Revised English guidance on the setting of heritage assets to bring greater clarity

The setting of heritage assets has long been an issue which needs careful management in planning – and one where misconceptions abound. Part of the requirement to consider the setting of heritage assets stems from the statutory duty for a decision maker to have “special regard to the desirability of preserving” the setting of listed buildings. Consequently, the understanding of how the significance of heritage assets is constituted, the role that setting can play in this, and the ways in which this should be assessed, have evolved considerably over the past decade. This need to consider how change in setting may affect the significance of a heritage asset has been in place in England since the adoption of PPS 5 in 2010 and was carried through into NPPF.

In England, there has been guidance on how to assess the effect of change in the setting of heritage assets upon their significance since 2011. The current guidance, *The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: Note 3* (GPA 3) has been in place since 2015. GPA 3 sets out a staged, logical and transparent method for explaining how proposed change may affect the significance of heritage assets through change in their setting. Historic England’s GPAs represent a widely consulted-upon approach to historic environment issues and are the preferred approach on this topic. They should, therefore, be afforded some weight and notdeparted from lightly when considering change in the historic environment.

Despite the availability of GPA 3, the way in which change in setting is assessed remains an issue which is inconsistently handled in planning submissions, including Environmental Statements. This type of effect often forms a key focus for third party objectors. A robust baseline is necessary so that the validity of any such concerns can be adequately established.

The variable treatment of setting is at least partly due to its superficial similarity to matters within the remit of Landscape and Visual Impact Assessment (LVIA) – principally ‘townscape’. Assessments are often undertaken by practitioners experienced in LVIA but lacking depth of understanding in how heritage significance is formed and can be affected by setting change. This can result in an assessment which often articulates how a proposed development would change the visual experience of a heritage asset but does not explain whether, or to what extent, this affects the significance of the asset. In essence, the assessment only considers how people might experience the change, rather than how it could affect the factors that make a heritage asset important.

LUC’s recent experience of reviewing combined townscape and heritage assessments submitted as part of EIAs for major schemes in London has underscored that, for all the available guidance and clarity from HE, assessments that deal solely with visual change are still commonplace. In most cases, this stems from attempting to apply a methodology based on visual effects to what are, both in practical and planning policy terms, clearly distinct subjects and professional disciplines.
This can have serious implications for planning decisions based upon any such assessments. Where an inappropriate methodology has been applied to the collection and analysis of information on which a decision is based, that decision is inherently unsound. It would be unable to answer the key NPPF test: namely providing a description of the significance of an asset (including the role of its setting); how the proposed change would affect the significance; and, whether or not this would be harmful. As such, decisions made upon them are unsafe and vulnerable to appeal or judicial review. Recent case law underlines the importance of a proper understanding of significance, harm to that significance and the assignation of weight to that harm by decision makers.

Historic England recently issued a revised draft of GPA 3 for consultation. This contained a new section handling the distinction between landscape assessment and amenity considerations and effects related to setting change. This explicitly stated that analysis of the setting of a heritage asset is entirely different from assessment of effects to landscape and amenity value and that these topics are beyond the scope of setting assessment. This is a welcome development and should help to clarify the distinction from LVIA and TVIA, and the need to be considered against appropriate guidance so that legislative requirements and the NPPF policy tests are met.

Melissa Conway, LUC (Land Use Consultants), March 2017.

2. GPA3 states that ‘alternative approaches may be equally acceptable, provided they are demonstrably compliant with legislation, national policies and objectives’. It is therefore imperative that applicants ensure whatever method proposed by contractors meets the explicit requirements of NPPF, NPPG and the tests imposed by legislation.

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