



Examination of City of London Local Plan
Historic England, Hearing Statement
March 2025

Historic England is the principal Government adviser on the historic environment, advising it on planning and listed building consent applications, appeals and other matters generally affecting the historic environment. Historic England is consulted on Local Development Plans under the provisions of the duty to co-operate and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice. Historic England advises the Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of World Cultural and National Heritage.

The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations on the Publication Draft Local Plan are made in the context of the requirements of the National Planning Policy Framework (NPPF) in relation to the historic environment as a component of sustainable development.

Historic England - Hearing Statement

Introduction

This statement addresses the Inspector's questions with regards to Matter 1 of the Local Plan. This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan.

Historic England has been consistent throughout our engagement with the CP and its development with regard to the importance of the contribution of the City of London to the regional and national economy. However, to deliver sustainable development (as required by the NPPF) the CP needs to appropriately reflect its environmental objectives as well as the economic. As proposed, the CP would result in adverse effects to the historic environment that cannot be justified by benefits accrued elsewhere.

Matter 1: Legal, procedural and other general matters

Issues

London Plan

Q3: Is the Plan in 'general conformity' with the LP as required by the provisions of Section 24 of the 2004 Act?

We continue to consider that in significant respects the CP is not in general conformity with the LP. We consider that planning for the quantum, form and location of new development as set out by the CP would lead to harm to the historic environment. Our comments on the specific adverse impacts to individual heritage assets and historic character as a result of the CP are set out elsewhere in this and other hearing statements, as well as our Regulation 19 consultation response. We consider that these impacts are such that the CP does not reflect the requirements of LP policies

- HC1 Heritage Conservation
- HC2 World Heritage Sites
- HC3 Strategic & Local Views
- HC4 London View Management Framework
- D9 Tall Buildings

The LP approach to Good Growth contains a welcome emphasis on the existing built and historic context of London, as well as a focus on new development responding to local character and heritage significance to ensure its longevity. All of the above

LP policies reflect this theme in some way in requiring the conservation and enhancement of heritage significance and/or the Outstanding Universal Value (OUV) of World Heritage Sites. The harm that we consider would follow the adoption of the CP, should schemes come forward in line with what is currently illustrated is such we consider it does not conform to these requirements and is therefore unsound.

In particular, these adverse effects would mean the CP could not deliver positive benefits that conserve the historic environment (HC1 B3), could not conserve, promote, actively protect and interpret the OUV of the Tower of London WHS (HC2 A and HC2 B) and could not effectively manage the designated views in HC3 Strategic and Local Views. It would also mean it could not preserve and enhance the ability to recognise and appreciate Strategically Important Landmarks or protect the silhouette of landmark elements of WHSs (HC4 A).

Taking both the overall level of effects on the historic environment and the non-conformity with the LP policies above, we consider that as a result the CP also fails to conform to LP policy D9 Tall Buildings. D9 B3 indicates that in determining if there are locations suitable for tall buildings, ‘any such locations *and appropriate tall building heights* should be identified on maps in Development Plans’. While such locations and notional heights are included in the CP, we consider that their failings in respect of the above mean that the suggested heights cannot be regarded as appropriate. The CP fails to conform to LP policy D9 as a result.

Does the CP meet all other legal requirements

Q6 Has the CP been subject to a Sustainability Appraisal (SA) and the requirements for SEA been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?

While we acknowledge that the CP has been subject to a SA, we consider it to be non-comprehensive in its approach to assessing potential effects of the Plan on the historic environment. As a result, we do not consider the SA report to properly reflect the requirements of Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004. In particular, as set out elsewhere in our hearing statements and in our Regulation 19 consultation response, we consider that the 3D modelling of the proposed expanded City Cluster clearly demonstrates the adverse effects on heritage significance and OUV that would follow the adoption of the draft Plan. However, the SA does not assess these effects as it only looks at the text of the CP – the innovative modelling is excluded.

In particular, we consider that the cumulative effects of multiple tall building proposals on the historic environment cannot be adequately understood without including the expanded profile of the City Cluster in the SA report. This does not reflect para 6 of Schedule 2 of the 2004 Regulations. Furthermore, the opportunity

afforded by the production of the SA report to understand these potential impacts and therefore to help avoid and mitigate them through amendments to the modelling and contour mapping has not been taken.

