

North Yorkshire Council's Response to Inspector's Matters, Issues and Questions

Matter 5 – Historic Environment

Issue 1 – Heritage Assets – Policies NS16, NS17, NS18, NS19 and NS21

Q1. How have the effects of the new settlement on the setting of Whixley Conservation Area been considered?

Prior to the formation of the Heritage Impact Assessment ([SDNS09](#)), an initial scoping exercise in accordance with NPPF, Paragraph 201 was undertaken. This identified all heritage assets whose significance and setting had the potential to be affected by the development proposals. The initial scoping of assets is contained within the work undertaken to inform the generation of options and preferred option. Additional work on Conservation Area Views was undertaken at a further stage of this commission in response to consultation responses from stakeholders including Historic England. This can be found on page 19 of the stage 5A - options generation and assessment report ([OD01: New Settlement Concept Framework- Stage 5b Final Concept Framework Report \(2020\)](#)) which concludes that “views from Whixley are limited by landform and it is anticipated that views from this Conservation Area would not be affected by proposed development within any of the options”.

The findings of the subsequent [Heritage Impact Assessment \(HIA\) SDNS09](#), were also that the significance of Whixley Conservation Area would not be affected by the development proposals and therefore it was scoped out of the assessment. In making this conclusion, the following factors were taken into account:

- The significance of the conservation area and the contribution that its setting makes to significance.
- The nature of its setting and the way in which the conservation area can be experienced.
- The potential for development proposals to impact on setting.

Q2. How have the effects of development on the settings of Providence House and the Kirk Hammerton Conservation Area been considered having regard to the proximity of the settlement boundary to these heritage assets?

Within the Heritage Impact Assessment (HIA) [SDNS09](#), the setting of both heritage assets was identified as having potential to be affected by provision of development within the development site boundary.

With regards to Providence House, it was concluded that there was potential for a moderate impact to setting, leading to overall minor scale of impact to significance. The reason for this conclusion can be summarised as:

'There is no direct physical impact on the building, ancillary buildings or the historic association but its setting is affected. It has been identified that the rural surroundings of Providence House contribute positively to its setting. The land to the north of the A59, which forms the immediate surroundings of the listed buildings will not be affected by The Development; however, the introduction of development into the land to the south of the A59 has the potential to alter the character of the land in a manner that impacts on setting' ([SDNS09](#) paragraph 2.46).

With regards to Kirk Hammerton Conservation Area, it was concluded that there was potential for a moderate impact to setting, leading to overall minor-moderate scale of impact to significance. The reason for this conclusion can be summarised as:

'The rural setting to the west of the conservation area will change in character as a result of the Development, altering from rural land to developed land (the level of change being dependant on the exact form/location of development introduced). Although the Development site area does not form the immediate context, there is potential for the introduction of built form of urban / suburban character to harm the rural setting of the conservation area and therefore change the way in which the conservation area is experienced' [SDNS09](#) paragraph 2.10.

For both, it was concluded that there is potential to reduce the level of impact using mitigation measures. These recommended measures are set out in the [Heritage Impact Assessment \(HIA\) SDNS09](#). Policy NS16 (Designated Heritage Assets) was developed in accordance with the findings and recommendations of this assessment and subsequently set out clear guidance for how their settings should be considered, including specific considerations for each of the assets.

Q3. Why have Whixley Gate and Rudgate not been included in Policy NS21?

Whixley Gate is a modern housing development, located on the site of Whixley Hospital, which opened in 1905, originally as the Yorkshire Inebriate Reformatory. The hospital buildings were demolished, following its closure in 1993, to make way for the housing scheme. It therefore does not meet the criteria to be a non-designated heritage asset. As such, it was not identified in the scoping work undertaken to inform the development of the concept options or preferred option ([\(OD01: New Settlement Concept Framework- Stage 5b Final Concept Framework Report \(2020\)\)](#) or [Heritage Impact Assessment \(HIA\) SDNS09](#)).

Rudgate – the Roman Road that runs from north to south – was also not considered to meet the criteria for designation as a non-designated heritage asset. Moreover, it is not considered that a

clause protecting its character is appropriate as this is likely to need to be balanced with other factors such as providing links within the site and active travel opportunities.

Q4. What is the justification for the suggested changes to Policies NS16, NS17 and NS21 and relevant supporting text? Why are they necessary for soundness?

The suggested changes to Policy NS16 (Designated Heritage Assets) were put forward by Historic England during the Regulation 19 consultation. Whilst the Council do not believe these are strictly necessary for soundness, they serve to add further detail and strength to the policy.

The Council considered that NS17 (Cattal Bridge) was sound as drafted, but the changes serve to add further clarity on the timing and requirements of the assessments required.

Issue 2 – Archaeology – Policy NS20

Q1. Is the approach of Policy NS20 reasonable, justified, and effective and is it soundly based on robust evidence?

The policy was drafted following a workshop with Historic England and the (then) NYCC Archaeologist and parties then agreed that the policy was appropriately drafted to ensure that archaeological significance was appropriately and proportionately addressed. The policy requires that archaeological investigations should be undertaken at an early stage of the detailed master planning for each phase of Maltkiln's development. The Council believe this to be a proportionate approach to archaeology in line with the adopted Local Plan (Policy HP2) and national policy.