

GAIL COMMENTS ON ID26

SITES H2730a and H2684a ADDITIONAL HERITAGE IMPACT EVIDENCE

1. Sites H2730a and H2684a were introduced by the Council in the PDLP.
2. As has been discussed previously, though, they go back to the original Draft Plan: H2730a constituting the Draft Plan Sites H455 and H659, whilst H2684a comprises the Draft Plan Sites H334 and H32.
3. Critically, the impact of the Council's proposals on heritage assets needs to reflect the requirements of:
 - the National Planning Policy Framework (NPPF),
 - related guidance in the Planning Practice Guide (PPG),
 - the Council's Site Allocation Methodology,
 - the Council's own Historic Environment Policy (PLP 35), and
 - Historic England's publication The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning Note 3, Second Edition).
4. Without looking to go into undue lengthy detail on the above, GAIL feels it is important to highlight particularly relevant aspects which are the essence of whether or not the Council has effectively discharged its responsibilities and arrived at a Local Plan which satisfies the NPPF's Soundness Test, including:
 - 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)', source: clause 129 NPPF;
 - 'when considering the impact of a proposed development on the significance of a designated heritage asset significance can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II listed building should be **exceptional** substantial harm to heritage assets of the highest significance, notably scheduled monuments (and) grade I listed buildings should be **wholly exceptional**', source: clause 132 NPPF;
 - 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss', source: clause 133 NPPF;
 - 'development proposals affecting a designated heritage asset should conserve those elements which contribute to its significance', source: clause 1. Kirklees PDLP Policy PLP 35 on Historic Environment.
5. Mindful of the above, ID26 is a follow-on from the Stage 4 Matter 30 Hearing when GAIL expressed concern that, whilst a Heritage Impact Assessment (LE98) had been carried out on H2730a, it had only considered the impact of development on the Grade II listed building Crow Trees.
6. **Critically, the Council and Historic England each confirmed at the Hearing that neither had considered in the Heritage Impact Assessment (LE98) the impact on Woodsome Hall, one of just ten Grade I listed buildings in the whole of Kirklees.**

7. As shown in ID26, H2730a is directly in the eye/sight line from Woodsome Hall such that any development of H2730a would have considerable significance/negative impact on the Hall.

8. Indeed, if the Public Right of Way KIR/85/10 had been followed to where it enters Lepton Great Wood, the relationship between H2730a and Woodsome Hall (and, indeed, Castle Hill) would have been immediately obvious.

9. The same concerns should be noted in respect of the relationship between H2684a and Woodsome Hall: the third photo in ID26 plus supporting comments showing the direct impact of any development of H2684a on the setting of Woodsome Hall.

10. It is deeply concerning, therefore, that the Council has also failed to carry out a Heritage Impact Assessment on H2684a.

11. As mentioned above, the origins of H2730a and H2684a lie in the Council's original Draft Plan. This is relevant mindful of the sample of comments submitted by members of the public shown in ID26 regarding the impact which development of the Sites would have on the Grade I Woodsome Hall, the setting of the Scheduled Ancient Monument of Castle Hill and the open countryside setting/character of the landscape looking over the Woodsome Valley.

12. What isn't shown in the sample are the comments made by GAIL in response to the Draft Plan (ID:965798, Comment ID: DLP_AD2824, clause 8.0 Historic Environment) and emphasised again in GAIL's PDLP representation (ID:965798, Comment ID: PDLP_AD3264, clause 11.0 Historic Environment) and during the various Local Plan Examination Hearings (see submissions M21.6, M26.3 and M30.3).

Historic England's The Setting of Heritage Assets (Historic Environment Good Practice Advice)

13. Critically, the comments shown in ID26 and GAIL's own submissions at the various stages of the Local Plan need to be considered in the context of Historic England's The Setting of Heritage Assets, shown as ID23 in the Examination Library.

14. A number of specific observations in the Historic England document are particularly relevant and need to be highlighted at this stage:

- the statutory obligation on decision-makers to have special regard to the desirability of preserving listed buildings and their settings (clause 3, first bullet point);
- the policy objectives in the NPPF and the PPG establishing the twin roles of setting: it can contribute to the significance of a heritage asset, and it can allow that significance to be appreciated (clause 3, second bullet point);
- consideration of the contribution of setting to the significance of heritage assets, and how it can enable that significance to be appreciated, will almost always include the consideration of views (clause 5);
- a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it (Part 1 Settings and Views, third paragraph);
- a setting's importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance (clause 9, first paragraph);

- settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance (clause 9, second bullet point); and
- the contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, from, across, or including that asset (clause 10).

15. Mindful of the above, GAIL finds it incredulous that the Council has failed to adopt the stepped approach to the assessment of the significance of heritage assets that may be affected by a development proposal, importantly including the setting of a heritage asset, as set out in the Historic England document (see ID23).

H2730a and H2684a Setting

16. Given that H2730a and H2684a are the same Sites as in the original Draft Plan and bearing in mind the above Historic England observations, GAIL must point out that the Council failed to make any reference in either its Draft Plan or its PDLP Housing Allocations to the relationship between the Sites and Woodsome Hall.

