



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 7. It should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan.

Matter 7: Heritage and Tall Buildings

Q1: Are the Heritage and Tall Buildings policies justified by appropriate available evidence, having regard to national policy and guidance and local context; and are they in 'general conformity' with the LP?

HE considers that certainty on the planning policy framework for the City of London is of benefit for all stakeholders and would add value to the City's role as an engine for the regional and national economy. However, as proposed, the CP would create ambiguity and avoidable difficulties for effective decision-taking and conservation of the historic environment. We suggest a way forward from the current situation at the end of this statement.

As drafted, we consider policies

- S11 Historic Environment
- HE1 Managing Change to the Historic Environment
- HE3 Setting of the Tower of London World Heritage Site
- S12 Tall Buildings
- S13 Protected Views

are not justified by the evidence, do not conform to national policy and legislation in important respects and are not in 'general conformity' with LP policies HC1, HC2, HC3, HC4 and D9. If adopted in its current form the CP:

- Would effectively embed the acceptance of harm to the historic environment and the Outstanding Universal Value (OUV) of the Tower of London World Heritage Site (ToL WHS) through the expansion of the City Cluster;
- Does not conform to national or regional planning policy, and does not set out a positive strategy for the conservation and enjoyment of the historic environment;
- Is underpinned by a flawed and non-comprehensive evidence base that does not justify its policies or the effects it would create, including inappropriate methodologies applied to assess effects on the historic environment;

- Is underpinned by evidence and assessments that do not offer clarity as to where amendments could be made to address the adverse effects while still delivering the necessary additional floorspace;
- Does not represent a properly plan-led approach to tall building development, but instead appears to have been driven and shaped by individual development proposals promoted in isolation from one another.

Q2 Are the heritage policies justified by appropriate available evidence, having regard to national guidance and local context, and are they in general conformity with the London Plan?

Policies S11, HE1 and HE3 are not justified by the evidence. They are compromised by the 3D modelling and its demonstration of significant adverse effects to heritage significance and OUV. As set out in our Regulation 19 response, the impacts on the significance of the assessed strategic landmarks are such that at a strategic level, the relevant policies could not be effective in their aims of protecting the historic environment.

The City Corporation indicated in the Statement of Common Ground agreed with Historic England that HE's conclusion on the effects of the expanded Cluster is a *'partial one, impossible at the strategic-level of plan-making, and resting on partial assessments, subjective judgements and conjecture'*. However, the wider heritage sector – local, national and international – has been consistent in its position that the 3D modelling presents a level of detail such that evidence-based conclusions can be drawn on the effects of the tall buildings policy and the Spatial Strategy that lies behind it.

Concerns about cumulative impacts of tall buildings in the setting of the ToL, including this draft plan, have led the UNESCO World Heritage Centre to ask the State Party to produce a report on the State of Conservation of the ToL. If adopted as set out, we consider there would be a real threat to the Tower's WHS status.

The various evidence base documents that assess the effects of the Cluster expansion are flawed, conflating the use of techniques designed to assess effects on townscape and views with those that should be used to determine impacts on heritage significance. These drawbacks undermine the heritage policies to the extent that they could not be effective (see also Q7).

The Corporation's position is that the assessment approach undertaken is bespoke to the context. We disagree. Despite consistent advice from HE, GLA, HRP and ICOMOS International, the Corporation have consistently taken the opposite view that no harm would be caused. The recent refusal by the City of the application for Bury House on the basis of harm to the World Heritage Site and Bevis Marks Synagogue illustrates the flaws in this approach and which we are concerned will put the WHS designation under threat.

HE has worked with St Paul's on a setting study of the Cathedral to produce evidence that can support and enable consistent decision-taking. Together with other documents, including the Bevis Marks setting study, we would be keen to use these in collaboration with the Corporation to understand how the Cluster can be expanded in a meaningful manner without such significant harmful effects.

Q3 Do the policies set a positive strategy for the conservation and enjoyment of the historic environment in a manner appropriate to its significance?

The heritage policies and the CP as a whole fail to set a positive strategy for the historic environment, as required by the NPPF. The heritage of the City and its surroundings is of the highest importance and its sensitivity should be reflected in the overall approach of the CP.

A strategic approach to planning for the conservation of the historic environment is a proactive exercise to ensure new development respects and enhances the existing context, including effects on heritage significance. The overall emphasis of the CP in relation to the historic environment is instead characterised by a passive approach, which would only consider adverse effects after the principle of harmful development in sensitive locations is established.

