

Land at Heybeck Lane, West Yorkshire

Heritage Assessment



Report prepared for:
CC Projects

CA Project: 661161

CA Report: 18467

October 2018



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date	October 2018
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issue	1

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1. INTRODUCTION

- 1.1. In June 2018, Cotswold Archaeology was commissioned by CC Projects to undertake a Heritage Assessment in respect of land at Heybeck Lane, West Yorkshire (hereafter referred to as ‘the Site’). Presently in use as arable farmland, the Site is located east of the A653 ‘Leeds Road’ and Chidswell village, south of Heybeck Lane and the village of Woodkirk and north-east of the town of Dewsbury (NGR: 427089, 424278; Fig. 1).
- 1.2. The Site’s immediate boundaries to the north and west are bordered by linear residential development that extends north/south either side of the A653 and east/west either side of Heybeck Lane. The surrounding landscape to the east and south comprises agricultural fields and areas of woodland.
- 1.3. The proposed development will comprise the construction of up to 181 new homes within a wider mixed use development comprising properties for residential and employment use.

Objectives and professional standards

- 1.4. Cotswold Archaeology (CA) is a Registered Organisation (RO) with the Chartered Institute for Archaeologists (CIfA). This report has been prepared in accordance with the ‘Standard and Guidance for Historic Environment Desk-Based Assessment’ published by the CIfA (2014).
- 1.5. The composition and development of the historic environment within the Site and wider landscape are discussed. A determination of the significance of any heritage assets located within the Site, and any heritage assets beyond the Site boundary that may potentially be affected by the development proposals, is presented. Any potential development effects upon the significance of these heritage assets (both adverse and/or beneficial) are then described.
- 1.6. This approach is consistent with the CIfA’s ‘Standard and Guidance for Heritage Desk-Based Assessment’, which provides that, insofar as they relate to the determination of planning applications, heritage desk-based assessments should:

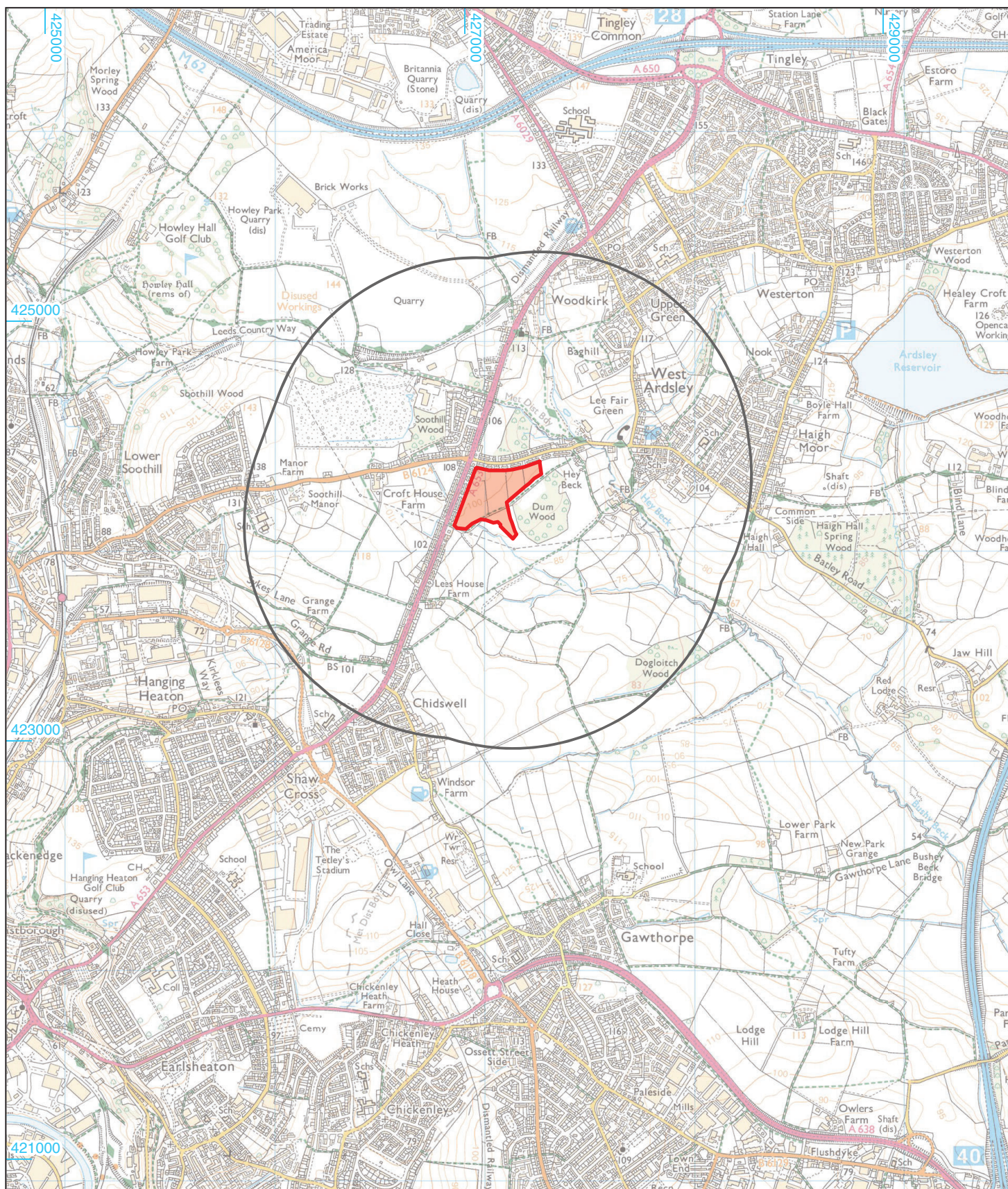
‘...enable reasoned proposals and decisions to be made [as to] whether to mitigate, offset or accept without further intervention [any identified heritage] impact’ (CIfA 2014, 4).

-
- 1.7. The document ‘Historic Environment Good Practice Advice in Planning Note 2: Decision-Taking in the Historic Environment’ (Historic England 2015), further clarifies that a desk-based assessment should:

‘...determine, as far as is reasonably possible from existing records, the nature, extent and significance of the historic environment within a specified area, and the impact of the proposed development on the significance of the historic environment, or will identify the need for further evaluation’ (Historic England 2015, 3).

Statute, policy and guidance context

- 1.8. This assessment has been undertaken within the key statute, policy and guidance context presented within the table overleaf (Table 1.1). The applicable provisions contained within these statute, policy and guidance documents are referred to, and discussed, as relevant, throughout the text. Fuller detail is provided in Appendix 1.



- Site boundary
- Study area

0 1km

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PROJECT TITLE
 Land at Heybeck Lane, West Yorkshire

FIGURE TITLE
 Site location plan

DRAWN BY TB
CHECKED BY DJB
APPROVED BY MH
PROJECT NO. 661161
DATE 17.08.18
SCALE @A4 1:25,000

FIGURE NO.
 1

Statute	Description
Ancient Monuments and Archaeological Areas Act (1979)	Act of Parliament providing for the maintenance of a schedule of archaeological remains of the highest significance, affording them statutory protection.
Planning (Listed Buildings and Conservation Areas) Act (1990)	Act of Parliament placing a duty upon the Local Planning Authority (or, as the case may be, the Secretary of State) to afford due consideration to the preservation of Listed buildings and their settings (under Section 66(1)), and Conservation Areas (under Section 72(2)), in determining planning applications.
National Heritage Act 1983 (amended 2002)	One of four Acts of Parliament providing for the protection and management of the historic environment, including the establishment of the Historic Monuments & Buildings Commission, now Historic England.
Conservation Principles (Historic England 2008)	Guidance for assessing heritage significance, with reference to contributing heritage values, in particular: <i>evidential</i> (archaeological), <i>historical</i> (illustrative and associative), <i>aesthetic</i> , and <i>communal</i> .
National Planning Policy Framework (2018)	Provides the English government's national planning policies and describes how these are expected to be applied within the planning system. Heritage is subject of Chapter 16 (page 54).
Good Practice Advice in Planning: Note 2 (GPA2): Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015)	Provides useful information on assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.
Good Practice Advice in Planning: Note 3 (GPA3): The Setting of Heritage Assets, Second Edition (Historic England, 2017)	Provides guidance on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
Kirklees Local Plan (2016)	Comprises the local development plan (local plan), as required to be compiled, published and maintained by the local authority, consistent with the requirements of the NPPF (2018). Intended to be the primary planning policy document against which planning proposals within that local authority jurisdiction are assessed. Where the development plan is found to be inadequate, primacy reverts to the NPPF (2018).
Hedgerows Regulations (1997)	Provides protection for 'important' hedgerows within the countryside, controlling their alteration and removal by means of a system of statutory notification.

Table 1.1 Key statute, policy and guidance

2. METHODOLOGY

Data collection, analysis and presentation

- 2.1. This assessment has been informed by a proportionate level of information sufficient to understand the archaeological potential of the Site, the significance of identified heritage assets, and any potential development effects. This approach is in accordance with the provisions of the NPPF (2018) and the guidance issued by ClfA (2014). The data has been collected from a wide variety of sources, summarised in the table overleaf (Table 2.1).
- 2.2. Prior to obtaining data from these sources, an initial analysis was undertaken in order to identify a relevant and proportionate study area. On this basis a 1km study area, buffered from the Site boundary, was considered sufficient to capture the relevant HER data, and provide the necessary context for understanding archaeological potential and heritage significance in respect of the Site. However, assets outside the boundary of the study area have also been considered where they have been deemed relevant to this assessment. All of the spatial data held by the West Yorkshire HER – the primary historic data repository – for the land within the study area, was requested. All of the records returned have been analysed and further refined, in order to narrow the research focus to those of relevance for this assessment. *Not all HER records are therefore referred to, discussed or illustrated further within the body of this report, only those that are relevant.*
- 2.3. A site visit was also undertaken on Tuesday 31st July as part of this assessment. The primary objectives of the site visit were to assess the Site's historic landscape context, including its association with any known or potential heritage assets, and to identify any evidence for previous ground disturbance within the Site that may have affected known or potential buried archaeological remains. The site visit also allowed for the identification of any previously unknown heritage assets within the Site, and assessment of their nature, extent, condition, significance and potential susceptibility to impact. The wider landscape was examined, as relevant, from accessible public rights of way.

Source	Data
National Heritage List (NHL)	Current information relating to designated heritage assets, and heritage assets considered to be 'at risk'.
West Yorkshire Historic Environment Record (HER)	Heritage sites and events records, Historic Landscape Characterisation (HLC) data, and other spatial data supplied in digital format (shapefiles) and hardcopy.
Historic England Archives (EHA)	Additional sites and events records, supplied in digital and hardcopy formats.
West Yorkshire Archives	Historic mapping, historic documentation, and relevant published and grey literature.
Historic England's Aerial Photograph Research Unit	Vertical and oblique aerial photography ranging in date from the 1940s to present.
Environment Agency (EA) website	LIDAR imagery and point cloud data, available from the Environment Agency website.
Old-Maps, National Library of Scotland & other cartographic websites	Historic (Ordnance Survey and Tithe) mapping in digital format.
British Geological Survey (BGS) website	UK geological mapping (bedrock & superficial deposits) & borehole data.
Cranfield University's LandIS Soil Portal	UK soil mapping.

