

Appendix 1: Regulatory and Policy Context

Introduction

There is national legislation and guidance relating to the protection of, and development on, or near, important archaeological sites or historical buildings within planning regulations as defined under the provisions of the Town and Country Planning Act 1990. In addition, local authorities are responsible for the protection of the historic environment within the planning system. The following policies are considered to be of relevance to the Site and the proposed redevelopment.

Planning (Listed Buildings and Conservation Areas) Act 1990

Works affecting Listed Buildings or structures and Conservation Areas are subject to additional planning controls administered by LPAs under the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering development which affects a Listed Building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66). In considering Conservation Areas the planning authority has a general duty to give special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72).

The statutory criteria for listing are the special architectural or historic interest of a building. Buildings on the list are graded to reflect their relative architectural and historic interest (DCMS, 2010a, para 7, page 4):

- Grade I: Buildings of exceptional interest;
- Grade II*: Particularly important buildings of more than special interest;
- Grade II: Buildings of special interest which warrant every effort being made to preserve them.

Historic England is a statutory consultee in relation to works affecting Grade I/II* Listed Buildings.

National Planning Policy Framework

Section 16 of the National Planning Policy Framework (NPPF) sets out the Government's current planning policy in relation to conserving and enhancing the historic environment. The key requirements are summarised below.

Applicants are required to provide proportionate information on the significance of designated and non-designated heritage assets affected by the proposals and an impact assessment of the proposed development on that significance. This should be in the form of a desk-based assessment and, where necessary, a field evaluation (NPPF, 194).

LPAs are required to take into account the desirability of sustaining and enhancing the significance

of heritage assets and putting them to viable uses consistent with their conservation; the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place (NPPF, 190/197).

In determining planning applications, great weight should be given to the conservation of designated heritage assets - World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields or Conservation Areas designated under the relevant legislation (NPPF, 199/200).

In weighing applications that affect directly or indirectly the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, 203).

LPAs 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 significance and the impact, and to make this evidence publicly accessible and any archives deposited with a local museum or other public depository (NPPF, 205).

Local Plan

The Site is situated within the administrative boundaries of Kirklees Council who formally adopted the *Kirklees Local Plan* in February 2019. Policies relating to the historic environment which are pertinent to the proposed scheme include:

Policy LP35: Historic environment

1. Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all of the following are met:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*

d. the harm or loss is outweighed by the benefit of bringing the site back into use.

2. Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In the case of developments affecting archaeological sites of less than national importance where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.

3. Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to 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 contribute to their significance;

c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;

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;

e. accommodate innovative design where this does not prejudice the significance of heritage assets;

f. preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted

Appendix 2: Historic OS mapping

Site Details:

Client Ref: EMS_845098_1044457
 Report Ref: EMS-845098_1084559
 Grid Ref: 414349, 414894

Map Name: County Series

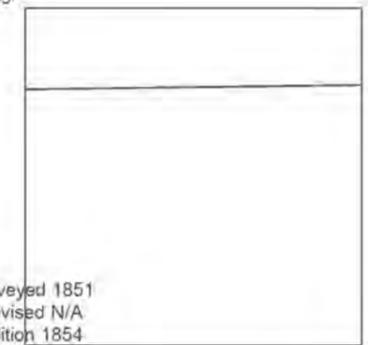
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Scale: 1:10,560

Printed at: 1:10,560



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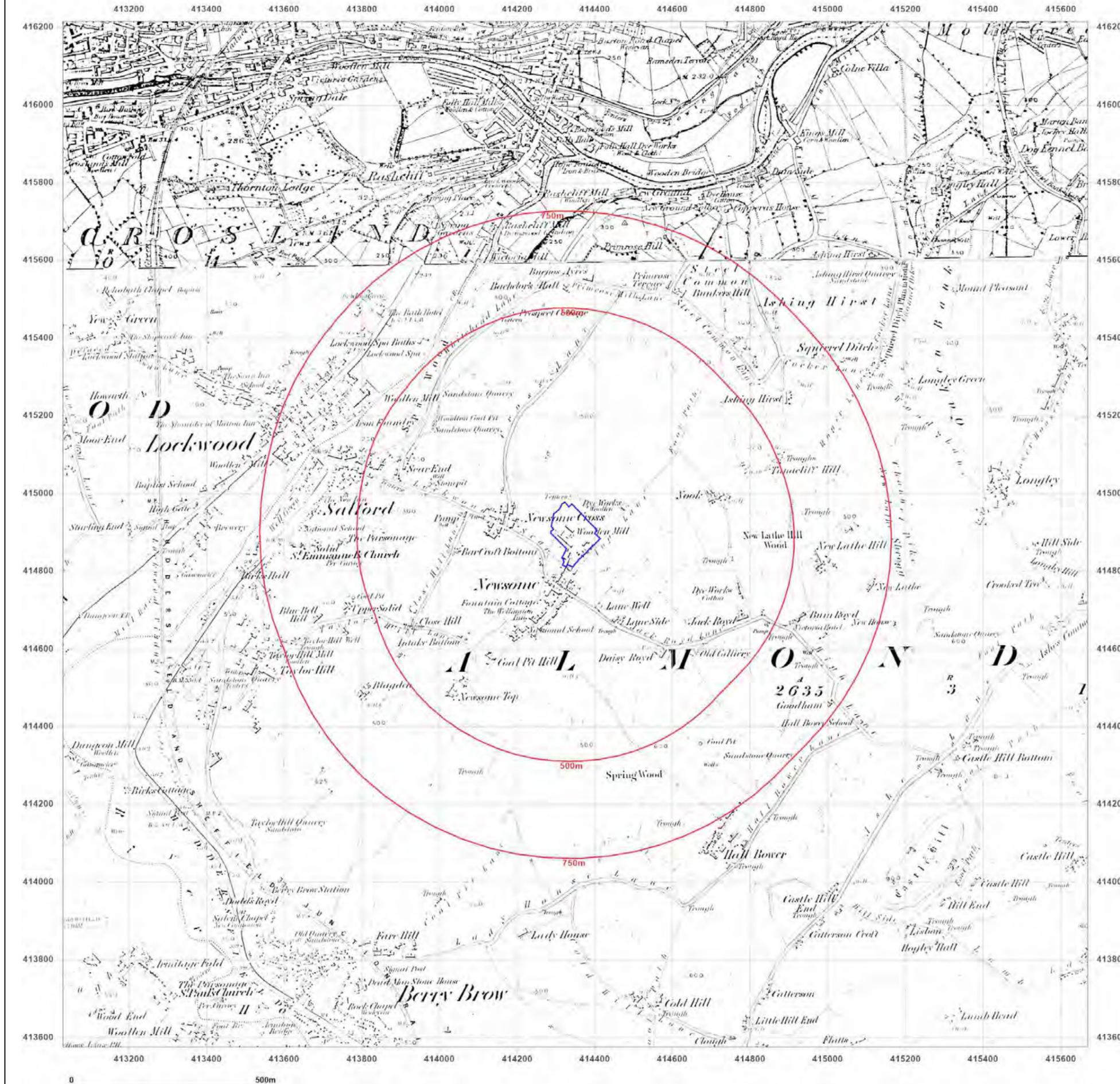


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Site Details:

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Report Ref: EMS-845098_1084559
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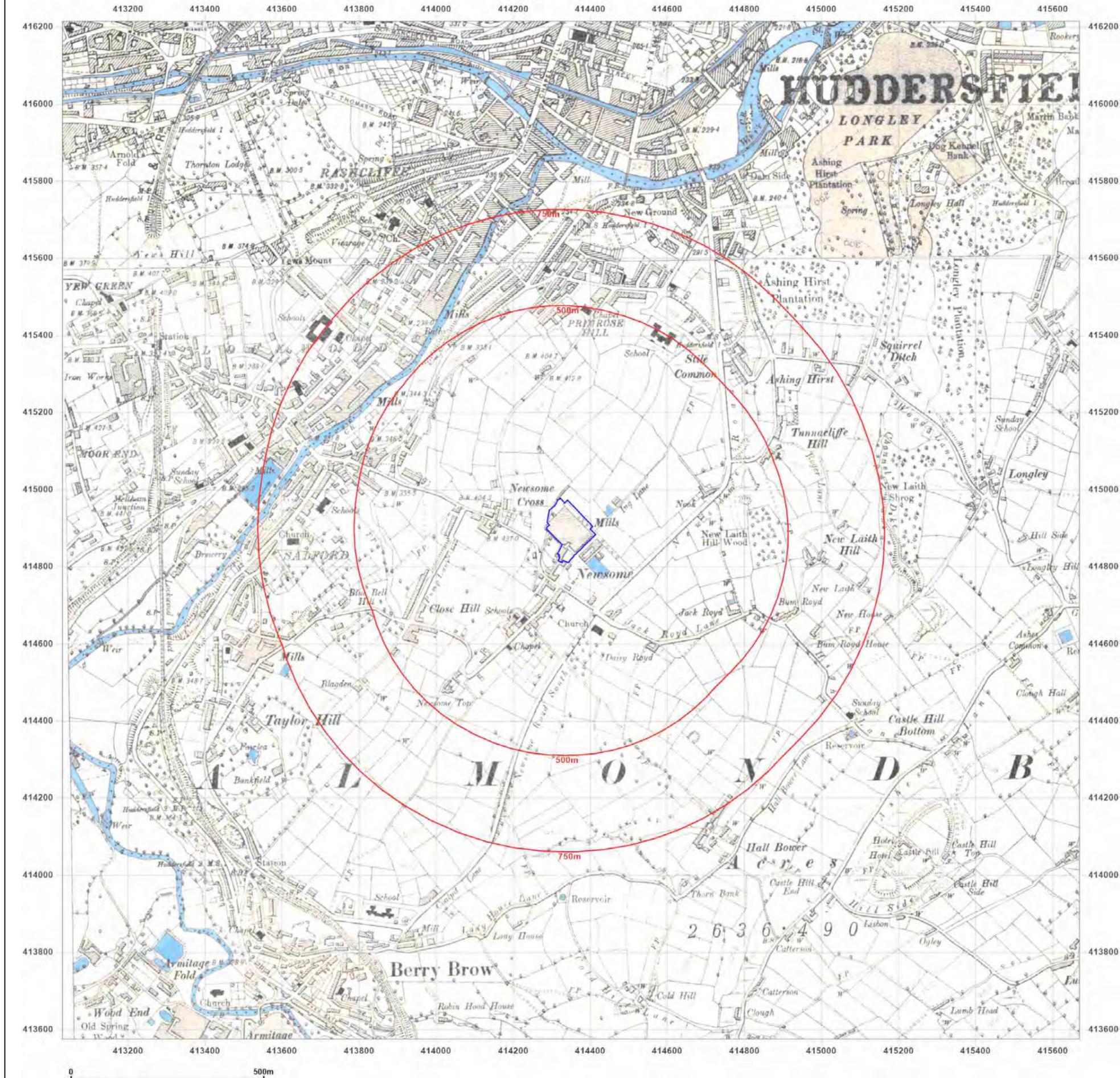
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Report Ref: EMS-845098_1084559
Grid Ref: 414349, 414894