The opportunity offered by the 3D modelling to gain a detailed understanding of the effects of taller and bigger buildings envisaged by the CP has been missed. A positive strategy would embrace this understanding to create a refined profile of the expanded Cluster that responds to and conserves significance and OUV. We further note that the spatial extent and individual contour lines of the Cluster have been subject to further negotiations with landowners, but not HE or other heritage sector stakeholders.

The CP conflicts with both the NPPF and the LP. For example, it is not based on an up-to-date or adequate evidence base. Furthermore, as indicated in response to Q4 and 7, the CP introduces areas of ambiguity that complicates decision making and consistency of approach.

Q4 Is policy HE1 (8) clearly defined and unambiguous in regard to the setting of heritage assets so that it is evident how a decision-maker should react to development proposals in a manner consistent with the statutory requirements in the Planning (Listed Buildings and Conservation Areas) Act 1990 and which gives sufficient protection to heritage assets?

HE1 introduces ambiguity through the requirement to consider both the setting and immediate setting of Bevis Marks Synagogue. The immediate setting is defined as only the six buildings immediately adjacent to the synagogue. Given the purpose of the text at (1), we consider (8) to be superfluous and confusing to decision makers given it effectively replicates the same objective at a smaller spatial scale.

The implication is that any effects in the setting of the synagogue beyond the six buildings in question should receive lesser weight in considering development proposals. We do not consider this would enable consistency of decision making or offer adequate protection to a Grade I listed building.

Immediate setting has no basis in either national planning policy (cf the definition of setting in the NPPF glossary) or legislation in the form of the 1990 Act. Its proposed introduction here would therefore not reflect the requirements of the Act.

We note the inclusion of the reference to the immediate setting of the Monument is carried over from the adopted CP. However, the Monument was designed to be prominent in its location through its height, and to see and be seen from other locations. Its context is substantially different from the synagogue, standing within generous public realm at the intersection of four city blocks. It is also specifically protected within policy S13.

Q5 Are the Heritage policies clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals?

Please see Q4 for our position in relation to HE1. Additionally, there is sufficient ambiguity relating to policies S11 and HE3 as to fail to reflect NPPF para 16d. Policy S11 specifies that development proposals should conserve and enhance the significance of heritage assets including through effects on their setting, while HE3 focuses on proposals affecting the ToL WHS.

Taken in isolation, it could be considered that the wording of these policies may be fit for purpose. However, (please see Q7 for full detail in relation to tall buildings policies), the effects of an expanded City Cluster and the presence of multiple tall buildings within the setting of heritage assets (including the ToL WHS) would result in severe harm to the significance that the heritage policies seek to conserve and enhance.

The available evidence base, including Heritage Impact Assessments (HIAs) for St Paul's and the ToL and the Strategic Visualisation Impact Assessment (SVIA), supports the expansion of the Cluster profile. These documents conclude that effects of the Cluster on the respective assessed landmarks would not be unacceptable. It is implied that an undefined and ambiguous level of harm would be acceptable when proposals come forward in the setting of important heritage assets. HE and other heritage bodies strongly disagree. This is unacceptable ambiguity and risks harm to the historic environment.

Q6 Is Policy S12 (Tall Buildings) consistent with Policy D9 of the London Plan and is it informed by a proportionate evidence base?

The evidence base for policy S12 is not proportionate to the sensitivity of the affected historic environment or the degree of impacts it would create. As well as our concerns with the Sustainability Appraisal for the CP (see Matter 1 statement), the

HIAs undertaken in relation to St Paul's and the ToL are flawed in their assessment of effects on heritage significance.

Both documents repeatedly refer to methodologies used to assess effects on townscape and views, and as such we consider both documents underplay the harm to heritage that the CP would bring.

St Paul's HIA

- Does not follow recognised methodology for understanding/assessing impacts on significance (as per GPA3¹)
- Conflates townscape and views assessment with that on heritage significance
- Reaches conclusions that cannot be supported when considered alongside the recently concluded setting study for the Cathedral

ToL HIA

- Does not assess expanded footprint of the Cluster and closer relationship to the WHS
- Does not follow an iterative process, with analysis and conclusions being used to help shape the form and profile of the expanded Cluster
- Is not neutral in its approach to and treatment of the proposed form and extent of the expanded City Cluster
- Reaches conclusions on the effects on the OUV of the WHS that cannot be supported when considered against the Management Plan or the advice from ICOMOS/World Heritage Centre both on the CP and on development proposals where they have provided Technical Review reports.

SVIA

- Undertaken and drafted via a townscape and visual impact assessment methodology, missing the opportunity to fill an important gap in understanding and avoiding effects on the historic environment

HE does not consider the City Cluster to be an inappropriate location for tall buildings. However, given the above, S12 fails to conform with LP D9(2) in that it does not identify appropriate heights – i.e. the heights specified would create unacceptable impacts on the historic environment.

