

Granny Lane Area Action Group

And

Save Mirfield

**HEARING STATEMENT**

To support the decision by Kirklees Council Strategic Planning Committee (SPC) to refuse planning permission for 67 houses on the site south of Granny Lane Mirfield West Yorkshire

:

Planning Application Reference: 2019/91467

Appeal reference: APP/Z4718/W/21/3279040

October 2021

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## 1. INTRODUCTION

1.1 This Hearing Statement supports the decision by Kirklees Council Strategic Planning Committee (SPC) to refuse planning permission for 67 Houses on the site south of Granny Lane Mirfield. ('The Decision') (Appendix E)

*'The position of part of the main vehicular and pedestrian access and egress into the site within Flood Zone 3 would result in the failure of the scheme to deliver safe access and escape routes for all future occupiers of the development at all times. It therefore cannot be demonstrated that the proposal would be safe throughout the lifetime of the development, taking account of climate change. For these reasons, it would be contrary to Policy LP27 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.'*

1.2 Granny Lane Area Action Group (GLAAG) and Save Mirfield (SM), the latter operating under a formal constitution with over 800 members, are community groups that are opposed to development on this site. It will respond to points made in the Appellants Full Statement of Case. These documents will provide evidence in the form of Historic evidence and flood data, Expert Consultations, Objections and Witness Statements with photographic evidence from local residents. The views of local residents based on their 'lived experience' and supported by independent expert evidence are a material consideration that should be given weight by the Inspector.

1.3 GLAAG and SM have commissioned professional consultants to review the appeal documents as well as the earlier application documents and relevant flood and drainage plans, these are: - KRS Environmental Ltd, (Appendix A) Andrew Kirby, Civil Engineer (BSc, CEng, MICE and Northern Transport Ltd.(Appendix B)

1.4 We recognise that on paper in the appellant's appeal documents, it looks straightforward. Planning permission was refused by Kirklees Strategic Planning Committee on February 24th, 2021 for 67 houses on land that is allocated in the Kirklees Local Plan for housing purposes. However, the reality is much more complex, and relates back to the **LOCAL PLAN ALLOCATION, HS 66 (February 2019)** (Appendix F)

1.5 We believe that the technical appraisal/due diligence on the site *and surrounding area* was inadequate prior to allocation. Indeed when this site was considered for adoption in the Local Plan it appears that the issue of flooding was not given due consideration, highlighting the pitfalls associated with the allocation of sites by settlement, and failing to acknowledge the intricacies of sites at high risk of flooding and road safety. (Appendix G)

Our evidence will show that the Inspector may have assumed that proper technical appraisals were carried out or had expected that they would be done. However they were not, as reported in Andrew Kirby's "Overview of Flood Risk Issues" (Appendix B: Page 10, para 4.2.1)

1.6 The appellant's report in response to the decision taken by the SPC solely addresses the safety of the future residents of the development. However, it fails to

address the safety of all residents both existing and potential in relation to the wider issue of the flooding history on and around the site. (NPPF Para 159) states:

*“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*

1.7 In our view, the harms arising from the development “significantly and demonstrably outweigh the benefits” and thereby presumption in favour of development as described in the National Planning Policy Framework (NPPF) does not apply. The report offers no evidence that local residents will be unaffected.

## 2. BACKGROUND

### 2.1 The Site

- The site lies at the foot of a natural amphitheatre with drainage from some 800-900 acres of surrounding woods and land.
- The River Calder is just 55 meters away to the north of the site.
- Long established place names such as Sheep Ings and Gregory Springs i.e. “low wet areas” describe the area well. The word INGS is a Norse term for “water meadow” or “marsh”.

2.2 The determination of the decision on 24<sup>th</sup> February 2021 followed three previous Strategic Planning Committee meetings:

- 1) 19<sup>th</sup> December 2019
- 2) 14<sup>th</sup> October 2019 following a legal challenge
- 3) 3<sup>rd</sup> January 2021.
- 4) 24<sup>th</sup> February 2021

On the 3<sup>rd</sup> May 2019 the Planning Application was submitted. GLAAG and SM examined all the supporting documents submitted by Miller Homes Ltd and discovered a large number of errors. We therefore engaged professional consultants as set out at paragraph 1.3 above. They were able to substantiate our findings plus make us aware of some additional important details. We include these in this report.

