

CITY OF LONDON – DRAFT CITY PLAN 2040**URBANS**SPACE PLANNING LTD ON BEHALF OF HISTORIC ROYAL PALACES**HEARING STATEMENT – MAIN MATTER 7 - Heritage and Tall Buildings (Policies S11 to S13 and HE1 to HE3)****MARCH 2025****1. Introduction**

- 1.1 This statement addresses the Inspector’s questions with regards to Matter 7 of the Local Plan – Heritage and Tall Buildings. This statement should be read alongside Historic Royal Palace’s comments submitted at previous consultation stages of the Local Plan and the Regulation 19 consultation response prepared by Urbanspace Planning Ltd.
- 1.2 Historic Royal Palaces (HRP) is a charitable trust with responsibility for the care and maintenance of the Tower of London on behalf of the Crown. HRP work in partnership with a variety of stakeholders to sustain the ‘Outstanding Universal Value’ (OUV), significance and public enjoyment of the Tower of London World Heritage Site (WHS).
- 1.3 The Tower is included within the boundary of the World Heritage Site and forms a Scheduled Ancient Monument. The whole site and surrounding public realm area is within The Tower Conservation Area, whilst there are a number of listed buildings and structures within the Tower and its surroundings. The Outstanding Universal Value of the World Heritage Site is related to both the nature, history, composition and detail of the Tower itself, as well as the strategic siting of the fortress and its wider setting, including long views related to its landmark siting and visual dominance.
- 1.4 Whilst the Tower of London is located just outside the boundary of the City Corporation, a large part of the City lies within the local setting of the World Heritage Site. The wider setting and backdrop of its landmark position as a fortress on the Thames to the north and west also lies within the City of London authority. The greatest challenge to the World Heritage Site remains the impact on its OUV and setting of new development and tall buildings. Given the extreme sensitivity of the World Heritage Site to the impact of new development and tall buildings within these areas, and potential to further permanently erode the Outstanding Universal Value and harm it’s heritage significance, it is essential that the City Plan (CP) appropriately and sensitively plans for new development in the setting of the WHS.

2. RESPONSES TO INSPECTORS' QUESTIONS

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?

- 2.1 HRP continue to consider that policy S12 is not justified by the available evidence, does not conform to national policy and legislation in key respects, and is not in general conformity with either the LP (HC1, HC2, HC3, HC2 and D9) other policies of the draft Local Plan (specifically S11, H1, H2, H3 and S13).
- 2.2 The current approach to tall buildings in Policy S12 and contours proposals in Figure 15 and Proposals Map A & C are not consistent with the LP, in respect of Policies HC1, HC2, HC3 and HC4, as well as the London View Management Framework SPG, through the harmful impact on the heritage significance and setting of the Tower of London World Heritage Site and Strategic Views contained within the LVMF.
- 2.3 Proposed development within the heights and contours set out in Figure 15 of the CP, and policies maps A & C, would lead to substantial harm to the ToL World Heritage Site and its significance; negatively affect the conservation and enjoyment of the historic environment; and irreversibly impact on the Outstanding Universal Value of the ToL heritage asset. This is in direct conflict with national policy and guidance, and LP policies D9, H1-H4.
- 2.4 There are significant concerns with the assessment and analysis that underpins the maximum height contours within the Proposals Map and Figure 15, and it is evident that the current proposed maximum contours/heights will result in significant heritage and visual harm in respect of the protected views of the Tower of London, and key views from within the Tower of London.
- 2.5 Therefore the City Plan as a result is considered to be fundamentally unsound.
- 2.6 Reductions in the maximum height and proximity of the proposed contours to the eastern end of the City Cluster Tall Building Area, as well as of the heights of contours to the east of 20 Fenchurch Street, are required in order to address these matters and deliver a sound City Plan, as set out in our Regulation 19 response.

Heritage

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 LP?

2.7 Whilst it is considered that the overall content and approach of the heritage policies (S11, H1 and H3) as drafted are themselves justified and appropriate in the context of national policy and guidance, and in general conformity with the London Plan; Policy S12 (and associated supporting sections and contour mapping) is not consistent or appropriate in respect of the wording and requirements of these draft heritage policies and as proposed would result in non-conformities with the heritage policies of national guidance and the LP.

