direction 2024 (published January 2024) **requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development, including development that affects ancient woodland: [The Town and Country Planning \(Consultation\) \(England\) Direction 2024 - GOV.UK \(www.gov.uk\)](#)**

## **The Application**

Although the Forestry Commission was not consulted about this application, it came to the attention of the Yorkshire and North East area team. A Forestry Commission Woodland Officer is familiar with the site and is of the opinion that the 15m buffer proposed for the ancient woodland identified in the application, is not sufficient to prevent deterioration of this irreplaceable habitat. There are also no wholly exceptional reasons in support of the application.

## **Joint Natural England and Forestry Commission Standing Advice on Ancient Woodland**

For more information on the impacts of development on ancient woodland and how to assess these, please see the joint Forestry Commission /Natural England [Standing Advice on Ancient Woodland](#) – “Ancient woodland, ancient trees and veteran trees: advice for making planning decisions”, the supporting [guidance](#) included within it, and [Keepers of Time](#) – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005).

The standing advice also provides information on mitigation, including the use of buffers. Proposals in proximity to ancient woodland should have a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. **Where assessment shows other impacts are likely to extend beyond this distance the proposal is likely to require a larger buffer zone.** We would be keen to engage further with the developer in relation to any mitigation and compensation strategies.

In relation to non-ancient woodland and trees, we would like to draw your attention to paragraph 131 of the NPPF which states that planning policies and decisions should ensure that existing trees are retained wherever possible.

### **Biodiversity Net Gain**

Paragraph 186(a) of the NPPF sets out the mitigation hierarchy, stating that where significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, planning permission should be refused. As ancient woodland is an irreplaceable habitat, it cannot be compensated for. Any deterioration of an irreplaceable habitat such as ancient woodland, including ancient woodland soils, would therefore represent a significant harm to biodiversity.

The Biodiversity Gain Hierarchy (Articles 37A and 37D, Town and Country Planning (Development Management Procedure) (England) Order 2015) does not apply to irreplaceable habitats, and the NPPF and Government guidance state that where there is loss of irreplaceable habitat it is impossible to achieve a 10% biodiversity net gain.

### **Mitigation**

It is the Forestry Commission's position that, in-line with Government policy, development should not result in the loss or deterioration of ancient woodland, or ancient or veteran trees, all of which are considered irreplaceable habitats.

Because it is not possible to compensate for the loss or deterioration of ancient woodland, we would support efforts to ensure the protection of the ancient woodland identified in the application. The most effective way to protect ancient woodlands from harm caused by development is to provide buffer zones which ensure that none of the detrimental impacts of

the development, extend to the woodland. Please refer to the Natural England and Forestry Commission standing advice for more information about buffer zones.

We hope these comments are helpful to you. We look forward to hearing from you with regards to any future planning applications for this site. If you have any further queries or would like a follow up meeting to discuss this planning application, please do not hesitate to contact the Forestry Commission on the email address provided above.

Yours faithfully,

Dan Brown, Local Partnership Advisor  
Yorkshire and North East Team

Kirklees Council  
Planning  
PO Box B93  
Civic Centre 3  
Huddersfield  
HD1 2JR

1<sup>st</sup> April 2026

Dear Ellie Thornhill

**Reference: 2025/93572**

**Proposal: 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. | Land South of, Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8NN**

Thank you for consulting the Woodland Trust on this application. We are an evidence-led organisation, using our policy and planning expertise to assess impacts of development on ancient woodland and ancient and veteran trees. Our comments are based on a review of the information provided in the planning application.

### **Summary of Comments**

The Trust **objects** to this Outline application on the basis of deterioration of Stephen Wood (grid ref: SE 20969 08421), designated as Ancient Replanted Woodland on Natural England's Revised Ancient Woodland Inventory (AWI).

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 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<sup>1</sup> (see Annex A for details).

---

<sup>1</sup> <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

## **Impact on Ancient Woodland**

### ***Intensified activity within/adjacent to ancient woodland***

A housing development of this scale adjacent to ancient woodland has considerable potential to give rise to indirect impacts such as noise, disturbance, vegetation damage, trampling, litter, removal of deadwood, fire damage, cat predation, and pollution and disturbance from dog walking.

The proposed mitigation is a 15-20 metre planted buffer zone. Most documents refer to a 15 metre buffer, but there is also reference to a 20 metre construction offset.

The applicant's assertion that a 15 metre buffer would mitigate impacts on ancient woodland is currently unsupported by evidence or analysis. This is perhaps due to a misconception that a 15 metre buffer zone is a 'standard' rather than a 'minimum' and does not need to be tailored to the proposal. For example, the Arboricultural Impact Assessment refers to the "*influencing distance of 15 metres (statutory buffer zone)*" and the Design and Access Statement refers to the 15 metre buffer as "*significant*".

A range of factors will influence the appropriate buffer provision, including housing mix and density; current use of the woodland; position of the woodland within the landscape in relation to the development; and the design of the development, including open space and options for recreation, dog walking and play. The balance between the extent of built areas, the width of buffer and availability of public open space needs to ensure the woodland is protected from long term deterioration arising from increased access.