What this approach means in effect is that the relevant policies in the CP have been assessed in isolation from the evidence base and assessments undertaken elsewhere. While paragraph 4.3.12 of the SA report refers to the importance of development not detracting from 'historic significance and the setting of assets elsewhere', the process fails to appropriately capture or assess the impacts that the evidence base demonstrates. By therefore failing to assess effects on significance and OUV of the WHS the report offers a partial and non-comprehensive assessment on the effects of the CP. It does not therefore reflect the requirements of regulation 12 (2) of the 2004 Regulations in evaluating the likely significant effects of the Plan.

Does the CP accord with national policy for plan making in the NPPF, specifically

Q10 Does the CP contribute to the achievement of the three dimensions of sustainable development – economic, social and environmental?

The NPPF is clear that the historic environment is a central component of sustainable development (para 8). While we would acknowledge the challenge in ensuring that the CP achieves the economic, social and environmental objectives of sustainable development across the plan period, we continue to consider that there remains a much stronger emphasis on economic outcomes at the expense of environmental considerations within the Plan. This is expressed in the envisaged delivery of a substantial growth in commercial office floorspace, principally within the expanded City Cluster.

Notwithstanding the specific policies relating to heritage and tall buildings in the CP, delivering a minimum of 1.2m sq m of new office floorspace within the extent of the two tall building zones identified would lead to significant levels of harm to the historic environment. Our concerns as to the evidence underpinning the forecasts of demand for such floorspace are set out elsewhere in hearing statements and our Regulation 19 consultation response, but we consider that such a focus on new development does not justify the costs that would be borne by the highly sensitive historic environment in the City of London and beyond. Truly sustainable development should deliver net gains across all three of its elements, rather than prioritising one above the others. The balance within the CP between the economic, social and environmental objectives is such that it cannot deliver sustainable development.

Q12 Is the CP consistent with the NPPF in all other respects?

The CP is not consistent with the NPPF across a number of very important respects. Above all, we do not consider that it sets out a positive strategy for the historic environment (para 196) for a range of reasons. The Plan would effectively embed harm to heritage significance and OUV through policies relating to tall buildings and the City Cluster key area of change, and cannot be considered to offer a positive strategy as a result.

We would also note the requirements of NPPF para 31 and the need for an up to date and relevant evidence base for local plans. In addition to the problems with the SA report set out above, we consider that there are important flaws with other evidence base documents relating to the historic environment.

We do not consider the three Heritage Impact Assessment (HIA) papers or the Strategic Views Impact Assessment (SVIA) to be based on appropriate methodologies.

These documents at points use methodology relating to townscape assessments, rather than a focus on the effects on heritage significance and in particular those which would arise from impacts on the contribution to significance made by setting. ICOMOS International (an Advisory Body to the UNESCO World Heritage Committee) has stated in its Technical Review of the CP (October 2024) that it does not consider the WHS HIA fulfils its purpose of being a valid tool to support decision making and help find the best possible solutions to meet both conservation priorities and development needs.

In the WHS HIA we disagree with the conclusions of the screening assessment identifying which attributes of OUV are related to the Tower of London's setting as well as its physical fabric. These issues in turn mean that the analysis and conclusions drawn from the various HIAs neither comprehensively assess nor recognise the scale of the effects from the CP on significance and OUV. We would further note the opinion of ICOMOS International regarding the retrospective nature of the HIA and its failure to consider cumulative impacts. This means the CP as proposed has not been informed or shaped by the impact assessment process.

The scale and effects of the development targeted in the CP is also such that the assessments are not proportionate to the impacts. Given the concentration of designated heritage assets likely to be affected by the Plan, we do not consider that assessments of St Paul's Cathedral, the Monument and the Tower of London WHS represent an appropriate level of analysis on which to base policies with such far-reaching effects. A more detailed approach is required to understand the likely adverse impacts and then to amend the policies and the modelling to better protect the historic environment and historic character.

