

MATTER 39 - BATLEY AND SPEN SAFEGUARDED LAND

SL2197 – south-west of Upper Batley Lane, Upper Batley

Issue - Are the proposed safeguarded land allocations in Batley and Spen justified, effective and in line with national policy?

1 Introduction

1.1 The identification of Site SL2197 as safeguarded land is not sound as it has not been demonstrated that it is consistent with either the emerging Policies in the Local Plan or with national policy guidance.

1.2 Paragraph 126 of the NPPF sets out a requirement for Local Plans to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development upon the significance of a designated heritage asset, Paragraph 132 of the NPPF makes it clear that great weight should be given to the asset's conservation.. The southern half of this area lies within the Upper Batley Conservation Area. Development of this site could affect elements which contribute to the significance of this asset.

1.3 By identifying this area as Safeguarded Land, the Council is accepting that the principle of the loss of this currently-open area and its subsequent development is acceptable. However, there has been no meaningful evaluation about whether or not the development of this site would be compatible with the conservation of those elements which contribute to the significance of this designated heritage asset.

1.4 Consequently, the allocation of Site SL2197 as Safeguarded Land would be in conflict with the following aspects of the emerging Local Plan:-

- The Spatial Vision – in that it has not been demonstrated that it conforms with the intention that development will take place in a sustainable way (balancing economic, social and environmental priorities), that the local character and distinctiveness of Kirklees and its places will be retained, or that the natural, built and historic environment will be maintained and enhanced through high quality, inclusive design

- Spatial Objective 8 - that it has not been demonstrated that it will protect or enhance the characteristics of the historic environment
- Policy PLP35 – in that it has not been demonstrated that it will conserve elements which contribute to the significance of a designated heritage asset.

1.5 It would also be contrary to national policy guidance as set out in the NPPF in that it has not been demonstrated that it would:-

- Help to deliver a “*positive strategy for the conservation and enjoyment of the historic environment*” as is required by NPPF Paragraph 126.
- Contribute to protecting or enhancing the historic environment. Therefore, it has not been shown that it will deliver sustainable development in terms of the conservation of the historic environment [NPPF Paragraph 7].
- Conserve heritage assets in a manner appropriate to their significance. Therefore has not been shown that it conforms with one of the Government’s Core Planning Principles [NPPF Paragraph 17].
- Give great weight to the conservation of the area’s designated heritage assets [NPPF, Paragraph 132]

2 Suggested Change

Either:-

- (a) Before confirming this site as Safeguarded Land, a Heritage Impact Assessment needs to be undertaken to demonstrate that such an allocation would be compatible with national policy guidance regarding the conservation of the historic environment

Or

- (b) Paragraph 6.29 of the justification to Policy PLP6 needs to make it clear that any reassessment of the appropriateness of Safeguarded Land for development as part of a future review of the Local Plan would need to include an evaluation of whether or not the development of those areas would still be likely to deliver sustainable development.