



CONSULTATION RESPONSE TO PLANNING APPLICATION

To Planning Services, Kirklees Metropolitan Council, PO Box B93, Civic Centre, Huddersfield HD1 2JR

For the attention of **Nick Hirst**

Application No. **2021/94280**

Development **Erection of of 67 dwellings with associated works**

Site Address **land at, Lady Ann Road, Soothill, Batley, WF17 0PY**

THANK YOU FOR YOUR CONSULTATION. AS KIRKLEES COUNCIL'S OFFICIALLY RETAINED PROFESSIONAL ADVISORS ON THE HISTORIC ENVIRONMENT, THE WEST YORKSHIRE ARCHAEOLOGY ADVISORY SERVICE WOULD MAKE THE FOLLOWING COMMENTS –

Statement of Significance

The West Yorkshire Archaeology Advisory Service have responded to previous applications on this site and recommended a phased approach to archaeological evaluation. The applicant has acted upon this and carried out an archaeological geophysical survey. Based on these results the WYAAS recommend that should planning permission be granted a pre-commencement archaeological evaluation should take place followed by any further archaeological works.

The application site lies in an area dominated by 19th century industrial remains including mills, workers' housing, railways and collieries. However, as far as is known the site has not been previously developed. It faces south-east with Howley Beck flowing along its eastern boundary at the base of a slope. Both aspect and water course would have made the site an attractive location for early communities to settle.

A small number of flints were recovered from the vicinity although location of this find spot is not known with precision and is given as "near Howley football field" located to the north of the site (West Yorkshire Historic Environment Record MWY 13968).

The site of Howley Hall and park is located to the north-east of the site. The late 16th century hall, built by Sir John Savile is a designated heritage asset and scheduled ancient monument, and is located c. 550m to the north-east of the application site (National Heritage List for England No. 1,016,323 and MWY 2905). This Elizabethan house and gardens replaced an earlier medieval hall thought to lie further to the north.

During the English Civil Wars the Savile's were been reluctant to support the Royalist cause and during 22nd to 25th of June 1643 the Earl of Newcastle and his army laid siege to and damaged Howley Hall. The house was finally demolished in 1730.



The place name “Cinder Hills” is recorded just beyond the application site to the north-east of Lady Ann’s Mills. This is indicative of early mining or industrial activity such as iron founding (MWY2475).

Archaeological remains ranging from the prehistoric to early industrial periods may be present within the proposed development site. This potential should be fully evaluated before commencing development.

Impact of Proposed Development

The application is to construct a housing development with various landscaping operations and access. Construction may uncover important archaeological evidence of past activity and settlement from prehistoric and later periods.

Relevant Policies

The National Planning Policy Framework (July 2021) states that when planning permission is 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 reflects the national guidance with regard to justifying loss and states that: “the developer will be required to make adequate provision for excavation and recording before or during development.” (PLP35.2).

Recommended Course of Action

We recommend that, in accordance with the policies cited above, the developer is required to provide the Planning Authority with a post determination archaeological evaluation. This may establish that further archaeological work is necessary.

The initial evaluation would involve the excavation of a number of archaeological evaluation trenches.

This work can be secured by a suitable condition on any planning consent awarded by Kirklees Council.

Recommended Planning Condition

The WYAAS’ recommends that the site is subject to a post determination archaeological evaluation carried out prior to commencing construction work on the site.

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 535 0300."

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.

Copy of decision notice required? Yes

Date of Response 14/12/21
WYAAS Contact Officer David Hunter
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WYAS AS ref. P/K/21(8.12)

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David Hunter
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