


Agent of change

paragraph does not provide any specification in this regard and so other effects could also be caught by it. Whether or not something is significant can only really be considered in context. What is significant in one case could be insignificant in another. So in assessing significance of an adverse effect it will be necessary to have regard to the nature of the new development, its size and the sensitivity of its users, to name but a few potentially relevant factors.

 The paragraph ultimately requires that where there is evidence that there could be a significant adverse effect on the new development caused by existing businesses or community facilities, then "suitable mitigation" needs to be provided. But to what level? The answer to that is wholly lacking in the paragraph. Does it require total mitigation so that there is no effect, or mitigation to reduce the level of effect to simply being below a significant adverse effect? This issue is likely to be hotly contested in front of decision-takers. Licensed premises will want to see as much mitigation put in place as possible in order to try prevent any complaints being made about their premises, whereas developers will want to minimise the amount of mitigation they are required to install in order to keep costs down.

As is clear from the preceding paragraphs of this article it is simply not possible to definitively say where we are now. What it is possible to say is that agent of change is now here. The new NPPF has been published and from its date of publication LPAs are required to have regard to it. At a very minimum what it means is that LPAs should consider whether new development could be adversely effected by existing businesses and community facilities. If they consider that the new development could be adversely effected, they then need to consider what that level of effect is. If they consider it to be significant then they should be requiring the agent of change (the developer) to mitigate against it. What the appropriate level of mitigation should be is a question that is open to discussion, along with many of the other issues raised above, but it is ultimately likely to be a matter of judgement for the decision taker.

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