

MAIN MATTER 21 - NATURAL AND HISTORIC ENVIRONMENT POLICIES

Issue - Does the Plan set out positively prepared policies for conserving and enhancing the natural and historic environment, which are justified, effective and consistent with national policy?

1 Introduction

1.1 The heritage assets of Kirklees

1.1.1 Kirklees has a rich and diverse historic environment. The District has the largest number and highest density of designated assets in Yorkshire and has more listed buildings than any other authority in the Region. Its designated heritage assets include the following:-

- Huddersfield is home to a particularly fine set of Victorian public and commercial buildings, founded on the wealth generated by the textile industry. It has the third-highest number of listed buildings of any town or city in England. The Guardian once dubbed Huddersfield “*The Athens of the North*”.
- The area has historical associations with the 19th century civil unrest and anti-industrialisation activism, particularly the ‘Luddite’ attacks.
- Comparatively large numbers of late medieval country and farmhouses survive in the suburban and rural areas of the District;
- The Colne and Holme Valleys have important industrial legacies, including canals, mills and railways;
- The District has a fine assemblage of 18th and 19th century non-conformist chapels
- Standedge Tunnel, on the Huddersfield Narrow Canal, is the longest, highest and deepest canal tunnel in Britain.
- Batley and Dewsbury were the centre of the heavy woollen industry (the “shoddy” and “mungo” trades). Numerous Mills and associated buildings remain from that period.

1.1.2 Although these assets are undeniably of vital importance, they represent only a fraction of the heritage resource of the District. Indeed, it is the wealth of non-designated elements which help to give Kirklees’ towns, villages and countryside their distinct identity. These non-designated heritage assets are a vital part of the social and cultural identity of the District helping to provide distinctiveness, meaning and quality to the places in which its communities live, providing a

sense of continuity and a source of identity and are valued by local people as part of the familiar and cherished local scene.

- 1.1.3 It is important, therefore, that the Plan, as a whole, sets out a robust strategy for the management of this considerable resource. However, whilst the general thrust of the Policy framework for the historic environment which is set out in Policy PLP35 is wholeheartedly supported, it needs some amendments to more closely reflect the approach set out in national policy guidance.
- 1.1.4 Paragraph 126 of the NPPF requires Local Plans to set out a *positive strategy for the conservation and enjoyment of the historic environment*” and makes it clear that they should they should conserve heritage assets “*in a manner appropriate to their significance*”. It is our view that this requirement extends to more than simply including a robust Policy for the management of the area’s heritage assets. It must also include consideration of whether or not the sites it is putting forward as proposed allocations will also satisfy this requirement. The Publication Draft proposed a large number Allocations whose eventual development appeared likely to harm elements which contribute to the significance of designated heritage assets in their vicinity. At the time the Plan was published, there had been no meaningful evaluation of what impact the development any of these sites might have upon those heritage assets.
- 1.1.5 Since Submission of the Plan, Heritage Impact Assessments have now been undertaken of all of all these sites. Whilst we would broadly support the methodology that has been used, in a large number of cases, we have major concerns about the robustness of that evaluation. As a result, we consider that many of the Assessments have underplayed the harm that the eventual development of these sites might have upon the historic environment. We are particularly concerned that none of the Heritage Impact Assessments set out any explicit recommendations as to how any harm they identified might be effectively mitigated or how the Plan might need to be amended to ensure that those sites are developed in a manner consistent with the conservation of the heritage assets. Moreover, none of the conclusions in the Heritage Impact Assessments are firmly or securely tied into any of the Local Plan Policies
- 1.1.6 It is also clear that one of the principal employment allocations, if developed as currently proposed, would cause considerable harm to the Registered Historic Park and Garden that provides the setting for one of the largest groups of high-Grade Listed Buildings in West Yorkshire.

- 1.1.7 Therefore, whilst, with some amendments, the principal Policy for the historic environment (Policy PLP35) is likely to be justified, effective and consistent with national policy the same cannot be said for many of the sites that the Plan is putting forward for development. This is especially concerning for a District which has such a wealth of heritage assets.
- 1.1.8 Given the number of sites that, if developed, would be likely to result in harm to the historic environment, in terms of national policy guidance, we consider that the Plan fails to demonstrate that these sites:-
- (a) Will deliver a “*positive strategy for the historic environment*” as is required by NPPF Paragraph 126.
 - (b) Will be likely to “*contribute to protecting or enhancing the historic environment*”. Therefore, it has not shown that it is likely to deliver sustainable development in terms of the historic environment [NPPF Paragraph 7].
 - (c) Will be likely to “*conserve heritage assets in a manner appropriate to their significance*”. Therefore it has not shown that these will be likely to deliver the Government’s objectives for the historic environment [NPPF Paragraph 17].
 - (d) Have complied with the statutory duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to pay “*special attention*” to “*the desirability of preserving or enhancing the character or appearance*” of its Conservation Areas.
- 1.1.9 At present, therefore, in terms of its approach to the historic environment the Plan is unsound.

2 Responses to the Inspector’s Questions

2.1 b) Does the absence of Conservation Area Appraisals in some parts of Kirklees have implications for the delivery of criterion 3c in Policy PLP 35 and the Plan’s strategy for the conservation and enjoyment of the historic environment?

