



Tackling Root causes Upstream of  
Unhealthy Urban Development

# TRUUD & HIAs

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## University Consortium



## Local Authority Partners



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## What have we done?

- **Analysis of HIAs in English local plans (February 2023 data set): 344 local plans**
- Overall: 38% of local plans have a HIA policy (131 local plans)
- Some trends:
  - 46% of urban areas have a HIA requirement
  - 49% of the most deprived LPAs have a policy on HIA
- Most obviously: very wide variation in plans which do exist

## Key points

- 29% of local plans have a HIA policy with a specific trigger (eg X no. of houses)
- Wide variety in triggers
- Half had a single trigger, and most common single trigger (44 local plans) = 'major development'
- 106 emphasized a HIA should consider the need to maximise positive health outcomes
- 18 explicitly referenced the need to address wider determinants of health

## What have we done?

- Analysis of the legal context relating to HIAs – exploring ability of local authority to require them, arguments for requiring them, and potential risks for failing to take health into account.

## Key points:

- Caselaw supports the early use of HIAs, for example where the outcomes are needed to inform consultation processes (see *Mullberry Homes Ltd v Barrow-In-Furness Council* [2023] EWHC 38)
- Can be used to support exercise of Public Sector Equality Duty & to advance duty on LPA under s.12 Health and Social Care Act to improve health.
- Are risks if health is not taken into account: inquests, and civil claims (there is no blanket immunity: *Kane v New Forest DC (No. 1)* [2001] EWCA Civ 878)

## Illustration: metrics in local plans

- Workshop participants identified that they would be keen to include metrics in local plans, to help them monitor the role of HIAs

## Findings

- 27 plans had defined metrics for monitoring HIAs. Most = how many HIAs submitted. Six = outcomes of HIAs, monitoring outcomes implemented.
- Three of these = number of applications granted contrary to the Health Impact Assessment recommendations, number of planning applications granted where adverse impacts identified in the Health Impact Assessment are not mitigated; & Number of planning applications granted where significant adverse impacts in Health Impact Assessment are not mitigated.
- From workshop discussions: additional suggestion – requirement to identify how the HIA findings changed the development application.

## KEY TAKEAWAYS FOR LOCAL PLANS

**Include a clear statement of the HIA requirement in Local Plan policy wording.** This can be accompanied by additional supporting text and guidance, but a standalone HIA policy, or a clear statement about HIA as part of a health and wellbeing policy, gives greater clarity.

**Include an unambiguous trigger for an HIA within policy wording.** Use clearly defined triggers, whether these are defined terms, or precise thresholds such as number of homes, size of floorspace, location and/or type of business, depending on local circumstances.

**Ensure there is clarity about the scope of an HIA within policy wording.** Avoid the need for judgment about whether an aspect of wider policy is tied in and expected to be addressed in the HIA.

**Be proportionate.** Precision about scale of HIA required depending on the size and/or type of development proposed.

**Be clear about HIA process.** Some policies clearly state expectations in relation to process.

**Reflect on outcomes of HIAs.** Some policies explain how the results of HIAs will be implemented, for example through planning conditions. Some state that HIAs should include details of implementation, ongoing management of issues and/or monitoring.

**Consider metrics.** To help monitor effectiveness of HIA requirements.

**Consider competence of HIA assessor.** Ensure there is clarity on how an assessor demonstrates their competence to complete a HIA: consider including a box in which the assessor explains their competence to undertake a HIA.

# Health Impact Assessment case study videos – coming in July 2024

Introduction to  
HIAs in  
development

Getting a HIA  
policy right

Early conversations  
with developers

Dealing with  
applications –  
internal local  
authority  
processes

HIA in practice:  
what difference  
does a good HIA  
make?

[+ legal analysis  
blogs]

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