Table 2.1 Key data sources

Assessment of heritage significance

- 2.4. The significance of known and potential heritage assets within the Site, and any beyond the Site which may be affected by the proposed development, has been assessed and described, in accordance with paragraph 189 of the NPPF (2018), the guidance issued by ClfA (2014) and ‘Historic Environment Good Practice Advice in Planning Note 2’ (Historic England 2014). Determination of significance has been undertaken according to the industry-standard guidance on assessing heritage value provided within ‘Conservation Principles’ (Historic England 2008). This approach considers heritage significance to derive from a combination of discrete heritage values, principal amongst which are: **i)** evidential (archaeological) value, **ii)** historic (illustrative and associative) value, **iii)** aesthetic value, **iv)** communal value, amongst others. Further detail of this approach, including the detailed definition of those aforementioned values, as set out, and advocated, by Historic England, is provided in Appendix 1 of this report.

Assessment of potential development effects (benefit and harm)

- 2.5. The present report sets out, in detail, the ways in which identified susceptible heritage assets might be affected by the proposals, as well as the anticipated extent of any such effects. Both physical effects, i.e. resulting from the direct truncation of archaeological remains, and non-physical effects, i.e. resulting from changes to the setting of heritage assets, have been assessed. In regards to non-physical effects or ‘settings assessment’, the five-step assessment methodology advocated by Historic England, and set out in the Second Edition of GPA3 (Historic England, 2017), has been adhered to (presented in greater detail in Appendix 1).
- 2.6. Identified effects upon **designated** heritage assets have been defined within broad ‘level of effect’ categories (Table 2.2 below). These are consistent with key national heritage policy and guidance terminology, particularly that of the NPPF (2018). This has been done in order to improve the intelligibility of the assessment results for purposes of quick reference and ready comprehension. These broad determinations of level of effect should be viewed within the context of the qualifying discussions of significance and impact presented in this report.

Level of effect	Description	Applicable statute & policy
Heritage benefit	The proposals would better enhance or reveal the heritage significance of the designated heritage asset.	Enhancing or better revealing the significance of a heritage asset is a desirable development outcome in respect of heritage. It is consistent with key policy and guidance, including the NPPF (2018) paragraphs 185 and 200.
No harm	The proposals would preserve the significance of the designated heritage asset.	Preserving a Listed building and its setting is consistent with s66 of the Planning (Listed Buildings and Conservation Areas) Act (1990). Preserving or enhancing the character or appearance of a Conservation Area is consistent with Section 72 of the Act. Sustaining the significance of a heritage asset is consistent with paragraph 185 of the NPPF, and should be at the core of any material local planning policies in respect of heritage.
Less than substantial harm (lower end)	The proposals would be anticipated to result in a restricted level of harm to the significance of the designated heritage asset, such that the asset's contributing heritage values would be largely preserved.	In determining an application, this level of harm should be weighed against the public benefits of the proposals, as per paragraph 196 of the NPPF (2018).
Less than substantial harm (upper end)	The proposals would lead to a notable level of harm to the significance of the designated heritage asset. A reduced, but appreciable, degree of its heritage significance would remain.	Proposals involving change to a Listed building or its setting, or any features of special architectural or historic interest which it possesses, or change to the character or appearance of Conservation Areas, must also be considered within the context of Sections 7, 66(1) and 72(2) of the 1990 Act. <i>The provisions of the Act do not apply to the setting of Conservation Areas.</i> Proposals with the potential to physically affect a Scheduled Monument (including the ground beneath that monument) will be subject to the provisions of the Ancient Monuments and Archaeological Areas Act (1979); <i>these provisions do not apply to proposals involving changes to the setting of Scheduled Monuments.</i>
Substantial harm	The proposals would very much reduce the designated heritage asset's significance or vitiate that significance altogether.	Paragraphs 193–195 of the NPPF (2018) would apply. Sections 7, 66(1) and 72(2) of the Planning Act (1990), and the Ancient Monuments and Archaeological Areas Act (1979), may also apply.

Table 2.2 Summary of level of effect categories (benefit and harm) referred to in this report in relation to designated heritage assets, and the applicable statute and policy.

2.7. It should be noted that the overall effect of development proposals upon the designated heritage asset are judged, bearing in mind both any specific harms or benefits (an approach consistent with the Court of Appeal judgement *Palmer v. Herefordshire Council & ANR* Neutral Citation Number [2016] EWCA Civ 1061).

2.8. In relation to non-designated heritage assets, the key applicable policy is paragraph 197 of the NPPF (2018), which states that:

*'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the **scale of any harm or loss and the significance of the heritage asset** [our emphasis]'.*

2.9. Thus with regard to non-designated heritage assets, this report seeks to identify the significance of the heritage asset(s) which may be affected, and the scale of any harm or loss to that significance.

Limitations of the assessment

2.10. This assessment is primarily a desk-based study and has utilised secondary information derived from a variety of sources, only some of which have been directly examined for the purpose of this assessment. The assumption is made this data, as well as the information derived from other secondary sources, is reasonably accurate. The records held by the West Yorkshire HER are not a record of all surviving heritage assets, but rather, a record of the discovery of a wide range of archaeological and historical components of the historic environment. Thus, the information held is not complete and does not preclude the subsequent discovery of elements of the historic environment that are, at present, unknown.

2.11. A visit was made to the West Yorkshire's Huddersfield Record Office, as well as the Wakefield Record Office, for documentary sources and historic mapping, to inform a detailed study of the Site and the associated study area. The visits revealed that both the Record Offices did not hold any tithe or enclosure maps of the area including the Site.

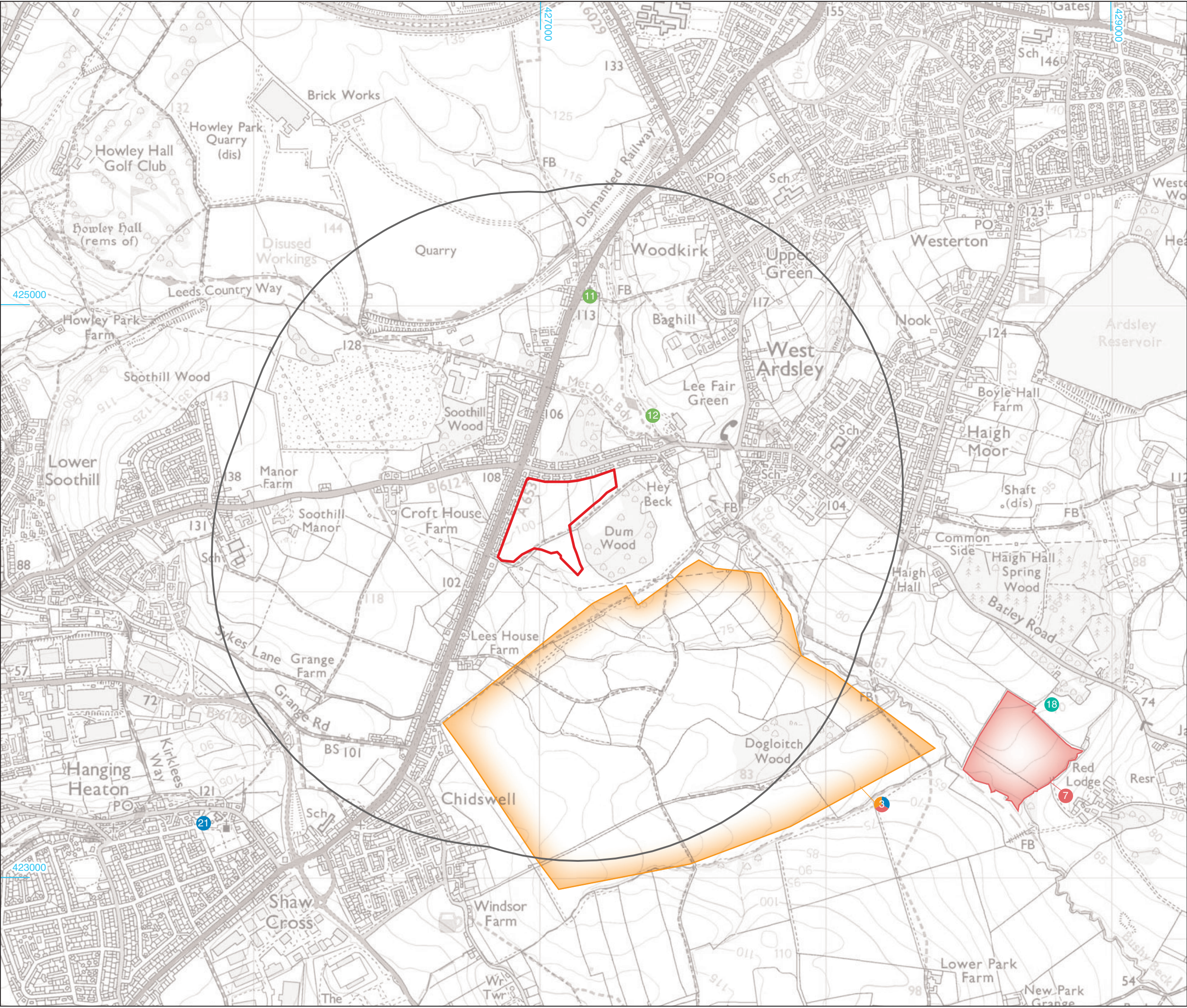
3. ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

Landscape context

- 3.1. The c.7.16ha Site is typical of the local agricultural landscape and is composed of a series of arable fields with associated hedgerow field boundaries. Presently in use as arable farmland, it is located east of the A653 'Leeds Road' and Chidswell village, south of 'Heybeck Lane' and Woodkirk village and north-east of the nearby town of Dewsbury. The Site is located within Kirklees Council's administrative boundaries, although Wakefield Council and Leeds' City Council's boundaries lie close by. The M1 is located c.2.5km to the east and the M62 is c.1.7km to the north.
- 3.2. The Site's immediate boundaries to the north and west are bordered by linear residential development that extends north/south either side of the A653 and east/west either side of Heybeck Lane. The surrounding landscape to the east and south comprises similar agricultural fields and areas of woodland, with Gawthorpe Water Tower standing prominently to the south.
- 3.3. The Site lies at the top of a valley, which slopes down to the south, with hedgerows running north/south delineating the separate fields. Access to the Site is via a footpath running from the eastern end of Heybeck Lane to corner of the Site boundary in the south-west.
- 3.4. The Site lies on a transitional area of two solid geologies, Pennine Middle Coal Measures and Horbury Rock. The bedrock geology within the Site is recorded by the British Geological Survey (BGS 2018) as alternating bands of Pennine Middle Coal Measures and Horbury Rock. The former comprise Mudstone, Siltstone and Sandstone; sedimentary bedrock formed approximately 310 to 318 million years ago in the Carboniferous Period in a local environment previously dominated by swamps, estuaries and deltas. These sedimentary rocks are fluvial, palustrine and shallow-marine in origin. The latter; Horbury Rock, comprises Sandstone, a sedimentary bedrock also formed in the Carboniferous Period within a local environment previously dominated by rivers. Both deposits are variants of sandstone formed between 310 and 318 million years ago in the carboniferous period. The fluvial origin of the deposit indicates the local environment would have been dominated by rivers, channels, estuaries or floodplains. The BGS does not record any superficial geological deposits within the Site. Borehole logs are recorded within

the study area by the BGS, however these appear to be of some antiquity and created with coal extraction as their focus.