Map Name: County Series

Map date: 1905

Scale: 1:10,560

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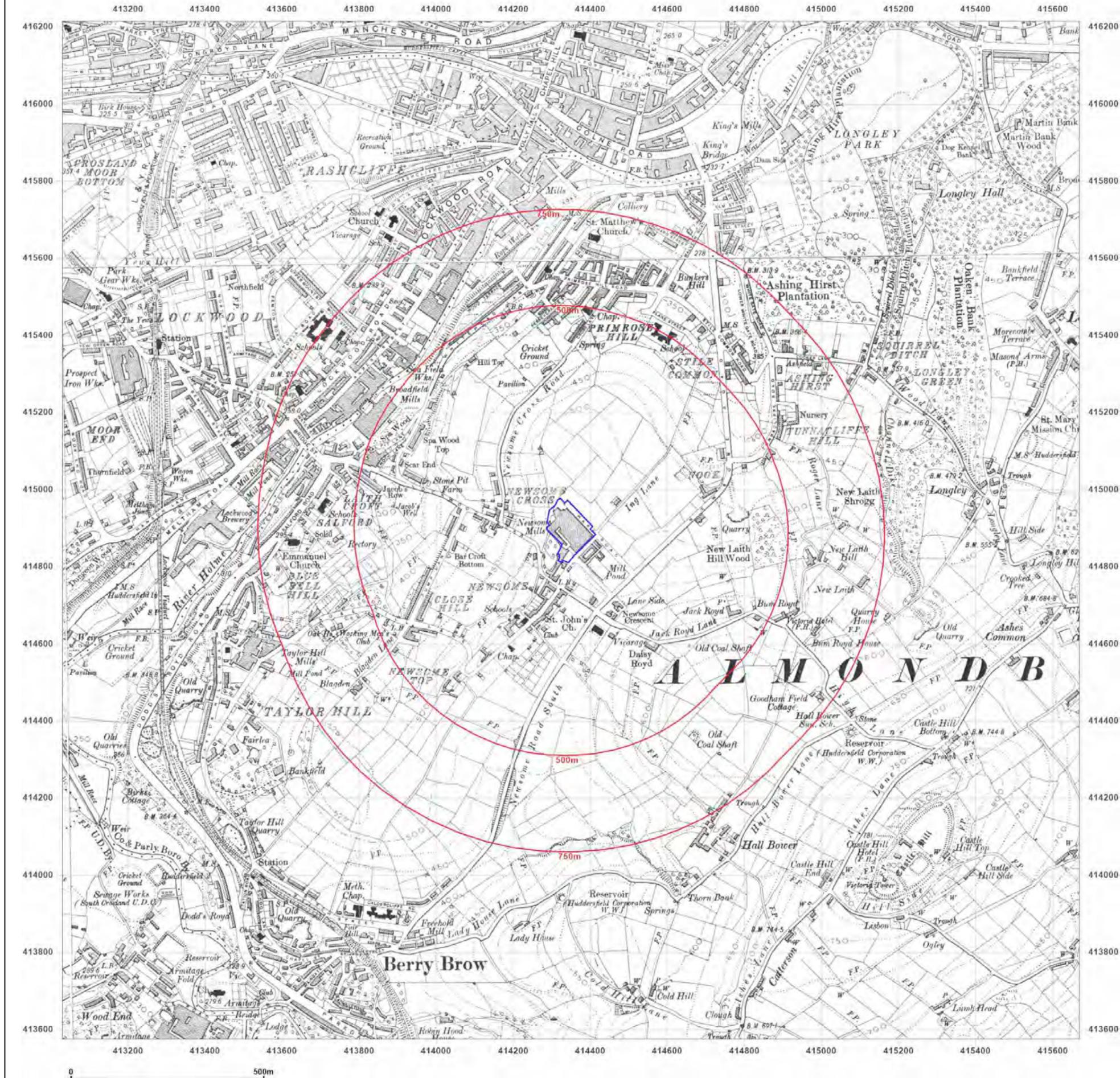


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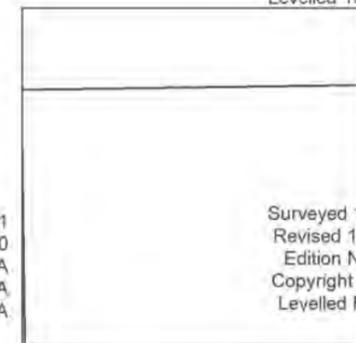
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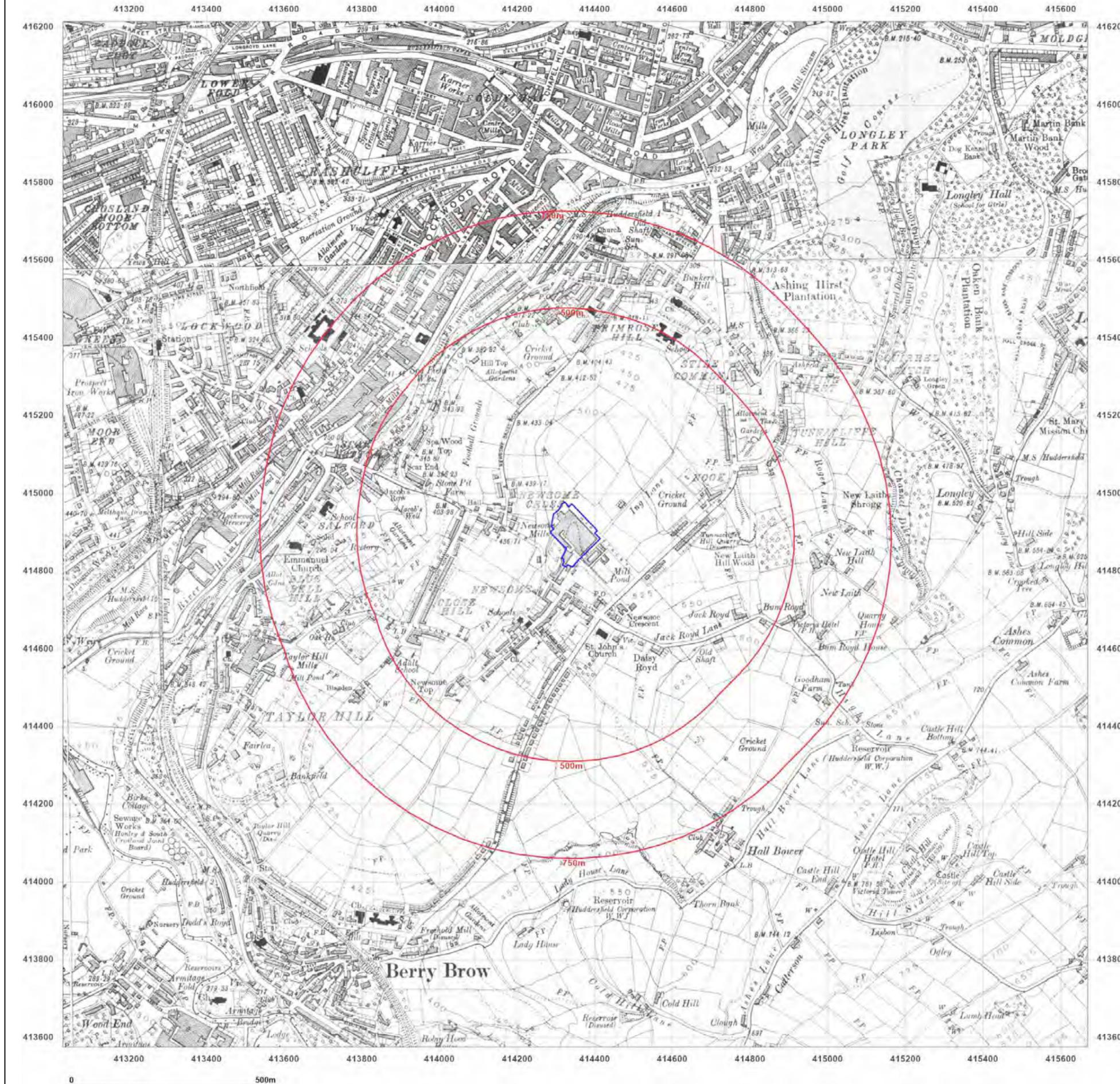


