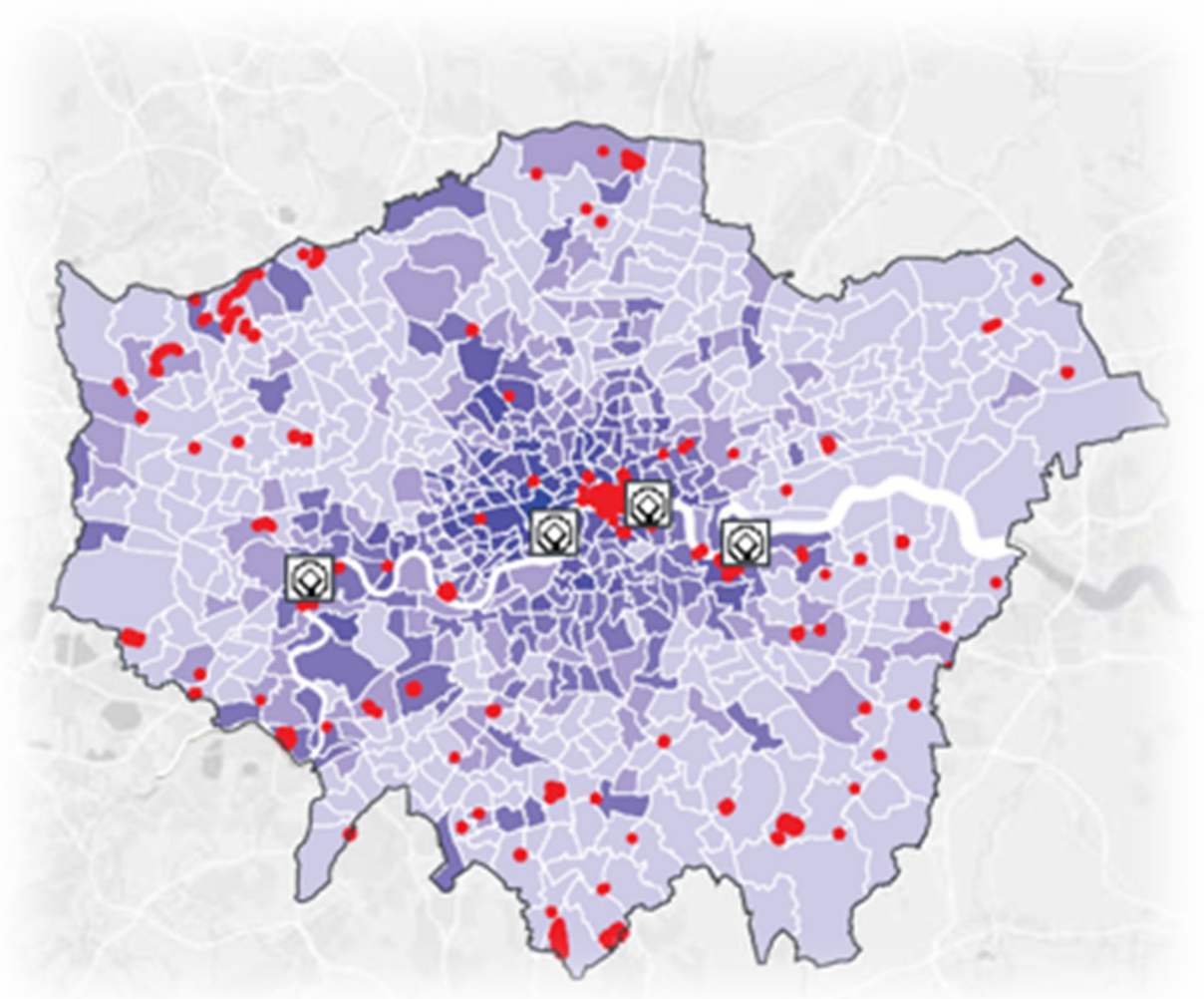


Planning Practice Note: Heritage Impact Assessments and the Setting of Heritage Assets



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1. Introduction

Background

The heritage policies of the London Plan 2021, namely HC1 and HC2 supported by D3 in relation to design and D9 in relation to tall buildings, along with the NPPF, provide an effective policy framework for managing the impacts on heritage assets from new developments. The implementation of these policies is supported by guidance from Historic England particularly *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)* (Historic England, 2017) (HE GPAPN3).

In the exercise of its planning functions, the GLA reviews many Heritage and Townscape Visual Impact Assessments at both draft and final stages. There have been growing concerns over several years around the methodologies often used in such documents and recent appeals at Public Inquiry have seen a lack of consensus around the correct approach. This can result in the duplication of work, waste of officer time and public resources and the potential for inconsistent decision-making.

Purpose and Status of this Practice Note

- To set out the GLA's preferred approach i.e. the methodologies and working practices it seeks to see consistently applied in the preparation of planning application documents for proposed developments which affect the settings of heritage assets;
- To help ensure consistency and certainty in achieving the Mayor's objectives of Good Growth.