- 3.5. Cartographic sources and information derived from the National Coal Authority (2018) indicates extraction activity occurred as two mine entry shafts were present within the Site (Fig. 4, **20**).



- Site boundary
- Study area
- Modern
- Post Medieval
- Medieval
- Roman
- Prehistoric
- Excavated pipeline (undated)

0 1:12,500 500m

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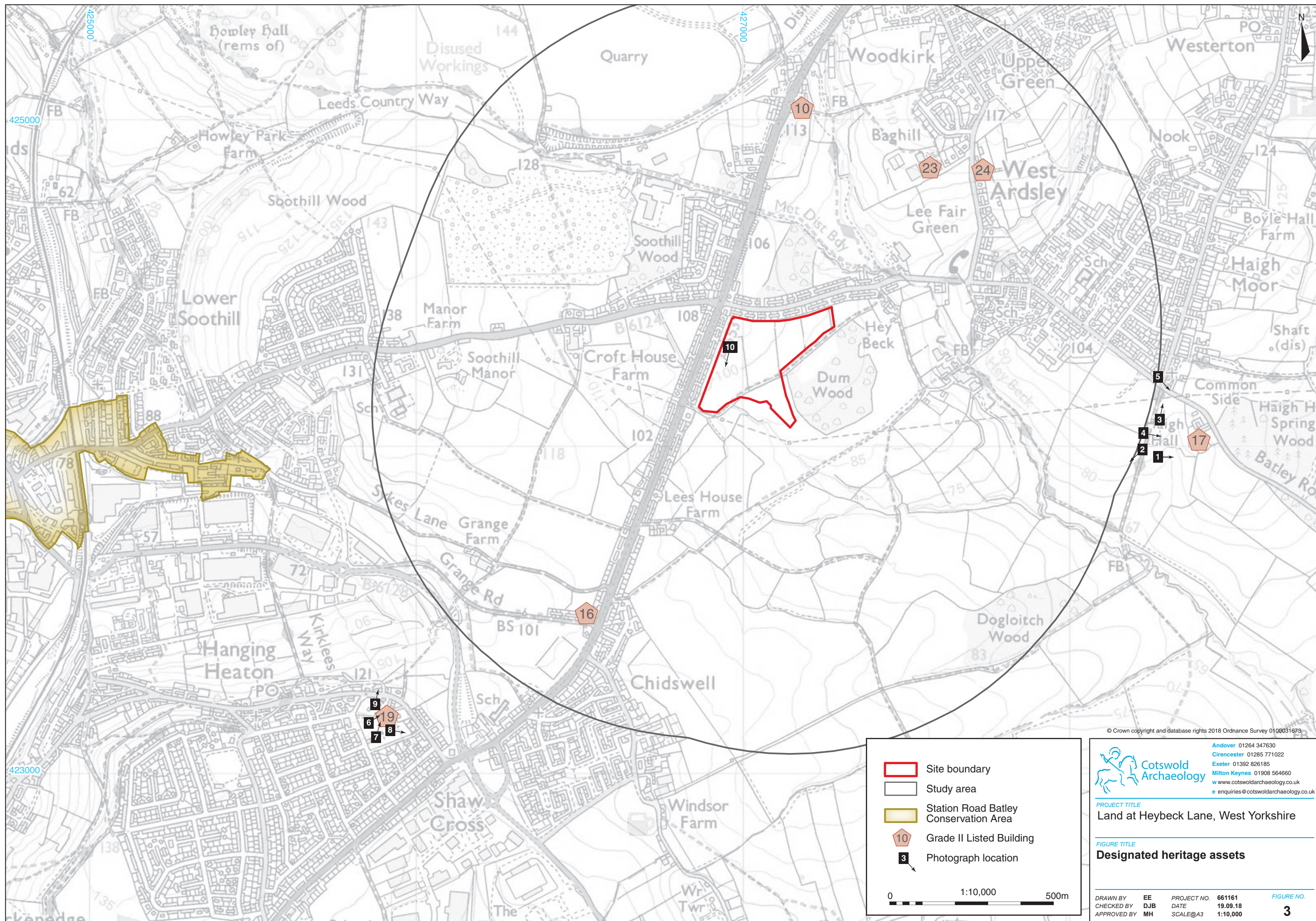
FIGURE TITLE
Previous archaeological investigations

Previous archaeological investigations

- 3.6. There have been no recorded archaeological investigations undertaken within the Site. However in 1998, within c.400m of the Site, a geophysical survey revealed possible prehistoric or Roman period features, which corresponded with other known cropmarks (Fig. 2, **3**).
- 3.7. Elsewhere within the study area there have been a further two recorded incidences of archaeological investigation. One of these recorded evidence of a former Augustinian Priory (Fig. 2, **11**) on the site of a current medieval church (Fig. 3, **10**) and a second recorded post-medieval activity including three dams and a sluice gate (Fig. 2, **12**). In the wider landscape a further three investigations were also considered. One of these identified evidence of a prehistoric or Roman period enclosure with its function interpreted as a possible Roman military camp (Fig. 2, **7**); another, post-medieval activity including agricultural furrows (Fig. 2, **18**); and one more recorded artefacts of 19th-20th century origin (Fig. 2, **21**). These investigations are discussed below where relevant.

Summary of Designated Heritage Assets

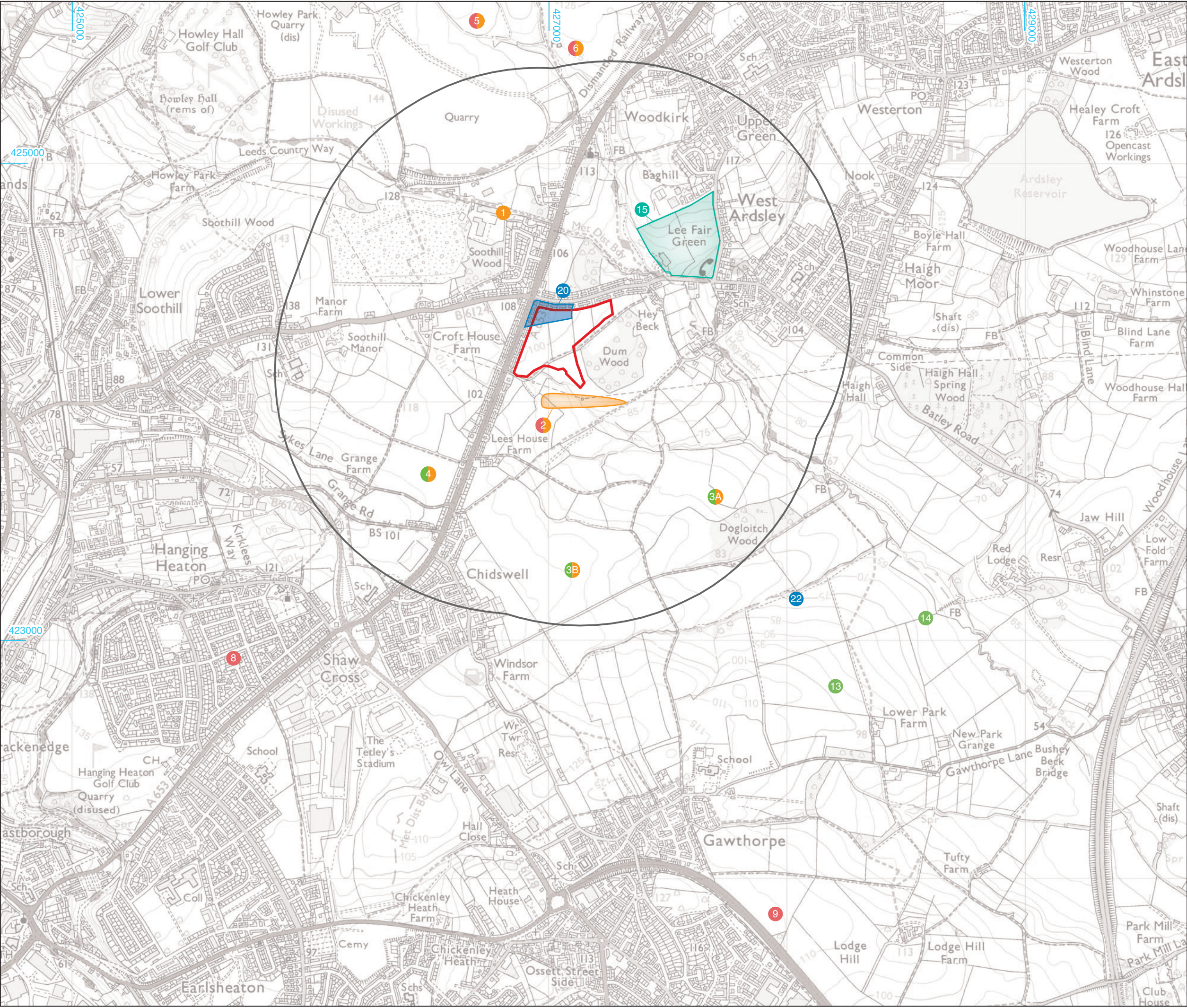
- 3.8. There are no designated heritage assets recorded within the Site but in the study area and its surroundings there are eight Listed Buildings, comprising Toll Gates outside Toll Bar Cottage to the south-west (Fig. 3, **16**); Manor Farm Barn and 25-27 Baghill Road to the north-east (Fig. 3, **23, 24**); the Church of St Mary to the north (Fig. 3, **10**); Haigh Hall to the east (Fig. 3, **17**) and the Church of St Paul to the south-west (Fig. 3, **19**) all of which are Grade II Listed. Elsewhere, c.1.7km from the Site lies the Station Road, Batley Conservation Area (Fig. 3).
- 3.9. Although not designated assets, there are also five areas of ancient woodland, most notably Dum Wood which bounds the Site to the south-east.



Prehistoric and Roman period

- 3.10. There are few Palaeolithic sites recorded in West Yorkshire due to the fact the region was on the edge of, or under, glacial ice for much of the period. The Neolithic period is also as poorly represented but in contrast West Yorkshire as a region boasts the highest density of Mesolithic 'sites' in England and Wales (Spikins, 2010).
- 3.11. Within the study area there is a lack of excavated evidence to provide a clear picture of prehistoric activity. The only artefact of prehistoric origin is a Neolithic polished stone hand axe recorded c.500m to the north-west of the Site (Fig. 4, **1**). The majority of the evidence related to prehistoric activity has involved the archaeological approaches of geophysical survey or aerial photography. Landscape scale approaches have become particularly pertinent in the West Yorkshire region where traces of prehistoric and Romano-British inhabitation often lie below ground and to be understood they need to be viewed in their wider landscape setting (Chadwick, 2009).
- 3.12. Aerial photography undertaken c.200m to the south of the Site, identified cropmarks of a double-ditched track running just south of Dum Wood, with linear ditches abutting it at right angles to the north and south. In West Yorkshire, similar double-ditched trackways were dug as a 'formalisation' of earlier tracks created through repeated use by people and animals moving through the landscape (Chadwick, 2009). As the trackway is orientated towards a small watercourse running south-east, it may have been linked to the movement of livestock. A faint linear ditch with part of a possible small sub-rectangular enclosure attached to it was also identified (Fig. 4, **2**). These features identified as cropmarks have not been subject to further investigation and as such cannot be securely dated; however their form indicates they are likely to be prehistoric or Roman in date.
- 3.13. An episode of geophysical survey c.200m to the south-east of the Site also found evidence which corresponds with known cropmarks. A ring ditch and associated field system just to the north of Dogloitch Wood (Fig. 4, **3A**), and a square enclosure containing pits which could be the remains of a settlement (Fig. 4, **3B**). They are considered likely to represent the buried remains of a prehistoric or Roman period settlement; however, no further investigation has been carried on the geophysical anomalies to securely determine their date (GSB Prospection, 1998).

