<table>
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<th>Cumulative Impacts of Emerging Allocations</th>
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<td><strong>James Jaulim, Senior Consultant at Nathaniel Lichfield &amp; Partners (NLP),</strong> reviews how to undertake cumulative assessments of residential development which is also under review as part of an emerging Plan</td>
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The NPPF was introduced nearly three years ago as part of the Government’s attempt to make the plan-making and decision taking elements of the planning system less complex, more accessible and to speed up the delivery of new development. Despite this, NLP research has identified that the progress on Local Planning Authorities (‘LPAs’) getting submitted Plans found sound appears to have slowed with the ability to meet housing targets being a key issue.

As a result, we are finding it more common to be undertaking EIA for large residential and/or mixed use schemes including significant residential elements which do not have allocated status in an adopted Local Plan. A complication of this arises in respect of the extent to which a cumulative impact assessment can be carried out for a development which is part of an emerging allocation, and in particular when assessing the scheme alongside other emerging allocations.

The Planning Practice Guidance (ID 4-024-20140306, March 2014) is clear that the potential to consider possible cumulative effects relates to “any existing or approved development”. This is intended to be interpreted to mean that no regard should be given to emerging allocations as part of assessments. However, when scoping EIA we are experiencing LPAs requesting cumulative assessments to include consideration of development on emerging allocated sites (and sometimes even different options being presented in emerging Local Plan documents); even where details on likely proposals and their timing are scant. Typically the reasons provided for such requests suggest that the developments form part of a larger scheme for which consent will be sought at a later date; that larger scheme being the emerging allocations in a Plan. There are two issues arising from such a justification – the first being how to better relate the SEA and EIA processes in these situations and the second (and the focus of this paper) being how we can practically respond to such requests to produce a legally robust EIA.

We believe that the first important step in the face of such a request is to carefully and fully respond with the objective of refining the scope of the cumulative assessment. We note that Section 7.6 of the EC’s ‘Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions’ (May, 1999) defines establishing the boundaries of cumulative assessments and notes that:–

“The time-scale which is to be considered for the past and reasonably foreseeable impacts is often limited by a shortage of data.”
Furthermore there is an inherent uncertainty associated with activities outside the control of the project being assessed. Boundaries should be treated as useful tools in rationalising the scope of the assessment but they should also be flexible if possible."

With this in mind, NLP’s approach is to ‘rank’ all committed schemes, proposals and existing and emerging allocations in the relevant area according to the extent to which they could be deemed to be ‘reasonably foreseeable’. Schemes for which construction has commenced would be at the top of this schedule and, at the bottom, would be emerging allocations of the type defined above (and typically referred to in the Scoping Opinions referred to earlier).

Against each development, proposal or emerging allocation, we will then define, firstly, the amount of information that is available on the identified scheme and, secondly, the relationship to the development which is the subject of EIA. Finally, and with these two additional pieces of information in mind, we carefully identify which schemes we believe should be scoped in or out of the cumulative assessment.

We recognise that this may mean that some schemes lower in the ranked schedule may therefore fall within the remit of the assessment; for example if the emerging site is immediately adjacent to the proposed development or it is in a similar ownership and therefore significant information is available to the EIA team to identify any potential cumulative effects. What we seek to do in presenting the assessment is to be very clear on the status of each development, proposal or emerging allocation assessed and therefore the weight that can be afforded to any effects identified.

Whilst it would be a defensible stance to draw the ‘boundary’ of the assessment to include only those developments with consent or close to securing consent; we consider that our second sieve process embodies the flexible approach to cumulative assessments referred to above. In addition, it can also assist the determining authority in considering the EIA as part of a decision making process.

It is clear that there is a balancing act needed with the cumulative impact assessments for emerging allocations to ensure that appropriate weight is given to them without over-committing an assessment on a scheme which may not be allocated within a Local Plan. The approach advised on above has been devised to ensure Councils are satisfied with the cumulative impact assessment without the assessment providing something beyond what is reasonable.

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