

## **APPENDIX A**

## Categories of Significant Harm

Type of Receptor	Description of harm to that type of receptor that is to be regarded as significant harm
<p>1. Human Beings</p>	<p>Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions.</p> <p>For these purposes, disease is to be taken to mean an unhealthy condition of the body or any part of it and can include, for example, cancer, liver failure, or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned.</p> <p>In this Chapter this description of significant harm is referred to as a “human health effect.”</p>
<p>2. Any ecological system, or living organism forming part of such a system, within a location which is:</p> <ul style="list-style-type: none"> <li>• an area notified as an area of special scientific interest under section 28 of the Wildlife and Countryside Act 1981;</li> <li>• any land declared a national nature reserve under section 35 of that Act;</li> <li>• any area designated as a marine nature reserve under section 36 of that Act;</li> <li>• an area of special protection for birds established under section 3 of that Act;</li> <li>• any European Site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994 (i.e. Special Areas of Conservation and Special Protection Areas;</li> <li>• any candidate Special Areas of Conservation or potential Special Protection Areas given equivalent protection;</li> <li>• any habitat or site afforded policy protection under paragraph 13 of Planning Policy Guidance Note 9 on nature conservation</li> <li>• any nature reserve established under section 21 of the National Parks and Countryside Act 1949.</li> </ul>	<p>For <b>any</b> protected location:</p> <ul style="list-style-type: none"> <li>• harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or</li> <li>• harm which affects any species of special interest within that location and which endangers the long term maintenance of the population of that species at that location.</li> </ul> <p>In addition, in the case of a protected location which is a European Site, harm which is incompatible with the favourable conservation status is natural habitats at that location or species typically found there.</p> <p>In determining what constitutes such harm, the local authority should have regard to the advice of English Nature and to the requirements of the Conservation (Natural Habitats etc.) Regulations 1994.</p> <p>In this Chapter, this description of significant harm is referred to as an “ecological system effect.”</p>
<p>3. Property in the form of:</p> <ul style="list-style-type: none"> <li>• crops, including timber;</li> <li>• produce grown domestically, or on allotments, for consumption,</li> <li>• livestock;</li> <li>• other owned or domesticated animals;</li> <li>• wild animals which are the subject of shooting or fishing rights.</li> </ul>	<p>For crops, a substantial diminution or other substantial loss in their value resulting from death, disease or physical damage. For domestic pets, death, serious disease or serious physical damage.</p> <p>The LA should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. 20% diminution or loss should be regarded as a benchmark. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990.</p> <p>In this Chapter, this description of significant harm is referred to as an “animal or crop effect.”</p>
<p>4. Property in the form of buildings.</p> <p>For this purpose, “building” means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building.</p>	<p>Structural failure, substantial damage or substantial interference with any right of occupation.</p> <p>For this purpose, the LA should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>Additionally, in the case of a scheduled Ancient Monument, substantial damage should be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.</p> <p>In this chapter, this description of significant harm is referred to as a “building effect.”</p>