The CP identifies a minimum of 1.2m sq m of net additional floorspace to be delivered across the plan period, with this largely concentrated in an expansion of the existing City Cluster. The innovative and highly detailed 3D modelling that underpins the CP enables a very clear idea of the impacts and extent of the expanded Cluster. However, there is no available figure for how much net additional floorspace would be delivered if the Cluster were to be developed to its maximum parameters. This in turn means that it is not currently possible to determine if there are opportunities to amend the Cluster (and the contour mapping) to address the impacts on the historic environment or whether or not the policies relating to offices can be justified.

HE, as well as other heritage-sector stakeholders, would be keen to discuss amendments that are based on evidence that uses an understanding of the significance of the heritage assets affected to identify how the impacts might be addressed. There are a number of pieces of work (for example the St Paul's Cathedral setting study) that can help to offer the necessary starting point for such discussions. To date, such a process has not been possible given the lack of clarity around the overall capacity of the proposed expanded Cluster. An alternative method of delivering growth while conserving the historic environment is difficult to determine as a result.

Paragraph 16d of the NPPF requires that policies within a local plan are clearly written and unambiguous. We contend that this is not the case with the CP in important respects. The 3D modelling of the expanded Cluster underpinning the tall buildings and City Cluster policies represents a substantial move towards establishing the principle of such development at heights that would adversely affect the historic environment.

This is problematic in itself, as combined with the various assessment documents, it carries a strong implication that any effects (minimal as they are judged to be by the evidence and with which we disagree) would be deemed to be acceptable. However, given that the notional heights expressed by the contour mapping are also represented within the tall buildings policy itself, the expectation that the various heights specified in the modelling and mapping will be achieved is strengthened. This clearly means that policies S11, HE1, HE3 and S12 (all of which contain text relating to the conservation of the historic environment) are contradicted. This raises the question of how effective these policies could be if adopted as set out.

We also consider that the introduction of the concept of an immediate and defined setting within policies HE1 and S21 for the Grade I listed Bevis Marks synagogue does not reflect the NPPF, which makes clear that setting is not fixed. Including a definition of setting that is restricted in the manner proposed would mean that HE1 and S21 are not underpinned or justified by a full understanding of the contribution of its setting to the significance of the synagogue.

Additionally, this also introduces ambiguity and potential confusion into the consideration of any relevant development proposal. HE1 8 now requires decision makers to focus on the immediate setting of the synagogue, while HE1 1 simply requires consideration of the setting of any affected heritage asset. It is unclear as to which of these requirements should take precedence.

Policy CS14 Tall Buildings in the adopted CP specifies that tall buildings are inappropriate within conservation areas and will not be allowed. This has been removed in the draft CP, despite its well-understood nature. Its removal adds further ambiguity and uncertainty around tall building proposals and the understanding of effects on the character of conservation areas. While we note the City's position that this change follows the LP approach to tall buildings, we note that the LP contains no barriers to continuing to identify areas that are inappropriate areas for such proposals. As such, we fail to understand what has changed in the wider policy context to justify this removal.

Q13 Do the policies in the CP provide a clear indication of how a decision maker should react to a development proposal?

Our position in relation to the ambiguity created by the proposed introduction of an immediate setting area for Bevis Marks synagogue and difficulties relating to the 3D modelling of the expanded City Cluster underpinning policies S12 Tall Buildings and S21 City Cluster are set out above. In our view, these issues are such that it is unclear how consistency of approach and decision making for relevant development proposals can be achieved. Their adoption would not offer effective protection for the historic environment and would not enable appropriate management of the City Cluster in future.

We would point out the recent decision of the City's own planning applications sub-committee to refuse permission for a 43-storey building at 31 Bury Street due to the likely impacts on the setting and significance (among other reasons) of Bevis Marks synagogue and the significance and OUV of the ToL. In examining these proposals, we are clear that its height, massing and scale reflects the proposed expanded profile of the City Cluster as demonstrated by the 3D modelling. While all the available evidence and assessments of the modelling and contour mapping conclude that any effects on the historic environment are minimal, the decision of the sub-committee makes clear the difficulty in reconciling this with the effects of a tall building proposal within the envelope of the Cluster and with clear impacts on the synagogue. The decision clearly illustrates the grey area and issues facing decision makers should the CP be adopted in its current form.