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Map Name: County Series

Map date: 1938

Scale: 1:10,560

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Map date: 1948

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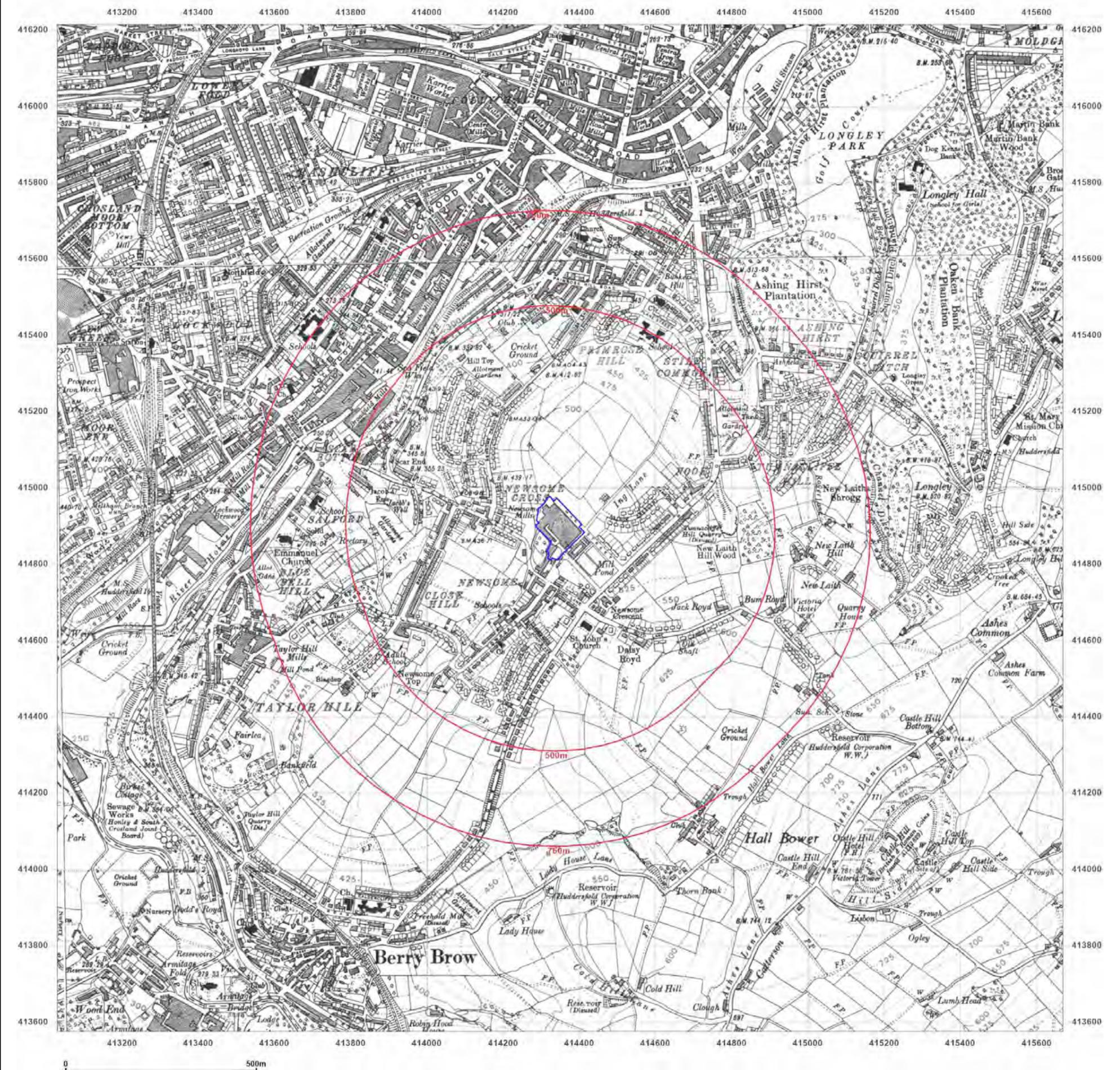


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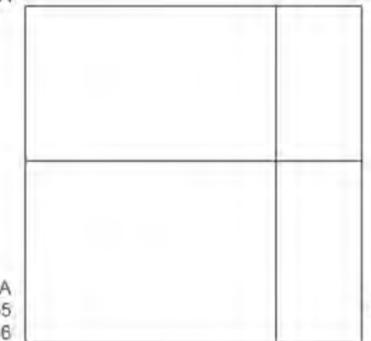
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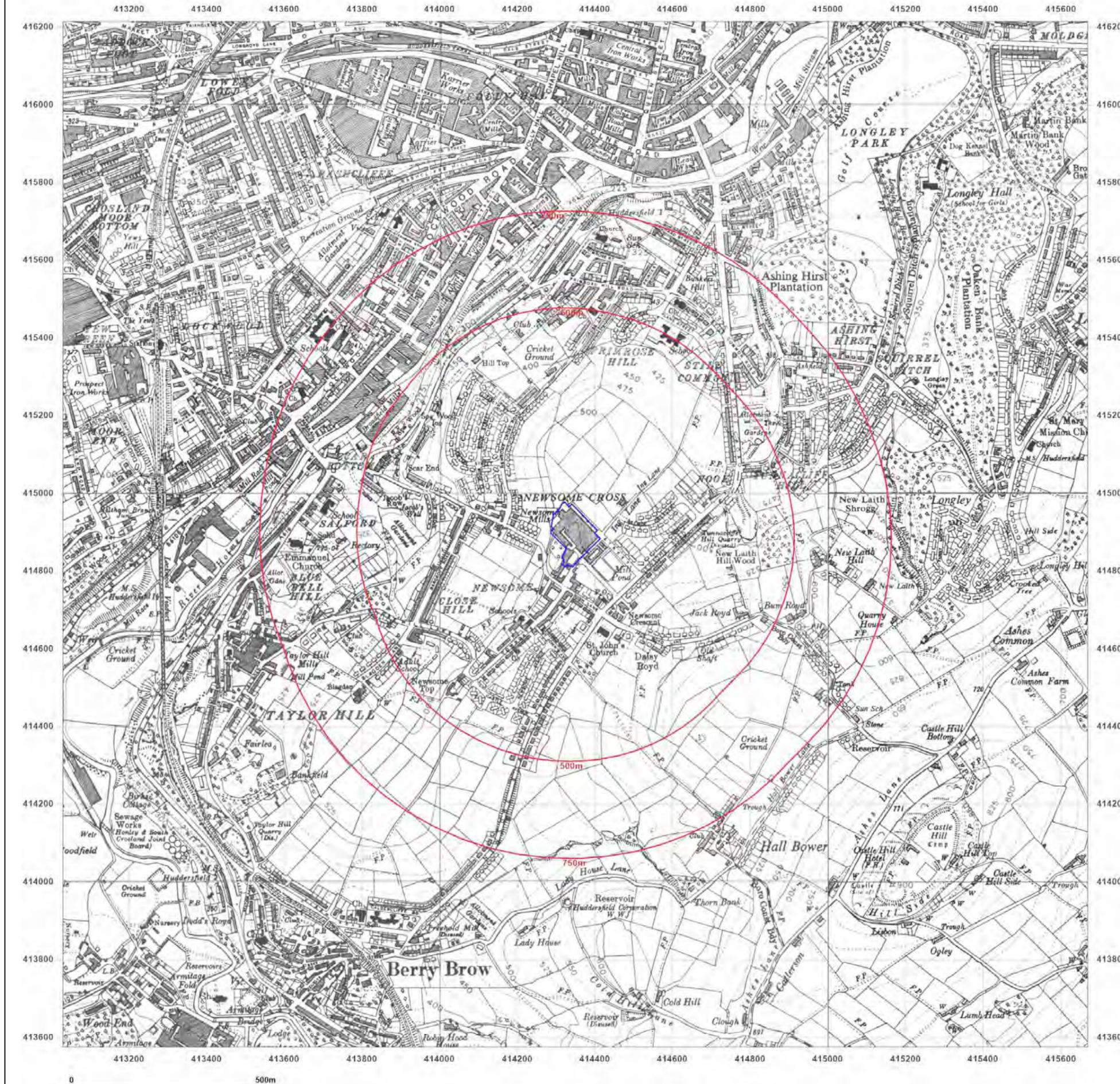
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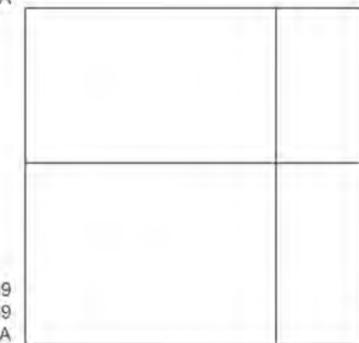
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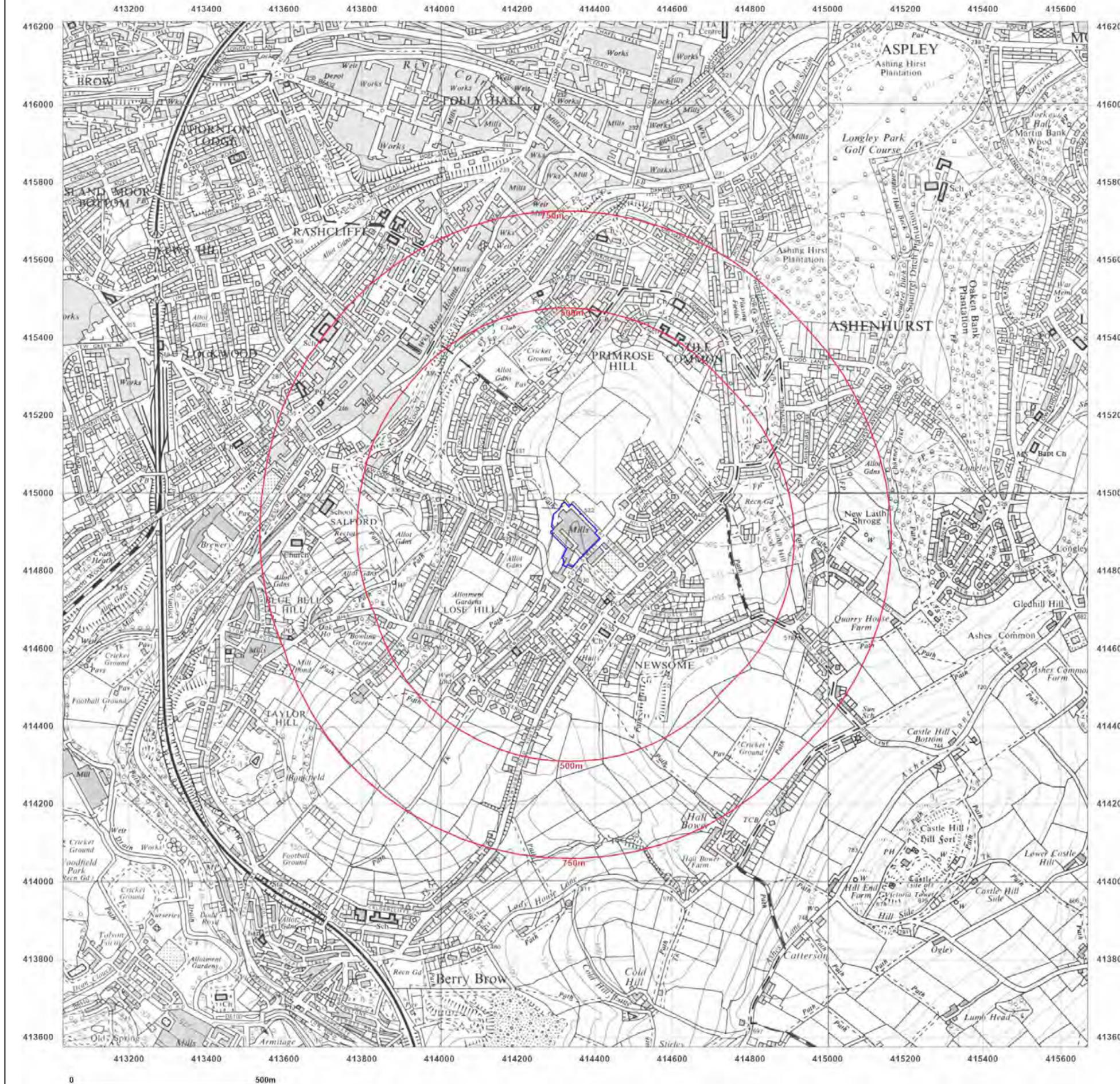