2.1.1 It is presumed that this question should be referring to Criterion 3b.

2.1.2 Paragraph 138 of the NPPF makes it clear that the loss of a building or other element which makes a positive contribution to the significance of a Conservation Area should be treated as harming the character of that area. In order to assist those proposing developments within a Conservation Area and to help the decision-maker determine how they should react to a development proposal, it is important that the elements which make a positive contribution to its character are clearly identified. In very many cases, what makes these areas special are set out in Conservation Area Appraisals. The inclusion of specific reference within Criterion 3b to Conservation Area Appraisals does provide clear guidance to all concerned about what these elements might be. However, it is recognised that only a third of Kirklees' Conservation Areas have Conservation Area Appraisals and, as a consequence, that this might lead to some confusion for any development proposals in any of the other Conservation Areas. Therefore, it might be preferable if Criterion 3b was amended along the following lines:-

“ensure that proposals within Conservation Areas conserve those elements which contribute to their significance especially those which have been identified in a relevant Conservation Area Appraisal”

2.2 c) Does the Plan provide sufficient protection for the historic canal network in Kirklees?

2.2.1 As has been pointed out by Canal and River Trust, the canal network was a key element of the industrial growth of Kirklees in the eighteenth and nineteenth centuries. Although many individual buildings and structures are Listed or fall within Conservation Areas, the vast majority of the canal network is not designated (although it would, probably, fall within the provisions of Policy PLP35 Criterion 2 as a non-designated heritage asset). As one of the defining elements of Kirklees' historic environment, it ought to be identified in the list of assets set out in Criterion 3c and, therefore, we would support the proposed change put forward by the Canal and River Trust.

2.3 d) Is the approach to designated heritage assets, as set out in section 1 of Policy PLP 35, consistent with paragraphs 132, 133 and 134 in the NPPF?

2.3.1 Although the approach to designated heritage assets that is set out in Section 1 of Policy PLP35 broadly reflects the advice set out in NPPF Paragraph 132, 133,

and 134 it would benefit from a slight amendment to more closely reflect the NPPF wording:-

“...will be permitted only where it can be demonstrated that there are substantial public benefits that outweigh the harm”

2.4 e) Is the approach to non-designated heritage assets, as set out in section 2 of Policy PLP 35, consistent with paragraph 135 in the NPPF?

2.4.1 It would make easier for users of the Plan if Criterion 2 only dealt with non-designated archaeology with other non-designated heritage assets included in a separate Criterion.

2.4.2 Paragraph 135 of the NPPF states that when assessing the impact of development upon a non-designated heritage asset, a balanced judgement will be required. Therefore, as currently worded, this Criterion does not accord with national policy guidance. In our response to the Publication Draft we suggested a possible change to this Criterion to more closely reflect national policy guidance. However, upon reflection it is suggested that the Criterion is amended as follows:-

“Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place are 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”.

2.5 f) Does Policy PLP 35 provide a clear framework for conserving archaeological sites which is consistent with the NPPF?

2.5.1 Criterion 1 sets out the approach towards proposals likely to affect Scheduled Monuments and other archaeological remains of national importance. If Criterion 1 is amended as suggested in Paragraph 2.3.1, above, this would fully accord with the advice in NPPF Paragraph 132 and 139.

2.5.2 Applications affecting archaeological remains of less than national importance will be judged against the requirements of Criterion 2. This approach broadly reflects the advice in set out NPPF Paragraph 135 and 141. In the first instance, it makes it clear that account will be taken of the relative importance of the

remains. Secondly it sets out that where development on such sites is acceptable in principle, then development should seek to preserve those remains in situ. Finally, where development is allowed which would result in the loss of such remains, then adequate provision should be made for excavation and recording.

3 The Allocations and Designations document

3.1 The Publication Draft proposed a large number Allocations whose eventual development appeared likely to harm elements which contribute to the significance of designated heritage assets in their vicinity. At the time the Plan was published there had been no meaningful evaluation of what impact the development any of these sites might have upon those heritage assets. In the absence of any assessment of the degree of harm which the proposed Allocations might cause to the historic environment or, indeed, what measures the Plan might need to put in place in order to ensure that any harm is minimised, it was the view of Historic England that the authority could not demonstrate that the sites it is putting forward for development was compatible with either the national policy guidance or the Plan's own policies for the protection of the historic environment.

3.2 Since the Plan was Submitted to the Secretary of State, the Council has produced, Heritage Impact Assessments of all the sites to which Historic England had raised Objections. Whilst we would broadly support the methodology that has been used for these Heritage Impact Assessments and welcome the approach of identifying the relative importance of the various parts of the sites to the significance of the heritage assets in their vicinity, in a large number of cases, we have major concerns about the evaluation of the contribution which setting makes to the significance of heritage assets. As a result, we consider that many of the Assessments have underplayed the harm that the eventual development of these sites might have upon these heritage assets. We are also concerned that none of the Heritage Impact Assessments include firm recommendations to reduce the harm.

3.3 Our detailed comments on each of the Heritage Impact Assessments are set out in Appendix 1. In brief, our concerns are:-

- A considerable number of the Heritage Impact Assessments have identified that the allocations contribute to the significance of the heritage assets in their vicinity. However, having identified harm, we are particularly

concerned that none of the Heritage Impact Assessments set out any explicit recommendations as to how that harm might be effectively mitigated or how the Plan might need to be amended to ensure that those sites are developed in a manner consistent with the conservation of the heritage assets.

