

Kirklees Local plan Stage 4 hearings.

Linda Smith

Matter 26 – General approach in Part 2 of the Plan

Issue – Does Part 2 of the Local Plan set out an effective framework for the delivery of allocations and the protection of designation sites, which is robust and in line with national policy?

Site/question number c: Are other site constraints and related mitigation measures clearly defined in Part 2 of the Plan? Is there sufficient detail to effectively guide development and make it clear what will be permitted? In relation to this:

Question number c vi: site H591: should Part 2 of the Plan specify the protection of key habitats/mature trees/hedgerows/boundary walls/other landscape features which are notable on a particular site?

1) The Allocations and Designations table for site H591 states, under constraints:

“Protected trees adjacent to potential access point on Cliffe Lane “

There is nothing stated in the **“reports required”** text box nor are any mitigating measures outlined.

2) Although this site does not fall into any of the specific categories mentioned in chapter eight (Environmental designations) of part two of the Plan, nevertheless it has some important features which appear to have been overlooked by Kirklees.

3) **The Accepted sites: Technical Appraisals 2017 document table states for H591:**

“The Arboriculture Pre-Development Report submitted by the site promoter has been assessed by the Kirklees Tree Officer. It is considered that the site is suitable as an allocation although there are some tree conflicts which would require to be addressed at the Planning application stage. “

4) This Arboriculture Pre-Development report was presented by Elliott Consultancy Ltd, at the request of the site promoter KCS Development Ltd through Carter Jonas.

At the beginning of the report it is stated:

“This document provides details of the individual trees and groups of trees that were surveyed and is intended to assist with site layout decisions.”

5) I find it inappropriate that Kirklees has not produced a comprehensive tree survey independently, based on its policy on biodiversity but instead has relied on a survey which, however thorough, has been prepared explicitly as a basis for development. At this point in the Local Plan process, Kirklees should be considering public consultations, hearing examinations and making amendments to the plan – not jumping ahead to details of building site planning.

6) The Kirklees Local plan supporting documents 2016 includes **The Kirklees Biodiversity Strategy**

It asks “Why is Biodiversity Important?”

- Reduced air pollution; trees and other seminatural vegetation help capture particulate air pollutants in urban areas.
- An improved quality of life for all by providing a more attractive environment.

“The Strategy aims to deliver the objectives: by achieving the highest standards of good practice in development control and ensuring the new Kirklees Local Development Framework is robust with regard to biodiversity protection and enhancement.”

7) Another document produced for the council is;

Kirklees Trees and Woodlands Strategy and Action Plan Fourth Draft 13

4. Trees in the Wider Countryside **Hedgerow Trees**

“Hedgerow Trees are an important landscape and habitat feature, especially in South East and North Kirklees. The Council’s ongoing survey work has suggested that these trees are declining and it would be beneficial to increase the number of native hedgerow trees as a means of improving the structural diversity of hedgerows and the associated biodiversity, which would also contribute to wider landscape diversity and an enhanced sense of ‘place’.”

8) It is clear from these comments that in theory, Kirklees is aware of the value of native trees and hedgerows and yet has not included any reference to the abundance of trees and hedges in the site in question other than that there may be some “tree conflicts”.

9) As I am not in a position to commission an independent tree survey I shall refer to some of the objective points in the Elliott Consultant Ltd document:

“4.1.22 Our client commissioned an Arboricultural Pre-Development Report, which carried out an assessment of all the trees on and adjoining the site, where public access allowed.”

“All trees within the site were assessed and categorised with regard to their quality and a retention value was assigned using criteria outlined in British Standard 5837:2012 – ‘Trees in Relation to Design, Demolition & Construction’ (BS5837:2012). “

“The report ranked the trees in to four separate categories according to their quality and value. The four categories are as follows:

- Category 'A' High quality and value
- Category 'B' Moderate quality and value
- Category 'C' Low quality and value
- Category 'U' Remove. Any existing value lost within 10 years. “

The report contains extensive, detailed information on all the trees and hedges on site H591.

The summary of categories awarded includes two category A trees, eighteen category B trees and two category B hedges.

10) Appendix A: Map 1 shows a map of site H591, showing each tree, group of trees or hedge with an appropriate number and classification.

It shows the hedge labelled as Hedge 1. It has been given a B2 classification, which is recommended for retention in any site plan. Any access through this hedge would result most of its destruction.

Hedge 2 is similarly classified.

The same map shows a number of trees which should be considered for retention. In particular, trees 2, 3 and 4 which have B2 classification. The 2 signifies that this grading is due to the landscape value a tree or group provides.