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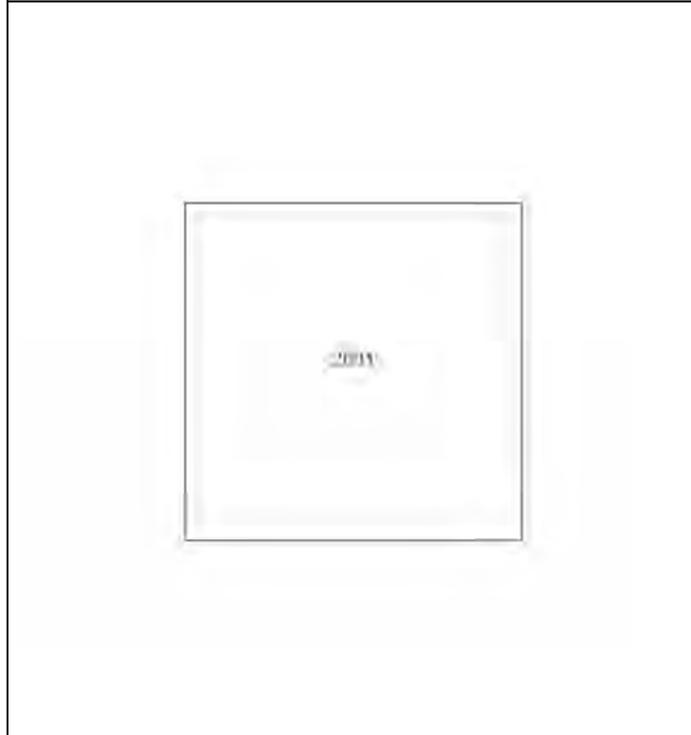
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Map Name: National Grid

Map date: 2001

Scale: 1:10,000

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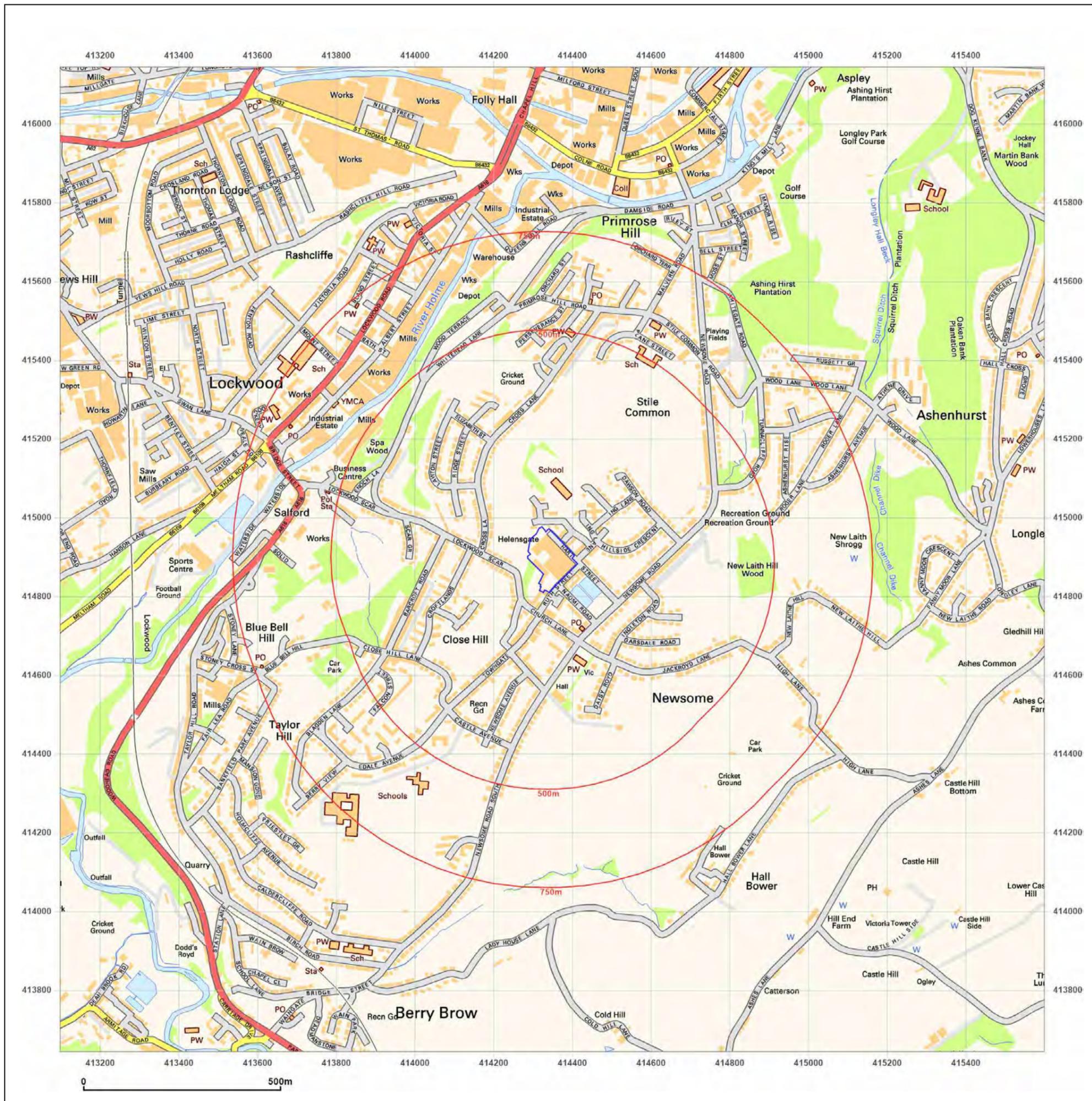


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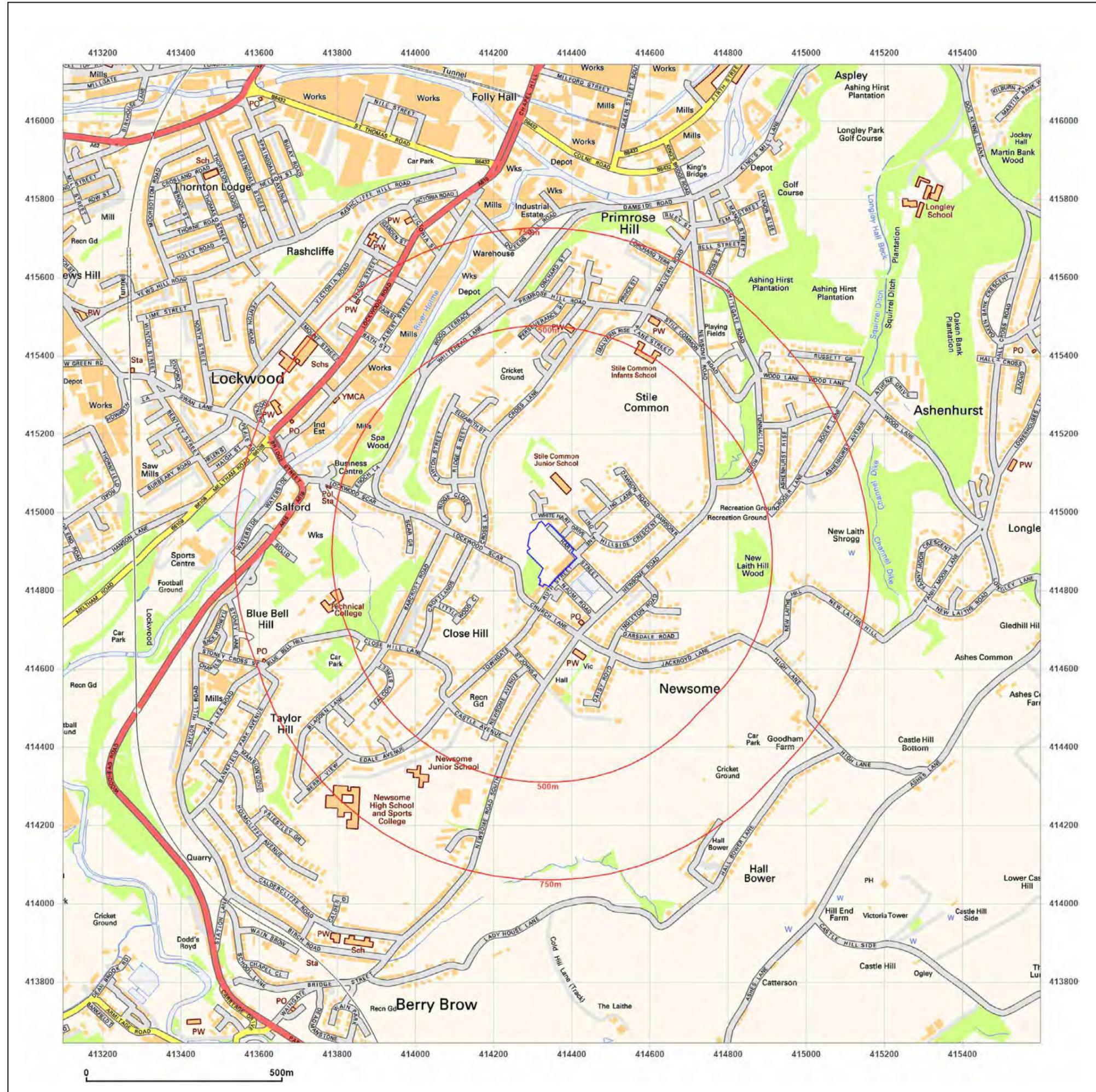
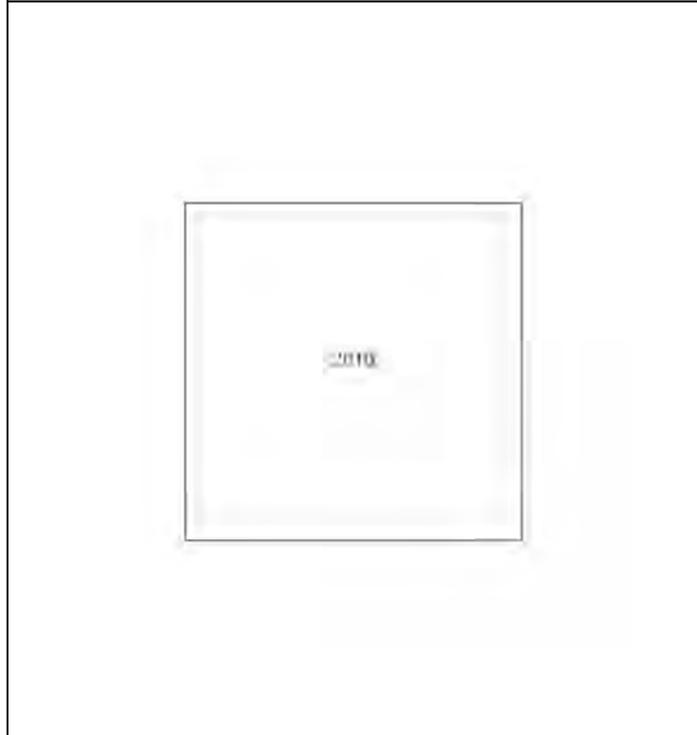
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Map Name: National Grid

