

# Heritage Impact Assessment

Development of mineral extraction sites within the setting of a historic asset.

On behalf of

Kirklees Council

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## 1.0 INTRODUCTION

### Scope of the Study

- 1.1 This study has been carried out on behalf of Kirklees Council by Farrell and Clark Architects LLP. At the time of writing, the Council have identified sites in the Kirklees area for inclusion in their 2015 Kirklees Local Plan which has recently been approved. Following consultation with the relevant statutory bodies the Council have identified a selection of allocated sites which may have a potential impact on the Historic Environment. A number of these sites have been rejected as they were deemed to cause significant harm to a heritage asset which could not be mitigated. The remaining sites require independent assessment of the potential impact on the Historic Environment.
- 1.2 Farrell and Clark Architects have been appointed to assess this impact and, where possible, to advise on any mitigation which may be required. Kirklees Conservation Officer, Nigel Hunston, Historic England and West Yorkshire Archaeology Advisory Service (WYAAS), have been consulted on the proposed allocations.
- 1.3 This report has been informed by a review of historic mapping and secondary source material in addition to undertaking a site visit. The conclusions made as part of this report relate solely to the impact of the development on the Historic Environment.

### Relevant Policy - National Planning Policy Framework (NPPF):

- 1.4 This statement has taken into account Chapter 126 of the NPPF which provides guidance for local planning authorities on the strategy for site selection/allocation and states:

*“Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should 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.”*

## 1.0 INTRODUCTION cont.

- 1.5 This statement has been prepared in accordance with the requirements under paragraph 129 which states:

*“... 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) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.*”

- 1.6 In addition to the above the NPPF states that :

*“...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...”*

- 1.7 In the case of sites which have the potential to contain archaeological finds, the NPPF advises that the developers of the site submit an appropriate desk based assessment and where necessary a field evaluation.

- 1.8 The NPPF indicates that when assessing impact, great weight should be given to the asset’s conservation and that this should be proportionate to the importance of the asset. Significance can be harmed not just by a material change to the asset but also to it’s setting which can be of great value to the significance. If the proposal is deemed to cause harm to the asset, a robust justification will need to be presented to and assessed by the local planning authority.

- 1.9 If the development will lead to substantial harm, paragraph 133 indicates that the development should be refused consent by the local planning authority, unless it can be proved that the loss or damage to the asset can be outweighed by substantial benefits to the public OR if the proposal can demonstrate all of the following:

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

- 1.10 If the development leads to less than substantial harm, paragraph 134 indicates that this harm still needs to be assessed against the public benefit of the scheme and whether or not the viability of the site is being optimised.

## 2.0 ASSESSMENT

2.1 This report has been prepared in accordance with “The Setting of heritage assets” published by Historic England and seeks to assess the impact on a heritage asset using four steps:

- Step 1:** Identify the heritage assets and their settings affected by the allocation.
- Step 2:** Assess the contribution of the setting to the heritage asset.
- Step 3:** Assess the effect of the proposed allocation on the significance of the asset.
- Step 4:** Assess the options for mitigation in order to maximise the enhancement and minimise harm.

### Identifying the heritage asset

2.2 As part of the consultation process, the sites were assessed and the proposed mineral extraction sites which had the potential to cause harm to a heritage asset were identified and the asset was also identified. As a result of this consultation process these sites are considered to be within areas of a sensitive nature. In order to protect the heritage asset a number of additional measures need to be implemented in order to retain the significance of the setting of the asset.

2.3 Taking into account the temporary nature of mineral extraction and the potential for restoration upon completion of the works this assessment provides guidance on the potential harm caused by the loss of the following landmarks / structures:

- Listed buildings
- Scheduled ancient monuments
- Open land within conservation areas
- Historic landscape features
- Agricultural Land
- Open land

### Assessing the effect of the proposed allocation on the asset

2.4 The purpose of this Heritage Impact Assessment is to provide guidance with regards to the potential impact of undertaking mineral extraction on an allocated site within the setting of a heritage asset.

2.5 In order to assess the level of harm caused by the development of the site or elements of the site, the level of significance of the contribution made by the allocated site has been assessed and defined as follows:

- Negligible:** This element of the allocated site provides little or no contribution to the heritage asset.
- Slight:** This element of the allocated site provides some contribution to the heritage asset but not to the extent that any alteration will cause harm.
- Moderate:** This element of the allocated site is important to the significance of the asset and requires assessment with the assumption that any

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harm will be less than substantial and can be mitigated.

**High:** This element of the allocated site is very important to the significance of the asset and justification would be required in order to assess the need for removal.

**Considerable:** This element of the allocated site is essential to our understanding of the significance of the heritage asset and the loss of this element would constitute substantial harm and would require full justification.