Q7 Are the policies relating to Tall Buildings clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals?

Policy S12 creates significant ambiguity and lacks clarity in how tall building development proposals should be dealt with. The CP proposes a significantly

¹ [Good Practice Advice Note in Planning 3: The Setting of Heritage Assets](#)

expanded City Cluster that would contain a taller profile and larger spatial footprint. The 'acceptable' heights underpinned by the modelling and assessments are contained within S12 itself in the form of the contour mapping, thus giving them greater weight. Notwithstanding other policies within the Plan, this sets up a conflict with the intention to conserve the historic environment.

We put forward some suggested amendments to this policy and its supporting text at the end of this statement that could address this issues.

The City Corporation's Planning Sub-Committee recently refused permission for a tall building application at 31 Bury Street (within the envisaged City Cluster envelope) on a range of reasons relating to heritage impacts. This demonstrates the difficulties that would be posed in reconciling the justification of such proposals against the heritage objectives of the CP and the statutory duties to preserve listed buildings and to preserve or enhance conservation areas.

S12(8) indicates that '*tall buildings must have regard to ...the significance of heritage assets and their immediate and wider settings*'. This wording does not reflect the 1990 Act. It implies a hierarchy of considerations, starting with the fabric of heritage assets and ranging through immediate and wider settings (however these may or may not be defined). This requires amendment to clarify that proposals should ensure the preservation or enhancement of heritage assets, including their settings. Referring simply to setting (rather than immediate or wider settings) would aid decision making on tall building proposals.

The removal of the text from the adopted CP that tall buildings in conservation areas will not be allowed also contributes to this ambiguity. This removes a well-established and understood provision from the Plan's protection of the historic environment, and represents a retrograde step in its conservation.

We note the proposed modification 80 put forward ahead of the EiP by the City Corporation regarding this point. While helpful to an extent, it is not within the policy itself and would carry less weight. The previous wording, or an agreed revision, should be reinstated. Given the dynamic development context across the City of London, as well as the inclusion of conservation area designations within the City Cluster, the removal of this text is likely to trigger tall building proposals at odds with existing character.

The removal of the text at 3.14.4 of the adopted CP relating to the cumulative effects of tall building proposals creates further ambiguity. Given the potential envelope of the expanded Cluster, retaining this text would help clarify that the inter-related effects of tall building proposals must be considered and would help avoid proposals being considered in isolation.

We also note proposed modification 85, which introduces supporting text to the effect that sites with existing tall buildings may be appropriate for redevelopment

even if they are outside the designated tall building zones. We would question whether such a uniform approach reflects LP policy D9 in terms of the necessary assessed ‘appropriateness’ of such sites.

Q8 Is Policy S13 justified by appropriate available evidence, having regard to national guidance and local context; and are they in ‘general conformity’ with the LP?

Please see response to Q6. We do not consider this policy justified by the available evidence, nor could it be effective in its aim. Given the effects on OUV of the ToL WHS it is not in conformity with policies HC3 and HC4 of the LP.

Q9 Is the Policy S13 clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals to ensure adequate protection and enhancement of significant City and strategic London Views?

No. Policies S12 and S21 and their intention to enable the expansion of the City Cluster are such that they directly contradict the intention of S13 to enhance the strategic views identified in the LVMF. In particular, we do not consider S13(3) and its intention of securing an appropriate setting for the WHS within its setting.

Proposed way forward and suggested amendments

- In terms of the **central and overarching issue of the evidence base and the 3D modelling**, we would be pleased to be involved in further work that could revisit the 3D modelling to assess whether, where and how the contour mapping can be amended to respond appropriately to significance and OUV using available evidence – for example the St Paul’s Setting Study, Bevis Marks Setting Study and an appropriate and iterative HIA process, while delivering the necessary net additional floorspace. This course of action would address both the ineffectiveness of and help remove the ambiguity that exists around draft policies.
- **Policies HE1 and S21** – removal of the reference to the immediate setting of Bevis Marks
- **S12** – a revised and strengthened clause within the section on location and heights in order to make it clear that consideration of effects on heritage is a primary concern as to where they are sited. This could be achieved through an amalgamation of clauses 4 and 5 to reflect legislation and national policy. Clause 8 could then be amended or removed (and the reference to immediate and wider setting with it).

- **S12** – supporting text amended to reinstate requirement that conservation areas are inappropriate locations for tall buildings (or revised wording to that effect)
- **S12** – reinstatement of supporting text from adopted plan requiring consideration of cumulative effects in decisions