The Practice Note is not planning policy, nor London Plan Guidance. This Practice Note is good practice advice for officers, applicants and their consultants to assist them in conforming with London Plan.

Audiences and uses

- GLA Planning Case Officers and Conservation Officers should use this note to assist them in the GLA approach and methodology for the assessment of planning applications for proposed developments which affect the settings of heritage assets.
- Applicants and their consultants should use this note to assist them in the preparation of planning documents relating to planning applications for proposed developments which affect the settings of heritage assets.
- The GLA strongly encourages the use of this note by planning and conservation officers in Local Planning Authorities in London to assist them in the assessment of relevant applications.

- The GLA will promote the use of the Practice Note and encourage LPAs to consider changing their local validation list to require that HIAs follow this practice note and HE GPAPN3 (see below).

Scope

Proposed developments may cause direct or indirect effects on the significance of heritage assets. Direct effects are those resulting from development or works to the heritage asset itself e.g. works to a listed building or the demolition of a building and redevelopment in a conservation area. Indirect effects are those resulting from development within the setting of a heritage asset. This Practice Note relates only to Heritage Impact Assessments for indirect effects. Such effects typically relate to the setting of heritage assets. Where the development is located within a heritage asset which is an area or group of buildings (such as a conservation area) there may also be indirect effects to the significance of the area, for example through changes to views within, into or out of the area.

Whether the proposed development or works causes direct or indirect effects, a Heritage Impact Assessment will be needed, in accordance with NPPF Paras 194 and 195. This Practice Note does not provide advice on the assessment of direct effects and reference should be made to *Statements of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12* (Historic England, 2019).

Definitions and acronyms

A Townscape Visual Impact Assessment (TVIA) is a planning document which assesses the visual impact of a proposed development on townscape. Where the townscape includes heritage assets, these may be expanded to form Heritage and Townscape Visual Impact Assessments or Built Heritage TVIAs. Other similar titles are also sometimes used. This note uses the acronym HTVIA for all such documents, which are similar in structure and content. A **glossary of acronyms** is provided at the end of this note.

2. Relevant planning legislation, policy and guidance

To assist with the assessment of likely direct and indirect effects on the significance of heritage assets, NPPF (at Para 194) states that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”. Such documents are usually known as Heritage Statements or Heritage Impact Assessments.

NPPF (at Para 195) indicates their use: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by

a proposal (including by development affecting the setting of a heritage asset) taking into account the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal." Historic England has published guidance on writing heritage statements.¹

Where an EIA is needed, The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 provide the requirements. The criteria include heritage assets and their settings. It is therefore commonplace for EIAs to include an assessment of the effects on the setting of heritage assets, usually in the form of a HTVIA. The assessment of EIAs takes place within the wider planning system, in parallel with the assessment of the planning application against the local development plan and other material considerations. Where an application does not require an EIA, the methodology and form of HTVIAs is normally similar.

The following national guidance is particularly relevant:

- Statements of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12 (Historic England, 2019);
- The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (Historic England, 2017, 2nd Edition);
- Tall Buildings: Historic England Advice Note 4 (Historic England, 2022).

The London Plan 2021

The supporting text to the London Plan's Good Growth Objective GG2 states that "London's distinctive character and heritage is why many people want to come to the city. London's heritage holds local and strategic significance for the city and for Londoners and will be conserved and enhanced. As new developments are designed, the special features that Londoners value about a place, such as cultural, historic or natural elements, should be used positively to guide and stimulate growth, and create distinctive, attractive and cherished places."

The London Plan 2021 has strengthened the approach to heritage compared to its predecessor. London Plan Policy HC1 requires development proposals to conserve significance by being sympathetic to the assets' significance and appreciation within their surroundings. The policy now states that proposals should avoid harm, identify enhancement opportunities by integrating heritage considerations early on in the design process and greater emphasis has been placed on the cumulative impacts

¹ *Statements of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12* (Historic England, 2019)

from development on the setting of heritage assets. In addition, heritage is now further integrated into tall buildings policy.²

3. Summary of current issues

The current issues which GLA officers experience are summarised as follows:

- The lack of a discrete Heritage Impact Assessment (HIA) which adequately addresses the impacts on the contribution made to significance by the setting of heritage assets.
- The use of townscape assessment as a proxy for heritage assessment and a “read across” between townscape and heritage assessment conclusions.
- The failure to use the required heritage expertise.
- The use of inappropriate and flawed methodologies for heritage assessment.
- The use of inappropriate methods for defining the study area.
- The lack of assessment of non-visual aspects of setting.
- The lack of assessment of archaeological heritage assets.
- The failure to adequately analyse the contribution made to significance by setting.
- Over-reliance on LVMF views and/or a small number of views.
- Issues with the use of visualisations and AVRs.
- The inappropriate use of Townscape Character Areas as a means for grouping heritage assets.
- The failure to adequately explore alternatives and design options.
- Confusion over the meaning of mitigation.
- The use of inappropriate approaches in cumulative assessment.
- The use of the internal balance of harm and the inclusion of irrelevant considerations in that balance.

