

## **KIRKLEES LOCAL PLAN EXAMINATION**

### **STAGE 3 HEARINGS**

#### **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?**

**[Policies PLP 30, 31, 32, 33, 34, 35]**

- a) Are the criteria in Policy PLP 34 requirements, or are they measures that the Council will seek to encourage?
- 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?
- c) Does the Plan provide sufficient protection for the historic canal network in Kirklees?
- 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?
- 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?
- f) Does Policy PLP 35 provide a clear framework for conserving archaeological sites which is consistent with the NPPF?

#### **GAIL's Comments on Policy PLP 30 Biodiversity & Geodiversity:**

1. GAIL contends that the future vision of biodiversity and geodiversity within Kirklees is unclear. This concern is mainly due to the inappropriate methodological assessments of Green Belt edges and subsequent decisions surrounding site allocations conflicting with the Council's Vision Statement, Policy PLP 30 and the NPPF.
2. Many Green Belt sites within the Local Plan lie near or directly adjacent to Ancient Woodlands, Local Geological Sites (LGS), Local Wildlife Sites (LWS) and listed buildings. As such, there is a close and unique relationship between each of these Sites and surrounding features such that any development of the Sites will directly or indirectly have an adverse impact. Unfortunately, the greenbelt edge assessment did not appropriately account for the sustainability of the natural environment, leaving sites of natural and historic value vulnerable to development.
3. A number of fundamental questions have to be asked:
  - What are the 'overriding public interests' for damaging the natural resources of accepted sensitive Sites for present and future generations?
  - How has an 'overriding public interest been classified within the Local Plan?

- Where in the Local Plan is the evidence to show that the Council has actively considered alternative means of delivering housing proposals on Sites where there would be a direct or indirect adverse effect on LGS, LWS and Ancient Woodlands?

**GAIL's Comments on PLP 35 and Castle Hill:**

4. PLP 35 states that 'proposals which detrimentally impact on the setting of Castle Hill will not be permitted'.
5. In itself, this statement is praiseworthy and should be fully supported.
6. In practice, however, the development of the Local Plan has seen the Council make fundamental changes to its site selection methodology between the original Draft Plan and the PDLP which may impact adversely on the setting of Castle Hill.
7. Sites which were acknowledged in the original Draft Plan as forming '*part of the setting of open countryside which contributes to the setting of the Scheduled Monument of Castle Hill*' (and for which the Council confirmed that any negative impact on its setting was considered to be an absolute constraint to development) continue to be accepted as development sites in the PDLP, albeit with the setting reference deleted.
8. Critically, though, the absolute constraint to development has been 'watered down' in the PDLP to 'a site may have a negative impact on (Castle Hill's) setting which may be a constraint to development'.
9. Given the emphasis of clause 132 of the NPPF to safeguard scheduled monuments such as Castle Hill, GAIL would expect a detailed analysis and assessment of the specific factors which are deemed to be '*wholly exceptional*' to justify the proposed harm to the setting of Castle Hill by the development of the proposed Sites.
10. How can accepted sites previously specified as contributing to the monument not have a detrimental impact on its setting? This policy does not correspond with certain site allocation decisions within the Local Plan. As such, the approach to designated heritage assets is not consistent with clauses 132, 133 and 134 of the NPPF and does not afford crucial protection to such vital assets.

**John Davies**

**Chair of GAIL (Green Alert in Lepton)**

**17<sup>th</sup> November 2017**