-
- 3.14. Further cropmarks have been recorded c.700m south-west of the Site (Fig. 4, **4**) and in two areas around c.1.2km to the north (Fig. 4, **5** and **6**). Due to their form they have also been considered likely to represent the buried remains of a prehistoric or Roman period settlement but again, no further investigation has been carried out to securely determine their date.
- 3.15. In 1996, an excavation c.1.6km south-east of the Site revealed the east and west sides of an enclosure ditch (Fig. 2, **7**). Due to the V-shaped 'ankle breaker' profile of the ditch, a line of post holes forming a revetted defensive bank and a lack of internal finds, it was postulated that the enclosure was a Roman seasonal military marching camp. The only dating evidence came from one large base sherd from a grey ware vessel dating the 2nd and 4th century AD, recovered from the ditch.
- 3.16. Two find spots of Roman period artefacts have also been recorded: a Roman copper coin dating the 1st century (Fig. 4, **8**) and Roman copper alloy headstud brooch dating between the 1st and 3rd centuries (Fig. 4, **9**). However, both these artefacts were found over 2km from the Site.
- 3.17. There is only a small amount of evidence which has securely been dated to the prehistoric and Roman periods within the study area. However, there is a reasonable amount of evidence identified as cropmarks and geophysical anomalies to show that there is possible settlement evidence from these periods within the study area.



- Site boundary
- Study area
- Modern
- Post Medieval
- Medieval
- Roman
- Prehistoric

0 1:15,000 500m

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PROJECT TITLE
Land at Heybeck Lane, West Yorkshire

FIGURE TITLE
Non-designated heritage assets

Early Medieval & Medieval periods

- 3.18. In the medieval period rural settlement in West Yorkshire, to the west of Wakefield and Leeds, can be characterised by a dominance of 'dispersed' settlements. Usually small clusters of farms rather than a single homestead, scattered throughout the countryside (Wrathmell, 2018). The village of Chidswell was likely a rural hamlet in the early medieval and medieval periods as there is no Domesday record of settlement within the immediate vicinity of the Site. The nearest settlements were located at (Earls) Heaton, (Hanging) Heaton, Dewsbury and Batley (Palmer, n.d.).
- 3.19. St Mary's Church, which lies c.750m to the north of the Site has its origins in the 12th century (Fig. 3, **10**). Groundworks on land at the church, in 2014, revealed remains of a wall that was interpreted as a former Augustinian Priory (Fig. 2, **11**).
- 3.20. The name Chidswell was originally 'Chid's hill', first mentioned in the 'Court Rolls of the Manor of Wakefield' firstly in 1275 as 'Chydeshyll' and 1298 as 'Chideshill'. At a later date the name ceased to give any sign of its connection with a hill; in the Yorkshire Fines of 1550 it was spelt 'Chydsell', and in 1577 'Chitsele'. Goodall (1914), has noted that the spelling in its present form has evolved and been interpreted as 'Chid's Well'.
- 3.21. There is evidence of medieval industrial activity within the study area. In the 12th century, a corn mill was recorded in the Early Yorkshire Charters. In 1977, a series of three well preserved dams and a sluice gate were surveyed in advance of construction work for a sewer, the evidence suggested they were probably constructed between the 12th and 16th centuries (Fig. 2, **12**) (Moorhouse, 1978). It has also been suggested that a medieval ironstone mine and ironworking site are located within the wider area (HER PRN 4628). Although the existence of such activities cannot be reliably located today the HER records them around c.1.9km to the south-east of the Site, in New Park (Fig. 4, **13**). There is a scarcity of medieval artefacts recorded within the study area. The only located finds were found in a field adjacent to New Park, these include a piece of iron working slag found together with a sherd of medieval pottery (Fig. 4, **14**).
- 3.22. The Site itself probably comprised part of the wider agricultural landscape, as it does today. In 1998, the previously discussed geophysical survey, undertaken c.200m to the south of the Site recorded regular linear anomalies consistent with medieval or

post-medieval cultivation practices. However, these were not identified on the Site walkover survey.

Post-medieval and modern period

- 3.23. By the post-medieval period, the majority of land in West Yorkshire belonged to a small number of large estates who administered them from a distance. These relatively lax tenurial arrangements appear to have encouraged local tenants to begin to exploit the land for their own benefit rather than for that of the landlord (Gomersall, 2009).
- 3.24. No Tithe or enclosure maps could be sourced for the historic parish as part of this assessment. The earliest cartographic source viewed for this assessment was the 1779 Plan of the Manor of Soothill (Fig. 5). This illustrates that the land at Chidswell lied within the Savile estate and that the current field boundaries running north-south along the Site and the woodland surrounding it were already established.

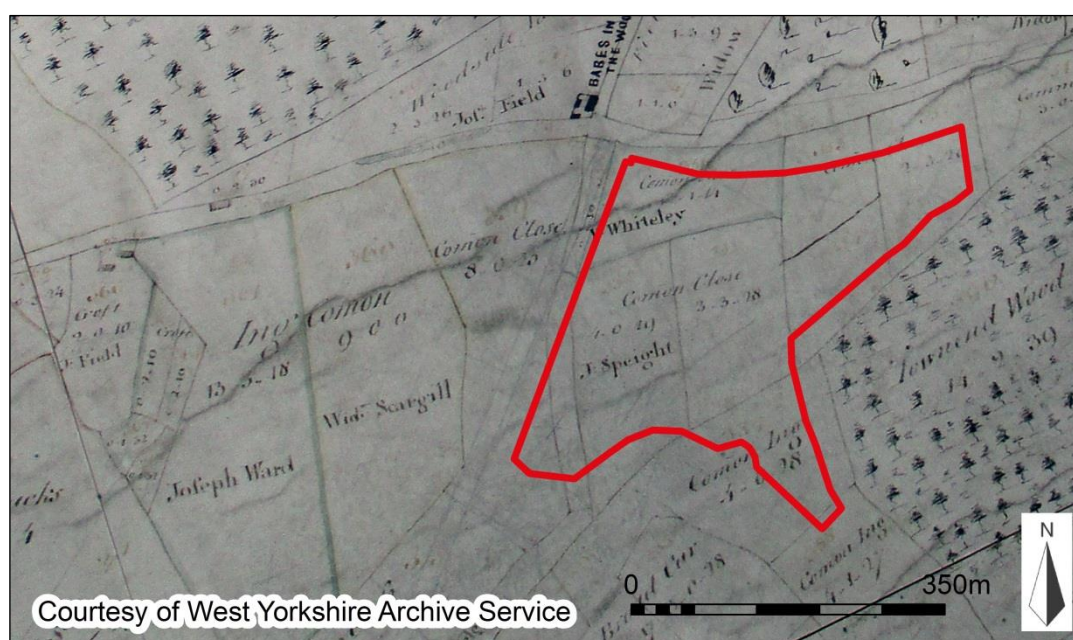


Fig. 5 1779 map of the Manor of Soothill

- 3.25. The typical economy of post-medieval West Yorkshire was a combination of arable farming, textile manufacture and small scale mining (Gomersall, 2009). From the 16th century onwards, a commercial fair was held at Lee Fair Green, a field situated c.500m to the north of the Site (Fig. 4, 15). It was established by a charter of Henry I to Nostell Priory in 1135, further to the north but is postulated to have moved to its

current site c.1540. Sikes map of 1735 (not reproduced), suggests that the fair formerly covered a more extensive area than just the Lee Fair Green field.

- 3.26. The First Edition six inch Ordnance Survey map of 1854 (Fig. 6) depicts little change within the Site in the intervening period. To the south-east of the Site alongside the A153 'Leeds Road', in c.1850, the Grade II Listed Toll Gate was constructed (Fig. 3, 16). It was built to service the Turnpike Road from Dewsbury to Leeds, which was given assent in 1841.

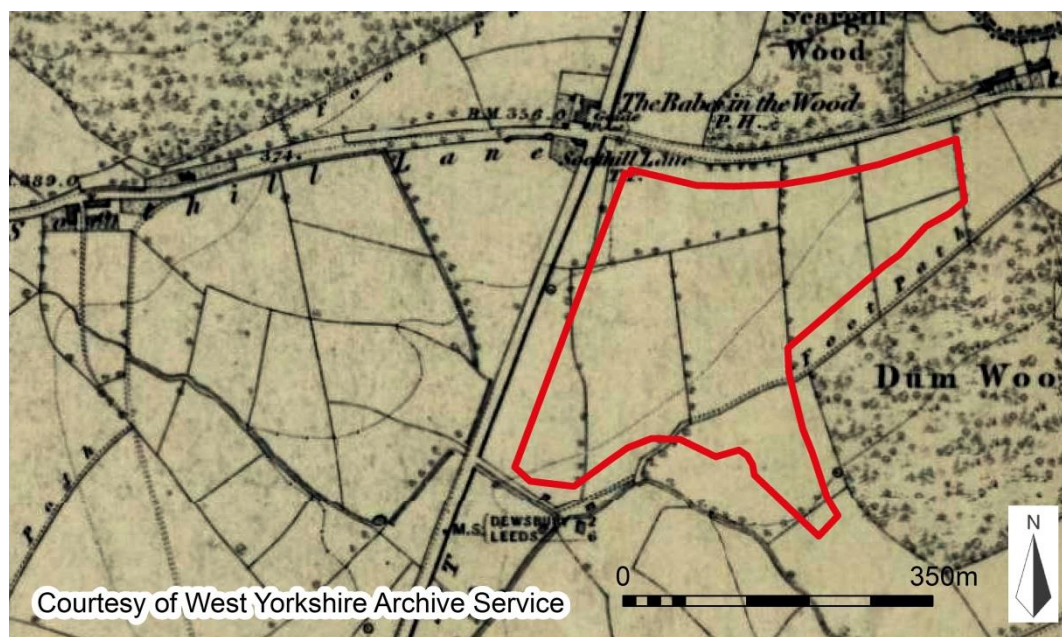


Fig. 6 6 inch Ordnance Survey Map of 1854

- 3.27. By the late 19th century, the 25 inch First Edition Ordnance Survey map of 1894 (Fig. 7; Fig. 8) shows the northern part of the Site occupied by the Babes in the Wood Colliery (Fig. 4, 20). Two mine shafts are labelled on the map in addition to several small buildings related to the colliery. Despite the unknown scale of operation at the colliery, documentary sources indicate that the colliery mined coal and was owned by C Crawshaw and Blakeley (Hunt, 1869). Despite its presence on the 1894 OS map, further documentary sources state it was in use from 1862 until 1887 (Northern Mine Research Society, n.d.).