2.3. A relevant extract from the first Lead Local Flood Authority (LLFA) Consultation dated 30<sup>th</sup> May 2019 set out:

*‘Flood Risk from Watercourse Although main river flood zone mapping is showing potential flooding (zone 3) around the site entrance, we like to point out that Granny Lane near the site entrance can, as has on several occasions, flooded due to overflow from Valance Beck to the east of the site in addition to the River Colne (should read River Calder). Valance Beck is not modelled. Flooding is therefore likely to*

*cause a problem inside the site on land set aside as open space which follows a sequential approach but likely to cause problems outside the site more frequently. This makes access to the site a focus for attention. There is an extremely high frequency of flooding on Granny Lane to the east of the proposed site entrance both in terms of risk mapping and actual reports to the Council'... We do not agree that there is no surface water flood risk shown on 3rd generation flood risk mapping to the site' (Appendix H)*

2.4 There was a delay in securing a Strategic Planning Committee hearing for the application as another source of flooding was identified by LLFA following severe flooding in November 2019. The LLFA set out on 26<sup>th</sup> November 2019:

*'Further information has been gathered on surface water flooding that has been sent to the developer and consultant to be included in the FRA. There appears to be an additional minor piped watercourse taking water from an embankment that has recently surcharged and found its way onto site. A full investigation is therefore required'. (Appendix I)*

2.5 On 19<sup>th</sup> December 2019 the SPC approved in principle the application on a majority of 3-2 with one abstention from the chair. There had been some concerns by the committee regarding the safe evacuation of residents due to the entrance being in Flood Zone 3 and not Flood Zone 2 as stated in V7 of the FWO FRA, and the delegated Officers report.

At this point there was no emergency access/egress documented or discussed within the plan. (Appendix J) Item 13: Page 117).

2.6 Following Storms Ciara and Dennis in February 2020 and coverage by local media, Kirklees Planning (KC) decided to re-consult with Statutory Consultants, Environment Agency (EA) and the LLFA.

2.7 On the 24<sup>th</sup> August 2020, GLAAG and SM submitted a legal challenge to the Senior Legal Officer (Legal, Governance and Commissioning at Kirklees Planning Department. (Appendix K).

2.8 On the 21<sup>st</sup> September 2020 the Senior Legal Officer informed us that the application would be taken back to Committee. (Appendix L)

2.9 Subsequently at the second hearing on 14<sup>th</sup> October 2020, the application was deferred:

*'Revised Recommendation: Following receipt of a video recorded on 9th February 2020 of surface water flowing over the site, sent to the Council by the Granny Lane Area Action Group (GLAAG) and Save Mirfield on Monday 12th October, Officers recommend that this item is deferred from this Committee to allow the Council to adequately consider the video and to consult with the LLFA'*

2.10 At the third hearing on the 27<sup>th</sup> January 2021 the application was once again deferred due to some house sizes not meeting minimum unit size in the National

Described Space Standards (NDSS 2016). There was no reference to consideration of the video and the consultation with the LLFA for which the previous deferral had been issued.

2.11 At the fourth hearing on 24<sup>th</sup> February 2021 the application was refused by 5 votes to 2.

### 3. OUTLINE OF OBJECTIONS FROM LOCAL RESIDENTS

3.1 There were 191 objections from the community, including detailed objection reports from GLAAG and SM who have a membership of over 800.

There were multiple reasons for objecting, however key issues which emerged were:

Flooding  
Road safety  
Climate Change (CC)  
Biodiversity

#### 3.2 FLOODING

A large majority of the objections raised were related to flooding on and around the site, the potential loss of the water meadow, the increasing number of Flood Alerts, road closures due to flooding and the associated issues of safety, isolation and risk. Many residents recounted incidents of flooding some going back over 50 years. Many residents are unable to obtain Flood Insurance, and the government initiative FloodRe does not apply to new developments; thereby affecting mortgage availability. Many cited the increase in the incidents of flooding more recently. (Appendix M – Witness statements).