- None of the conclusions in the Heritage Impact Assessments are firmly or securely tied into any of the Local Plan Policies
- Whilst the Heritage Impact Assessments do set out a very good evaluation of many of the elements which contribute to the significance of the designated heritage assets likely to be affected by the development of these sites, in a number of cases, we have significant concerns about the evaluation of the contribution which the allocated sites make to setting of nearby designated heritage assets. We consider that these have failed to properly articulate the contribution which setting makes to the significance of these heritage assets and that, as a result, it has underplayed the harm that the eventual development of these sites might have upon these heritage assets.
- We are also concerned that some of the suggested mitigation measures would not reduce the harm but would, actually, result in harm to the setting of the assets.
- Many of the Heritage Impact Assessments conclude that the development of these sites will result in harm to the significance of the heritage assets in their vicinity, even with the suggested mitigation measures.

3.4 The NPPF makes it clear that great weight should be given to the conservation of any designated heritage asset and the more important the asset, the greater that weight should be. Clearly therefore, if virtually every site that has been assessed in the Heritage Impact Assessment will conflict with this advice, then many of the allocations will not deliver sustainable development in terms of the historic environment, and will conflict with the Core planning Principle that heritage assets should be conserved in a manner appropriate to their significance.

3.5 It is also evident from the Heritage Impact Assessment of the proposed employment allocation at Cooper Bridge that development of this site would cause considerable harm to the Grade II Registered Historic Park and Garden at Kirklees Park. This landscape provides the setting for one of the largest groups of high-Grade Listed Buildings in West Yorkshire. [Our comments on the Heritage Impact Assessment are set out in Appendix 2].

4 Conclusions

4.1 With some amendments, the principal Policy for the historic environment (Policy PLP35) is likely to be justified, effective and consistent with national policy.

4.2 However, in view of the number of sites that, if developed, would be likely to result in harm to the historic environment, in terms of national policy guidance, we consider that the Plan fails to demonstrate that these sites:-

(a) Will deliver a “*positive strategy for the historic environment*” as is required by NPPF Paragraph 126.

(b) Will be likely to “*contribute to protecting or enhancing the historic environment*”. Therefore, it has not shown that it is likely to deliver sustainable development in terms of the historic environment [NPPF Paragraph 7].

(c) Will be likely to “*conserve heritage assets in a manner appropriate to their significance*”. Therefore it has not shown that these will be likely to deliver the Government’s objectives for the historic environment [NPPF Paragraph 17].

(d) Have complied with the statutory duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to pay “*special attention*” to “*the desirability of preserving or enhancing the character or appearance*” of its Conservation Areas.

4.3 At present, therefore, in terms of its approach to the historic environment the Plan is unsound.

APPENDIX 1 – COMMENTS ON THE HERITAGE IMPACT ASSESSMENTS OF THE ALLOCATED HOUSING SITES

General

- On the whole, we broadly support the methodology that has been used for the Heritage Impact Assessments and particularly welcome using an approach which seeks to identify the relative importance of the various parts of each of the sites to the significance of the heritage assets in their vicinity.
- A considerable number of the Heritage Impact Assessments have identified that the allocations contribute to the significance of the heritage assets in their vicinity. However, having identified harm, we are particularly concerned that none of the Heritage Impact Assessments set out any explicit recommendations as to how that harm might be effectively mitigated or how the Plan might need to be amended to ensure that those sites are developed in a manner consistent with the conservation of the heritage assets.
- Moreover, none of the conclusions in the Heritage Impact Assessments are firmly or securely tied into any of the Local Plan Policies
- Whilst the Heritage Impact Assessments do set out a very good evaluation of many of the elements which contribute to the significance of the designated heritage assets likely to be affected by the development of these sites, in a number of cases, we have significant concerns about the evaluation of the contribution which the allocated sites make to setting of nearby designated heritage assets. We consider that these have failed to properly articulate the contribution which setting makes to the significance of these heritage assets and that, as a result, it has underplayed the harm that the eventual development of these sites might have upon these heritage assets.
- We are also concerned that some of the suggested mitigation measures would not reduce the harm but would, actually, result in harm to the setting of the assets.
- Many of the Heritage Impact Assessments conclude that the development of these sites will result in harm to the significance of the heritage assets in their vicinity, even with the suggested mitigation measures. The NPPF makes it clear that great weight should be given to the conservation of any designated heritage asset and the more important the asset, the greater that weight should be. Clearly therefore, if virtually every site that has been assessed in the Heritage Impact Assessment will conflict with this advice, then many of the allocations will not

deliver sustainable development in terms of the historic environment, and will conflict with the Core planning Principle that heritage assets should be conserved in a manner appropriate to their significance.

Sites which we do not consider should remain as allocations

Because of the harm which the development of these areas would be likely to cause to the significance of heritage assets in their vicinity, the following sites should be deleted. We do not consider that it has been effectively demonstrated that the harm to the significance of heritage assets nearby that would be caused by the loss of these currently-undeveloped sites and their subsequent development would be capable of effective mitigation:-

Site H95: Land east of The Combs, Hall Lane, Thornhill

We disagree with the evaluation of the harm which this allocation would cause to the setting of the group of Listed Buildings and do not consider that this harm is capable of effective mitigation by the measures suggested.

- This area makes a considerable contribution to the rural setting of the group of Grade II Listed Buildings around Thornhill Hall. The development of this site, even with the retention of the trees and walling along Hall Lane, would urbanise the rural context of this important group of heritage assets. It is unclear how the loss of the area is capable of effective mitigation.
- Consequently, it is considered that Site H95 should be deleted.

