

APPENDIX 2 - METHODOLOGY

Key Documents

1. The key documents that have been used in the compilation of this Proof of Evidence comprise:
 - *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment* (hereafter referred to as *Planning Note 2*)¹;
 - *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)*, the key guidance to be used in assessing the impact of development proposals on setting (hereafter referred to as *The Setting of Heritage Assets*)²;
 - *Conservation Principles: Policies and Guidance on the Sustainable Management of the Historic Environment* (hereafter referred to as *Conservation Principles*)³; and
 - *Statements of Heritage Significance, Analysing Significance in Heritage Assets, Historic England Advice Note 12*.⁴
2. My proof has been informed by a combination of site visits/ walkovers, desk based historical research into the heritage assets and their development, and a full review and examination of the documentation submitted as part the planning application, including the feedback of the statutory consultees and the impact assessment of the Appellants contained within the DBA.
3. I have undertaken three site visits to elucidate the potential effects of the Appeal Scheme on the historic environment. These visits were undertaken on 12.08.2022, 01,09.2022 and 18.09.2022.

Levels of significance

4. In accordance with the levels of significance articulated in the NPPF, four levels of significance are identified:
 - *Designated heritage assets of the highest significance, as identified in paragraph 194 of the NPPF comprising Grade I and II* Listed buildings; Grade I and II* Registered Parks and Gardens; Scheduled Monuments; Protected Wreck Sites and Registered Battlefields (and also including some Conservation Areas);*
 - *Designated heritage assets of less than the highest significance, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);*
 - *Non-designated heritage assets;*
 - *Sites, buildings or areas of no heritage significance.*

Impact Assessment Methodology

5. A development may impact a heritage asset in one of several ways:
 - i. *Direct Impact:* A direct impact upon a heritage asset involves the physical alteration or destruction of the latter as a result of the construction, operation or decommissioning of a development. Direct impacts could include the site clearance, reduction of levels, foundations, services, access roads etc.
 - ii. *Indirect Impact:* Sometimes known as a secondary impact. An indirect impact arises where the connection between the development and the asset is remote or unpredictable and can affect an asset lying outside the development site. Frequently associated with ‘setting’ impact/s, an indirect impact can be physical or visual, and in certain circumstances noise, smell, dust and other sensory experiences might

¹ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*; Core Document G1

² Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*; Core Document G2

³ English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*; Core Document G3

⁴ Historic England 2019 *Statements of Heritage Significance, Analysing Significance in Heritage Assets*, Historic England Advice Note 12; Core Document G4

also be considered under this heading.

- iii. Cumulative Impact: A cumulative impact may arise from the multiple effects of the same development on a single asset, or the multiple effects of the development and of other developments on an asset.
- iv. It should be noted that the terms impact and effect are frequently used interchangeably.

Assessment of harm

6. In order to relate to key policies, the following levels of harm may potentially be identified:
 - Substantial harm or total loss - It has been clarified in a High Court Judgement of 2013²¹ that this would be harm that would ‘have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced’;
 - Less than substantial harm - Harm of a lesser level to that defined above. The online Planning Practice Guide stipulates that the extent of the harm within this category should be clearly articulated; and
 - • No harm (preservation) - The principle that preserving means doing no harm was clearly articulated by the House of Lords in 1992²³, as well as a High Court Judgement of 2014²⁴ which concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, ‘preserving’ means doing ‘no harm’.
7. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *The Setting of Heritage Assets*, described above. Fundamental to the methodology set out in this document is stating ‘what matters and why’. Of particular relevance is the checklists provided in GPA Note 3: The Setting of Heritage Assets (Second Edition), i.e. Steps 2 and 3.

The Sliding Scale of Harm

8. I note that there is, increasingly, an acceptance of the notion of a ‘sliding scale of harm’ within the less-than-substantial harm bracket. A useful example of a Planning Decision which reflects this scale is provided in the

following text:

6.28 As generally agreed, the less than substantial category comprises a sliding scale, spectrum or gradient from (at the bottom) the merest trace of harm, to (at the top) a very significant degree of harm a touch below what would fall within the substantial category of harm.⁵

9. To visualise this, we refer to the following Graphic (Table 1) as a means of understanding the Sliding Scale of Harm. We believe that the methodology for assessing the impact of the development on the respective settings of the heritage assets followed by the Applicants did not properly elucidate the level of less-than-substantial harm to the assets within the sliding scale of harm below:

Table 1: Sliding Scale of Harm in 5 Categories

Total Loss	
Substantial Harm	
Less than Substantial Harm	Major
	Moderate
	Minor
No Harm	

⁵ This quoting from paragraph 6.28 of the judgement of LAND AT CITROEN SITE, CAPITAL INTERCHANGE WAY, BRENTFORD TW8 0EX APPLICATION REF: GLA/4279 & 01508/A/P6