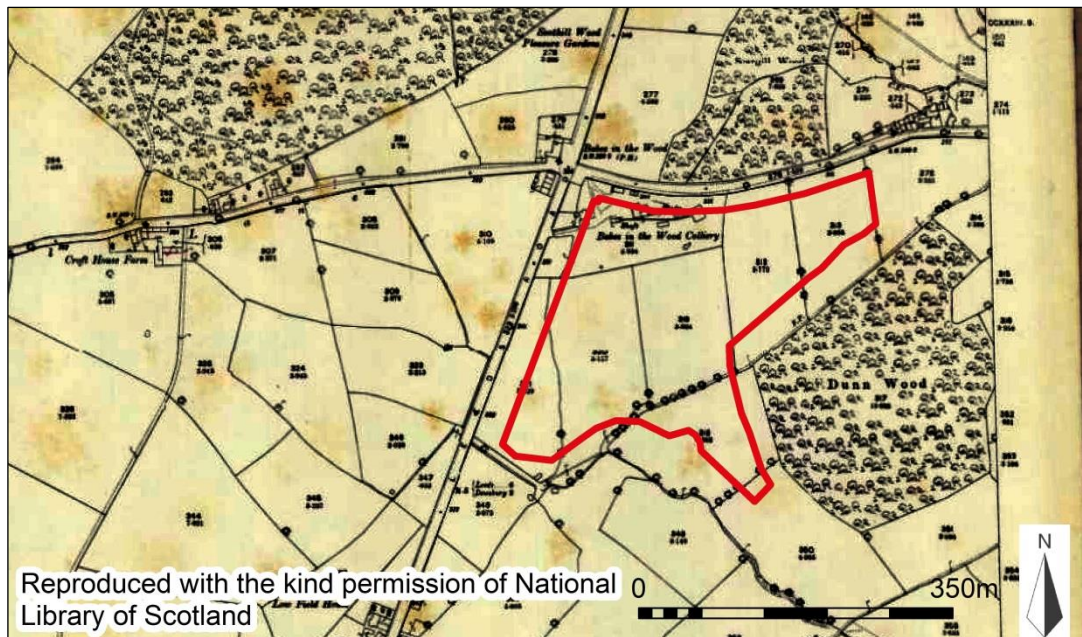


Fig. 7 25 inch Ordnance Survey Map of 1894

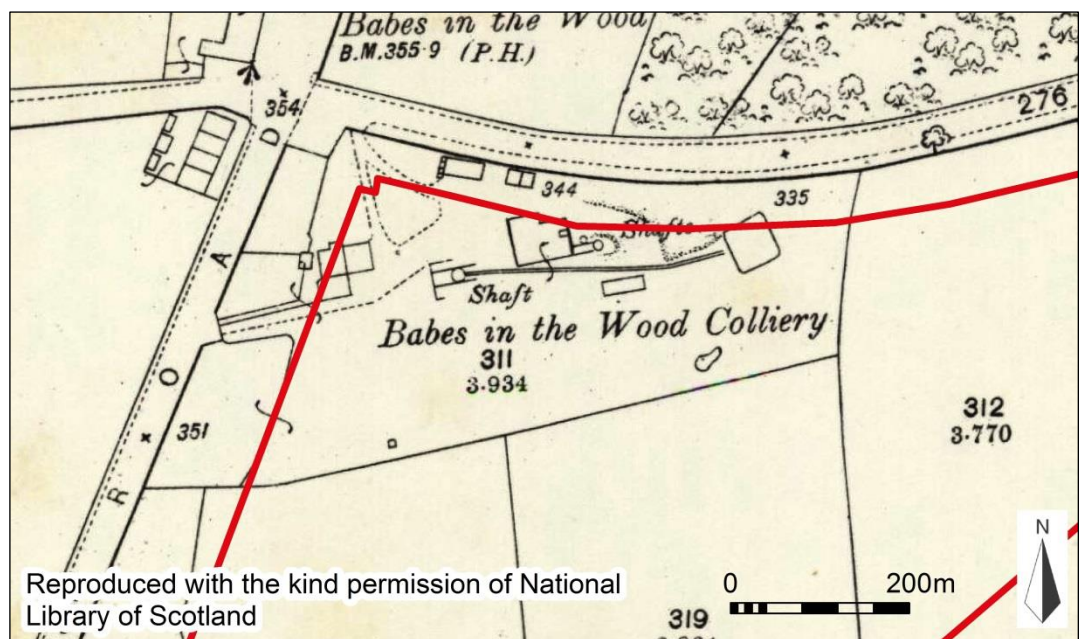


Fig. 8 Close-up extract of 25 inch Ordnance Survey Map of 1894 showing the colliery

- 3.28. The Ordnance Survey map (Fig. 9) of 1908 shows the colliery buildings were still present but it is noted as 'disused' by this point. The remainder of the Site still lies with undeveloped land.

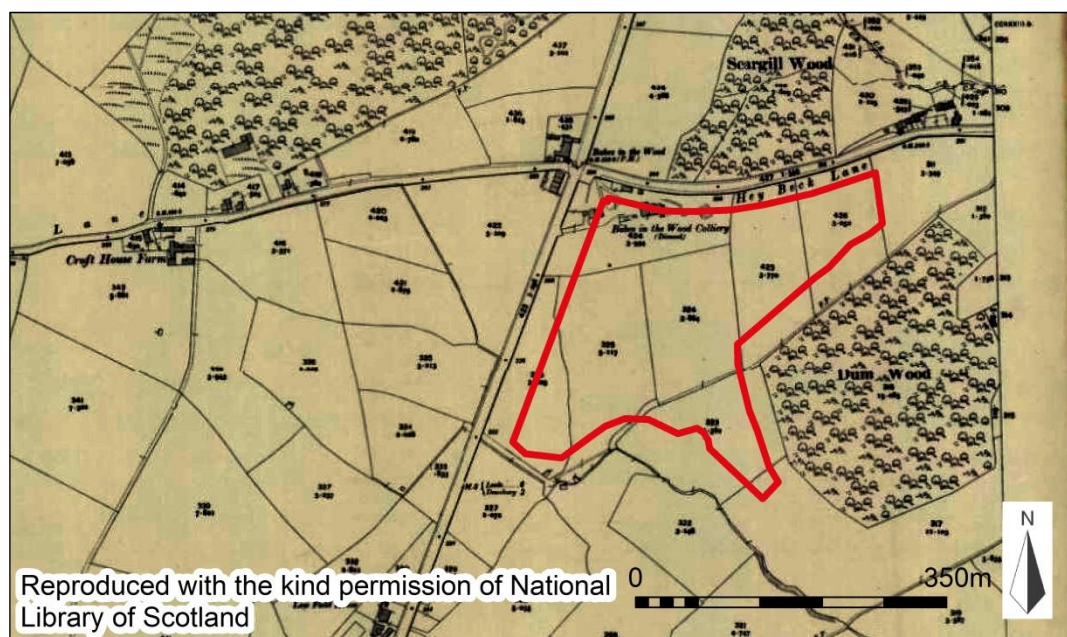


Fig. 9 25 inch Ordnance Survey Map of 1908

- 3.29. The West Yorkshire HER records a Second World War bombing decoy site, used to deflect enemy bombing from the city of Leeds. It is situated in the field to the south of Dogloitch Wood c.1.1km south-east of the Site (Fig. 4, 22). The site is referenced as being operational until 1943, but could have been in use up until July 1944 (Dobinson, 2000). Aerial photographs from 1986 (not reproduced) show that the decoy site had been given over to agricultural use and no features of the decoy survive. The previously discussed geophysical survey undertaken in 1998 indicated there were two distinct linear responses forming an 'L' shape in the same area and they were postulated to be remains associated with decoy activity (GSB Prospection, 1998).
- 3.30. The fifth edition Ordnance survey map of 1949 (Fig. 10) shows development in the area surrounding the Site and buildings have begun to line either side of Heybeck Lane to the north and Leeds Road to the west.

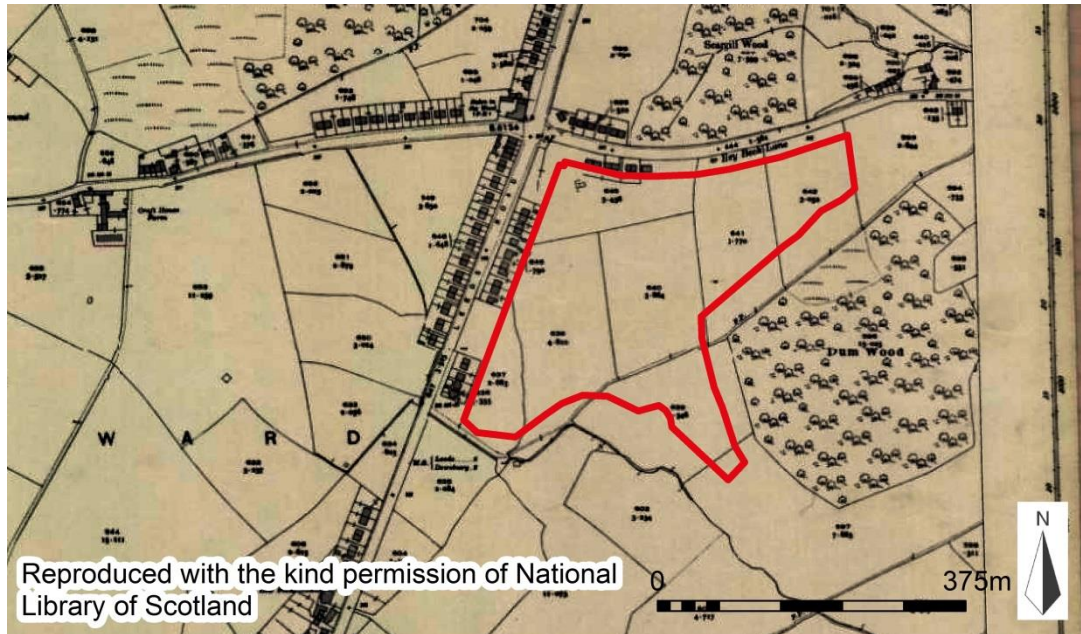


Fig. 10 25 inch Ordnance Survey Map of 1949

- 3.31. Today, the Site still comprises agricultural land. The field boundaries present on the 1779 manorial map have been modified to a great extent though in places appear reasonably intact, especially the hedged boundary that demarcates the southern boundary of the Site. Residential development along the two roads which bound the Site to the north and east and more recent agricultural activity are responsible for these changes over time.

4. ARCHAEOLOGICAL SIGNIFICANCE & POTENTIAL EFFECTS

The significance of known and potential archaeological remains within the Site

- 4.1. This assessment has identified that no designated archaeological remains are located within the Site; no designated archaeological remains will therefore be adversely physically affected by development within the Site.
- 4.2. Known and potential non-designated archaeological remains identified within the Site comprise:
- potential prehistoric or Roman period activity;
 - potential buried remains of medieval or post-medieval cultivation practices; and,
 - potential structural remains of the late 19th century and 20th century colliery.
- 4.3. The significance of these assets is discussed further below:

Potential prehistoric or Roman period activity

- 4.4. A number of cropmarks and geophysical anomalies of possible archaeological interest are recorded in the area surrounding the Site. Around 200m to the south linear ditches were identified on aerial photographs. Further cropmark evidence, c.200m to the south-east was also found to correspond with geophysical survey evidence. The features identified have not been subject to further investigation and as such cannot be securely dated; however, their form indicates they have the potential to be of prehistoric or Roman origin, representing possible settlement and / or agricultural evidence.
- 4.5. Since there has been no geophysical survey or archaeological evaluation to date within the Site the potential for the presence of any such remains is unknown. Any such evidence would be of heritage significance on the basis that it would have the potential to contribute to a rationalisation of the classification of prehistoric landscape features, most notably enclosures, as defined in the Yorkshire Archaeological Research Framework (Roskams & Whyman, 2007).