11) These trees are particularly important as they are within the Gomersal Conservation Area. The most easterly field of the site is also adjacent to the top of Ferrand Lane which borders Gomersal Methodist Church. These trees contribute a great deal to the appearance of the conservation area.



View from the top of site H591, looking towards Ferrand Lane, showing protected, Conservation Area trees, numbered 2,3 and 4

12) Appendix B: Map 2 shows a map of Tree Preservation Orders for the area near site H591. The photo above is of trees 2,3 and 4 in the field opposite the Methodist Church Conservation area.

13) In the summer when the trees were in leaf, I did a survey on general features and tree species for hedges 1 and 2.

The Hedgerow Regulations 1997 have various criteria to determine the importance of a hedgerow.

14) Hedge 1 fulfils the following:

5. The hedgerow—

(a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts(8);

- The plan (Appendix C Map 3), dated 1809 is from papers from the Sigston Estate. The Sigston Family were, by 1830, among the largest landowners in Gomersal.
- The plan shows Ferrand Lane and immediately to the south, fields 35 and 36.
- Hedge 1 marks the boundary between the two fields.(The boundary position of hedge 2 can also be seen along the line of Ferrand Lane).

Hedge 1 also

(b) includes at least 4 woody species, ascertained in accordance with paragraph 7(3) and at least 2 of the features specified in paragraph 7(4)(a) to (g).

4 woody species: (hawthorn, holly, elder and sycamore)

Specified features:

b) gaps which in aggregate do not exceed 10% of the length of the hedgerow;

(g) a ditch along at least one half of the length of the hedgerow;

15) Hedge 2 fulfils the following criteria in the Hedgerow regulations 1997

8. The hedgerow—

(a) is adjacent to a **bridleway** or footpath, within the meaning of the Highways Act 1980(15), a road used as a public path, within the meaning of section 54 (duty to reclassify roads used as public paths) of the Wildlife and Countryside Act 1981(16), or a byway open to all traffic, within the meaning of Part III of the Wildlife and Countryside Act 1981(17),

(Public bridleway: Ferrand Lane), and,

(b) includes at least 4 woody species, ascertained in accordance with paragraph 7(3) and at least 2 of the features specified in paragraph 7(4)(a) to (g).

4 woody species: (hawthorn, holly, elder and sycamore)

2 specified features:

a) a bank or wall which supports the hedgerow along at least one half of its length;

(g) a ditch along at least one half of the length of the hedgerow;

Ferrand Lane is also to be seen on the 1809 map (Appendix C Map 3)

16) These hedges add to the value of the area in that they provide roosting and cover for wildlife and also berries for birds in the Autumn and Winter. I would suggest that any area can only support so much wildlife, and the removal of mature hedges such as these would be detrimental to certain species of the bird population. The hedgerow data in the Elliott Consultancy report shows that the historically managed height of hedge 1 was 1 metre and depth 1metre, hedge 2 height 2 metres and depth as current. To remove and replant with similar species or, worse still, replant with “easy to manage, new housing estate favoured species” would not be appropriate as they would be too small or inappropriate to provide the amount of cover/food for the present bird population.



Site H591. View down Ferrand Lane looking west. Bordering hedgerow H2 to the site on the left.

17) It can be seen, from the data which I have presented, that the trees and hedges of site H591 have a considerable amount of value – historical, public health, environmental and of biodiversity.

18) The layout of the fields of the site goes back over two hundred years before the Inclosures act of 1845. The Sigston family and their relation to the Taylors of Red House are a significant part of the historical background of the beginnings of the textiles industry in Gomersal.

19) The trees and hedges help reduce air pollution; trees and other seminatural vegetation help capture particulate air pollutants in urban areas. This is particularly important in view of a recent report:

“On 22nd August 2017 Kirklees Council Pollution Officers requested the Cabinet to declare certain areas Air Quality Management Areas including Birkenshaw and Heckmondwike towns), after pollution levels have been found too high and exceed the annual levels of NO₂ (Nitrogen Dioxide).” (Gomersal is midway between these two towns). It should be noted that the site is directly in line of

the, often prevailing, north westerly winds which blow up the valley from the M62 and the very busy Chain Bar junction 26.

20) The variety of native trees evident are important in themselves - the Council's ongoing survey work has suggested that these trees are declining; we should not be enforcing their decline still further. Also their importance for the support of wildlife cannot be emphasised enough. Starlings have been placed on the Red List for endangered species as nationally there has been a serious decline in numbers. At present, there are quite a number of starlings to be seen around site H591. The fields, trees and bushes can support them. Removing their food availability and habitat must surely contribute to further decline.



Site H591. View across part of the site between top two fields from Cliffe Mount to Ferrand Lane, looking west. Showing hedgerow H1. Note the Hawthorn in full blossom.