2.8 As drafted Policy S12 will result in significant adverse effects to heritage significance and OUV of the Tower of London WHS which is contrary to the requirements set out within the heritage policies of the LP. Reductions in the maximum height and proximity of the proposed contours to the eastern end of the City Cluster Tall Building Area, as well as of the heights of contours to the east of 20 Fenchurch Street, associated with Policy S12 are required in order to address these matters and deliver a sound City Plan.

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

2.9 Whilst the heritage policies themselves are generally appropriate, the current drafting of Policy S12 would result in significant harmful impacts to heritage assets and does not provide a positive strategy for the conservation and enjoyment of the historic environment. Proposals following the drafting of Policy S12 would not be compliant with the requirements of Policies HE1, HE3 of the t CP, Policies HC1, HC2, HC3 or HC4 of the LP and National policy and guidance as a result of the harmful impacts and effects (both individually and cumulatively) on the heritage significance and OUV of the WHS resulting from the tall buildings policy, its approach and strategy for tall buildings to the eastern end of the city cluster.

2.10 Given the WHS status, Schedule Monument designation, multiple listed buildings and conservation location the site holds once of the most sensitive and significant heritage status such that the strategy should ensure the highest level of protection to the conservation and enjoyment of the historic environment. Whilst this is reflected and sought by the current wording of CP policies S11, HE1, HE2 and HE3; it is evident that the wording and approach to tall buildings in Policy S12 is not

consistent with these policies and conflicts with the requirements of these policies in respect of impact on the ToL WHS.

- 2.11 As such the CP fails to set a positive strategy for the conservation and enjoyment of the historic environment, as required by the NPPF.

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

- 2.12 No. There is contradiction and ambiguity between the requirements and aims of the Heritage policies, and the Tall Building policy and associated maps and evidence base. The proposed expansion of the City Cluster, to the extent established by Policy S12 of the CP and the cumulative impacts of such development, would result in substantial harm to the OUV of the WHS and the setting of the SAM and listed buildings of the Tower of London – as established within our Regulation 19 response.

- 2.13 As a result there is significant ambiguity and inconsistency between the requirements of Policies S11, HE1, HE2 and HE3 and Policy S12 and its associated detail.

- 2.14 If the policies of the CP were to be adopted as currently drafted it is not evident how a decision maker would (or could) address the competing and conflicting requirements of S12 and the Heritage Policies contained in the CP, the London Plan heritage policies and National policy and guidance, given the significant conflicts within the CP policies, and associated non-conformities of Policy S12 with these Regional and National policies.

Tall buildings

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

- 2.15 No.

- 2.16 Policy S12 results in areas of significant inconsistency with Policy D9 of the LP. Part B(2) of Policy D9 requires “*Any such locations and appropriate tall building heights should be identified on maps in Development Plans.*” The maps and diagrams associated with Policy S12 do not identify “appropriate” tall building heights in respect of the height and scale of buildings to the eastern end of the expanded City Cluster. The proposed contours shown in Figure 15 and Proposals Map A&C will result in development which does not conserve the setting and significance of the Tower of London heritage asset, whilst the cumulative harm of existing, committed

and future proposals would significantly erode the Outstanding Universal Value of the World Heritage Site, harmful to its heritage significance. The proposed building heights therefore are not appropriate or consistent with regards to LP Policy D9.

- 2.17 Whilst Part C1 of Policy D9 relates to development proposals, the proposed approach to tall buildings within the CP and the contour mapping establishes potential heights, which together with Part B(2) of the LP would be the basis for future planning application proposals. Given this level of detail in the CP, it is essential that the potential visual impacts of these elements and contours are given careful and detailed consideration to ensure that the policy does not deliver potential future developments which will result in visual impacts which Policy D9, Part C1 specifically requires them to avoid.
- 2.18 It is essential therefore that the CP does not plan for development which would deliver such impacts, and result in conflict with the requirements of LP Policy D9.
- 2.19 As currently proposed the heights established by Policy S12 and associated contours would result in significant harm to heritage assets and their setting, would not positively contribute to the character of the area, and would not preserve the OUV of the ToL WHS and ability to appreciate it. As drafted the CP therefore effectively embeds harm to the historic environment as a result of the tall buildings heights set out in the CP to the eastern end of the City Cluster and is not consistent with Part C1 (d) or (e) of the LP.
- 2.20 LP policies HC1-4 further reflects the requirements to conserve and enhance the heritage significance and/or the Outstanding Universal Value (OUV) of World Heritage Sites. Schemes coming forward in line with Policy S12 as drafted 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). As a result such schemes would result in substantial adverse impacts, contrary to the requirements of these LP policies, and parts (d) and (e) of D9. Policy 12 is therefore not consistent with these policies of the LP and is therefore unsound.