Potential evidence of medieval or post-medieval cultivation practices

- 4.6. During the walkover survey no above ground remains of ridges were identified within the Site. However, the geophysical survey undertaken c.200m to the south of the Site recorded regular linear anomalies consistent with medieval or post-medieval

cultivation practices. Without further investigation it is difficult to determine whether they extend further north into the Site.

- 4.7. The significance of any such potential archaeological remains is limited but would make a minor contribution to understanding of the development of the historic landscape.

Potential remains associated with industrial extraction practices

- 4.8. Cartographic and documentary sources record extraction processing from coal mining occurring within the Site. The footprint of the directly affected ground appears to be limited to a small area in the northern section of the Site. No above ground remains of the colliery structures remain; however, it is possible buried remains of foundations of these structures may be found within the Site.

- 4.9. The West Yorkshire Archaeology Advisory Service Industrial Archaeology Research Agenda acknowledges the industrial heritage of the region and identifies potential for a greater understanding of the Region's coal mining heritage (Gomersall, 2005). The Research Agenda states that *'every available opportunity should take for the archaeological investigation and recording of surviving underground working where these are threatened by opencast or other development.... particular attention should be given to the area surrounding pit heads – especially the footprints of later spoil heaps which may be targeted for re-working or land reclamation'*. As such, any buried remains of the colliery would have the potential to contribute to a national overview of the development of the coal industry.

Previous Impacts

Coal mining

- 4.10. The scale and extent of disturbance to potential buried archaeological remains within the northern part of the Site is considered to be great as a result of impact caused by coal mining. This has the potential to have resulted in the loss of potential buried archaeological remains where mining is known to have occurred. Impacts are likely to have occurred at the points where the two shafts have been sunk. The ground immediately surrounding the shafts is also likely to have been affected, though the extent is at present unclear.

Cultivation

- 4.11. The wider of the Site is considered to have been subject to minimal previous below ground change. Historic maps and observations made during the walkover survey

attest this. This assessment has identified that the historical function of the remainder of the Site, outside the colliery area, comprised arable / pastoral land. It is likely agriculture will have impacted lightly upon any earlier archaeological horizons through prevailing cultivation processes; limited only to the upper archaeological horizon or any such remains that may be present.

Potential development effects

- 4.12. No significant known archaeological remains have been identified within the Site, and there is considered to be a low potential for any significant unknown archaeological remains to survive buried within the Site. It is anticipated on that basis that no significant archaeological remains will therefore be disturbed, truncated or removed by groundworks associated with the proposed development.
- 4.13. Any disturbance, truncation or removal (physical development effects), of less significant, non-designated archaeological remains identified within the Site would primarily result from groundworks associated with construction. Such groundworks might include:
- pre-construction impacts associated with demolition and ground investigation works;
 - ground reduction;
 - construction ground works, including building and road foundation trench excavations and the excavation of service trenches;
 - excavation of new site drainage channels (including soakaways); and
 - landscaping and planting.

5. THE SETTING OF HERITAGE ASSETS

- 5.1. This section considers potential non-physical effects upon the significance of susceptible heritage assets within the Site environs. Non-physical effects are those that derive from changes to the setting of heritage assets as a result of new development. All heritage assets included within the settings assessment are summarised in the gazetteer in Appendix 2. Those assets identified as potentially susceptible to non-physical impact, and thus subject to more detailed assessment, are discussed in greater detail within the remainder of this section.

Step 1: Identification of heritage assets potentially affected

- 5.2. Step 1 of the Second Edition of Historic England's 2017 'Good Practice Advice in Planning: Note 3' (GPA3) is to 'identify which heritage assets and their settings are affected' (see Appendix 1). GPA3 notes that Step 1 should identify the heritage assets which are likely to be affected as a result of any change to their experience, as a result of the development proposal (GPA3, page 9).
- 5.3. The heritage assets summarised in Table 5.1 below are those that have been identified, as part of Step 1, as potentially susceptible to impact as a result of changes to their setting. These assets have been identified using a combination of GIS analysis and field examination, which has considered, amongst other factors, the surrounding topographic and environmental conditions, built form, vegetation cover, and lines of sight, within the context of the assets' heritage significance.

Heritage Asset	Description	Setting
Toll Gates outside Toll Bar Cottage (Grade II Listed)	A pair of cast and wrought iron gates defining a former toll road. The gates are formed from a pair of tall circular gate piers with conical tops that are flanked by panels created using a diamond lattice pattern. The Turnpike Road between Dewsbury to Leeds was given assent in 1841, and was constructed after 1850.	The toll gates mark the eastern extent of the turnpike road, which has since been abandoned. The gate now marks a length of private road used for modern residential properties. Surrounding the gates are further properties and a public park. No landscape features contemporary with their installation survive. The gates are located approximately 1.7km to the west of the Site and are separated by modern residential development.

Heritage Asset	Description	Setting
Church of St Paul (Grade II Listed)	The Church of St Paul was constructed between 1823-1825, to designs by Thomas Taylor. The structure was altered in 1894 and restored in 1917 after a fire the year before. Architectural features include a projecting three tier tower with perforated parapet and tall octagonal pinnacles. A clock face is located on three of the towers elevations. The main entrance to the Church is located at the base of the tower.	The Church is set within its associated churchyard defined by well-established trees and vegetation. The heritage asset occupies an area of higher ground which makes it a prominent feature in the vicinity. From within the churchyard, views of the wider landscape are limited due to residential development to the south and west of the Church. However, where views of the wider landscape are possible, these are characterised by large modern arable parcels of land (predominantly to the north).
Haigh Hall (Grade II Listed)	A former farmhouse constructed of a timber-frame dating to the mid-16th century, which was then encased in stone in approximately 1768. Internal and external features are specifically identified within the listing description. Haigh Hall is also noted to have been the residence of several prominent figures in the local area from the 16th century.	Haigh Hall shares its associated grounds with a complex of outbuildings, which have been converted in the early 21st century from former agricultural buildings. To the north of the complex is a large 20th century residential development, whilst to the east, west and south the heritage asset is arable land.
Church of St Mary, with associated grave slabs/tombs (Grade II Listed)	The origins of the Church of St Mary are believed to lie in the 12th century. The nave was rebuilt in 1832, with the chancel being rebuilt and extended some two years later. Three semi-circular arches can be seen in the northern façade of the nave possibly relating to an earlier church. The main architectural feature is a large embattled stone tower. The main entrance is located to the west, at the base of the tower. Within its churchyard there also lies a series of Listed grave slabs and tombs dated to between 1681 and 1744.	The Church is set within its associated churchyard which expands to the south. It lies directly to the east of Leeds Road but the views into the churchyard and towards the church are restricted by a stone wall and a line of well-established trees.
Station Road, Batley Conservation Area	Comprising an area of 28ha, the Conservation Area was designated in 1987 and contains 32 Listed Buildings. The character of the Conservation Area is a mix of industrial, commercial and residential.	The Conservation Area is located 1.7km to the west of the Site and occupies an area of mixed urban development.

Heritage Asset	Description	Setting
25 and 27, Baghill Road (Grade II Listed)	25 and 27 Baghill Road are two late 18th century cottages. Constructed of hammer-dressed stone, dressed quoins and a stone slate roof. Both cottages feature a 2-light flat-faced mullioned window to the ground floor with a 3-light flat-faced mullioned window to the second storey and a brick chimney stack on both gable ends.	The cottages lie on a road which runs north/south and is principally composed of modern residential buildings. The landscape to the east and west is open agricultural fields.
Manor Farm Barn (Grade II Listed)	A probable early 18th century barn as the front wall and the rafters have been dated to c.1800. The earliest phase is constructed of thin coursed rubble, with rock-faced stone to the front elevation and a welsh blue-slate roof. In 1999, the barn was modernised and converted into a one-bedroom house.	Manor Farm Barn shares its grounds with a modern residential building. There are further modern residential buildings to the west, north and east while agricultural land expands to the south.

Table 5.1 Heritage Assets identified as part of Step 1

5.4. The Site visit, and study area walkover, identified that there would be no non-physical impact upon the significance Station Road Batley Conservation Area, the Toll Gates outside Toll Bar Cottage, 25 and 27 Baghill Road or the Manor Farm Barn as a result of changes to the use and/or significance of the Site. These heritage assets are all located some distance to the south-west and north-west of the Site respectively, where their settings comprise principally 20th century residential suburbs of Dewsbury and Batley. Their settings would not be altered by the proposed development. The Church of St Mary lies c.700m to the north of the Site, is set within a churchyard which extends on its southern side and is bounded by well-established stands of trees both within the churchyard and to the south and west. Heybeck Lane and woodland lie between the Site and St Mary's too. On this basis the contribution their settings make to the significance of the heritage assets will not change.

5.5. Views of the surrounding landscape (including toward the Site), from these assets may only glimpsed at most and then perhaps only seasonally. Where glimpsed long distance views are possible they are crowded by intervening residential built form and influenced by undulations in the landscape and stands of trees. As such, the proposal development will result in no harm to the significance of these assets. On this basis they have not been assessed further.

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- 5.6. All heritage assets assessed as part of Step 1, but which were *not* progressed to Steps 2 – 4, are included in the gazetteer in Appendix 2 of this report.

Steps 2 – 4: Assessment of setting and potential effects of the development

- 5.7. This section presents the results of Steps 2 to 4 of the settings assessment, which have been undertaken in regards to those potentially susceptible heritage assets identified in Table 5.1. Step 2 assesses the degree to which setting contributes to the significance of the heritage assets, or how it allows their significance to be appreciated. Step 3 then considers how, if at all, and to what extent any anticipated changes to the setting of those assets, as a result of development within the Site, might affect their significance or the ability to appreciate it. Finally, Step 4 considers if/how any identified heritage enhancements might be maximised and if/how any identified harm to heritage significance might be minimised.

Grade II Listed Haigh Hall

Significance ('Special historic and architectural interest')

- 5.8. Haigh Hall (Photo 1) is a farmhouse which lies c.1.3km to the east of the Site. The significance of Haigh Hall derives from its evidential, aesthetic and historic (associative) value primarily relating to its architectural design and fabric. Constructed of punch-dressed stone with ashlar dressings, it is a two-storey building with a slate roof. Its timber frame dates to the mid-16th century but it was later encased in stone in two phases, around 1768 and again in the early 19th century. In the late 19th and 20th century, the farmhouse was subject to further additions and it is noted in the Listing description that the later brick kitchen and stack are of no interest (English Heritage, 1964).



Photo 1 Haigh Hall taken from the west

- 5.9. The historic value of the farmhouse comes from its association with the Savile family who were Lords of the Manor during the 16th and 17th centuries. The Savile coat of arms is carved in the stone over the doorway which is set in the two bays to the right of the property. In the early 18th century, it was the home of William Elmsall, the Steward to George the 3rd Earl of Cardigan, William bought cloth for the Earl and his friends and the Earl was reported as staying at the farmhouse in 1730. The coat of arms is explained by the connection between the Saviles and the Cardigans through marriage. Jeremiah Marsden, a Puritan Minister who preached in the parish between 1660-62 is also recorded as living at Haigh Hall.