View across site from western corner towards trees and hedges of Ferrand lane



21) In the case of site H591, there has been no acknowledgement of any of the important aspects relating to mature trees (some in conservation areas), and hedges nor how they should be protected. The Allocations and Designations table does not mention them at all, other than to refer to “some tree conflicts”.

22) To conclude; It is possible that KCS development Limited might, for whatever reason, cease to exist. **Kirklees Council has relied** on their **third party data**. So, to respond:

22) **Matter 26: Issue** – Does Part 2 of the Local Plan set out an effective framework for the delivery of allocations and the protection of designation sites, which is robust and in line with national policy? And also:

Site/question number c: Are other site constraints and related mitigation measures clearly defined in Part 2 of the Plan? Is there sufficient detail to effectively guide development and make it clear what will be permitted? In relation to this:

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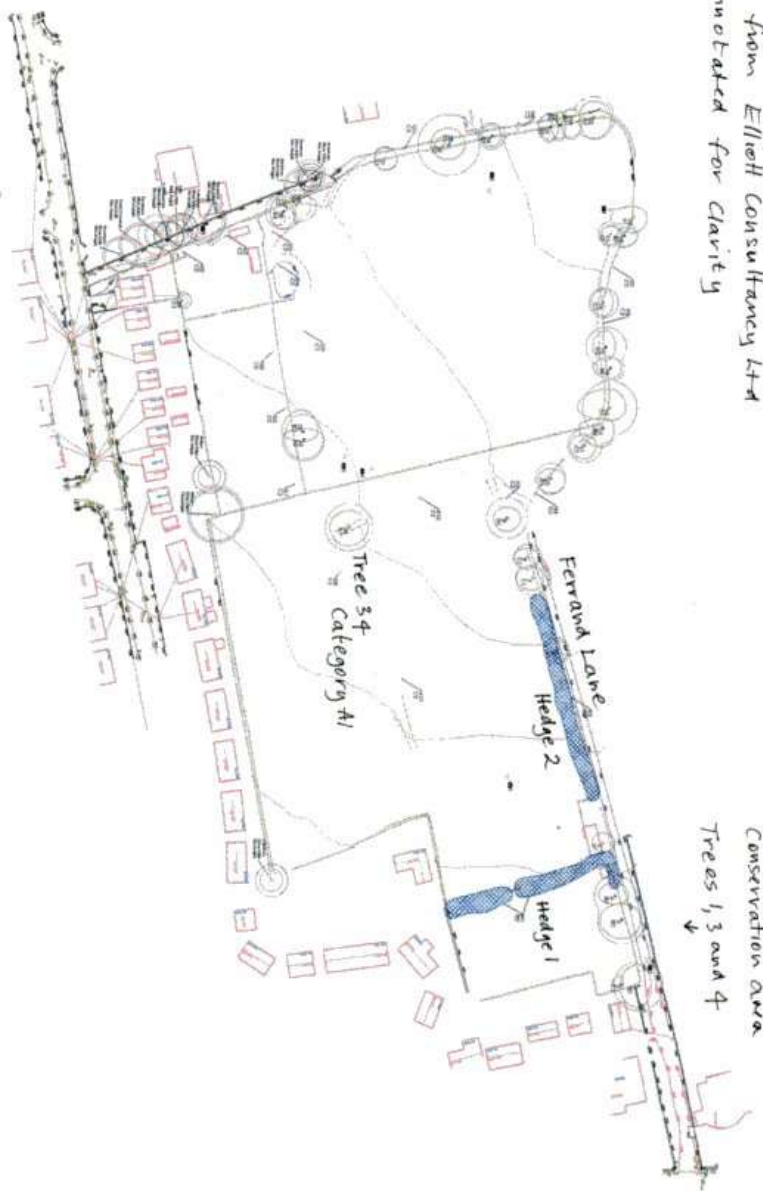
The answer to all these questions is **No**. The **framework** for site H591, in this case, with regard to **biodiversity, is not in place in** allocations and designations. The site **constraints**, in this case, have not been fully investigated with appropriate reports and **have not been clearly defined** to guide any development at any time in the future. There are **no related mitigating measures** and **no specified protection of notable features**.

The Kirklees Local Development Framework is **not** robust with regard to biodiversity protection and enhancement.

For these reasons, I would suggest that this part of the Plan is **not sound**.