Site H101: Land adjacent to Newsome Road and Jackroyd Lane

We disagree with the evaluation about the degree to which this site is visible from Castle Hill and do not consider that the harm to the setting of the monument is capable of effective mitigation by the mitigation measures suggested.

- We disagree with the conclusions regarding the extent to which this site might be capable of accommodating development in a manner which does not harm the rural setting of Castle Hill. It must be borne in mind that there is not a single view from the monument towards Huddersfield and that elements of the site which are not visible from one part might actually be prominent when viewed from another location. This certainly appears to be the case for this site. From the northern end of the monument, Site H101b and the eastern half of Site H101a are clearly visible, providing a green backdrop to the Victoria Hotel on the junction of Jackroyd Lane and High Lane and over which the terrace of dwellings fronting Newsome Road are clearly visible. This open area provides a visual link between the swathe of open countryside which runs, in a southerly direction, from the Victoria Hotel to the rugby ground and, over the woodland blocks around New Laithe Hill Wood, to Stile Common to the north. The

existing footpath and the trees which align it can be seen bisecting Site H101b. Consequently, the loss of this part of the site would be likely to harm the rural setting of the monument.

- Consequently, it is not considered that it has been adequately demonstrated that this site is capable of development in a manner consistent with safeguarding the setting of Castle Hill. As a result, Site H101 should be deleted.

Site H508: Land adjacent to Whitechapel Road, Cleckheaton

We disagree with the assessment of the degree of harm which the development of this site might have upon the setting of the Grade II Listed Church.

- There is a Public Footpath across this area alongside the former Public House. From the footpath, although the church itself is only glimpsed through the trees, the walls around the northern boundary of its Churchyard are a notable feature of the southern part of this site. Consequently, we disagree with the conclusion in Paragraph 6.3 that the harm that the loss of this area could be effectively mitigated.
- Whilst the landscape of this area has changed considerably as a result of the construction of the M62, nevertheless, this is the last vestige of the rural setting of this building. Consequently, we also have concerns about the harm which the loss of the area identified as being of Slight Significance immediately to the west of Whitechapel School would have upon the setting of the Church.
- Consequently, it is considered that Site H508 should be deleted.

Site H730: Land to the west of Royds Avenue, New Mill, Holmfirth

We disagree with the evaluation of the contribution which this site makes to the character of the Wooldale Conservation Area and consider that the heritage Impact Assessment has under-valued the contribution which this site makes to its setting.

- Travelling south from the centre of the settlement down Kirkroyds Lane as one approaches the bend at the junction with Little Lane, there is an attractive prospect across the whole of the northern part of this sloping site towards the rear elevations of the buildings on Royds Avenue backdropped by the profile of the hills in the distance. This site therefore makes a considerable contribution to the rural setting of the Conservation Area and its loss to development would be likely to harm the character of this part of the Conservation Area.
- The northern field makes a considerable contribution to the approach to the Conservation Area travelling east along Kirkroyds Lane.
- The loss of Site H730 and its subsequent development would be likely to harm the rural setting and views out of Wooldale Conservation Area.
- Consequently, Site H730 should be deleted.

Site H738: Land to the west of Heathwood Drive, Golcar

We disagree with the evaluation of the contribution which this site makes to the setting of the terrace of Grade II Listed Buildings nor do we consider that the harm can be effectively mitigated by the measures suggested.

- It should be noted that, because of the level of the footpath relative to the adjacent field that there are no views towards these buildings from the Public Footpath (Paragraph 5.3 and Figure 6). However, these buildings are particularly prominent looking from Heathwood Drive and Site H738 makes a considerable contribution to the rural setting of these buildings when seen from Slades Road to the west.
- Because this field falls away from these former weaver's cottages, the Listed Buildings have a commanding view across the open countryside to the south. The loss of this field would destroy the rural setting of this building. The suggested limiting of the heights of the buildings which is proposed in the Heritage Impact Assessment would not result in any significant reduction in the harm which the loss of these fields and their subsequent development of this site would have to the setting of this terrace.
- Consequently, Site H738 should be deleted.

Site H1728A: Land adjacent to Plantation Drive, Newsome, Huddersfield

We disagree with the evaluation of the degree to which the development of this area would impact upon the significance of Castle Hill

- Paragraph 4.6 notes that this site is located in a prominent area which is visible from Castle Hill and that this site forms the last open space to define the hillside to Berry Brow. We would concur with this conclusion
- We would dispute that the area identified on Figure 5 as being of Slight Significance is not visible from Castle Hill.
- Consequently, we do not consider that it has been adequately demonstrated that any of this site is capable of accommodating development in a manner consistent with safeguarding the setting of the monument.
- Consequently, Site H1728A should be deleted.

Site H1774: Land adjacent to The Village, Thirstonland

We disagree with the evaluation of the contribution which this site makes to the character Thurstonland Conservation Area and do not consider that the harm would be capable of effective mitigation.

- This is a Conservation Area characterised by its open spaces. The loss of such an extensive area of open space right in the heart of the settlement would cause considerable harm to its significance. It would also harm the setting of several of the Listed Buildings within the village.

- From The Village, this site provides extensive views out to the open countryside to the north of the settlement and of the spire of the Church of St Thomas. It also contributes to the rural setting of the row of Listed cottages on the southern side of that thoroughfare.
- From Marsh Hall Lane there are views towards the group of Listed Buildings at Upperfold Farmhouse
- As a result, we consider that all of this site is of high significance of the character of the Conservation Area and that Site H1774 should be deleted.