- 2.21 Policy S12 has also not been informed by a proportionate evidence base in respect of the impact on the historic environment and there are a number of key flaws which are summarised below.
- 2.22 While we acknowledge that the CP has been subject to a Sustainability Appraisal (SA), the approach is not considered to be comprehensive and contains flaws in its lack of assessment of the modelling of the proposed expanded City Cluster. As set out within our Regulation 19 response the proposed modelling demonstrates substantial adverse effects on heritage significance and OUV, as well as strategic views, and the SA does not include any assessment of these adverse effects. The assessment does not follow Paragraph 6 of Schedule 2 of the regulations as not adequately understanding the cumulative effects of multiple tall building proposals on the historic environment, and subsequent consideration of how to address and avoid them. The SA therefore does not follow the requirements of regulation 12(2) in evaluating the likely significant effects of the CP.
- 2.23 There are also significant flaws with the evidence base related to the assessment of the heritage and visual impacts of the proposed expansion of the City Cluster.
- 2.24 Our Regulation 19 response includes full review of the evidence base issues related to both the ToL HIA and the SVIA, from which Policy S12 and associated text, diagrams and maps have drawn. In summary the conclusions of the HIA in respect of the impact of the expanded City Cluster and proposed heights in these areas do not align with the results of the 3D modelling / VuCity visuals. As detailed in our representations the results of the 3D modelling / VuCity visuals clearly demonstrate adverse effects on heritage significance and OUV would follow the adoption of the CP.
- 2.25 The HIA does not include appropriate assessment of the potential heritage impacts, nor does it give sufficient weight to the heritage significance and OUV criteria in assessing the impact on the WHS, resulting in significantly under stating the impacts in its conclusions.
- 2.26 The HIA also fails to identify an appropriate baseline for assessment in respect of the ToL WHS. The HIA does not account for the heritage harm which has already affected the OUV and heritage significance of the WHS, through development that has already been delivered within the setting of the ToL. The HIA fails to acknowledge that the heritage significance and OUV has already been eroded by tall buildings erected in the eastern part of the City (as shown by continued ICOMOS Technical Reviews), and that the impact of existing new buildings has not been

positive in respect of the setting and OUV of the Tower of London. It is essential that this is recognised as forming the current heritage baseline from which new proposals and policies are to be considered and assessed.

- 2.27 The ToL HIA does not follow recognised UNESCO guidance for assessing effects on WHSs; fails to utilise an appropriate baseline; and reaches conclusions on the OUV of the WHS which are not consistent with either the Management Plan or recent City Council decisions on planning applications within the area of the extended cluster.
- 2.28 Most recently the City Council Planning Committee resolved to refuse Planning Application Ref: 24/00021/FULEIA in respect of the redevelopment of Bury House, Bury Street, EC3A 5AR to provide a tall building over 178 metres in height. Whilst the full reasons for refusal are still awaited the Planning Committee minute of the meeting of 13th December 2024 identified a specific grounds of refusal related to the heritage impact on the Tower of London and View 10A of LVMF, and at the Committee Meeting of 11th February members confirmed that the adverse impact on the setting and OUV of the ToL WHS as one of the reasons for refusal. The Bury House site sits within the proposed expansion area to the east of the City Cluster and would extend to the height contours shown in Figure 15 and Policies Maps related to draft Policy S12 of the CP. It is therefore evident that the City of London has already identified and confirmed that buildings following the contours of the draft policy within this area to result in substantial heritage harm to the ToL WHS and protected views, and to not be compliant with LP and national policy and guidance. The resulting adoption of the current approach in Policy S12 would evidently result in equivalent harm and heritage impacts as those identified by the City of London (with potential for further additional cumulative), and thus any policy facilitating such harm can also only be concluded to be non-compliant with Regional and National policy and guidance.
- 2.29 It is therefore clear that the conclusions set out in the HIA are not supportable or effectively evidenced, and it is demonstrated that the effects of the proposed City Cluster on the OUV of the ToL WHS would be major and of substantial concern, as confirmed by the City of London themselves in the determination of application 24/00021/FULEIA.
- 2.30 As set out in detail in our Regulation 19 response, the SVIA significantly downplays the extent and significance of the visual impacts resulting on the ToL WHS, its setting and OUV. This position is again demonstrated by the City of London's refusal of application 24/00021/FULEIA which confirmed that the Bury House proposal would itself result in harm to View 10A of the LVMF.