2.6 The following chart gives an overview of the potential impact of the loss of the following landscape / historic features but is not exhaustive and each site should have a pre-determination assessment undertaken:

Feature	Description	Significance	Level of harm	Recommendation
Designated Heritage Asset	Any structure forming part of, or located within the curtilage of a heritage asset as defined in the glossary	Considerable	<b>Substantial</b>	<b>Heritage asset to be retained and mineral extraction site rejected</b>
Heritage Asset	Any undesignated heritage asset such as locally listed buildings	Considerable	<b>Substantial</b>	<b>Heritage asset to be retained and mineral extraction site rejected</b>
Open land within a conservation area	Any area of undeveloped open land within the boundary of a conservation area	Considerable	<b>Substantial</b>	<b>Land to be retained and mineral extraction site rejected</b>
Traditional/ vernacular building construction	Any structure shown on the first edition OS Map from the mid 19th century to include boundary walls and agricultural structures	High	<b>Less than substantial</b>	<b>Structures to be retained and protected with limited areas removed to allow access</b>
Agricultural Land	Land that has been used for agriculture and is sub-divided and enclosed with historic boundary walls	Moderate	<b>Less than substantial</b>	<b>Mitigation measures in place to retain setting and site restored back to agricultural upon completion</b>
Open Land	Open land with no clear historic usage and cannot be viewed from the heritage asset	Slight	<b>Negligible</b>	<b>No mitigation required</b>

## 3.0 ASSESSING THE OPTIONS FOR MITIGATION AND/OR ENHANCEMENT

- 3.1 All sites which are within the setting of a heritage asset require the preparation of a pre-determination archaeological investigation for the areas of the site to be excavated. Depending on the result of this investigation a method statement should be submitted to Kirklees Council in order to ascertain the site specific mitigation to be proposed for the protection of any significant finds which may be unearthed as part of the excavation process.
- 3.2 Mitigation measures for excavation of large sites in close proximity to a heritage asset should be in place to reduce the harm caused to the heritage asset during the excavation process, which despite being temporary has the potential to be a lengthy process. Particular attention should be paid to the approaches to heritage assets and views from heritage assets. Screening measures should be in place in these areas to ensure any visual harm is reduced. Screening should only be used in addition to other options for mitigation and should not be used as a substitute for buffer zones. Screening requires careful consideration with regards to the impact of the screening on the heritage asset. This can potentially have a greater impact on the asset than the development itself, if used incorrectly or insensitively. Any options for screening should be submitted and approved as part of the method statement at application stage.
- 3.3 Any areas of land that have been excavated should be subject to the relevant sections of the Local Plan which deal with site restoration and aftercare. A strategy for site restoration should be submitted and approved as part of the determination process. The following is an extract from “Publication Draft Local Plan Strategy & Policies November 2016” prepared by Kirklees Council and was consulted as part of this assessment:

*“Mineral working will be permitted only where the council is satisfied that the site can be restored and managed to a high standard, the proposed restoration is sympathetic to the character and setting of the wider area and is capable of sustaining an appropriate after-use. Restoration proposals for mineral workings should be designed to:*

- a. clearly indicate how the site will be restored and managed, before, during and after working;*
- b. ensure that restoration is completed at the earliest opportunity including the use of progressive restoration techniques where appropriate;*
- c. ensure that restoration and aftercare is appropriate with regard to the characteristics of the site’s surroundings;*
- d. demonstrate that adequate financial provision has been made to fulfil the proposed restoration and aftercare requirements; and*
- e. include, where appropriate, provision for the extended management of a site beyond any aftercare period required by planning condition.*

*Mineral working will be permitted only where the proposed site restoration delivers benefits such as enhancement of biodiversity interests, improved public access and the provision of climate change*

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*mitigation. Restoration proposals should therefore include:*

- a. measures to assist or achieve priority habitat or species targets and/or biodiversity Action Plan targets;*
- b. where appropriate, measures to protect and/or improve geodiversity and provide educational opportunities to visit such sites;*
- c. provision for increased flood storage capacity for sites which fall within high flood risk areas;*
- d. where appropriate, opportunities to provide for local amenity uses, including appropriate sport and recreational uses; and*
- e. measures to restore land back to agriculture for sites involving the best and most versatile agricultural land.*



## 4.0 GLOSSARY

- 4.1 The following terms have been used in this report with the definitions taken from the NPPF and from the Historic England publication “ The Setting of Heritage Assets”

### **Conservation area**

‘An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance’, designated under what is now s69 of the Planning (Listed Buildings and Conservation Areas) Act 1990

### **Designated heritage asset:**

A World heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

### **Historic environment record**

Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

### **Setting of a heritage asset**

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.

### **Significance (for heritage policy)**

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. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

### **Value**

An aspect of worth or importance, here attached by people to qualities of places.

### **Harm**

Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place.

SITE PLANS / DRAWINGS

HISTORIC MAPS