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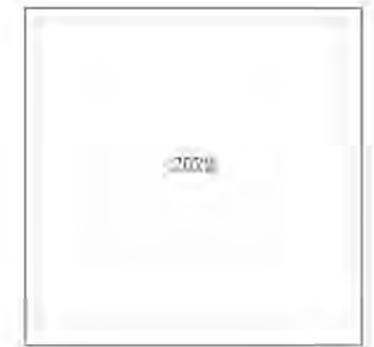
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Report Ref: EMS-845098_1084559
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Map Name: National Grid

Map date: 2023

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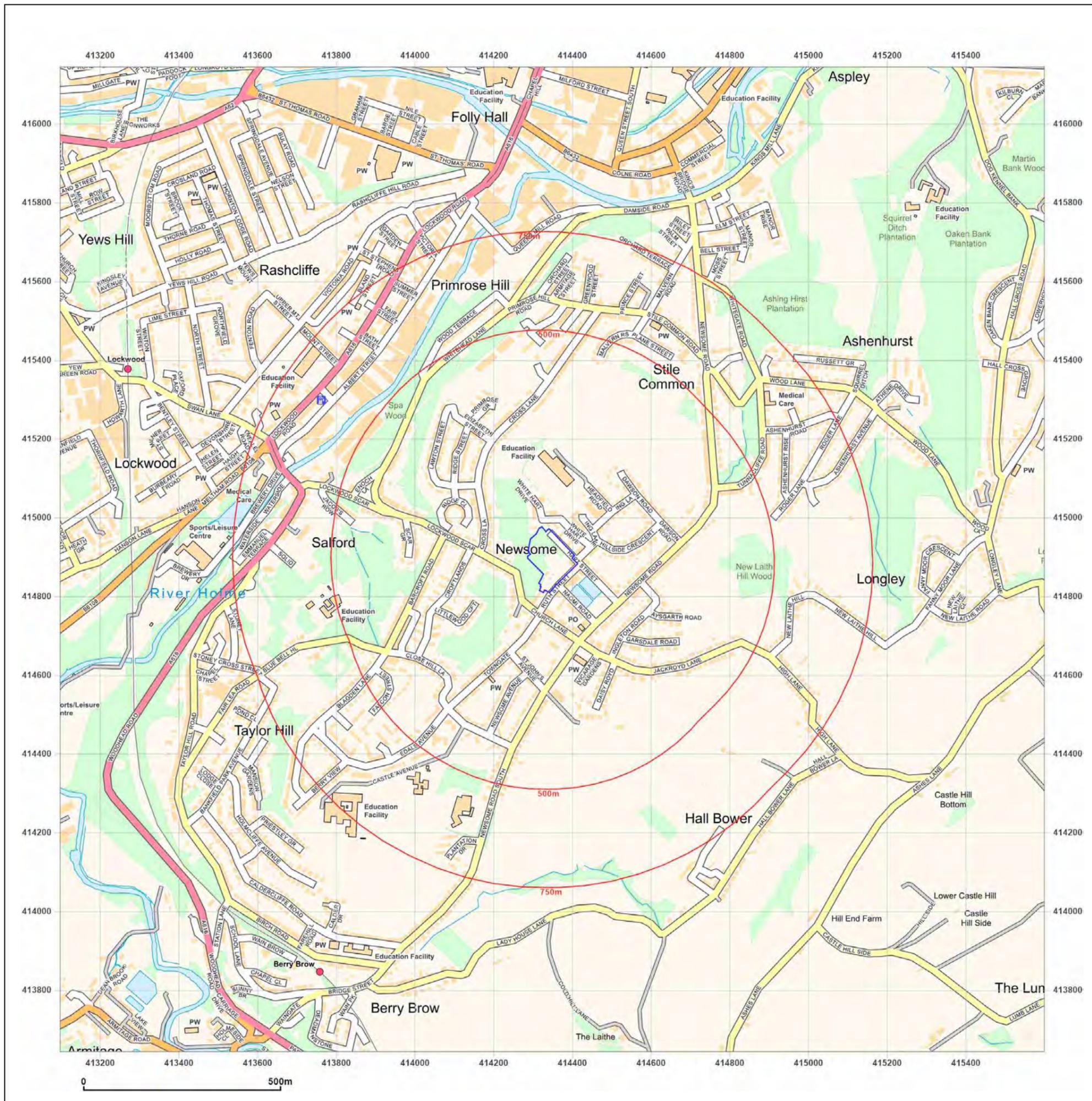


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Map Name: County Series

Map date: 1893

Scale: 1:2,500

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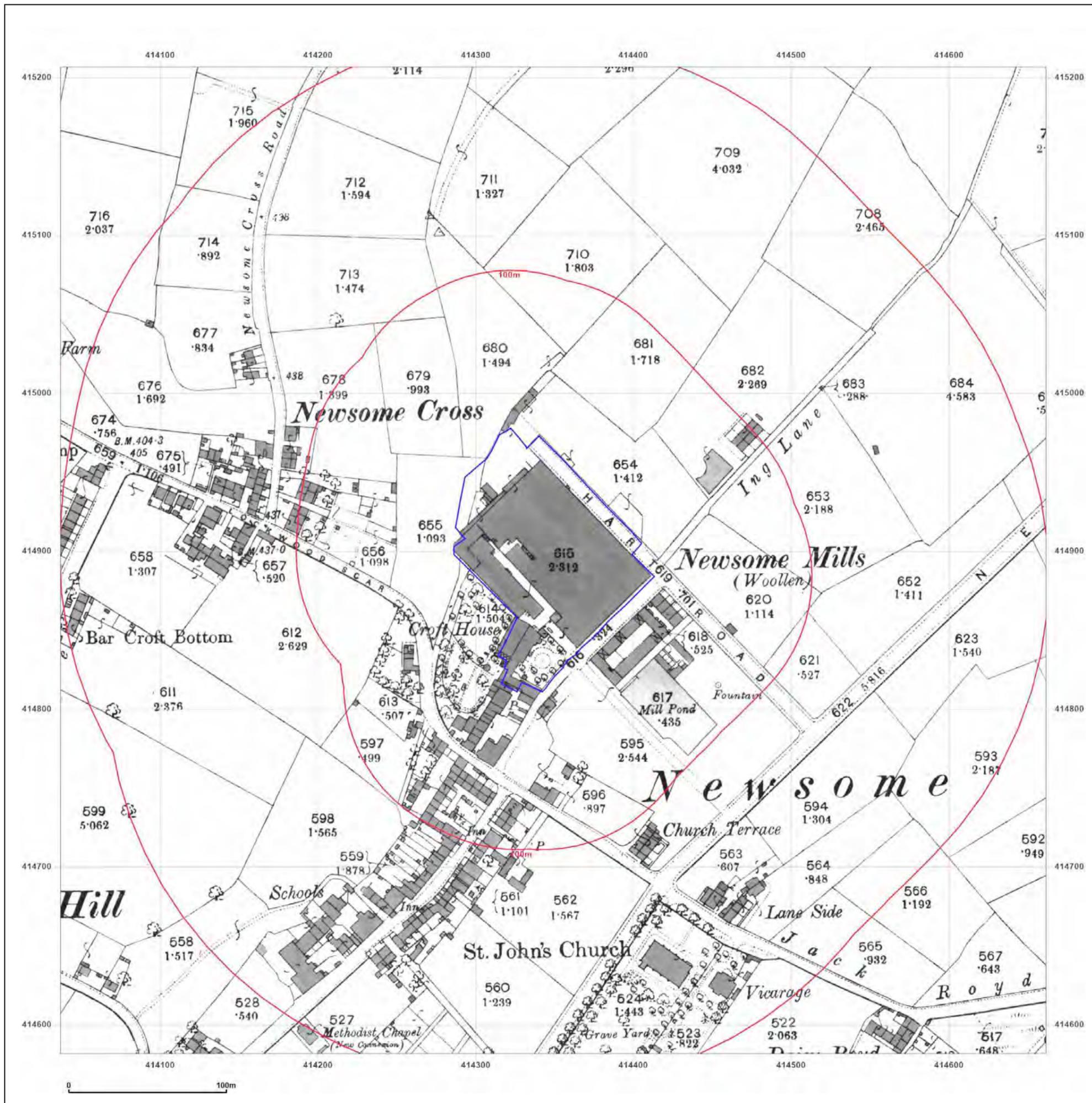