Physical surrounds – ‘what matters and why’

- 5.10. The historic setting of the farmhouse would predominantly have been the surrounding agricultural landscape. It sits atop a hillside overlooking a valley, which slopes down westwards towards the Site and surrounding fields and woodland (Photo 2). The historic setting of the Hall has been moderately affected by 20th century development. Views of the agricultural landscape still remain broadly intact to the west of the property but are influenced by large overhead powerlines running through the fields. The main façade also now overlooks a modern housing development to the north (Photo 3). Both of these new modern aspects have reduced the contribution the wider landscape setting makes to the significance of the asset.



Photo 2 Surrounding landscape of Haigh Hall taken from the east



Photo 3 Modern development to the north of the property

Experience – ‘what matters and why’

- 5.11. The asset is best experienced within its immediate environs where it is most visible and its architectural form can be best appreciated. A footpath runs to the west of the farmhouse too, from which its main façade is most evident. The farmhouse cannot be viewed at closer range, however, as a small field separates the property from the footpath (Photo 4).



Photo 4 Haigh Hall taken from the footpath to the west

- 5.12. The building can also be experienced when travelling along Batley Road which runs along the north side of the property (Photo 5). The farmhouse is slightly set back from the road and the northern gable end is most visible from this aspect. A line of dispersed low trees along the road side create glimpsed views of it travelling eastwards.



Photo 5 View of Haigh Hall (red arrow) from Batley Road

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- 5.13. While the property can be viewed from the west, in the agricultural fields at the bottom of the valley, it cannot be appreciated fully as views are limited due to its distance and how it blends into the surrounding landscape. From the Site, the property cannot be viewed as the mature tall trees of Dum Wood stands grouped together, blocking any view.
- 5.14. The Site occupies an area presently use for agricultural use, which is in keeping with the overall rural character of the wider landscape surrounding Haigh Hall. The Site; however, is located c.1.3km to the west of Haigh Hall and due to this distance is not considered to form part of its wider associated landscape.

Development Effects

- 5.15. Visibility of the Site from Haigh Hall is very unlikely as the tall mature trees of Dum Wood stand directly in front of it. The proposed development will not affect how the asset is best appreciated when travelling along Batley Road, in its immediate vicinity or from the footpath to the west. It will not alter any part of Haigh Hall's setting that contribute to its significance on which basis the proposed development will result in no harm.

Grade II Listed Church of St Paul

Significance ('Special historic and architectural interest')

- 5.16. St Paul's Church (Photo 6) dates to the early 19th century and lies c.1.4km to the south-west of the Site. The significance of the Church primarily derives from its aesthetic, communal (spiritual) and historic value.



Photo 6 Church of St Paul taken from the north-west

- 5.17. St Paul's aesthetic value is derived principally through its construction in local ashlar stone, its pitched slate roof with roll-top copings, three-tier west tower and seven bay buttressed nave. Its historical value is tied to Thomas Taylor, its designer. It was built between 1823-25, as a result of the "Million Act" whereby a Parliamentary grant of one million pounds was given for church building throughout the nation, to celebrate the victory of the Duke of Wellington at the Battle of Waterloo in 1815 (Wolffe, 2000). The east end was later altered in 1894 (Pevsner & Ratcliffe, 1967) and it then restored in 1917 following a fire in the previous year (English Heritage, 1984). The communal (spiritual) value of the church derives principally from its use as a place of worship in the local Church of England community who have congregated there for the 190 years of its existence.

Physical surrounds – 'what matters and why'

- 5.18. The setting of the church principally comprises its immediate surroundings; notably its churchyard, which enables the church to be appreciated within its historical and functional context. To the north and east, the church building is enclosed by a hedge and dispersed line of trees (Photo 7) and to the south and west lies adjacent to the churchyard (Photo 8).



Photo 7 Hedgeline and line of trees to the north of the church



Photo 8 Churchyard taken from the north-west

- 5.19. The position in which the church is situated, on a prominent ridgeline overlooking the surrounding agricultural landscape to the north, contributes to its setting as the church tower is widely visible in the surrounding landscape.
- 5.20. The location of the post-medieval settlement of Hanging Heaton, immediately to the south of the churchyard also contributes to its setting. The church, although now situated close to modern development, was constructed as a place of worship

serving the local community, and continues to provide this important communal focus.

Experience – ‘what matters and why’

- 5.21. The architectural interest of the church is best experienced at close proximity, from within the surrounding churchyard. As mentioned above, the enclosed aspect of the churchyard enhances an appreciation of its intimate and spiritual location. The churchyard, which lies to the south and east of the church building, also forms a tranquil and attractive surrounding to the church building, as benefits its function as a place for religious worship and contemplation. As the church is located on a prominent ridgeline, the church tower forms a focal point in the surrounding landscape. These views, while reflecting the intended visual prominence of the church, do not allow for any clear appreciation of the architectural qualities of the structure, and are thus not considered to make any meaningful contribution towards its significance as a heritage asset. Owing to the presence of vegetation along its northern and eastern boundary, outward views from the churchyard are only glimpsed, with limited views of the agricultural landscape to the north (Photo 9).



Photo 9 View looking north from the churchyard

Development effects

- 5.22. The Site is not visible from the church due to the presence of vegetation in the north-east of the churchyard and although the uppermost elements of the church can be viewed from within the Site (Photo 10), the proposed development will not alter any

part of the setting that contributes to the asset's significance. The proposed development will not affect how the church is best appreciated, from within its immediate vicinity, Therefore, the development proposals result in no harm to the asset's significance.



Photo 10 View south-west from the Site (red arrow indicating St Paul's)

Historic Landscape Characterisation including Ancient Woodland

- 5.23. In 2017, the West Yorkshire Historical Landscape Characterisation Project (WYHLC) was published. The project ran between 2011-2017 and sought to identify the historic character of the region and its context in the modern landscape. The project identified that much of the West Yorkshire region comprises areas with both rural and urban attributes which are intermingled and not geographical distinct, indicating a dispersed settlement pattern. This historic development therefore suggests extensive ribbon development along roads and the margins of common land fronting areas, which retain primarily rural attributes. Due to this development trend, the project methodology required the region to be separated into sub-regions. The Site is located within the sub-region of Kirklees.
- 5.24. Land within the Site is broadly characterised as 'Enclosed Land', which is defined as '*land that has been demarcated and enclosed for agricultural purposes, particularly fields*'.
- 5.25. This enclosed land can be further defined by different agricultural purposes, with the function apparently altered at differing periods. The Site, and the land extending to

the south and east is identified as 'Assarted Land', which is an 'irregular enclosure with comparatively high levels of mature trees in pockets of woodland and in boundaries'. This is typically taken as a sign of land reclaimed from woodland or forest and is likely to be fairly early in origin and often associated with place names such as *ley*, *hurst* and *feld* (Rackham 1986). To the south-east of the Site is a parcel of ancient woodland, Dum Wood, and it is entirely possible that the land within the Site itself would formerly have been part of a more extensive woodland.

- 5.26. To the west of the Site, the land is initially defined as Open Fields, which are derived from larger parcels of enclosed land formed during the medieval period. These large parcels would have been farmed by a nearby community in linear strips comprising ridge and furrow cultivation. These strips later become systems made into blocks of land which have in turn been bounded by hedgerows. With this agglomeration, high levels of field boundary loss is known to occur, both through the intentional removal of boundary treatments and also of a lack of maintenance.
- 5.27. The HLC project states that the Site has not been subject to change, with the land within the Site identified by the HLC project as historically assarted, with no alteration of marked alternative use, probably since the medieval period. Whilst the proposed development would remove an element of the prevailing agricultural landscape this would not cause measurable erosion of the wider historic landscape. This assessment has also identified that mining was undertaken within the Site during the 19th century; some of the land thus having entered a different use during this period. The surrounding landscape today is also dominated by modern housing development, and directly to the south, large overhead power lines.

6. CONCLUSIONS

- 6.1. The proposed development will comprise the construction of up to 181 new homes, within a wider mixed use development for residential and employment use. This assessment has considered possible effects on known and potential buried archaeological remains which may arise as a result of development within the Site. It has also assessed potential non-physical effects upon the significance of susceptible heritage assets, in particular Grade II Listed Haigh Hall and the Church of St Paul and potential alterations to the historic landscape character of the wider area as a whole through development within the Site.
- 6.2. There are no recorded buried archaeological remains within the Site; however, a geophysical survey carried out to the south confirmed that previously identified cropmarks were likely to be archaeological in origin. As the survey results have not been subject to intrusive investigation, their composition is not yet confirmed, nor is it not known whether there is potential for them to extend into the Site. The same geophysical survey identified regular linear anomalies consistent with medieval or post-medieval cultivation practices, again as these survey results have not been subject to further investigation the potential for them to extend into the Site is at present unclear.
- 6.3. On the basis of the above assessment the potential for currently unknown archaeological remains to be present within the Site is considered to be limited. This is particularly so in the northern part of the Site, where a colliery was present in the later 19th and earlier 20th centuries and the extent of the disturbance associated with these works is likely to be high. Groundworks carried out as part of the proposed development within the remainder of the Site would still have some potential to impact on buried archaeological remains, despite the limited potential for their presence.
- 6.4. A detailed and proportionate settings assessment was undertaken in consideration of potential effects on designated heritage assets in the surrounding landscape that may arise as a result of the proposed development. In addition, an assessment of the extent to which the proposed development may change the prevailing historic landscape character was also made. Settings assessments were undertaken in respect of the Grade II Listed Haigh Hall and Church of St Paul. It was concluded that the proposed development will not alter the key ways in which these assets are

currently experienced and any wider landscape views which could potentially incorporate the Site do not contribute to the heritage significance of the assets. On this basis the proposals will not cause harm to the prevailing significance of the assets through alteration of their setting.

- 6.5. Elsewhere within the study area and surrounding landscape the significance of designated assets is considered not to be in any way harmed by the proposed development since the Site does not comprise an element of their setting that could contribute to their significance. The changes arising from the proposed development were also considered to have a negligible effect on the character of the historic landscape. This assessment identified that whilst the proposed development would remove an element of the prevailing agricultural landscape this would not cause measurable erosion of the wider historic landscape.
- 6.6. Paragraph 189 of the NPPF requires that the level of detail accompanying an application 'should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'. It is anticipated that any potential effects on buried archaeological remains can be addressed through an appropriately designed archaeological mitigation strategy, in consultation with the Local Authority. On that basis the proposals are considered to conform to local planning policy, the Framework and supporting heritage legislation. This assessment forms the initial evidence base upon which consultation with Local Planning Authority's archaeological advisor can commence.

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APPENDIX 1: HERITAGE STATUTE POLICY & GUIDANCE

Heritage Statute: Listed Buildings

Listed Buildings are buildings of ‘special architectural or historic interest’ and are subject to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the Act’). Under Section 7 of the Act *‘no person shall execute or cause to be executed any works for the demolition of a Listed Building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.’* Such works are authorised under Listed Building Consent.

Under Section 66 of the Act ‘In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses’.