As set out in NPPF paragraph 159:

*'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*

As set out in NPPF paragraph 160:

*'Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from **all sources**. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards'*

As set out in NPPF paragraph 161d:

*'where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations'*

(JBA Consulting Calder Catchment Strategic Flood Risk Assessment–Volume I Final Report April 2016) sets out:

*'The consequences of flooding can result in fatalities; damaging property, disrupting lives and businesses, with severe implications for people (e.g. financial loss, emotional distress, health problems).'*

Resident objection:

***'On Boxing Day 2015 the river broke its banks flooding both sides. On returning from a walk we had to crawl along a wall on Granny Lane opposite to Sheep Ings Farm to reach Gregory Springs Road'***

3.2.1 GLAAG and SM commissioned KRS Environmental Ltd to carry out investigations and report findings; Nhis was submitted to the KC Planning portal on 16<sup>th</sup> December 2019. (Appendix N)

### **3.3 TRAFFIC, ROAD SAFETY AND SUSTAINABILITY**

Objections included details of accidents and near misses, the danger to pedestrians, cyclists, children and horse riders, the situation of the road in relation to the River Calder, the lack of safety barriers along the riverside which is adjacent to the highway with no pavement. The distance to walk to bus stops, train station, local amenities, and health care and schools., also the impact of Heavy Goods Vehicles and Plant Machinery and farm vehicles and the associated limited access for these due to the low railways bridges in all but one access route.(Appendix O)

GLAAG carried out an exercise to measure the width of the road, the pinch points and blind bends and also a traffic count (Appendix P)

We also commissioned Northern Transport Planning Ltd (Appendix Q)

As set out at NPPF Paragraph 112:

*Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles;*

### **3.4 CLIMATE CHANGE**

Climate change (CC) was also cited in objections. There is lack of evidence that CC has been incorporated into the house design. There were concerns about Biodiversity and that the surfacing of the water meadow would destroy its ability to absorb carbon, and remove important natural corridors for many species.

#### **As set out at NPPF Para153:**

*Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures [53](#). Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.*

#### **As set out at NPPF Para 154:**

*New development should be planned for in ways that:*

*(a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*

*(b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the government's policy for national technical standards.*

Resident objection '***I beg to object that the proposed properties and site do not appear to include any significant measures to address the pressing need to mitigate climate change.***'

### **3.5 BIODIVERSITY**

Biodiversity was cited in the objections. These came from varied sources, including Game Keepers and long standing residents who have seen the demise of many species due to urbanisation.

### 3.6 Summary of all objections

- i. The Proposed development of 67 houses on the land South of Granny Lane is not sustainable according to the definitions in the NPPF. The three objectives in achieving sustainable development are not met.
- ii. Although the site was allocated for housing in the Kirklees Local Plan, (HS66), the NPPF states that the presumption in favour of sustainable development for plan making should not apply if *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework as a whole (NPPF Para 11)*

It is our contention that the risks do indeed outweigh the benefits.

- iii. The risks regarding flooding (from all sources) means that the site cannot be made safe for its lifetime without increasing flood risk elsewhere as per NPPF para 159. Therefore development should be directed elsewhere.
- iv. National Planning Policy Guidance states that the NPPF: *“sets out strict tests to protect people and property from flooding which all local Planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed.”*  
This plan does not protect from flooding and therefore should not be allowed.
- v. As set out in NPPF paragraph 161:

*“All plans should apply a sequential, risk-based approach to the location of development – taking into account **all sources of flood risk** (our bold) and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

- a) *applying the sequential test and then, if necessary, the exception test as set out below;*
- b) *safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- c) *using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management);*  
*and*

d) *where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long- term, seeking opportunities to relocate development, including housing to more sustainable locations.”*

- vi. There has been no site- specific sequential test, which we think should have been undertaken prior to allocation.
  
- vii. The site access from the east is along Steanard Lane, which then becomes Granny Lane. This is a very narrow road with substandard width pavements and pinch points. It is a dangerous road along the river bank that has no safety barriers. The Highways report from Northern Transport Planning (Appendix) details issues with this road and we include some photographs of the problems. The additional traffic, which would be generated by the proposed development, would make our safety concerns even greater, the conditions even more unacceptable and make a further negative impact on Highways safety. Schools, Shops, medical facilities and bus services are not within easy walking distance for young families, the elderly or those who have impaired mobility. All these factors are contrary to NPPF para 112.