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Map Name: County Series

Map date: 1906

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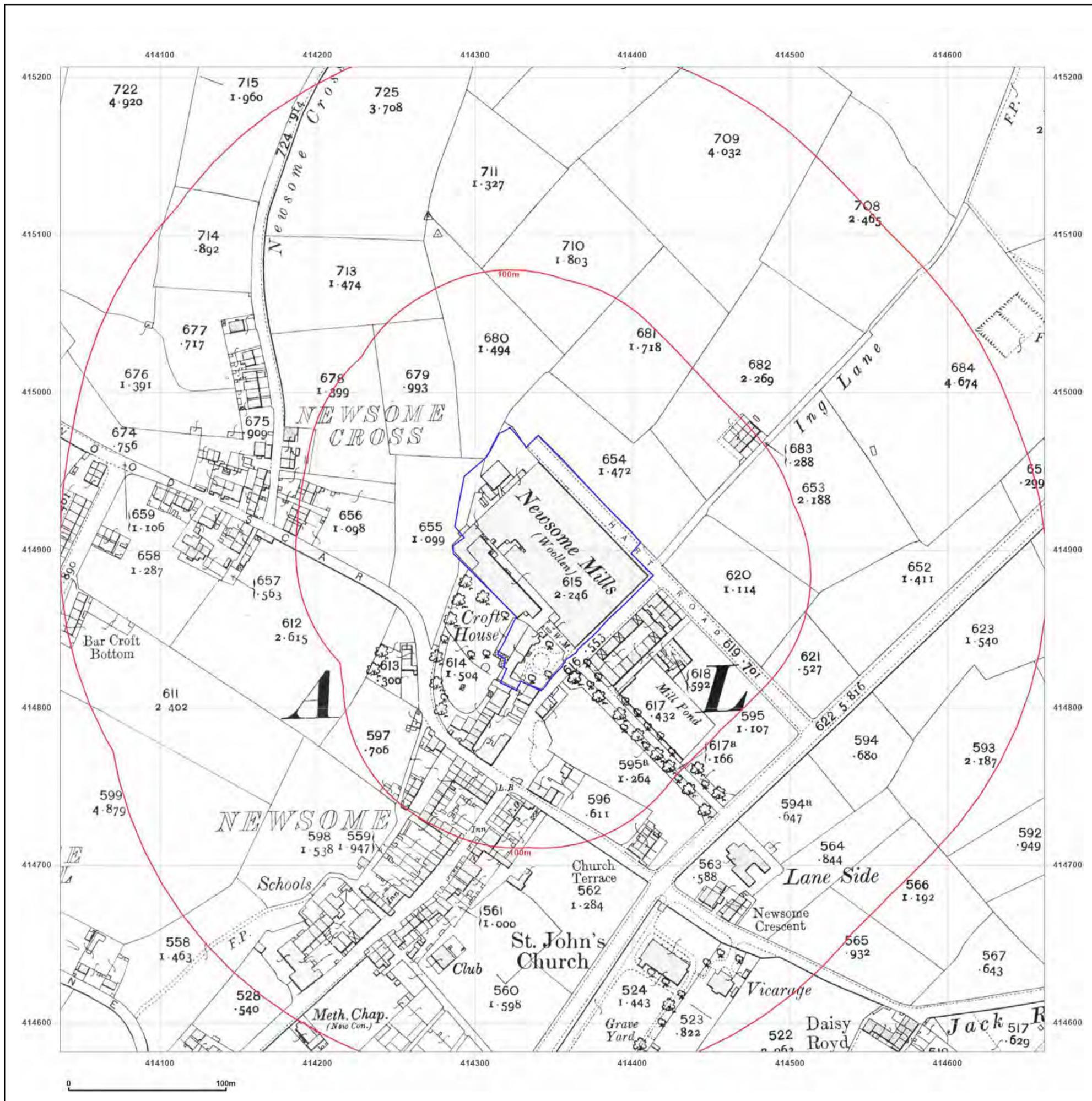


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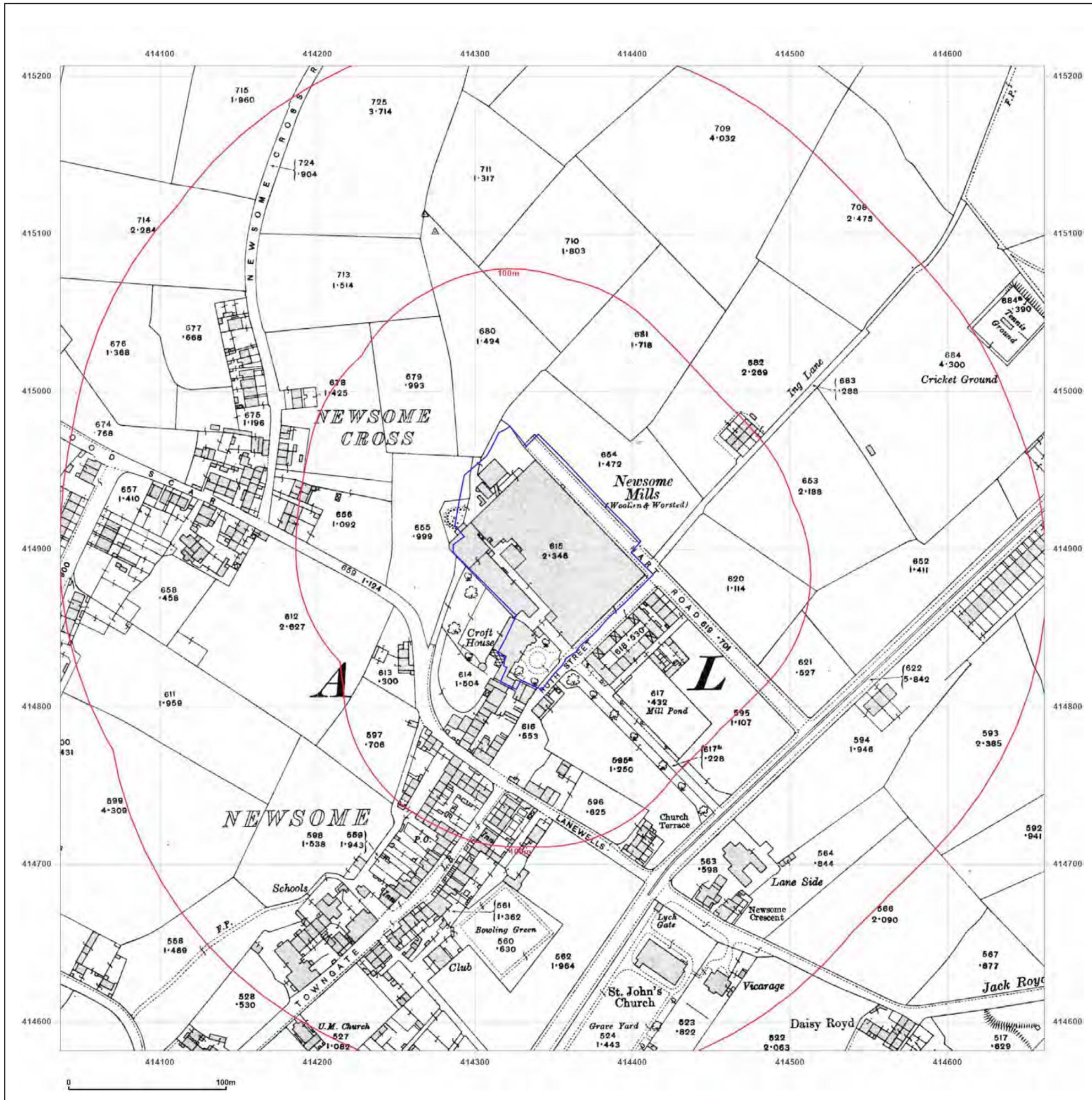
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Report Ref: EMS-845098_1084559
Grid Ref: 414349, 414894

Map Name: National Grid

Map date: 1959

Scale: 1:1,250

Printed at: 1:2,000



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 Revised 1958
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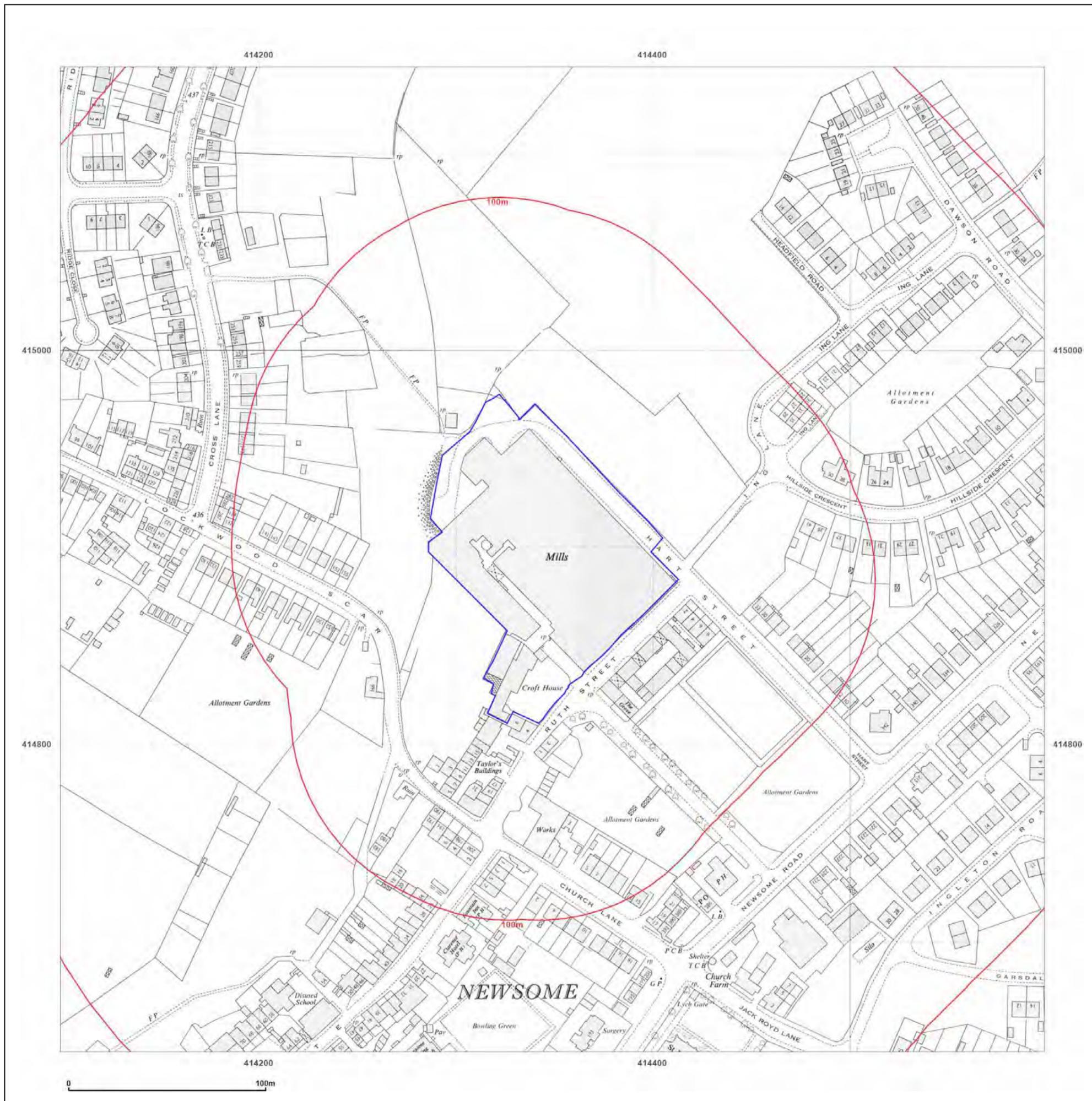