² London Plan Policy D9C (1d and e)

4. Rationale for the GLA approach

The GLA approach to the assessment of the effects of proposed development on the setting of heritage assets is to follow this Practice Note and *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)* (Historic England, 2017, 2nd Edition) (HE GPAPN3). GLA officers will use this approach in the assessment of proposed developments which affect the settings of heritage assets at pre-application, Stage 1, Stage 2 and Stage 3. The GLA therefore strongly recommends that applicants and their consultants also use the GLA approach in the relevant planning application documents, to achieve clarity and a consistency of approach. It is noted that HE GPAPN3 states (at Para 1) that it “does not...seek to prescribe a single methodology or particular data sources. Alternative approaches may be equally acceptable, provided they are demonstrably compliant with legislation, national policies and objectives.”

The GLA approach, including its endorsement of HE GPAPN3, is based on the following:

- The other methodologies sometimes used in HTVIAs range from the wholly inappropriate, to the flawed, to the untested (discussed below). There is therefore no equally acceptable and compliant alternative;
- The Planning Inspectorate make use of HE GPAPN3 in their own reasoning and decision-making;³
- HE GPAPN3 is issued by the national heritage authority for England;
- Where HE GPAPN3 has been discussed in judicial review proceedings, it has received approval in the High Court as an “eminently sensible” approach.⁴

Other methodologies are discussed below.

5. Relationship between HIAs and EIAs

Procedural advice

It is acknowledged that the scale of documentation produced in this topic area is large and costly. Many HTVIAs, particularly for taller developments in central London run to many hundreds of pages. This is not helpful since the documents are time consuming for all parties to read and can be difficult to transmit or store because of

³ A recent example is the Public Inquiry for Appeal Ref: APP/C1435/W/22/3307820 *Land at Bird in Eye Farm, South of Bird in Eye Hill, Framfield, Uckfield TN22 5HA*. The Inspector was clear at Para 55 that “...matters have moved on since that time [2009] such as guidance from Historic England: *The Setting of Heritage Assets*, which was first published in 2015, and is now a material consideration...”

⁴ *Newcastle upon Tyne CC v Secretary of State for LUHC* [2022] EWHC 2752 (Admin)

their size. LPA planning websites are forced to split them into multiple sections which can be confusing and off-putting for the public to use.

This Planning Practice Note is not intended to worsen the situation by increasing the number of documents, the extent of repetition and duplication or the length of such documents. It is therefore advised that:

- None of the text in the TVIA need be repeated in the HIA
- None of the text in the HIA need be repeated in the TVIA
- The text in the HIA can be referenced and need not be repeated in the EIA
- The visualisations and AVRs can be located in the TVIA only and merely referenced in the HIA, as long as the referencing (e.g. View Reference Numbers) is clear and consistent.

Primacy of HIA

In an EIA, a document will be needed which assesses the impacts on the settings of heritage assets using the EIA language of “significant effects” and meeting other EIA requirements. The HIA submitted as part of the planning application should be the basis for the assessment of “significant effects” in the EIA. Provided this Practice Note and HE GPAPN3 have been followed correctly, the HIA will deliver conclusions which use a robust and appropriate methodology to express harm in the correct NPPF terms. It is acknowledged that NPPF terminology is not used in EIA assessment. The EIA section on the effects of the proposed development on the settings of heritage assets could therefore be a single page with a table translating the NPPF language of harm into a simple graded scale and then into the EIA language of significant and nonsignificant effects.

Impacts during phases of development

EIAs are required to consider the impacts of a development during construction, operation, decommissioning and restoration or reinstatement. In the case of permanent development, such considerations are rarely relevant in the assessment of heritage impacts since construction impacts are normally regarded as one of the vicissitudes of life in heritage terms, if the permanent development is considered acceptable. These factors may be more relevant where the development is temporary, for example a winter ice rink in a Registered Park and Garden.

Significant effects

Neither the EU Directives nor the UK 2017 Regulations define “significant effects” in general or in relation to heritage assets. The main industry body, the Institute of Environmental Management and Assessment states in its guidelines⁵ “There is often

⁵ *Guidance for Environmental Impact Assessment*, IEMA, 2004, Section 11.4

not a single, definitive, correct answer as to whether an impact is significant or not. Significance is influenced by the values of the individual, how the changes to the environment affect them and whether they have a stake in the project or not” and in their Special Report⁶ it is stated that “The evaluation of significance in EIA is often subjective” and “significance is a subjective judgement”.

There is therefore no guidance on which category or extent of harm in NPPF terminology equates to an EIA significant effect. However, EIA consultants should have careful regard to the great weight required by NPPF Para 199 and case law to be afforded to harm to designated heritage assets when determining the significance of effect for EIA purposes.