## 4. HEARING STATEMENT

4.1 In this section we would like to set out the distinct issues that we believe are material considerations that mean that planning permission should be refused and this appeal dismissed.

- I. Flooding
- II. Traffic, Road Safety and Sustainability
- III. Climate Change (CC)
- IV. Biodiversity

### *Issue 1 – Flooding*

4.2 Flooding was the overwhelming reason for objections to the Scheme. GLAAG and SM concede that flooding is a very technical subject and is difficult to predict, however no amount of modelling can reproduce the ‘lived experience’ of local residents who know what it is like to live in an area that already floods on more frequent occasions.

4.3 The testimonies of local residents appended to this Hearing Statement serve to reinforce that the RfR was the correct decision taken by the Strategic Planning Committee on their behalf.

4.4 GLAAG and SM note that a new Flood Risk Assessment Weetwood (FRA) has been commissioned and submitted to support this appeal. The new FRA relies on its own re-modelling of the Environment Agency (EA) model of flood risk. We believe that the official EA model rather than one adjusted to fit the appellant’s clear narrative should be used. Additionally there is no clarification as to the status of the Weetwood Statement of Case regarding the RWO FRA (V7), as data from this ‘old’ FRA is being used by them.

4.5 There has been no modelling of Valance Beck or other sources of flooding for CC. We also note that there has been no calculation or validations carried out for the water corridor to the West of the site and the Swale which was added to the rear of the site following flooding episodes in November 2019 and February 2020 respectively.

NPPF Para 161 (2021-10-19 (v. above) sets out:

*“All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.”*

4.6 The above is of major concern as the much of the source of flooding on the site is from surface water, which has not been addressed within the Weetwood report.

The delay in the first hearing 19<sup>th</sup> December 2019 (see 2.4 above) sought to address a new area of flooding to the West of the site. This was addressed with the addition of

a 'water corridor' between two houses to convey water from the surrounding fields and woodlands directly on to the site road thereby to enter the public combined sewer. The volume and velocity has not been calculated by the Weetwood FRA.

Video evidence from storms in February 2020, led to another deferral on 14<sup>th</sup> October 2020. (see 2.10 above) the solution to address this flooding was to dig a Swale to the rear of the site to convey water from surrounding land directly onto the Highway to the East of the site at the junction of Granny Lane and Hagg Lane. Again volume and velocity are not calculated. As Hagg Lane is a major contributor to flooding at the main entrance of the site we are very concerned that by 'welcoming' more water at this point will not only exacerbate the situation at the site entrance, it will also further threaten surrounding homes on Hagg Lane.

GLAAG and SM and local residents are not reassured in any way that these invalidated proposals will provide betterment to their situation.

4.7 Taking a more technical stand GLAAG and SM refer to a comment on an eExtract from the EA dated 4th May 2020 (appendix F of the Weetwood Report) regarding a document Appendix D of the RWO FRA:

*'Note to LPA The extent of flood zone 3 shown on drawing SK1 (rev 1) in Appendix D of the FRA differs from the flood zone 3 extent on our flood map for planning. This is due to a more up to date assessment undertaken in the FRA using site contours and levels.'*

With regard to the above, GLAAG and SM found the allowances for CC were not clearly indicated on the document in Appendix D. We therefore added colour to the map which clearly identified areas of flooding with Climate Change up to 30%. We note that Weetwood has removed this from their FRA. We feel it prudent to include our document in appendices as this was the document seen by the SPC. (Appendix C & D)

4.8 Referring to the same report from the EA Consultation 4<sup>th</sup> May 2020 Appendix F Weetwood Report:

*'It is noted that the proposed site access route is located within the extent of flood zone 3 as indicated in Appendix D. We are aware that the LPA has referred to land raising of the access road in flood zone 3, stating "Whilst it is acknowledged that the finished levels of that part of the access falling within Flood Zone 3 would be **raised slightly**, these would not be **significant**. We are satisfied that this **minimal amount** of land raising should not have any adverse impact on flooding to the site or elsewhere and have no objection to this' (our bolds)*

GLAAG and SM questioned the unscientific wording (our bold) of above statement, when applying to critical safety issues. Any ground raising will force storm water downhill. The 'lived experience' of being flooded from the site at its present level is devastating, and as one resident told us:

*'So will we have to watch the water flooding down on us even faster?'* ( Resident living opposite the site entrance).

