

From: [Hunter, David](#)

Subject: Outstanding Consultation Responses - 2021/91914 - Land to the Rear of Northorpe Lane, Mirfield
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West Yorkshire Archaeology Advisory Service are not aware of any new or additional archaeological information that alters our previous recommendation for and archaeological evaluation. Our previous advice stated that:

The application site is located in an area of known archaeological potential.

Various stages of archaeological investigations at the nearby Woodward Court Mirfield uncovered two Bronze Age cremation burials – without any indication of the barrow or burial mounds common associated with burials of this type and date. Later, perhaps Iron Age, Romano-British or even medieval agricultural activity was also evidenced by backfilled ditches and a trackway. Several back filled mine entries were also identified. These predate the First Edition 6 inch to the mile Ordnance Survey map, which was surveyed in the 1840s, and point to early exploitation of the areas mineral resources (West Yorkshire Historic Environment Record EWY8107)

The applicant has carried out an archaeological geophysical survey which suggests the site has a low archaeological potential.

Based on this survey and the other evidenced mentioned the West Yorkshire Archaeology Advisory Service recommend the sites archaeological potential is fully established by excavating a number of archaeological evaluation trenches.

Recommended Course of Action

We recommend that, in accordance with the policies cited below that the developer is required to provide the Planning Authority with an archaeological evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We recommend that ideally this evaluation should be carried out prior to the determination of this application as required by the NPPF.

The evaluation would involve the excavation of a number of archaeological evaluation trenches. Further archaeological advice will depend upon the results of the evaluation but may vary from: a recommendation for refusal of the application, to carry out archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a 'watching brief').

We advise that it is in the developer's interests to carry out the evaluation as early as possible, in order that the full implications of any archaeological discoveries can be taken account of when planning the project.

Relevant Policies

The National Planning Policy Framework (July 2021), paragraph 194 states that 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

Paragraph 203 then states, "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." and thus will require the site to be subject to an evaluation in order for the significance to be established.

The NPPF then goes on to say that should permission then be granted "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted." (paragraph 205).

Kirklees Local Plan, Strategy and Policies (February 2019) makes provision for the retention and/or archaeological recording of non-designated heritage assets. Policy PLP 35.2 states that "the developer will be required to make adequate provision for excavation and recording before or during development."

Recommended Planning Condition

The WYAAS' recommends that the site is subject to an archaeological evaluation, ideally prior determining the application. This advice is in keeping with both national and local policy. Should this advice be ignored then the WYAAS recommend the following condition, in accordance with the Department of the Environment's Circular 11/95, is attached to any grant of planning permission awarded:

"No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority."

Or, as an alternative to the above model condition which was first introduced in 1990, the following condition is suggested by Historic England in their Historic Environment Good Practice Advice, Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment, 2015 paragraph 37:

No development shall take place/commence until a written scheme of archaeological investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Detail of Archaeological Investigation

Details of the necessary archaeological work, in the form of a specification, will be provided to the developer on written request, by the WY Archaeology Advisory Service in our capacity as Kirklees Planning Department's advisors on archaeological matters. The WY Archaeology Advisory Service will also be responsible for monitoring the work of the archaeological contractor commissioned by the developer to undertake this work, on behalf of the Planning Authority. From the 1st of April 2011 in accordance with an agreement of the Council Committee that oversees our work the WY Archaeology Advisory Service will charge for these and concomitant services. Please note that the production of a specification may take up to three working weeks from receipt of a written request. It is in the applicant's interest that they be made aware of this likely timescale.

The WY Archaeology Advisory Service can also provide a list of archaeological contractors who may be available to tender for the work. In order to aid the developer to meet the requirements of the above condition I would suggest that it might be helpful to add the following as a note to the planning permission:

"For further information please contact: David Hunter, West Yorkshire Archaeology Advisory Service: 0113 5350300."

We would strongly suggest that the developer be advised that a reasonable period of time for the execution of the necessary archaeological work must be allowed for within the overall site timetable. Any commencement of work on site prior to the approval and implementation of an archaeological specification, and/or any failure to schedule work properly that results in inadequate archaeological recording, should be deemed by the Planning Department to be a breach of the planning condition.

Best regards

David



David Hunter | Senior Archaeological Officer

| t: 01135350300

| m: 07917 587 400

| e: David.Hunter@wyjs.org.uk

West Yorkshire Archaeology Advisory Service , West Yorkshire Joint Service,
Nepshaw Lane South, Morley, Leeds LS27 7JQ

www.wyjs.org.uk/archaeologyadvisory



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