6. The GLA approach

Form of the HIA and links with TVIAs

The NPPF Para 194 requirement is commonly met through Heritage Statements or Heritage Assessments. Because NPPF Para 195 requires the LPA to assess heritage impacts, such statements are normally expanded to explain and assess the impacts of the proposed development or works on significance. Although this note relates only to the assessment of indirect, setting impacts the term “Heritage Impact Assessment” (HIA) is used throughout to reflect the need to assess impacts.

Where a proposed development affects the settings of heritage assets, applicants should provide a Heritage Impact Assessment. The HIA should be a wholly separate document from any Townscape Visual Impact Assessment or Environmental Impact Assessment. This is in order to clarify the authorship and to prevent inappropriate links being made between TVIA methodologies and conclusions and heritage assessments. The HIA should not base or link its assessment of impact or its conclusions (either explicitly or implicitly) on the TVIA. The HIA is likely to include detailed reference to the Accurate Visual Representations (AVRs) or other visual imagery and viewpoints and this may involve the author cross-referencing or duplicating the images. However, this is required to establish the separation of the two assessments. Care is needed to ensure that cross-references between the documents (e.g. View Reference Numbers) are clear and consistent.

Although separate from the assessment of the impact on the settings of heritage assets, the effects of a proposed development on townscape and the urban design of an area are a material planning consideration. Where relevant and if required, townscape views should be assessed in a TVIA using appropriate methodologies. In such cases, two documents will be needed: a TVIA and an HIA.

⁶ *Special Report – The State of Environmental Impact Assessment in the UK*, IEMA, 2011 at Para 6.3, page 62

Authorship and expertise

The authorship of the HIA should be clearly stated at the beginning of the document together with a brief biography containing clear details of the expertise, qualifications and competence of the author(s).

The author(s) of Heritage Impact Assessments should be heritage professionals, with relevant heritage qualifications, competence and experience. Current full membership of the IHBC will be indicative of this, although a demonstrably similar level of qualification, experience and competence will be accepted if substantiated. The use of consultants with landscape expertise alone, in assessing impacts on the settings of heritage assets, is not appropriate and does not comply with NPPF requirements for “necessary” and “appropriate” expertise.

Methodology

The only methodology to be used for the assessment of impacts on the settings of heritage assets should be the five-step approach advised in The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (Historic England, December 2017) (HE GPAPN 3). Further details on the GLA approach to the use of this methodology is provided below.

The methodology contained within Guidelines for Landscape and Visual Impact Assessment GLVIA3 (LI and IEMA, 2013, 3rd Edition, hereafter GLVIA3) should not be used in an HIA. Methodologies which are derived from GLVIA3 should also not be used. The following concepts and processes should be avoided:

- Visual amenity
- All “people factors” such as the range, nature, identity, occupation, activity and expectations of the viewer and the degree of public recognition of the view
- Landscape/townscape baseline
- Visual baseline
- Susceptibility of landscape/townscape and visual receptors
- Value of landscape/townscape and visual receptors
- Sensitivity of landscape/townscape and visual receptors
- Magnitude of change or effect on landscape/townscape and visual receptors
- The tabulation of such concepts
- The sequential assessment of such concepts to achieve combined judgements
- The assessment of significant effects

- The assessment of the quality of effects

The methodology contained within Principles of Cultural Heritage Impact Assessment in the UK (IEMA, IHBC and CIFA, 2021) did not benefit from Historic England involvement in its drafting and has not yet been tested at appeal or in the courts. In this context, the GLA does not consider this guidance to be appropriate as a sole methodology for HIAs at this time. There is useful content within the guidance, particularly where the HIA is later to be used as part of an EIA, but if this guidance is used it should be explicit throughout how the methodology is fully aligned with the GLA approach.

The methodology contained within Guidance and Toolkit for Impact Assessments in a World Heritage Context (UNESCO, ICCROM, ICOMOS and IUCN, 2022) relates to the assessment of proposals in or near World Heritage Sites. It is not primarily focused on the consideration of impacts on setting and is not appropriate in the assessment of other heritage asset types. Where the guidance is used in relation to proposed development with effects on the setting of a WHS, it should be explicit throughout how the methodology is fully aligned with the GLA approach.

Townscape Character Assessment: Technical Information Note 05/2017, (Revised April 2018, Landscape Institute) does not contain a methodology. There is some useful material in the guidance, but it should not be used as the methodology for HIAs.

The methodology contained within *The Design Manual for Roads and Bridges LA 101, LA 102, LA 103, LA 104 and LA106 Cultural heritage assessment* (Highways England and others, 2020) was written for the assessment of impacts of transport-related proposals on the setting of heritage assets. This guidance is not appropriate and should not be used as the methodology for HIAs.

7. Using the GLA approach

Step 1: Identify which heritage assets and their settings are affected

HER data

In accordance with NPPF Para 194, HIAs should indicate that the relevant Historic Environment Record (HER, in London the GLHER) has been consulted and the reference number of the consultation should be provided in the document. The Heritage Gateway should not be used for this purpose, since its terms and conditions prohibit commercial use.