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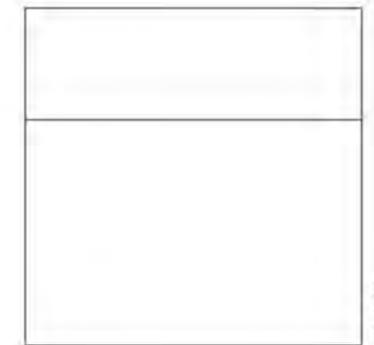
Map date: 1959-1960

Scale: 1:2,500

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Report Ref: EMS-845098_1084559
Grid Ref: 414349, 414894

Map Name: National Grid

Map date: 1965-1966

Scale: 1:1,250

Printed at: 1:2,000



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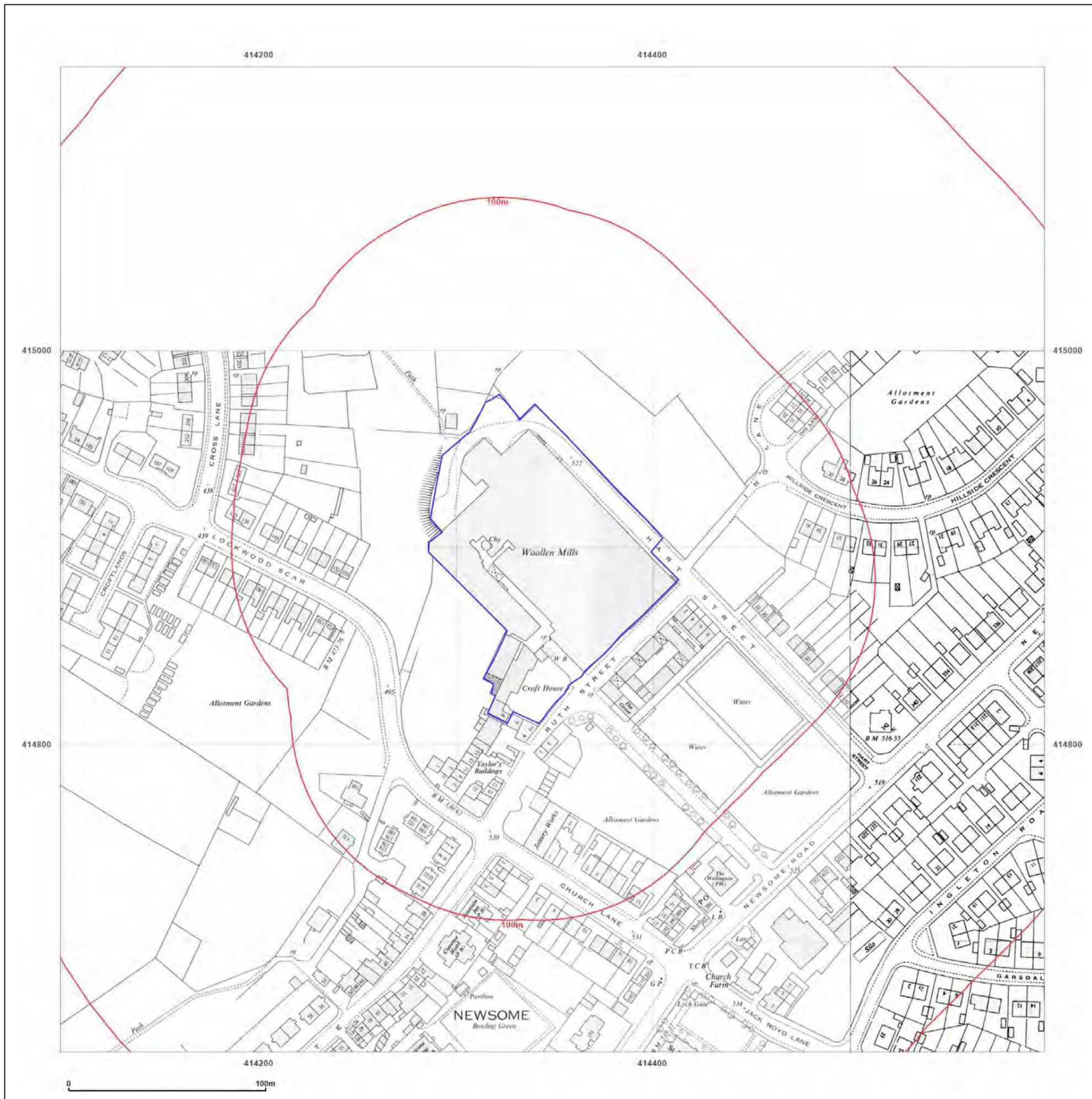


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Map Name: National Grid

Map date: 1967-1972

Scale: 1:1,250

Printed at: 1:2,000



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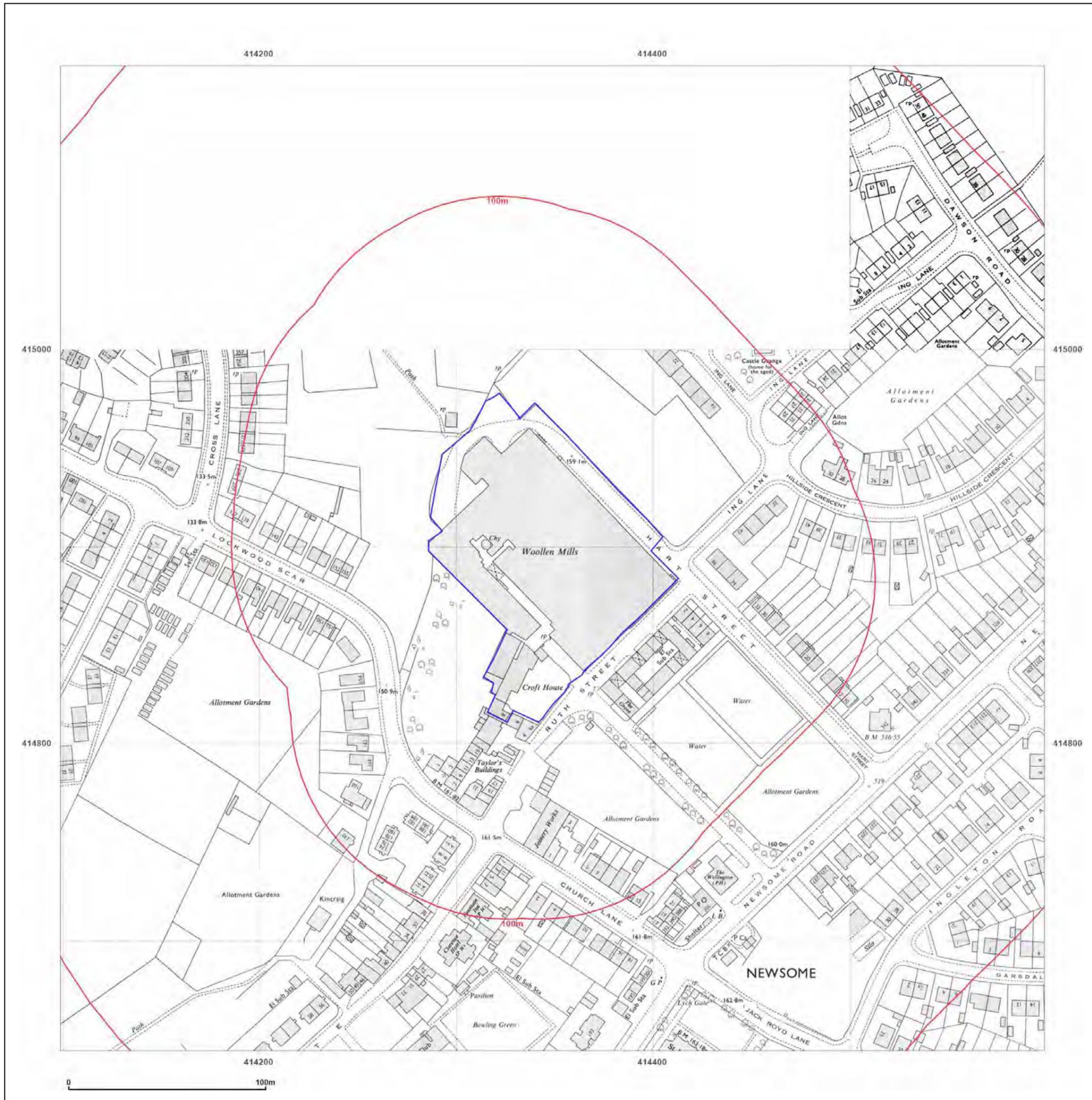