Site H2649: Land to the south of Victoria Terrace, Marsden

We disagree with the conclusion that development on the area identified as being of Moderate Significance could be achieved in a manner that conserves the character of the Conservation Area.

- Other than that part of the site which was occupied by the former gas works, the area identified on Figure 6 as being of Moderate Significance has never had development upon it. Indeed, the Conservation Area was extended to include this open space. The development of this area, even with some open spaces along the boundary with Carr Lane would harm the Conservation Area. From the A625, there are views across this area to the Listed New Inn and Huck Hill and, from its junction with Peel Street, across to the tower of St Bartholomew's Church. There are also views from the Park opposite across this site towards the rising land to the west.
- The loss of this area would harm the character of this part of the Marsden Conservation Area. Consequently, the eastern part of Site H2649 should be deleted.

Sites which could accommodate development but that the extent of the Allocation needs to be amended in order to the significance of conserve designated heritage assets in their vicinity

The following sites are capable of accommodating some development. However, the extent of the developable area is less than identified in the Heritage Impact Assessment:-

Site H198: Land adjacent to Second Avenue, Hightown Heights

We disagree with the assessment that development would have little effect upon the rural setting of this Listed Building and that this site is only of Slight Significance to its setting.

- Whilst accepting that this is the site of a former school, nevertheless, development of this site would bring development to within 70 metres of this Listed Farmhouse.
- The farm build is prominent in views from Windy Bank Lane to the west and from Hare Park Lane to the south. Development of this area would reduce the separation between the built-up area of Hightown Heights and significantly impact upon the

appreciation of the rural setting of this farm complex from these two vantage points. Therefore, contribution of the the southern-eastern part of this site to the setting of this Listed Building is of Medium Significance.

- Whilst there is undoubtedly potential for some development on the site of the former school buildings and at its northern end, development of the southern part of this site would be likely to harm the rural setting and appreciation of this Listed Building.

Site H442: Land between Roberttown Lane and Lumb Lane, Roberttown

We are concerned that the Assessment is confusing in terms of both how important this site is considered to be to the setting of the Grade II* Old Hall Farmhouse and the mitigation measures that might be necessary to lessen this harm.

- Paragraph 5.2 considered that this site was clearly linked to the ownership of the Hall. It is also evident from the First Edition OS Map that the field structure appear little changed since the mid nineteenth Century. There are also Public footpaths from south-east to north-west across this site directly towards Old Hall Farmhouse and in the fields to the north of the building.
- Paragraph 5.4 states that the land opposite the Grade II* Listed Building is of high significance to the heritage asset as it contributes to the agricultural history and to the setting of the hall. However, on the map on Section 5 it is only shown as being of Moderate Significance.
- The Heritage Impact Assessment considers that the loss of the area shown in blue on Figure 5 would harm the significance of this Listed Building. In Paragraph considers that views of the asset should be maintained from the road. However, it is unclear what this means as the road is not in the allocated site and views of the house from Roberttown Lane are unlikely to be affected at all by the development of this area.
- It is unclear which areas need to remain undeveloped in order to safeguard the open agricultural setting of Old Hall Farmhouse (Paragraph 6.2)

Site 584: Land South of Gynn Lane, Honley

We have concerns about the extent of the areas considered should remain undeveloped in order to safeguard the setting of this Listed Building.

- Paragraph 6.2 – Paragraph 4.15 considers that the woodland belt contributes to the aesthetic appreciation of the Listed Building. Therefore all of the woodland area to the east of 30/32 Gynn Lane should be identified as making a considerable contribution to the significance of this Listed Building.
- Paragraph 6.3 – Paragraph 5.3 identifies the area coloured blue as being of some importance to the significance of this Grade II Listed Building. It is wholly unclear what this Paragraph is recommending. It seems to imply that the harm can only be mitigated either by leaving this site open or by retaining the tree belt and designing

the development to ensure that the agricultural nature of this site is retained. Quite how it is possible to retain the agricultural character of a field yet have development upon it is unclear and certainly low-density housing seems unlikely to achieve this.

- The existing woodland belt is crucial to the setting of this Listed Building. However, in winter, when there is less foliage, any buildings on this site will be visible from Gwynn Lane and, therefore, will impact upon the setting and appreciation of this designated heritage asset. There should be clear recommendation that the blue-coloured area remains undeveloped and that the existing tree belt is reinforced by additional belt of planting in this part of the site.

H597: Land to the south of Sandy Gate, Scholes

We disagree with the evaluation of the contribution which this site makes to the setting of the Grade II Listed Sandy Gate Farm and the mitigation necessary to reduce the harm.

- Sandy Gate Farm is visible in views across this site from the most of Scholes Moor Road, it is also visible in views from Moorlands to the south, and Rycroft Lane. Therefore, it with perhaps the area immediately adjacent to the housing to the south, most of this area of farmland ought to be identified as being of Moderate Significance in terms of its contribution to the setting of this Listed Building.
- As the Heritage Impact Assessment notes, the field boundaries across this area have remain intact since the First Edition OS Map in 1892.
- Given the acknowledgement within the Appraisal that views towards the asset are of high significance and that, should these views be lost, it would cause substantial harm to the setting of the asset, the extent of this site should be reduced to simply the field immediately adjacent to the existing housing on Moorlands

Land east of Site H623: hill Road, Birchencliffe

We disagree with the assessment of the way in which the identified harm might be mitigated

- This landscape has witnessed considerable change since these Listed Buildings were built. The field immediately to their south remain the last vestiges of their rural setting and with the more recent developments which have taken place in their vicinity is probably the most sensitive part of this site.
- As a result, there should be no development in the area of moderate sensitivity.