Distance-based methodologies and ZTVs

Distance-based circles should not be used to establish the study area when considering the extent of setting and the contribution it makes to significance. This should be addressed at the front of the document through the use of a map of the Zone of Theoretical Visibility (ZTV) with overlays of the heritage assets to establish which assets may potentially be affected by proposed development and another

overlay of the identified viewpoints or locations. The intention is to clearly show the nexus between mutual intervisibility, heritage assets and the view imagery provided. If a single map becomes visually complex it should be replaced with three maps of the ZTV, the heritage assets and the viewpoints on adjacent pages. Technical information should be provided on how the ZTV was produced including the name of the software used, the granularity of the modelling, any atmospheric effects used and whether trees and/or leaves are switched off. ZTVs should be based on 3D modelling with both the trees and their leaves removed and without atmospheric effects. The 3D model data file used (e.g. a VuCity model) to generate the ZTV should be shared with GLA officers at pre-application and application stage and again if the scheme is subsequently amended.

It is acknowledged that, depending on multiple factors including the elevation of the viewer, the terrain, climatic conditions and the height of the proposals, there will be a distance beyond which the perceptibility of the proposed development is unlikely to cause harm. It is also acknowledged that there may be technical limits to the ability of current 3D models to generate ZTVs beyond a certain distance (currently a 2km² rectangle centred on the site in most 3D models). ZTVs wider than 2km² will not be required, although viewpoints may be requested from a greater distance in certain circumstances, for example the LVMF Panoramas.

HIAs should make use of Zones of Theoretical Visibility rather than Zones of Visual Influence (ZVIs). ZVIs do not take into account artefacts such as trees, woodland, or buildings, and for this reason a Zone of Theoretical Visibility which includes these factors is required.

Scoping and grouping

HIAs should scope in all relevant Heritage Assets. This should also include Non-Designated Heritage Assets, not only those which are Locally Listed Buildings.

Heritage assets should not be grouped into TCAs and the concept of a TCA should not be used. The need for proportionality is accepted and it is in all parties' interest to keep documents concise and clear. It is therefore advised that, where relevant and helpful and where impacts on the setting of heritage assets are likely to be low, heritage assets may be grouped together based on both:

- Shared significance (e.g. terraced houses of similar appearance and history) and
- Shared interaction with the proposed development (e.g. the terraced houses are in a similar location, elevation and orientation).

Archaeology

In NPPF the significance of archaeological remains, whether standing buried remains, and the assessment of impacts on the significance of these assets through proposed developments either directly or indirectly through impacts to setting, is subject to the same policy tests as any other heritage asset type. Where the asset consists of buried remains only, the non-visual aspects of setting (see below) should

be assessed. Where relevant, HIAs should therefore include assessment of the impacts on the setting of archaeological assets, in line with HE GPAPN3 (particularly Para 8).

Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated.

Analysis of the contribution made to significance by setting

This should be more than a mere verbal description of the existing setting, without value judgements: HIAs should provide a clear analysis of how the different elements of the existing setting contribute to (or detract from) the significance of the heritage assets. HIAs should include a brief history of the setting with appropriate use of map regression. HIAs should address the full range of relationships between the heritage asset and its surroundings, making documented value judgements about how and why the existing setting contributes to significance including the identification of positive, neutral, and negative elements in the setting. Where there is modern and recent development within the setting the analysis should include an assessment of whether this enhances or harms the setting and the ability to appreciate significance.

Views, Viewpoints and the LVMF

HE GPAPN3 states at Para 5 that: "Consideration of the contribution of setting to the significance of heritage assets, and how it can enable that significance to be appreciated, will almost always include the consideration of views." Where Step 1 shows relevance, HIAs should consider the contribution made to significance by recognised and designated views including LVMF views (from the London Plan), views in the settings of World Heritage Sites (from WHS Management Plans), Locally Important Views (from the Local Plan) and views in conservation area appraisals.

HIAs should not over-rely on a handful of "representative views". While the need for proportionality is recognised, a full assessment of the impact on the settings of heritage assets should consider (verbally and with imagery as necessary) the totality of the relevant visual context of the heritage assets. While some views have been recognised in policy, these may not be the only ones that matter in a particular case. In HIAs therefore, viewpoints should be selected based on their relevance to the setting of the heritage asset and the contribution they make to significance and the ability to appreciate that significance, including little-known, and both deliberately designed and fortuitous views which have evolved over time and recently.

Where development proposals may impact the views and therefore the settings of the key central London heritage asset landmarks protected by LVMF, it is appropriate for visualisations of the relevant LVMF views to be provided. However, in their assessment HIAs should not rely on LVMF views alone. Where the landmark is a World Heritage Site, views should be provided in line with the relevant Management Plan and Settings Study.

Non-visual aspects of setting

Where relevant the non-visual aspects of setting such as patterns of use, functional relationships, noise, dust, vibration, movement and activity, impacts from various other views, historical and aesthetic links between places, character, aspect, diurnal changes, openness, dominance and prominence, role as a focal point, context, the deliberate design of groups of associated buildings, functional relationships, cultural and intrinsic associations and other factors should be assessed in the HIA.