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Grid Ref: 414349, 414894

Map Name: National Grid

Map date: 1984-1985

Scale: 1:1,250

Printed at: 1:2,000



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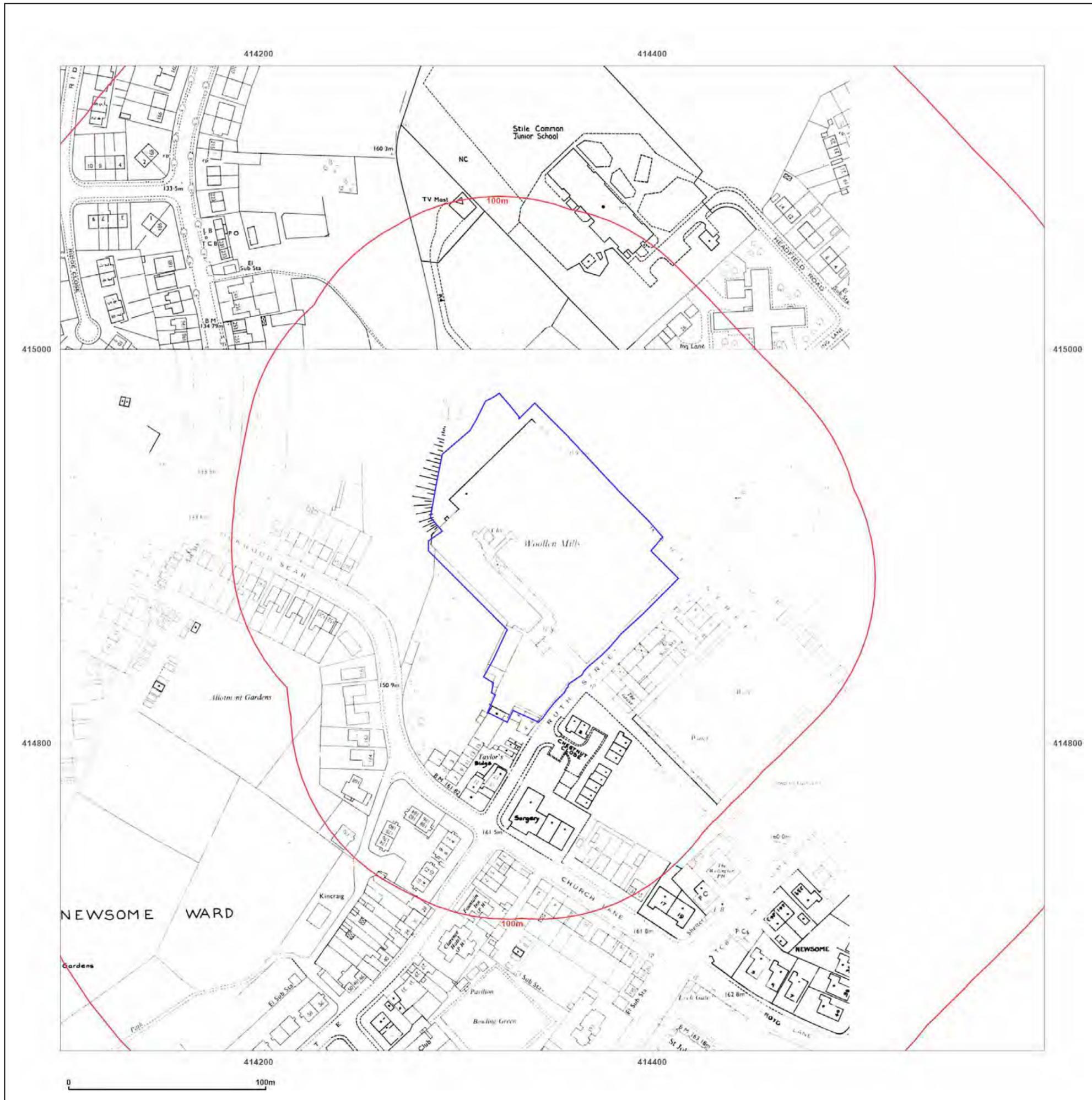


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Map Name: National Grid

Map date: 1990-1993

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Site Details:

Client Ref: EMS_845098_1044457
Report Ref: EMS-845098_1084559
Grid Ref: 414349, 414894

Map Name: National Grid

Map date: 1993

Scale: 1:1,250

Printed at: 1:2,000



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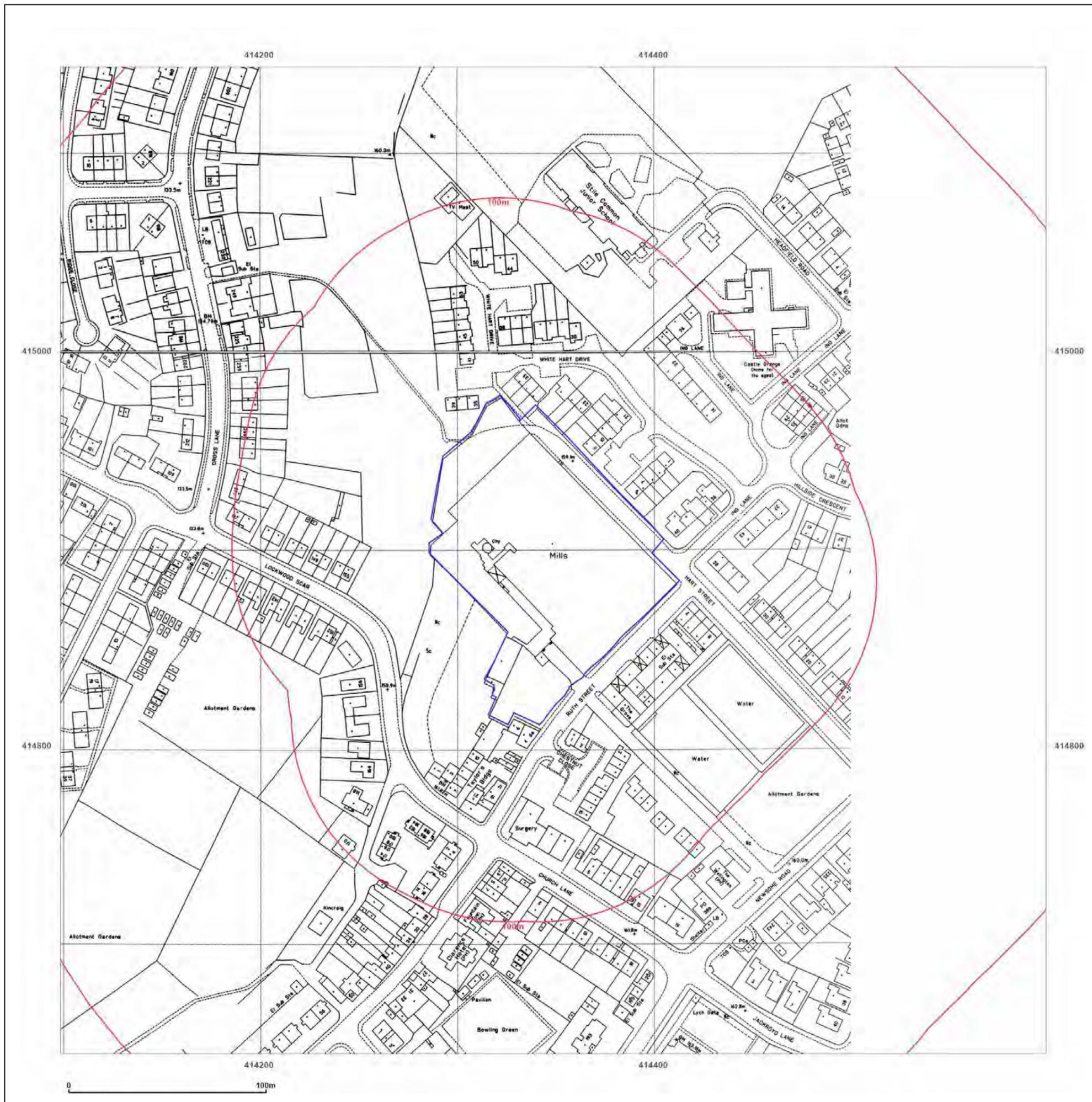


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Site Details:

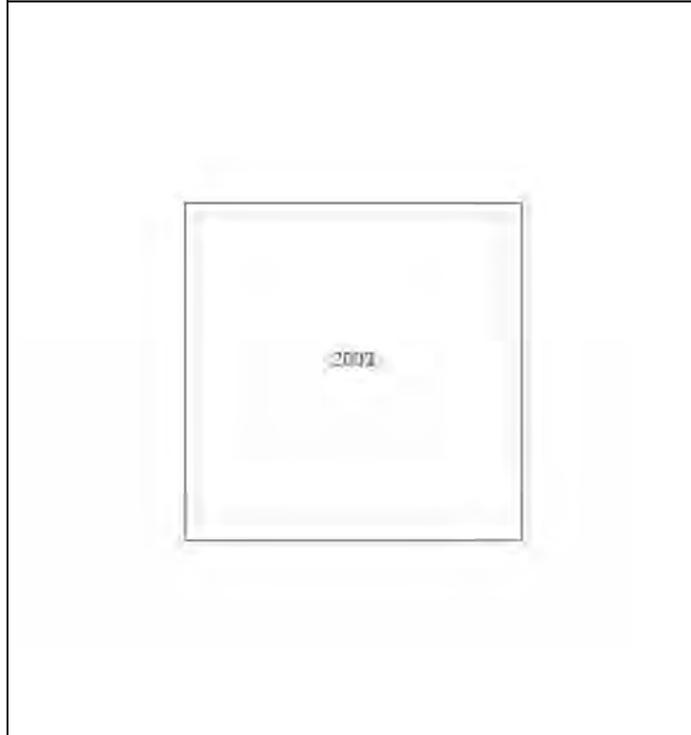
Client Ref: EMS_845098_1044457
Report Ref: EMS-845098_1084559
Grid Ref: 414349, 414894

Map Name: LandLine

Map date: 2003

Scale: 1:1,250

Printed at: 1:1,250



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