Site H102, H660: Land adjacent to Netherton Moor Road, Netherton

We do not consider that the Heritage Impact Assessment has adequately evaluated the potential impact of the development of this site upon the setting of the Honley Conservation Area.

- Paragraph 4.8 considers that the open land adjacent to the boundary of the Honley Conservation Area contributes highly to its significance. However, it is unclear how the conclusion has been reached in Paragraph 5.1 that the development of either of the two Allocated sites will be “unlikely to cause harm”. The existing housing in Netherton (immediately to the north of Site H660) appears to be clearly visible from Sandbeds, so development 150 metres closer, on the face of it, seems likely to have a considerable impact upon views from this northern end of the Conservation Area and the appreciation of its rural setting. On the other hand, given that Site H102 is further removed from the Conservation Area, it may well be the case that the development of this area will cause little harm to the Conservation Area.
- Paragraph 5.3 – Given the proximity of the southern extent of Site H660 to the Conservation Area, it is questionable the degree to which density and massing would reduce the harm. It may well be the case that the southern boundary of Site H660 may need to be moved further north by a field and/or additional screening will be necessary (if so the location needs to be identified) and/or existing field boundaries need to be reinforced with additional planting. Moreover, given that the land rises from the edge of the Conservation Area, it might be the case that the heights of buildings need to be limited. If so where on the site is this necessary and what ought that height to be?
- Paragraph 4.10 identifies the heights below which any building on Site H102 needs to be in order for it not to be visible from the Scheduled Monument. It would be helpful to include a plan showing maximum ridge heights necessary across this site to ensure that views from the monument are not affected by its development.

Site H664: Land adjacent to Scotgate Road, Honley

We do not agree that the mitigation measures are sufficiently clear nor that some of them would be effective in mitigating the harm.

- This area has a historic, functional and historical relationship with Clitheroe Farmhouse. The loss of any of this area will affect its significance although the further away the development, the less the harm is likely to be. We would support the identification of the areas to the west and south of the farm buildings as being of greatest importance in terms of their contribution to the setting of this Listed Building and endorse the conclusion that no development should take place on these parts of the site.
- However, the loss of the area coloured blue on Figure 5 and its subsequent development would harm the rural setting of this building. The Heritage Impact

Assessment recognises this. It recommends that it would be necessary to retain the ‘agricultural feel’ of the smallholding. However, the proposal to do this through ‘clusters of courtyards’ would fundamentally change this landscape and its relationship with the Listed Building. The loss of the fields and agricultural setting of the area of moderate sensitivity would be likely to cause considerable harm to the setting of this Listed Building.

- Consequently, it is recommended that the extent of this site is amended to only include the area of Slight Sensitivity.

Site H706: Land adjacent to Burn Road, Prince Royd

We consider that the Assessment has undervalued the contribution which the land to the south of the Grade II Listed Middle Burn Farmhouse makes to its setting and are concerned that the mitigation measures are not sufficiently explicitly set out.

- As the Heritage Impact Assessment identified views of the Listed Buildings from Grimescar Road to the north. From this vantage point, the fields to the south of Yew Tree Road do contribute to the rural setting of these buildings albeit (probably Slight Significance on the categorisation used in the Assessment).
- The fields Middle Burn Farmhouse is a prominent feature in the landscape looking northwards from the bend on Burn Road. The fields to the south of Yew Tree Road, therefore, make an important contribution to its setting. Therefore the fields between the woodland area and Yew Tree Road and the blue-coloured area alongside Burn Road should remain clear of development.
- Paragraph 6.2 – We would agree with the assessment of the important contribution which the area to the south of these Listed Buildings makes to their significance. Therefore, there should be a clear recommendation that this area should be removed from the Site H706. Paragraph 6.3 – We would also agree with the identification of the areas that are coloured blue. It is difficult to see how it is possible to mitigate the identified harm which their loss would cause other than by them remaining undeveloped. Consequently there needs to be a clear recommendation that the blue areas should remain undeveloped and that the important views towards Middle Burn Farmhouse from Burn Road should be retained.
- There also need to be a recommendation about how the area to the south of Yew Tree Road which is of Slight Significance should be dealt with in any development proposals.

Site 715: Land to the west of Wesley Avenue, Netherthong

We have concerns about the proposed mitigation measures.

- Paragraph 6.2 considers that the loss of the area coloured blue would harm the character of the Conservation Area. However, the mitigation measures are very vague and need to be set out more explicitly. If this area should remain undeveloped in order to reduce the harm to the significance of the Conservation Area, then this area should not be developed.

Site H761: Land adjacent to Raikes Lane, Birstall

We consider that the Heritage Impact Assessment has not appropriately evaluated the contribution which the southernmost part of this site makes to the setting of the Grade II* Old Hall or that the mitigation measures are sufficiently clear as to how any harm might be effectively mitigated.