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it.

Proposal description

HIAs should include a proposal description, which should be brief, since this information is available elsewhere, and should focus on aspects of the proposals relevant to the assessment of impacts on the contribution made by setting to the significance of heritage assets and the ability to appreciate that significance. The description should be independent in stance and neutral in tone.

Visualisations and Accurate Visual Representations

Imagery is generally of five main types:⁷ visualisations (not verified), AVR Level 0 (showing the location and size of the proposal e.g. as a toned area superimposed on a photograph), AVR Level 1 (showing the location, size and degree of visibility of the proposals e.g. as an occluded wireline image), AVR Level 2 (as for Level 1 but with a description of architectural form e.g. as a simply shaded render in a uniform opaque material) and AVR Level 3 (as for Level 2 but confirming the use of materials e.g. as a photorealistic render).

HIAs should state which visual images are AVRs and which are unverified visualisations. Where AVRs are provided they should be created and presented in accordance with the technical requirements of the *London View Management Framework SPG* and/or *Visual Representation of Development Proposals, Technical Guidance Note 06/19* (Landscape Institute, 2019).⁸ Viewpoints should normally be capable of being safely accessed by the public. Winter views, with the trees out of leaf should be provided in all cases. Where relevant, dusk and night-time views may be requested.

HIAs should include visual images illustrating the existing, the proposed and the cumulative scenario. Visual images should be accompanied by brief text (on the

⁷ Explained in the London View Management Framework SPG (GLA, 2012) at Para 474 (page 248).

⁸ The sections of this document which relate to GLVIA3-based methodologies are not appropriate. The sections of the document which address the technicalities of producing and presenting visual imagery are appropriate for HIA purposes.

same page as the existing scenario) stating whether the viewpoint is located within a heritage asset (such as a conservation area) and which heritage assets are in the view, with their designations. Visual images in HIAs should include brief text (on the same page) neutrally describing what is visible in the existing, proposed and cumulative views (for example naming prominent buildings) and then the type and extent of the effects (for example explaining where buildings are obscured).

Cumulative scenario images should distinguish between schemes under construction, schemes which are consented and implemented and schemes which are consented and proposed (e.g. through the colour of wirelines). Schemes which have not been consented should not be included but referenced separately for information purposes. If desired, schemes where the consent has expired may be included in an additional image within the document.

It would be helpful if consultants producing AVRs could agree a standard set of colours for this purpose. In the meantime, HIAs should provide a clear key stating what each colour means, at the start of the pages with visual imagery. This key should also explain any special effects used (e.g. the meaning of dotted lines).

Good design and links with Design and Access Statements

Good design responds appropriately to its context, and this is a requirement of the NPPF, which requires at Para 130 that: “Planning policies and decisions should ensure that developments... are sympathetic to local character and history, including the surrounding built environment and landscape setting...” This approach is further supported in the *National Design Guide*⁹ and the *National Model Design Code*.¹⁰ London Plan Policy D3 Optimising site capacity through the design-led approach Part D 11) states that “Development proposals should... respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.” This is reinforced by London Plan Policy HC1 Heritage conservation and growth Part C: “Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.”

Where the HIA relates to proposed development which affects the setting of a heritage asset (for example a new tall building in the view), the focus should be on the effects on the contribution made by setting to significance or the ability to appreciate significance. Generalised statements which address architectural, townscape or urban design considerations are different to and distinct from the

⁹ *National Design Guide: Planning practice guidance for beautiful, enduring and successful places*, MHCLG, 2021, Paras 43 and 46. [See also Historic England advice on Design in the Historic Environment](#)

¹⁰ *National Model Design Code*, MHCLG, 2021

consideration of setting and should not be included, for example, that the proposed development:

- 1) Is of high design or architectural quality;
- 2) Provides an iconic marker with wayfinding benefits;
- 3) Provides a focal point in a view with a directional quality;
- 4) Forms parts of an existing pattern of modern development;
- 5) Consolidates or completes an existing skyline composition or cluster;
- 6) Contributes to the layered quality of the view

unless it can be demonstrated that these attributes have a direct relationship with or make a contribution to the significance of the asset affected.

It is common for HTVIAs state that the proposed development is of high design or architectural quality. If substantiated, these attributes relate to townscape character and may, in those terms, weigh in favour of the scheme. However, claimed architectural quality does not avoid or minimise harm and is not of itself a justification for harm. This was established in *Chiswick Curve* case¹¹ where the High Court clarified that there was no contradiction between a conclusion of high design or architectural quality and a finding of heritage harm: a building of high design or architectural quality can be harmful.

HIAs should not generally discuss design in detail, although the fundamentals of height, scale, prominence and materiality will contribute to potential impact; a more detailed assessment would usually be found in the Design and Access Statement. Where relevant, HIAs should address good design in terms of how the design choices for the proposed development respond to its context (see below on design options, alternatives and mitigation).