It is stated that the buffer would be planted, although we note that the buffer zone is not within the red line boundary. It is not clear whether public access into the buffer would be encouraged or deterred, or what the likely increase in footfall within the ancient woodland would be. There are a number of public rights of way in the area, including through Stephen Wood. The illustrative layout shows a potential connection with the right of way network.

We note that the Forestry Commission has also raised concerns about the proposed buffer width and has also referred to their standing advice. Natural England do not raise an objection, but it is important to note they can only raise an objection where a statutorily designated site is impacted. Natural England also refer to the standing advice.

### ***Traffic***

Increased traffic in proximity to ancient woodland can lead to deterioration of the ecological condition of the woodland as a result of traffic emissions and traffic noise. Emissions may increase the deposition of air pollutants such as nitrogen oxide and ammonia, affecting soils, ground flora and vegetation. Noise pollution has potential to affect wildlife, including bats, insects and acoustic predators.

The applicant needs to demonstrate that the increase in traffic associated with the proposals will not give rise to deterioration of ancient woodland.

### ***Drainage***

Ancient woodland ecosystems are sensitive to disturbance, and alterations to the surrounding hydrology can impact on soil moisture levels and the ecological condition of the woodland. Alterations to drainage patterns upstream of a woodland can cause changes to

the hydrological regime for the woodland. Implementation of SUDs could change surface or ground water flows, in turn impacting the woodland.

It is proposed to discharge surface water through the ancient woodland to the watercourse in Stephen Wood. It is not clear whether infrastructure works within the woodland would be required to facilitate the discharge. The standing advice is clear that drainage schemes should only be approved if any hydrological changes do not negatively impact ancient woodland.

The hydrology and drainage assessments submitted as part of the application have not considered the potential impact on ancient woodland.

### **Mitigation for Ancient Woodland**

The standing advice states that larger buffer zones are more likely to be needed if development is close to residential areas or if a significant increase in traffic is anticipated. For large developments, we recommend buffer zones of **at least 50 metres** as a precautionary principle, unless it can be clearly demonstrated that smaller buffers would suffice.

Additionally, for a development of this size, part of the buffer should be treated as land that needs safeguarding rather than public open space. For example, if a 50 metre buffer is provided we would recommend **access is discouraged for a minimum of 15 metres** adjacent to the ancient woodland.

### **Planning Policy**

The National Planning Policy Framework, paragraph 193, states: *“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<sup>70</sup> and a suitable compensation strategy exists;”*

Footnote 70 defines exceptional reasons as follows: *“For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”*

There is no wholly exceptional reason for the development in this location and as such this application does not comply with national planning policy.

### **Conclusion**

The Trust objects to this planning application on the basis of deterioration of ancient woodland. Protection for ancient woodland is outlined within National Planning Policy Framework (NPPF) at paragraph 193(c). These Outline proposals have potential to result in long-term deterioration of the ancient woodland, contravening national planning policy.

Please contact us at [planningcasework@woodlandtrust.org.uk](mailto:planningcasework@woodlandtrust.org.uk) to discuss any of the points raised in this letter.

Kind regards  
C Johannesen  
Programme Officer - Woods Under Threat

Natural England and Forestry Commission's standing advice:-

*Ancient woodland, ancient trees and veteran trees: advice for making planning decisions*

*Direct and indirect effects of development:-*

*Development, including construction and operational activities can affect ancient woodland, ancient and veteran trees, and the wildlife they support on the site or nearby.*

*Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by:-*

- *damaging or destroying all or part of them (including their soils, ground flora or fungi)*
- *damaging roots and understorey (all the vegetation under the taller trees)*
- *damaging or compacting soil*
- *damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland*
- *increasing levels of air and light pollution, noise and vibration*
- *changing the water table or drainage*
- *damaging archaeological features or heritage assets*
- *changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss*

*Indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by:-*

- *breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects*
- *reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species*
- *reducing the resilience of the woodland or trees and making them more vulnerable to change*
- *increasing the amount of dust, light, water, air and soil pollution*
- *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*
- *increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration*
- *changing the landscape character of the area*

*Mitigation measures*

*Mitigation measures will depend on the type of development. They could include:-*

- *putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution*
- *measures to reduce noise or light*
- *designing open space to protect ancient or veteran trees*
- *rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations*
- *creating buffer zones*

### *Use of buffer zones*

*Buffer zones can protect ancient woodland and individual ancient and veteran trees and provide valuable habitat for woodland wildlife, such as feeding bats and birds. The size and type of buffer zone should vary depending on the:-*

- scale and type of development and its effect on ancient woodland, ancient and veteran trees*
- character of the surrounding area*

*For example, larger buffer zones are more likely to be needed if the surrounding area is:-*

- less densely wooded*
- close to residential areas*
- steeply sloped*

### *Buffer zone recommendations*

*Where possible, a buffer zone should:-*

- contribute to wider ecological networks*
- be part of the green infrastructure of the area*