- There is a Public Footpath which runs right behind Old Hall. The southernmost area identified in blue on Figure 9 is important to the setting of this building and, as Paragraph 4.25 points out, could have had a functional relationship with this important building. Given the topography of this area, residential development on the land adjacent to Old Hall apart from the harm it would have to its rural setting would also be particularly dominant. The loss of this open area, therefore, and its development for even low-density buildings with a “traditional courtyard setting” (as has been suggested in Paragraph 6.2) would result in considerable harm to the setting and appreciation of this Listed Building.
- Consequently, the blue coloured area to the north-east of Old Hall should be excluded from this allocation

Site763: Land north-west of Gordon Street, Slaithwaite

We disagree with the evaluation within the Heritage Impact Assessment of how the significance of the two designated heritage assets affected by this development might be safeguarded.

- The Heritage Impact Assessment recognises that the areas of land coloured blue contributes to the significance of the two Listed Buildings. However, it makes no recommendation regarding what should happen to these areas. Given the contribution to their setting, there needs to be a clear recommendation that these two areas should be excluded from the allocation.

Site MX1930: Land north of Blackmoorfoot Road, Crosland Moor, Huddersfield

The proposed mitigation measures are unclear.

- Without a map it is difficult to identify to which areas the suggested mitigation measures should apply.

Site H2667, Land at former Gomersal Primary school, Oxford Road, Gomersal

We disagree with the conclusion about the contribution which the existing school building makes to the character of the Conservation Area and the harm that its demolition might cause to the southern end of the Conservation Area.

- Given that the boundary of the Gomersal Conservation Area has been drawn to specifically to include the school buildings, we find the conclusion in Paragraph 5.2 of the Heritage Impact Assessment that Gomersal First School contributes little to the Conservation Area a little surprising. Whilst, admittedly, having had some alterations, nevertheless, this early twentieth century is an attractive building which makes a positive contribution to the character of the southern approach to the Conservation Area and forms part of the group of public buildings in this part of Gomersal. Its loss, therefore would result in considerable harm to the character of this part of the Conservation Area.
- There should be a clear recommendation that the original school buildings on this site should be retained and reused in any development proposals for this site.

Site H2730A: Land to the south-east of Hermitage Park, Lepton

We disagree that the approach to development in the area of moderate sensitivity would preserve the setting of this Listed Building.

- We would agree with the evaluation in the Heritage Impact Assessment that Open Area 1 is of Moderate Significance in terms of its contribution to the setting of this building. However, We do not agree that merely retaining views of Crow Trees from the Public Footpath will effectively mitigate this harm. The only way in which this harm can be effectively mitigated is to delete this part of the Allocation.

Site H768: Land to the west of Willow Close, Skelmanthorpe

We disagree with the evaluation of the contribution which this area makes to the setting of St Aidan's Church or that the proposed mitigation measures will remove the harm commensurate with conserving their settlings.

- From Willow Close, one can obtain a clear view of the whole of the eastern elevation of the Church and, in winter through the trees, of part of its southern elevation. The central part of this site, therefore, is of Moderate Significance to the Church's setting. Therefore, there ought to be a clear recommendation of the need to retain the area to the east of the Church as open space.

Site H783: Land adjacent to Dale Lane, Heckmondwike

We disagree with the conclusion that the vast majority of this site is of Slight Significance and that development across the whole site would be acceptable.

- Although in a very poor state of repair, there are views of this site through the archway between the two cemetery chapels on one of the main axial paths through this cemetery. The area immediately to the north of this building, therefore, ought to be identified as being of Medium Significance to the setting of this Listed Building.
- Should the Chapel be repaired and the bushes and other foliage be properly managed, development immediately to the north of the Chapel would harm the view of this building from the main approach path to the cemetery. Consequently, as mitigation, the area to the north of the Chapel should remain undeveloped.

APPENDIX 2 - COMMENTS ON COOPER BRIDGE HERITAGE ASSESSMENT REPORT, JUNE 2017

General Comments

The Sections of the Report which set out the heritage baseline and the archaeological and historical development of the area are very comprehensive and provide good starting point for an assessment of the likely effects which the proposed allocation might have upon the numerous heritage assets in the area. However, whilst we can concur with much of what the Report concludes regarding the potential impact which the eventual development of this area might have upon the majority of these assets, in a number of areas, it is still unclear precisely how this scheme might affect the historic environment. In addition, we also have considerable reservations about the degree to which you consider it is possible to mitigate the harm that has been identified.

When originally proposed, it was hoped that this Report would set out an objective assessment of the potential impact which the development of this area might have upon the elements which contribute to the significance of the heritage assets in and around Kirklees Park and whose conclusions all parties would be able to agree. Thus, if elements of the scheme are likely to result in harm, then this Report needs to identify, clearly, what this harm is. For the most part, the Report does this although there are a number of areas where the precise impact is not particularly clear at present and where some further work is likely to be necessary.

Where aspects of the development are considered likely to have an adverse impact upon the significance of a heritage asset, the second part of the Report needs to set out explicit recommendations for how that harm might be removed or reduced. We have particular concerns about this element of the Report. Indeed, the Report seems to accept that the scheme, as presented, is incapable of further mitigation – which is clearly not the case. Deletion of the buildings at the eastern end of the proposed development or a reduction in the proposed heights, for example, would go a long way to reducing the considerable harm which the development, as illustrated, appears likely to have upon the Registered Historic Park and Garden at Kirklees Park and, potentially, to the Listed Buildings along Leeds Road. We are also worried by the proximity of the buildings to the southern entrance to the Park and consideration needs to be given to pulling these further away from the Park wall as we discussed on the site visit

It may well be the case, that the mitigation measures suggested are impossible to deliver (for example, it may make the scheme economically unviable). If that is the case, then it is for the local planning authority to argue that the public benefits of this proposal (as

currently shown on the plan by KPP), outweigh the identified harm (in line with the advice in NPPF Paragraph 133 and 134).