Cumulative Assessment

If the HIA has adequately addressed Step 2 (above) through an analysis of how the existing setting contributes to significance, the assessment of cumulative impacts is likely to be more straightforward. HIAs should address whether the contribution made by setting to the significance of the heritage assets has been changed by existing and/or previous development. Existing and/or previous development may have been harmful to the setting and may not constitute a positive precedent. Consideration should be given to whether additional change will further detract from, or can enhance, the significance of the asset and the ability to appreciate significance.

¹¹ *Starbones Ltd v SoS* [2020] EWHC 525 Paras 67 to 72, particularly Para 67

Where the assessment is of visual impacts, the purpose of cumulative assessment is to identify impacts that result from introducing the proposed development into the view in combination with other existing and proposed developments. The combined impact may be more, or less, than the sum of the impacts of individual developments. The focus should be on the additional harm (if any) caused by the proposed development in the view. This may involve consideration of factors such as backdropping, over-dominance and the loss of silhouette or visible sky. HIAs should not rely on arguments that the setting has been previously so changed by existing and consented developments that further harm is not possible: where some value remains in a view this should be recognised.

Step 4: Explore ways to maximise enhancement and avoid or minimise harm.

Design options and the consideration of alternatives:

HIAs should include an assessment of how design development, evolution and options have been explored to avoid or minimise harm. Where this is contained in other documentation (such as Design and Access Statements) this should be signposted rather than repeated. The options explored should relate to attempts to avoid or minimise heritage harm and not to other planning considerations (for example daylight/sunlight etc).

Mitigation:

NPPF uses the terms “avoid and reduce” in relation to heritage harm. The term “mitigation” is not used in this context. EIA Regulations use the term “mitigation” to mean “measures which are proposed to prevent, reduce or where possible offset any significant adverse effects (or to avoid, reduce and if possible, remedy identified effects).”¹² Mitigation of harm in this sense is equivalent to the NPPF goals of the avoidance and reduction of harm, although the offsetting of heritage harm is rarely possible, given the irreplaceable nature of heritage assets (see also below on the internal balance of harm). This is the sense in which the term mitigation is used in Historic England’s *Advice Note 4 Tall Buildings*.¹³

Some HTVIAs rely on a concept of “embedded mitigation” or “mitigation by design”. This is a statement that further mitigation is not required since the iterative design process has already resulted in mitigation being applied prior to the submission of the proposals. These concepts are not appropriate for the assessment of impacts upon heritage significance and should not be used.

The use of the term “mitigation” is not appropriate in Heritage Impacts Assessments. A simple narrative should be provided of how the design of the proposed development seeks to avoid and reduce harm to the contribution made by setting to

¹² GLVIA3 Para 3.37.

¹³ *Tall Buildings: Historic England Advice Note 4*, Historic England, 2022, Paras 5.10 and 5.11.

the significance of heritage assets, including through the use of design options (see above).

The internal balance of heritage harm and other public benefits:

In the closing stages of a GLVIA3-based assessment, some HTVIAs seek to include heritage, heritage-related or other benefits within the combined judgements around the Scale and Quality or Nature of Effects. The claimed benefits are usually one or all of three types:

- 1) The proposed development brings forward heritage benefits such as restoration of a building, reinstatement of lost features, removal from the Heritage at Risk Register or bringing a historic building back into use (heritage benefits);
- 2) The proposed development achieves the Optimum Viable Use, increases public access to and participation in heritage, provides improved public views of or from heritage or provides increased interpretation and education opportunities (heritage-related public benefits);
- 3) The proposed development is of high design or architectural quality, provides an iconic marker with wayfinding benefits, provides a focal point in a view with a directional quality or consolidates or completes an existing skyline composition or cluster or contributes to the layered quality of the view (architectural, urban design or townscape benefits).

These benefits are then offset or netted off against the harm caused to the settings of heritage assets, to either reduce the Scale of Effect or to change the overall Quality or Nature of Effect in the final judgement of significant effects.

The “internal balance of harm” is a disputed approach whereby heritage benefits are netted off against heritage harms (prior to the overall planning balance of harm against public benefits required by NPPF Para 202), reducing the category and/or extent of harm. The alternative approach is that heritage benefits are public benefits which are best located in the overall NPPF 2020 overall planning balance. This approach has been at issue in recent case law, following the *Bramshill* case.¹⁴ The current legal position appears to be that either approach is acceptable in law. *The GLA approach (in line with Historic England and others) is that the “internal balance of harm” should not be used.* Heritage benefits, if substantiated and secured, are public benefits which should be placed in the overall planning balance. This is to avoid both the potential “double counting” of benefits and the idea of equivalence between heritage harms and heritage benefits. While harm to the significance of heritage assets attracts “great weight” in NPPF terms, heritage benefits do not attract the same weight in legislation and policy; the balance is therefore tilted in this regard.