17. What the Council did do in the Draft Plan Housing Allocations was to highlight the constraint that each of the four Sites which now form H2730a and H2684a 'form part of the setting of open countryside which contributes to the setting of the Scheduled Monument at Castle Hill'.

18. As GAIL has discussed in a different context (the proposed loss of the land's Green Belt status) elsewhere in the Examination process, this supports the conclusion of the then Inspector at a 2001 Public Enquiry that 'I have come to the planning judgement that the land is plainly part of the countryside which is desirable to keep permanently open, and that any development of the site would encroach into the countryside'.

19. However, having acknowledged at the Draft Plan stage the setting of the original four Sites and their relationship with the designated heritage asset Castle Hill, the Council removed the countryside setting clause from the PDLP Housing Allocations effectively deleting 'at the stroke of a pen' the need to carry out any heritage impact assessment.

20. GAIL has previously expressed concern about the decision taken by the Council to amend its Site Selection Methodology from the original Draft Plan to the PDLP. The concern still remains: the PDLP Site Selection Methodology as it affects the designated heritage asset of Castle Hill has, in GAIL's view, resulted in a less rigorous assessment of the impact of development on the structure.

21. This concern is magnified when one realises that that there is no reference to Castle Hill in the Heritage Impact Assessment on H2730a.

22. In the same vein, the Council has not seen any need for a Heritage Impact Assessment on H2684a even though the Draft Plan Housing Allocation for the land which now forms H2684a specifically highlights the setting relationship with Castle Hill.

23. Additionally, given the clear national importance of Castle Hill as a Scheduled Monument and its relationship with the original Draft Plan Sites and which now form H2730a and H2684a (the PDLP land and its characteristics are the same as in the Draft Plan which confirmed that the original Sites contributed to the setting of Castle Hill), GAIL fails to understand why the Good Practice Advice outlined in Historic England's The Setting of Heritage Assets has not been followed.

24. With the two Sites representing c. 600 new properties and the Council's original clear and unambiguous comments on the relationship between the Sites and Castle Hill, GAIL has huge reservations on the Council's approach to safeguarding what is one of the most significant and visible heritage assets in the whole of Kirklees.

25. GAIL fails to see the logic for this approach which, coupled with the complete and absolute disregard for the relationship between the Sites and Woodsome Hall, must bring into question the Council's commitment and statutory obligation in respect of listed buildings/structures and their settings.

Sites of Archaeological Interest

26. GAIL's concerns regarding the potential impact of H2730a and H2684a on heritage assets are increased by the comments in the respective PDLP Housing Allocations which state that they 'contain an area of archaeological interest' (H2684a) or are 'close to an area of archaeological interest' (H2730a).

27. In its Draft Plan submission, GAIL referred the Council to the West Yorkshire Archaeological Advisory Service's Primary Records (No's. 10690, 14864, 4266 and 11873) for archaeological sites which variously date back to the Medieval, Post-Medieval and Victorian periods.

28. GAIL is unaware of any studies by the Council to carry out any in-depth investigation of the archaeological sites: to simply leave it to developers to carry out evaluations suggests a 'hands-off' approach which, linked to its (non) approach on Woodsome Hall, again suggests that the Council is simply paying lip service to its heritage conservation responsibilities.

Other Historic Environment Comments

29. Whilst GAIL's comments in this paper are focused on the heritage assets Woodsome Hall, Crow Trees and Castle Hill, it is important to note the historic setting of the fields which now form H2730a and H2684a.

30. More detailed information is available in GAIL's original Draft Plan submission.

31. However, it is relevant to note that the fields which form the two Sites were formerly part of the Duchy of Lancaster, belonged to Woodsome Hall and were farmed from the late Middle Ages by the Kaye family and the Earls of Dartmouth.

32. Specifically, the fields rising to Lepton Great Wood (itself barely changed in the last 800 years) bore the name Armyteige with numerous references to this name dating as far back as 1350 (source: records held in the West Yorkshire Archive Service), the fields themselves having been farmed from the early 1700's (and possibly earlier) through to the current day.

33. Similarly, land which now forms part of H2684a dates back to the former water meadows of Rowley Ings of the 1400's (source: information used with the kind permission of Dr. G.F. Redmonds, Historian).

34. Just from these few details, it is clear that the fields have an undeniable link to the history of the local area going back over some 800+ years: the development of H2730a and H2684a and the building of c. 600 new properties would clearly result in the complete and irreversible destruction of this historic environment and heritage and runs completely against the Council's stated objective of conserving and enhancing the historic environment.

The Contribution of Setting

35. A detailed assessment of the contribution made by setting, particularly in relation to Woodsome Hall, is clearly beyond the bounds of this submission.

36. However, as GAIL has been invited to comment on ID26 which contains a sample of comments from members of the public which refer to the views across the Woodsome Valley to Woodsome Hall and beyond to Castle Hill, it seems appropriate to highlight the following:

- a visit to the fields/looking across from Lepton Great Wood shows not just the physical beauty of their setting with far reaching views of the landscape but also conveys a sense of tranquillity and a 'oneness with nature';
- the fields provide a traditional rural feel which from feedback received by GAIL is clearly highly valued and appreciated by the Lepton and Fenay Bridge community; and
- the fields provide a quality countryside experience and open green space which is accessible to everyone and which can only help to promote the physical and mental health and well-being of the local community (in line with the Council's Policy PLP 47 on Healthy, Active and Safe Lifestyles).