2.31 It is evident, as set out within our Regulation 19 response, that the approach in Policy S12 and proposed contours will result in development which has significant elements of new development appearing both in views of the Tower in the wider area, and in views from within the Tower itself. The delivery of further development which increasingly erodes the key OUV principles of the WHS through additional tall buildings in close proximity to the Tower, which reduce the sky space and impinge on these views, would be of substantial heritage harm to the Tower of London, its setting and OUV. The Policy and associated elements are therefore not consistent with Policy D9 of the LP, as well as Policies HC1, HC2, HC3, and HC4, and have not been informed by an appropriate evidence base in order to ensure that the potential impacts on heritage are consistent with the requirements of National and Regional heritage policies, requirements and protections.

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?

2.32 See responses to Q5 and Q9.

2.33 The requirements of Policies S11, H1, H2, H3 and S13 (which are considered to be broadly consistent with LP and National Policies) cannot be achieved through delivery of Policy S12 and its associated diagrams, maps and text. There is significant ambiguity between the requirements of Policy S12 and these policies as currently drafted that it is not evident how a decision maker would (or could) address the competing and conflicting requirements of S12 and the policies related to the protection of heritage and strategic views (at both CP, LP and National Policy level) given these conflicts within the CP policies, and associated non-conformities of Policy S12 with Regional and National policies.

2.34 As demonstrated within our Regulation 19 representations development proposals coming forward in line with Policy S12 would result in significant adverse impacts to both the heritage setting and OUV of the ToL WHS, as well as the failing to protect or enhance both strategic and local views of the ToL, its important listed buildings, townscape value and skylines, which form a key aspect of its heritage setting and OUV.

2.35 The current 3D modelling and contours associated with Policy 12 establish potential development proposals to the eastern end of the extended City Cluster which would not be compliant with other policy requirements of the CP, LP or National Policy and guidance, and would fail to protect the OUV and heritage significance of the WHS. There is no way that a decision maker would be able to

reconcile these ambiguities and conflicts in determining future planning application proposals for tall buildings in this area.

- 2.36 To address this conflict and remove this ambiguity with the heritage and protected views policies, it is necessary for Policy 12 to be amended with the heights and contours map updated to significantly reduce the height, form and scale of potential buildings to the eastern end of the City Cluster expansion area, as set out in our Regulation 19 representation.

Protected Views

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?

- 2.37 Whilst the approach and aims of Policy S13 are supported and considered to be in general conformity with the London Plan on its own, the requirements of the policy are in conflict with S11 in respect of Tall Buildings.
- 2.38 The proposed tall building heights to the eastern end of the City Cluster as shown on the contours plan are not supported by an appropriate evidence base and as a result would provide the potential for significant conflict with the requirements set out within Policy S13.
- 2.39 The requirements of Policy S13 therefore need to be protected and capable of being fully met by future development through amending the approach to tall buildings in the eastern end of the City Cluster to ensure the protected views of the WHS continue to be safeguarded and not unacceptably affected by future tall buildings.

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 protect and enhance significant City and strategic London Views?

- 2.40 No. There is contradiction and ambiguity between the requirements and aims of Policy S13, and Tall Building Policy S12 and its evidence base. The proposed expansion of the City Cluster, to the extent established by Policy S12 of the City Plan and the cumulative impacts of such development, will not protect or enhance the significant City and strategic London views of important buildings, townscape or skylines in respect of the ToL WHS. The approach in Policy S12 is not in line with the Mayor of London’s View Management Framework SPG, and does not take account of the ToL WHS Management Plan. The approach and contours established in Policy S12 will not secure an appropriate setting of and backdrop to the Tower of

London World Heritage Site, or ensure its OUV; instead resulting in substantial harm. Under the current drafting of Policy S12 tall buildings, individually and cumulatively, of the scale, height and locations identified to the eastern end of the City Cluster would result in a significant impact on strategic views, as well as the overall setting and visual appreciation of the ToL WHS from within the City and surrounding boroughs.

2.41 As result there is significant ambiguity and inconsistency between Policy S13 and draft Policy S12 and its associated detail.

2.42 If the policies of the draft City Plan were to be adopted as currently drafted it is not evident how a decision maker would (or could) address the competing and conflicting requirements of S12 and the policies related to the protection of these strategic views given these conflicts within the CP policies, and associated non-conformities of Policy S12 with Regional and National policies in this regards.