*A buffer zone should consist of semi-natural habitats such as:-*

- woodland*
- a mix of scrub, grassland, heathland and wetland*

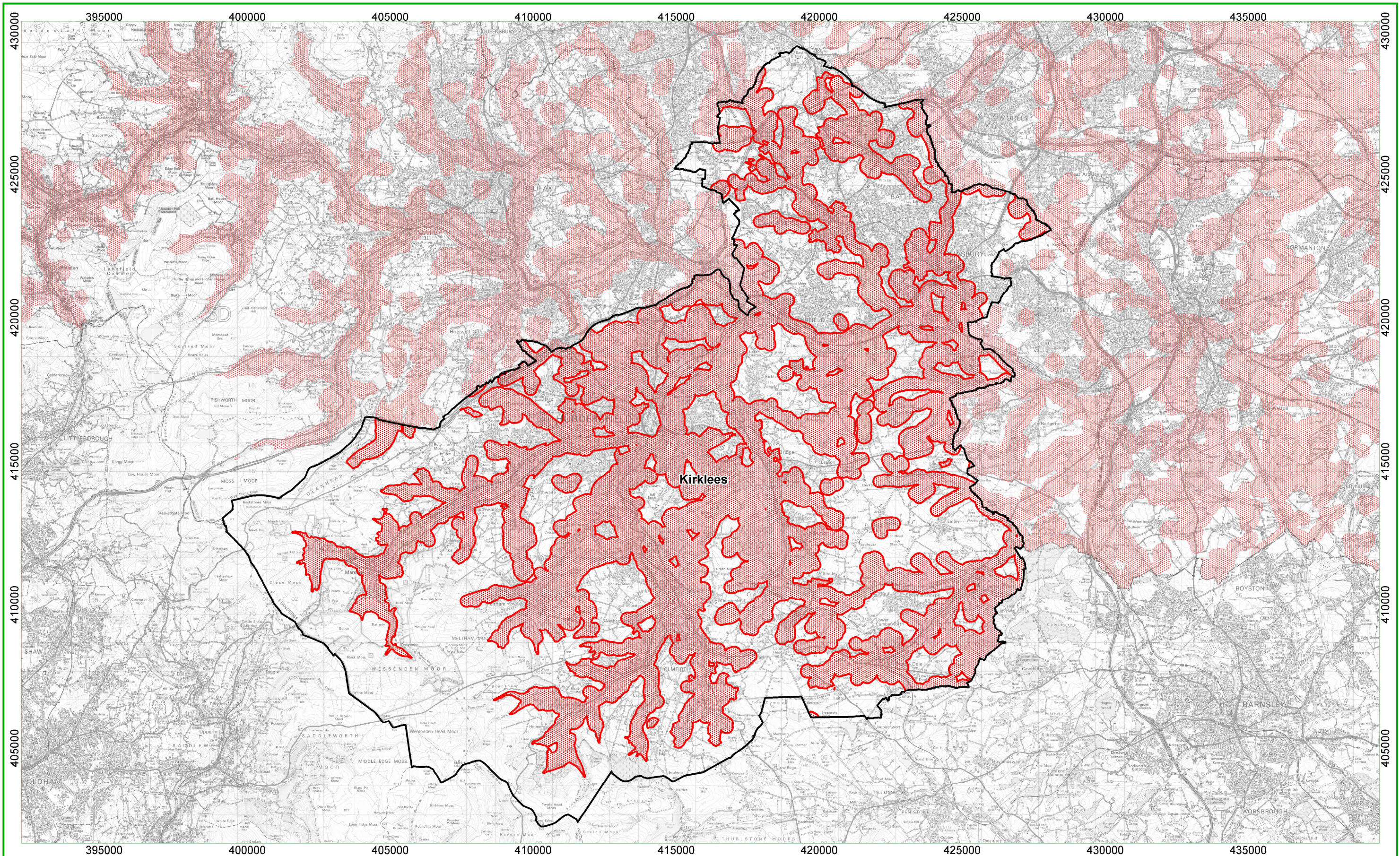
*The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone.*

*You should consider if access is appropriate. You can allow access to buffer zones if the habitat is not harmed by trampling.*

*You should not approve development proposals, including gardens, within a buffer zone.*

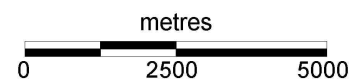
*You should only approve sustainable drainage schemes if:-*

- they do not affect root protection areas*
- any change to the water table does not negatively affect ancient woodland or ancient and veteran trees*



West Yorkshire  
Ecology

West Yorkshire Joint Services



Unauthorised reproduction infringes Crown copyright. No further copies may be made. Reproduced from the Ordnance Survey digital mapping with the permission of Ordnance Survey on behalf of Her Majesty's Stationery Office. (c) Crown copyright.



Scale 1: 125000  
At Size A3

#### Legend



Kirklees District Boundary



Bat Alert Zone

## BAT ALERT ZONES IN THE KIRKLEES DISTRICT

Areas within 200m of significant woodland or significant watercourses/ waterbodies where there is a reasonable likelihood of bats roosting