37. In many respects, the above comments are best summed up by the three attached photos taken from GAIL's original Draft Plan submission. With apologies for the quality of the photos, Attachment Img012 shows the view from what is now H2730a looking across to Woodsome; in Attachment Img013, the top photo is looking directly across from H2730a to Woodsome Hall and Castle Hill with the bottom photo looking back from Woodsome to H2730a.

**The fields provide a sense of tranquillity, place and space
which the Community can ill afford to lose.**

Development would be irreversible and the damage permanent.

Sustainability Appraisals

38. In the PDLP Sustainability Appraisals for H2730a and H2684a, the Council has given an 'Uncertain' rating to SA 13 (Conserve and enhance the historic environment, heritage assets and their settings) for each of the two Sites and made the comment that 'Historic England has rated this site as 'orange' in terms of the potential for effects on the historic environment. The effect on this SA objective is therefore uncertain and the potential for effects on cultural heritage assets will depend on the exact scale, design and layout of the new development'.

39. With respect to those involved in the assessments, GAIL suggests that the 'Uncertain' ratings are flawed:

- given the c. 600 properties proposed across the two Sites, the developments can hardly be regarded as minimal or small scale;
- LE98, the Heritage Impact Assessment already carried out on H2730a, has been essentially dis-credited following the Stage 4 Matter 30 Hearing with the Council and Historic England subsequently agreeing on proposed amendments to safeguard the setting of the Grade II listed building Crow Trees which would ensure no development on a specific part of the Site (see EX73 Summary of KC and Historic England Position Statement in the Examination Library);

- both the Council and Historic England accepted at the Stage 4 Matter 30 Hearing that they had each failed to take any account of the Grade I listed Woodsome Hall in their heritage impact assessment of H2730a; and
- no heritage impact assessment has been conducted on H2684a.

40. Staying with the PDLP Sustainability Appraisals, the Council has stated that development of H2730a and H2684a would likely have a **significant negative effect** on SA 5 (Protect local amenity including avoiding noise and light pollution).

41. The PDLP Sustainability Appraisals also show that there could be a **significant negative effect** on SA 12 (Protect and enhance the character and the quality of the landscape).

Conclusion

42. GAIL believes that the Council has had ample opportunity to develop and implement a comprehensive, consistent and objective assessment of the potential impact of development on Kirklees' heritage assets but has clearly failed to do so.

43. Specifically, the Council has:

- failed to meet its statutory obligations to safeguard the Grade I listed Woodsome Hall which ranks as one of the most important historic structures in the whole of Kirklees;
- failed to comply with Historic England's The Setting of Heritage Assets (Historic Environment Good Practice Advice); and
- where a heritage impact assessment (LE98) has been carried out, it has failed to withstand rigorous scrutiny which must cast doubt as to the reliability of the Council's judgements and overall decision making.

44. Given the above, GAIL firmly believes that the Council's actions to safeguard heritage assets from the proposed development of H2730a and H2684a are fundamentally flawed.

45. The Council's proposals for H2730a and H2684a have not been positively prepared, cannot be justified, are not consistent with the requirements of the National Planning Policy Framework and must be viewed as failing the Soundness Test.

46. Accordingly, GAIL believes that H2730a and H2684a should be deleted from the Local Plan.

John Davies

Chair of GAIL

(Green Alert In Lepton)

5th June 2018

From: John Davies
Sent: 23 April 2018 15:38
To: Yvonne Parker
Subject: Message from GAIL re. Site 2730a

Good afternoon, Yvonne.

At the Stage 4 Hearing on Matter 30, there was a lengthy discussion on the impact of the potential development of Site H2730a on Heritage assets. As such, the Inspector will recall that during the discussion I expressed GAIL's concern that the Heritage Impact Assessment (reference LE98) had failed to comment on the relationship between Site H2730a and Woodsome Hall. Woodsome Hall is one of just ten Grade I listed buildings in the whole of Kirklees.

During the discussion, both Kirklees and Ian Smith from Historic England accepted that they hadn't considered the potential impact on the Hall. Mindful of the above and last week's posting of ID23 (Historic England's paper on The Setting of Heritage Assets) on the Examination Library, I thought it might be useful to forward the attached two photos.

The first shows the front entrance and terrace of the Hall, whilst the second shows the view directly from the entrance/terrace looking over to H2730a. My apologies for the quality of the images: they were taken on my iPad, and a physical site visit would give a fuller appreciation of the setting. What the second photo shows very clearly, though, is that H2730a is directly in the eye/sight line from the Hall.

GAIL contends that any development of H2730a would have considerable significance/negative impact on the Grade I Building and, as I say, with the publication of ID23, I thought it appropriate to forward the photos for the Inspector's information.

Kind regards.

John Davies
Chair of GAIL
(Green Alert In Lepton)