Linda Smith. 23/01/2018

MAP 1 APPENDIX A
 Taken from Elliott Consultancy Ltd
 and annotated for clarity



Legend

- Proposed New Building
- Existing Building
- Tree 34 Category A1
- Tree 1
- Tree 3
- Tree 4
- Tree 5
- Tree 6
- Tree 7
- Tree 8
- Tree 9
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- Tree 99
- Tree 100

Scale

1:1000

North




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Tree Preservation Orders - Map display

Near The Old Manse, Ferrand Lane, Gomersal, Cleckheaton, BD19 4DA

Map key Change address Disclaimer

-  Conservation Area
-  Protected tree or tree preservation area
-  Tree

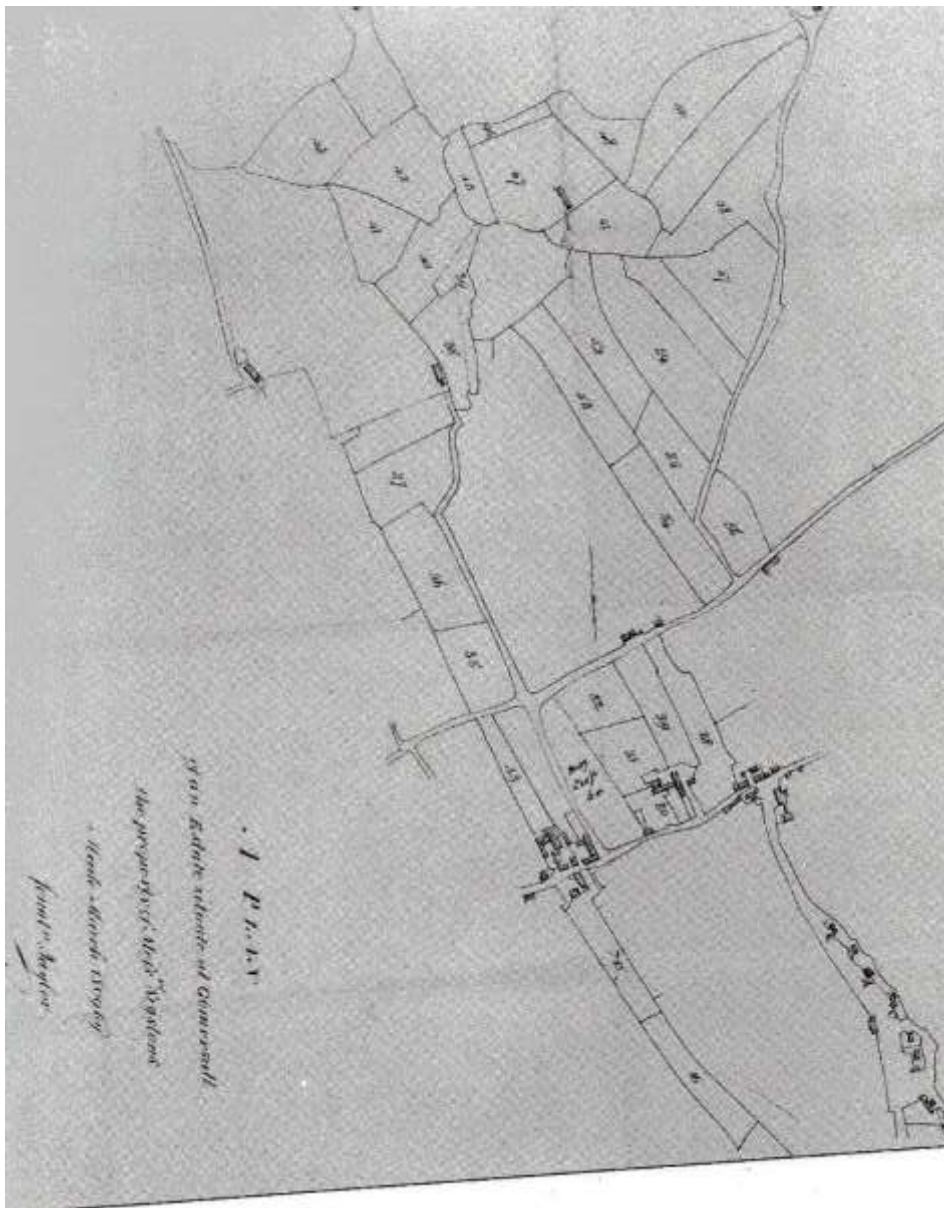
A tree or grouping of trees protected by a Tree Preservation Order and designated as an area, group or woodland in the order. An application is needed to carry out work to these trees

- Apply to work on trees (<http://www.kirklees.gov.uk/beta/trees-listing-and-conservation/work-on-trees.aspx>)

The Tree Preservation Orders and conservation areas shown are supplied for information purposes only. This is not the legal instrument



Appendix B: Map 2



Appendix C: Map 3. From Gomersal A Window on the Past by Gillian Cookson and Neil A Cookson.

“Sigstons’ Estate in 1809. Latham Lane runs north-south; with Drub Lane and Ferrands Lane off to the west”