

NPPF Para.189 – closing the loophole on Impact Assessment

Summary

The current consultation on changes to the NPPF represents a favourable opportunity to amend NPPF paragraph 189 to fix a problem with the current wording, which is flawed and cuts across industry best practice by implying that applicants are not obliged to assess impact of proposals on heritage assets.

As a result of this wording, guidance from Historic England creates a confusing set of implications about the need for impact assessment, suggesting that

- Applicants will need to understand impact in order to assess what is a proportionate amount of information to provide to enable the LPA make a judgement of impact,
- BUT an applicant does not need to supply information relating to impact assessment in a statement of heritage significance.

We believe that this is unhelpful advice which highlights an unintentional confusion in the wording of the NPPF. Withholding impact assessments from the LPA is likely to negatively impact the effectiveness of the decision-making process, increase chances of refusal, and lead to an increased reliance upon appeal process and as a consequence slower and more costly applications. Good communication with LPA decision-makers improves processes.

National Planning Practice Guidance implies that understanding impact assessment is the goal of providing information on significance as part of what is provided to LPAs to aid decision-making (NPPG Paragraph 18a-009-20190723).

CIfA's Standard and Guidance for Desk Based Assessments requires practitioners to include information about impact assessment and mitigation options within the DBA. We also recommend that CIfA professionals involved in the production of statements of significance also follow this approach.

From the CIfA standard: "In a development context desk-based assessment will establish the impact of the proposed development on the significance of the historic environment (or will identify the need for further evaluation to do so), and will enable reasoned proposals and decisions to be made whether to mitigate, offset or accept without further intervention that impact."

"3.4.3 Assessment [of significance] should also identify the potential impact of proposed or predicted changes on the significance of the asset and the opportunities for reducing that impact. It should consider how the significance of the asset might be enhanced, and might suggest how loss of significance of one interest might be offset by enhancing that of another (eg through increased knowledge and public appreciation)."

(CIfAS&G for Desk Based Assessment)

While LPA archaeologists are ultimately responsible for determining the impact of a proposal on the significance of heritage assets, it is a requirement of the NPPF to ensure sufficiently detailed evidence is

provided to enable this to take place (NPPF para.189). A sensible way to do this is by submitting evidence of impact assessment.

We therefore propose that a simple clarification of NPPF Paragraph 189 should be made. This is in the interests of improving clarity on an applicants' obligations to provide information related to the impact of proposals on the significance of heritage assets to LPAs.

We suggest the following wording:

189. In determining applications, local planning authorities should require an applicant to **describe the significance of any heritage assets affected and provide an assessment of the potential impact of the proposed development on that significance**. The level of detail should be proportionate to the assets' importance and no more than is sufficient to **enable the local planning authority to** understand the potential impact of the proposal on the assets' significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

This relatively minor and uncontroversial change to the existing wording of the NPPF has been discussed with Historic England and is one of the agreed target reforms of the Historic Environment Protection Reform Group (HEPRG).

Contact us

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