4.9 In the same document (4.7):

*'We are unable to advise on the suitability of this route for access and egress to the development site as this is an emergency planning matter which is not within our remit. The LPA must ensure that the proposed access and egress arrangements to the site are acceptable for the emergency services during a flood event and we recommend discussing this with your emergency planners and the emergency services (Appendix R)*

The Weetwood Report does not include any drawings of the Emergency Access/Egress. GLAAG and SM argue that the safety of all residents has not been thoroughly addressed; therefore the SPC was correct in their refusal of the application.

Furthermore GLAAG and SM assert that a proposal for a Management Company to manage the maintenance and operation of a potential Emergency Access/Egress and Evacuation reinforces the RfR, as it admits that safety cannot be demonstrated for lifetime of the development. It also assumes that the safety of home owners will be dependent on resident's compliance, at an unspecified financial cost. (Appendix S).

4.10 GLAAG and SM summarise with regard to flooding (Section 4 of our Hearing Statement) that the SPC after considering representations from the Appellant and GLAAG and SM voted overwhelmingly to exercise their right to refuse the application on the grounds stated (see 1.1).

#### *Issue ii - Traffic, Road Safety and Sustainability*

4.11 Road Traffic Safety is intrinsically embedded within the RfR, as during a flood event, traffic cannot move safely around the site entrance. This is reported in KRS Environmental Ltd (Appendix A. 10.14) and Andrew Kirby's overview (Appendix B page 3.2.5).

Furthermore witness testimony (appendix M) relates to the fact that emergency vehicles have been hampered by:

a) flooding when emergency vehicles are unable to access Granny Lane from either direction from the Flowerpot from the East or Steanard Lane from the West.

b) the width of the highway on Granny Lane; witness statements, photographic and video evidence provide insight into the 'lived experience' of residents who have been personally affected by road traffic accidents and incidents notwithstanding the report from our Highways Consultant reinforces the RfR, and as set out at NPPF Paragraph 112:

*'d) allow for the efficient delivery of goods, and access by service and emergency vehicles';*

4.12 With reference to (b) above specific attention should be paid to the condition of the pavements. There is pavement on only one side of access roads from Granny Lane at the East and Steanard on the West is very narrow. The other side of the highway is bounded by the River Calder. Kirklees Council confirm that there is no safety barrier, only a boundary fence.

4.13 Measurements shown in (appendix M) demonstrate that people with reduced mobility and disability, and families with pushchairs and young children are unable to move safely along Granny Lane or Steanard Lane to access schools, local amenities, bus routes or Mirfield Station, additionally paying attention to distance of these amenities from the site, and when cars are parked on the pavement.

4.14 With reference to (b) attention should be paid to the fact that as the area is rural there is often agricultural traffic, cyclists, horse riders and walkers using the highway. This often leads to conflict between road users, particularly vehicle drivers who become impatient with ambulatory road users and slower moving traffic.

As set out in NPPF Paragraph 112:

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use'*

*'b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport';*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards';*

4.15 The issue of construction traffic should be taken into account, due to the narrow lanes and the low railway bridges on three approach roads to the site. This leaves only one access route to the site. This passes on a road called Hopton Lane. This is a narrow lane where two cars cannot pass safely. Witness evidence will show how homes have been damaged repeatedly by vehicles using this route. (Appendix M)

4.16 In Summary: Traffic, Road Safety and Sustainability are directly related to and support the RfR.

*iii Issue 3 - Climate Change (CC)*

4.17 RfR is based upon the safety of the development for its lifetime when taking into account CC. (see 1.1 above)

4.18 Witness statements, photographs and video evidence document the 'lived experience' of recent flooding on and around the site, and more worryingly the worsening of this over time, and the real fear for the future should the 'Water Meadow' disappear under concrete and tarmac. The loss of natural water storage can only serve to worsen the flooding now and in the future,