¹⁴ *City and Country Bramshill v SoS HCLG* [2019] EWHC 3437 (Admin) and [2021] EWCA Civ 320

A benefit is only a heritage benefit if it directly enhances significance. Regardless of the applicant's position on the internal balance of harm, heritage-related benefits (such as those listed at Item 2 above) are therefore not heritage benefits and it is inappropriate for them to be offset against harm to the setting of heritage assets in an HIA. It is also inappropriate, regardless of the applicant's position on the internal balance of harm to offset benefits such as those listed at Item 3 against harm to the setting of heritage assets since these claims are unrelated architectural, urban design and townscape benefits and may be unsubstantiated assertion and a matter for disputed professional judgement.

The strongest basis for claims of enhancement in relation to setting is usually that the significance of an asset is better revealed.

Conclusions and assessment of harm

HIAs should reach conclusions and assess the level of harm using the NPPF categories of no harm, less than substantial harm and substantial harm. Within the "less than substantial harm" category, scales may be used to indicate the extent within that category. Where a scale is used this should be explained at the start of the assessment. GLA officers use the following scale for the assessment of less than substantial harm: very low, low, low to middle, middle, middle to high, high and very high. This scale is recommended for use by applicants and their consultants in HIAs.

HIAs should present a clear conclusion on harm in relation to each and every heritage asset affected (see above on Scoping and Grouping). GLA referable schemes are normally for large and sometimes tall developments, often in sensitive central London locations. A degree of harm to the setting of at least some heritage assets is therefore likely. HIAs will be more clearly independent and more plausible if a realistic and pragmatic approach is adopted, and some harm is accepted.

HIAs should not strike the planning balance between any harm caused and the public benefits of the proposed development: this is a matter for the Planning Statement and the decision-maker.

8. World Heritage Sites

London has four World Heritage Sites (WHSs) which are not only a key feature of London's identity as a major city but are also amongst the most important cultural heritage sites in the world. London Plan Policy HC2 requires that development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value, including the authenticity, integrity and significance of their attributes, and support their management and protection.

In addition to the high degree of protection afforded in NPPF, the London Plan includes specific policy in relation to World Heritage Sites (Policy HC2). The implementation of this is subject to specific guidance in the form of London's World Heritage Sites: Guidance on Settings Supplementary Planning Guidance (GLA, 2012). This operates in tandem with the WHS Management Plans and Settings

Studies adopted in relation to each of the four sites. Additional guidance is also provided by UNESCO and its agencies including Guidance and Toolkit for Impact Assessments in a World Heritage Context (UNESCO, ICCROM, ICOMOS and IUCN, 2022).

London Plan Policy HC2 creates a specific requirement for Heritage Impact Assessments where proposed development may affect a WHS or its setting. The GLA approach should be used where there are indirect effects. Particular attention should be paid to the views of importance identified in the WHS Settings Studies and Management Plans.

The methodology contained within Guidance and Toolkit for Impact Assessments in a World Heritage Context (UNESCO, ICCROM, ICOMOS and IUCN, 2022) relates to the assessment of proposals in or near World Heritage Sites. Where this guidance is used in relation to proposed development with effects on the setting of a WHS, it should be explicit throughout how the methodology is fully aligned with the GLA approach.

9. Review

This Planning Practice Note was agreed by the Deputy Mayor on 16th November 2023. It will be kept under review having regard to changes in legislation, policy, guidance and new case law.

10. Glossary of acronyms

AVR = Accurate Visual Representation. This is technically specified image which, if created correctly, is similar to the experience of the human eye when on site.

CIFA = Chartered Institute for Archaeologists

CMLI = Chartered Member of the Landscape Institute

EIA = Environmental Impact Assessment

ES = Environmental Assessment (same as an EIA)

GLHER = Greater London Historic Environment Record

GLVIA3 = Guidelines for Landscape and Visual Impact Assessment GLVIA3 (LI and IEMA, 2013, 3rd Edition)

HE GPAPN3 = The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (Historic England, 2017, 2nd Edition)

HER = Historic Environment Record

HIA = Heritage Impact Assessment

HTVIA = A Townscape Visual Impact Assessment is a planning document which assesses the visual impact of a proposed development on townscape. Where the townscape includes heritage assets, these may be expanded to form Heritage and Townscape Visual Impact Assessments (HTVIA) or Built Heritage (BHTVIA). Other similar titles are also sometimes used. This document uses the acronym HTVIA for all such documents, which are similar in structure and content.

IEMA = Institute of Environmental Management and Assessment

IHBC = full member of the Institute for Historic Building Conservation

LI = Landscape Institute

NPPF = National Planning Policy Framework

NPPG = National Planning Practice Guidance

LVMF = London Views Management Framework

PCHIA = Principles of Cultural Heritage Impact Assessment in the UK (IEMA, IHBC and CIFA, 2021)

TCA = Townscape Character Areas

WHS = World Heritage Site

ZTV – Zone of Theoretical Visibility

ZVI = Zone of Visual Influence