At the examination in Public, therefore, this Report can be presented as a document which the Council, Historic England and the developers agree provides a robust assessment and evidence base of the potential impact which the development of this site might have upon the historic environment (if necessary, agreed within a statement of Common Ground). We can then leave it to the judgement of the Inspector to determine whether or not the public benefits are sufficient to outweigh any identified harm. At the moment, this Report does not do that and we could not sign up to a statement of common ground based upon its contents.

Detailed comments

Visualisations

- The visualisations have confirmed our initial concerns about the harm which employment development of the scale proposed on the rising land towards Hartshead Hall would be likely to have upon the character and experience of the southern half of the Historic Park and Garden. Whilst the visualisations have been produced from the all the viewpoints we agreed when on the site visit, it is evident (from both the conclusions from the Report itself and the magnitude of the impact that the current visualisations illustrate) that some additional visualisations/ZTVs will be necessary before it is possible to ascertain the likely degree of harm to the heritage assets in this area (and, therefore, what additional mitigation measures might be necessary). These viewpoints are:-
 - A ZTV showing the extent to which buildings of the heights proposed would be visible from the first-floor rooms of the eastern elevation of Kirklees Hall. This would enable the Report to verify the likely harm to Kirklees Hall [Table 3, page 51].
 - A ZTV showing the extent to which buildings of the heights proposed would be visible from the top of the Replica Roman Watch Tower should it ever be restored. This would enable the Report to verify the likely harm to this Listed Building [Table 3, page 56].
 - A visualisation from the centre of the former Deer Park looking south-east. This would enable the harm to the deer park by the 15 metre building alongside the park wall.
 - A visualisation looking from the ridge/terrace on Nun Bank Wood. This would enable confirmation of the degree to which this development might be visible from the northern part of the Registered Historic Park and Garden.

- A visualisation from the southern approach to the Registered Historic Park and Garden. This would enable a better understanding to be gained of the harm to the southern approach to the Park.
 - A visualisation from the centre of the development site towards Kirklees Hall.
 - A visualisation from the eastern edge of the development site towards Kirklees Hall.
 - A visualisation from Farcommon Road towards Kirklees Park. This would enable a better understanding to be gained of the potential impact upon views towards the Registered landscape.
 - A visualisation from Fall Lane towards Kirklees Park. This would enable a better understanding to be gained of the potential impact upon views towards the Registered landscape.
 - A visualisation of the impact upon Mock Hall and the adjacent Listed Building from Farcommon Road
- Whilst it is accepted that the Visualisations are only intended to give a representation of the extent to which the development might be visible from a particular viewpoint, they need to be more representative of the potential urbanising impact which this development is likely to have. For example, Viewpoint 3 shows the buildings as seemingly sitting in a parkland setting. However, it is clear from the layout plan that most of this area will, in fact, be car parking and servicing areas.
 - It would be very helpful to include the current view from each of the locations so that the degree of change in the landscape might be assessed.
 - Where it is likely that the buildings would be behind existing planting belts (as in Viewpoint 5), it would be helpful to include wireframes of where the buildings are to better orientate the user.

Heritage Assessment

- The Roman Watch tower is now a Grade II Listed Building. This needs to be amended throughout the Report. There also need to be an evaluation of what impact the development might have upon the appreciation of the tower if, as is hoped, it is eventually restored and the landscape around it appropriately managed and there is access to its upper floors.
- The potential impact of this development upon the Registered Historic Park and Garden at Kirklees Park varies considerably as one moves through and around the landscape. Therefore, in Tables 3 and 4 it would be preferable to sub-divide the landscape and the areas surrounding it (along the lines you have done in Paragraph 5.2.2 although you may need to sub-divide it further). By this means it would be easier to identify where the development is likely to impact the most and to suggest appropriate mitigation measures.
- In Tables 3 and 4 there needs to be some evaluation of the potential impact on views from the principal rooms on the first floor of Kirklees Hall.

- Table 4, HA. No 30 to 33 – Tree planting is only likely to partially reduce the harm which buildings of between 9 and 12 metres in height only a couple of hundred metres from these Listed Buildings and the loss of the wider rural setting might cause to the setting of these buildings.
- Paragraph 6.2.4, first bullet-point – The impact upon the southern part of Kirklees Park could be significantly reduced by a reduction in the size of the site and the changes to the scale, orientation and location of the buildings proposed. The photomontages actually show exactly the opposite of the conclusion – the buildings appear massively out of scale in this landscape
- Paragraph 6.2.4, second bullet-point – Views towards the Park from the east would be severely harmed by the development as proposed.
- Paragraph 6.2.4, fifth bullet-point – We would disagree that the impact is “unavoidable”. A reduction in the size of the site or the scale and location of the proposed building, for example, could significantly reduce the harm to these heritage assets.
- Section 7 – The mitigation measures need to be reconsidered. There are a number of ways by which the potential harm identified might be removed completely or reduced. These should be evaluated in a further table. It is for the local planning authority to argue the case based upon the advice in the NPPF as to why they are not practicable to implement.
- Paragraph 8, fifth bullet-point – It is questionable at this stage what degree of harm the development as a whole would cause to the various heritage assets in and around Kirklees Park – hence the need for additional evaluation. From the photomontages the degree of harm appears to be very high.