4.19 In a climate change emergency GLAAG and SM assert that the Scheme does not work towards the objectives set out in the Climate Change Emergency document Kirklees Council 2021:

*'We declared a climate emergency in 2019 because we all must take urgent action to improve and protect our environment.*

*Greenhouse gases such as carbon dioxide trap heat, helping to warm the globe. The amount of carbon emissions are now causing an overall warming of the planet with corresponding devastating impacts starting to be felt.*

*Cases of extreme weather such as heat waves and rainfall are having consequences already in Kirklees with issues such as moorland fires and **flooding in particular** (our bold) affecting the region'.*

*'Our vision is to make Kirklees completely carbon neutral by 2038'.*

4.20 In summary the scheme does not meet the requirements of the NPPF, the Local Plan or KC Climate Change policy, endorsing the decision made by the SPC.

#### *Issue iv – Biodiversity*

4.21 GLAAG and SM believe this proposal not only destroys important flora and fauna, it also replaces the meadow with tarmac and places human residents at a devastating risk from severe flooding. The meadow stores huge amounts of carbon; as plants absorb carbon dioxide and their dead remains lock away the carbon in the soil. (Appendix)

This development also contributes to the destruction of wildlife interconnecting corridors with woodland and fields- habitat of rare species such as black poplar trees, dormice, nesting buzzards, gold crests and black caps and important colonies of bats, badgers, deer and foxes.

NPPF para 174 sets out:

*'d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

In summary GLAAG and SM believe that net gains for biodiversity cannot be achieved by the Scheme, thereby contradicting NPPF as stated above, further supporting the decision of the SPC to refuse application.

## 5. RELEVANT SUPPORTING ACADEMIC LITERATURE ON FLOODING AND CLIMATE CHANGE

Climate change is set to increase rainfall in the North of England and indeed it is already happening.

The paper referenced below, published in January 2018<sup>1</sup> examined the effects after Storm Desmond in 2015. This storm had severe effects in the Granny Lane area, particularly around the proposed site.

In its Conclusion the authors state that *“Based on the available data at the time, it appeared to be very roughly a one in a hundred event when averaged over a large region.... With more observations becoming available a month or more after the event the period was revised to be in the order of **5 years**”* (our bold, our emphasis)

We can attest to this statement with flood events in 2007, 2015, 2018, 2019, and 2020

Another paper, published in August 2019 in Nature Journal<sup>2</sup> from the most comprehensive database of European flooding so far, also confirmed that climate change is increasing winter and autumn rainfall and increased flooding in Northern Europe whereas decreasing flooding in southern Europe.

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<sup>1</sup> Climate change increases the probability of heavy rains in Northern England/Southern Scotland like those of storm Desmond- a real-time event attribution revisited. 29 January 2018 . IOP Science, Environmental Research Letters, Volume 13,Number 2. Frederike E L Otto et al.

<sup>2</sup> Changing climate both increases and decreases European River floods, nature 573,108-111 ( 2019) Gunter Blöschli et al

## 6. Conclusion

GLAAG and SM have provided a Hearing Statement which concludes that:

- a) The health and well-being, safety and security of current and potential local residents have been ignored.
- b) Flooding has not been taken seriously by Miller homes by ignoring the surface water flooding on site.
- c) Both the original FRA from RWO and the latest from Weetwood simply seek to downplay the issues. This means that the evidence they are providing cannot be relied upon.
- d) The evidence we are providing is well -researched and supported by professional consultants **but crucially** is also based on the 'lived experiences' of local residents.
- e) The application conflicts with the NPPF as well as with Local Plan Policy 27.

Furthermore; since the Kirklees Monitoring report (2019/2020) shows the land supply to be 5.88 years, losing this site would only have minimal impact. We believe the harms outweigh the benefits and that development should therefore be directed elsewhere as per NPPF and LP policy 27 and the site potentially be made part of Kirklees greening programme with tree planting to help reduce water runoff.

The plan does not support sustainable development, provide safe homes and access for new residents nor does it prevent flood water affecting local residents and making conditions even worse for them than currently.

For these reasons we believe that the Kirklees Strategic Planning Committee's decision to refuse the application in February 2019 was a valid and sensible one and urge the Inspector to dismiss the appeal.