Note on the extent of a Listed Building

Under Section 1(5) of the Act, a structure may be deemed part of a Listed Building if it is:

- (a) fixed to the building, or
- (b) within the curtilage of the building, which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948

The inclusion of a structure deemed to be within the ‘curtilage’ of a building thus means that it is subject to the same statutory controls as the principal Listed Building. Inclusion within this duty is not, however, an automatic indicator of ‘heritage significance’ both as defined within the NPPF (2018) and within Conservation Principles (see Section 2 above). In such cases, the establishment of the significance of the structure needs to be assessed both in its own right and in the contribution it makes to the significance and character of the principal Listed Building. The practical effect of the inclusion in the listing of ancillary structures is limited by the requirement that Listed Building Consent is only needed for works to the ‘Listed Building’ (to include the building in the list and all the ancillary items) where they affect the special character of the Listed Building as a whole.

Guidance is provided by Historic England on ‘Listed Buildings and Curtilage: A Historic England Advice Note’ (Historic England 2016).

Heritage Statute: Conservation Areas

Conservation Areas are designated by the local planning authority under Section 69(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), which requires that *'Every local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'*. Section 72 of the Act requires that *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*.

The requirements of the Act only apply to land within a Conservation Area; not to land outside it. This is set out within 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets' (2017; see below) which states that *'In primary legislation, the setting of Conservation Areas is not a statutory duty'* (page 5). This fact is also clarified in various Appeal Decisions (for example APP/F1610/A/14/2213318 Land south of Cirencester Road, Fairford, Paragraph 65: *'The Section 72 duty only applies to buildings or land in a Conservation Area, and so does not apply in this case as the site lies outside the Conservation Area'*).

The NPPF (2018) also clarifies in Paragraph 201 that *'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance'*. Thus land or buildings may be a part of a Conservation Area, but may not necessarily be of architectural or historical significance. Similarly, not all elements of the setting of a Conservation Area will necessarily contribute to its significance, or to an equal degree.

Heritage Statute: Scheduled Monuments

Scheduled Monuments are subject to the provisions of the Ancient Monuments and Archaeological Areas Act 1979. The Act sets out the controls of works affecting Scheduled Monuments and other related matters. Contrary to the requirements of the Planning Act 1990 regarding Listed Buildings, the 1979 Act does not include provision for the 'setting' of Scheduled Monuments.

National heritage policy: the National Planning Policy Framework ('NPPF')

Heritage assets and heritage significance

Heritage assets comprise *'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'* (NPPF (2018), Annex 2).

The NPPF (2018), Annex 2, states that the significance of a heritage asset may be archaeological, architectural, artistic, or historic. Historic England's 'Conservation Principles' (2008) looks at significance as a series of 'values' which include 'evidential', 'historical', 'aesthetic' and 'communal' (see below).

Designated heritage assets include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields and Conservation Areas (designated under the relevant legislation; NPPF (2018), Annex 2).

The setting of heritage assets

The 'setting' of a heritage asset comprises *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'* (NPPF (2018), Annex 2). Thus it is important to note that 'setting' is not a heritage asset: it may contribute to the value of a heritage asset.

Guidance on assessing the effects of change upon the setting and significance of heritage assets is provided in 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets', which has been utilised for the present assessment (see below).

Levels of information to support planning applications

Paragraph 189 of the NPPF (2018) identifies that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'*

Designated heritage assets

Paragraph 184 of the NPPF (2018) explains that heritage assets *'are an irreplaceable resource and should be conserved in a manner appropriate to their significance'*.

Paragraph 193 notes that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

Paragraph 194 goes on to note that ‘*substantial harm to or loss of a grade II listed building...should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance (notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites) ‘should be wholly exceptional’.*

Paragraph 196 clarifies that ‘*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.*’

Development Plan

Local planning policy is contained within Kirklees Unitary Development Plan (UDP) which was updated in September 2007. The update took into consideration changes to national policy, relating to the historic environment (PPG 15 and PPG 16), with the removal of some policies occurring. Those removed included BE3 and BE4 relating to Listed Buildings; BE7 and BE8 relating to Conservation Areas

The saved policies relevant to this assessment include the following:

Archaeology- BE9

‘New development should have no detrimental effect on the archaeological value of Class I or II site. Only when other planning considered constitute and overriding factor will development be permitted, subject to policy BE10’.

Archaeology – BE10

‘where a development proposal affects the archaeological value of a Class I, II or III site, the applicant may be required to provide an archaeological evaluation of the area do that the council, before deciding the application can determine whether:

- i) The site merits preservation in situ;*
- ii) Proper provision for excavation and recording needs to be made before development proceed; or*
- iii) no action is necessary*

Kirklees council are currently developing the Local Plan. The draft plan was submitted for independent inspection in April 2017. Modifications to the Local Plan are due to be consulted on in the autumn of 2018. When the Local Plan is adopted, the policy DLP36 - Historic Environment as published in the Draft local Plan (2015). This policy states:

'Proposals should normally retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved considering in particular the need to:

- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;*
- b. ensure that proposals within Conservation Areas conserve those elements which have been identified as contributing to their significance in the relevant Conservation Area Appraisals;*
- c. secure a sustainable future for heritage assets associated with the local textile industry, historic farm buildings and places of worship;*
- d. identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance; and*
- e. accommodate innovative design where this does not prejudice the significance of heritage assets;*
- f. preserve the setting of Castle Hill and proposals which detrimentally impact on the setting of Castle Hill will not be permitted'.*

Good Practice Advice 1-3

Historic England has issued three Good Practice Advice notes ('GPA1–3') which support the NPPF. The GPAs note that they do not constitute a statement of Government policy, nor do they seek to prescribe a single methodology: their purpose is to assist local authorities, planners, heritage consultants, and other stakeholders in the implementation of policy set out in the NPPF (2018). This report has been produced in the context of this advice,

particularly ‘GPA2 – Managing Significance in Decision-Taking in the Historic Environment’ and ‘GPA3 – The Setting of Heritage Assets’.

GPA2 - Managing Significance in Decision-Taking in the Historic Environment

GPA2 sets out the requirement for assessing ‘heritage significance’ as part of the application process. Paragraph 8 notes that *‘understanding the nature of the significance is important to understanding the need for and best means of conservation.’* This includes assessing the extent and level of significance, including the contribution made by its ‘setting’ (see GPA3 below). Page 3 notes that *‘a desk-based assessment will determine, as far as is reasonably possible from existing records, the nature, extent and significance of the historic environment within a specified area, and the impact of the proposed development on the significance of the historic environment, or will identify the need for further evaluation to do so’.*

GPA3 – The Setting of Heritage Assets

The NPPF (Annex 2: Glossary) defines the setting of a heritage asset as *‘the surroundings in which a heritage asset is experienced’*. Step 1 of the settings assessment requires heritage assets which may be affected by development to be identified. Historic England notes that for the purposes of Step 1 this process will comprise heritage assets *‘where that experience is capable of being affected by a proposed development (in any way)...’*.

Step 2 of the settings process *‘assess[es] the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated’*, with regard to its physical surrounds; relationship with its surroundings and patterns of use; experiential effects such as noises or smells; and the way views allow the significance of the asset to be appreciated. Step 3 requires *‘assessing the effect of the proposed development on the significance of the asset(s)’* – specifically to *‘assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it’*, with regard to the location and siting of the development, its form and appearance, its permanence, and wider effects.

Step 4 of GPA3 provides commentary on *‘ways to maximise enhancement and avoid or minimise harm’*. Paragraph 37 notes that *‘Maximum advantage can be secured if any effects on the significance of a heritage asset arising from development liable to affect its setting are considered from the project’s inception.’* Paragraph 39 notes that *‘good design may reduce or remove the harm, or provide enhancement’*.

Heritage significance

Discussion of heritage significance within this assessment report makes reference to several key documents. With regard to Listed Buildings and Conservation Areas it primarily discusses ‘architectural and historic interest’, which comprises the special interest for which they are designated.

The NPPF provides a definition of ‘significance’ for heritage policy (Annex 2). This states that heritage significance comprises ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic’. This also clarifies that for World Heritage Sites ‘*the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance*’.

Regarding ‘levels’ of significance the NPPF (2018) provides a distinction between: designated heritage assets of the highest significance; designated heritage assets not of the highest significance; and non-designated heritage assets.

Historic England’s ‘Conservation Principles’ (2008) expresses ‘heritage significance’ as comprising a combination of one or more of: evidential value, historical value, aesthetic value, and communal value.

Effects upon heritage assets

Heritage benefit

The NPPF clarifies that change in the setting of heritage assets may lead to heritage benefit. Paragraph 200 of the NPPF (2018) notes that ‘*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably*’.

GPA3 notes that ‘*good design may reduce or remove the harm, or provide enhancement*’ (Paragraph 14). Historic England’s ‘Conservation Principles’ states that ‘*Change to a significant place is inevitable, if only as a result of the passage of time, but can be neutral or beneficial in its effects on heritage values. It is only harmful if (and to the extent that) significance is reduced*’ (Paragraph 84).

Specific heritage benefits may be presented through activities such as repair or restoration, as set out in Conservation Principles.

Heritage harm to designated heritage assets

The NPPF (2018) does not define what constitutes ‘substantial harm’. The High Court of Justice does provide a definition of this level of harm, as set out by Mr Justice Jay in *Bedford Borough Council v SoS for CLG and Nuon UK Ltd*. Paragraph 25 clarifies that, with regard to ‘substantial harm’: *‘Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced’*.

Effects upon non-designated heritage assets

Paragraph 197 of the NPPF (2018) guides that *‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset’*.

APPENDIX 2: DATA CAPTURE GAZETTEER

Figure Ref. No.	Ref.	Description	Period
1	PRN 21265	Neolithic polished stone hand axe	Prehistoric
2	PRN 4543	Possible prehistoric or Roman cropmarks	Prehistoric/Roman
3 (A) (B)	PRN 15018 PRN 4544 PRN 4542	Geophysical survey revealed modern and possible prehistoric/Roman features: Ring ditch and field system Square enclosure	Prehistoric/Roman/ modern
4	PRN 4060	Cropmarks of a linear ditch	Prehistoric/Roman
5	PRN 4539	Possible prehistoric or Roman cropmarks	Prehistoric/Roman
6	PRN 4546	Possible prehistoric or Roman cropmarks	Prehistoric/Roman
7	PRN 6305	Excavation revealed a possible Roman seasonal military camp	Roman
8	PRN 1898	Find spot of a copper coin	Roman
9	PAS 1348	Copper alloy headstud brooch	Roman
10	NHLE 1250737	Grade II Listed Church of St Mary	Medieval
11	PRN 15459	Groundworks revealed a former Augustinian Priory	Medieval
12	PRN 2866	Excavation revealed 3 dams and a sluice gate associated with a corn mill	Medieval
13	PRN 4628	Possible ironstone mine and iron working site	Medieval
14	PRN 15754	Iron slag and pottery recorded in HER	Medieval
15	PRN 5231	Commercial fair	Post medieval
16	NHLE 1253264	Grade II Listed Toll Gate	Post medieval
17	NHLE 1250888	Grade II Listed Haigh Hall	Post medieval
18	PRN 16045	Excavation recorded post-medieval furrows	Post medieval
19	NHLE 1134649 NHLE 1135378	Grade II Listed church of St Paul	Modern

Figure Ref. No.	Ref.	Description	Period
20	-	Babes in the Wood Colliery	Modern
21	PRN 14956	Excavation recorded a large amount of 19th and 20th century pottery	Modern
22	PRN 6398	Second World War bombing decoy site	Modern
23	NHLE 1263115	Grade II Listed Manor Farm Barn	Modern
24	NHLE 1250807	Grade II Listed cottages – 25 and 27 Baghill Road	Modern

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