

ST PAUL'S CATHEDRAL: HEARING STATEMENT
 MAIN MATTER 1 – LEGAL REQUIREMENTS AND OVERARCHING ISSUES

INTRODUCTION

This Hearing Statement has been prepared on behalf of the Dean and Chapter of St Paul's Cathedral for submission to the Examination in Public of The *City Plan 2040* (hereafter referred to as the CP).

It should be read alongside the other documents previously submitted as part of St Paul's Cathedral's representations to plan consultation, in particular those submitted in response to the Regulation 19 Draft of the *City Plan 2040*.

A cover letter has been prepared to be read alongside our Hearing Statements. The letter is included as an appendix to this Statement and others, but we recommend is read in advance of what follows below as an introduction, and summary of Chapter's overall views.

Additionally, our Hearing Statements reference *The Setting of St Paul's Cathedral, Its contribution to heritage significance: an analysis and evidence base* (City Plan 2040 Examination in Public version). This evidence report is also included as an appendix to this statement and others, and is referred to as 'the *Setting Study*'.

DUTY TO CO-OPERATE

HAS THE CORPORATION MET THE DUTY TO COOPERATE AND IS THIS CLEARLY EVIDENCED?

In particular:

- *Have all the relevant strategic matters in relation to this duty been clearly identified?*
- *Has the Corporation maximised the effectiveness of plan-making activities by engaging constructively, actively and on an on-going basis with the prescribed bodies, in the preparation of the Plan in the context of these relevant strategic matters? Does the evidence clearly set this out?*

The Cathedral has no in-depth commentary regarding the identification of the relevant strategic matters imposed by this duty, but we note that in our opinion these strategic matters have not been adequately resolved.

We have expressed concerns regarding the effectiveness of the City's plan-making activities. We have a high level of concern (expressed both by the Cathedral, and statutory bodies such as Historic England) regarding the strategic approach. We consider that the high degree and broad range of this concern, and the relatively unchanged nature of the *City Plan 2040* following Regulation 19 representations, indicates that there are issues with the effectiveness of the plan making process, which we trust Inspectors will recognise.

We also note whilst consultation was (mostly) constructively undertaken, we feel that any changes to the plan following our Regulation 19 submission could have been more clearly communicated to the Cathedral, especially given the concern expressed in our representation.

LONDON PLAN

IS THE CP IN 'GENERAL CONFORMITY' WITH THE LP AS REQUIRED BY THE PROVISIONS OF SECTION 24 OF THE 2004 ACT?

As outlined within our Regulation 19 Responses, we do not consider that the CP is in general conformity to the LP.

We do not feel that the CP has satisfactorily evidenced nor correctly identified appropriate locations of tall buildings at the heights proposed. We submit that there is an evident material harm that policies are expected to facilitate, and further potential for the plan policies to enable harmful development. This real and high potential for heritage harm and adverse visual impact to protected views that would be enabled by the plan. As such, we consider the CP is not in conformity with policy D9 of the LP.

We have concerns that the level, scale, and form of development that would be prescribed by the CP would 'bake in' harm to the heritage significance of St Paul's Cathedral. As such, we consider the CP would not be in general conformity with Policy HC1.

Given our concerns with the methodology and robustness of the evidence of the CP (see reg 19 and other MM responses), we do not consider the CP includes evidence that *'demonstrates a clear understanding of London's historic environment'*, As per HC1(A) and, given the level of harm that would be caused, we consider it contrary to HC1 B(3) which requires *'integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place.'*

As outlined within our previous representations, we also consider the plan would result in development that would cause adverse visual impact to protected views of the Cathedral, including strategic views, and harm the ability to appreciate St Paul's as Strategically important Landmark. As such we consider the CP would not be in conformity with Policies HC3 and HC4 of the LP.

Given this lack of conformity, we have concerns over the effectiveness of the CP.

DOES THE CP MEET ALL OTHER REQUIREMENTS?

HAS THE CP BEEN SUBJECT TO A SUSTAINABILITY APPRAISAL (SA) AND HAVE THE REQUIREMENTS FOR STRATEGIC ENVIRONMENTAL ASSESSMENT BEEN MET? IS IT CLEAR HOW THE SA INFLUENCED THE FINAL PLAN AND DEALT WITH MITIGATION MEASURES?

Please refer to our Regulation 19 representations for queries regarding this issue.

In the main, we have a general concern regarding the relationship of the sustainability appraisal to the plan policies and underpinning assessment. We particularly note that it appears the appraisal does not address the contour modelling, only the wording of the plan policies. The 3D modelling has been crucial in the City's own evidence base (see the HIA and SVIA) and in understanding impacts.

CONSISTENT WITH NATIONAL POLICY

DOES THE CP CONTRIBUTE TO THE ACHIEVEMENT OF THE THREE DIMENSIONS OF SUSTAINABLE DEVELOPMENT – ECONOMIC, SOCIAL, AND ENVIRONMENTAL?

As outlined within our Regulation 19 Representations, we consider that there is a strategic imbalance in the CP, caused by an asymmetrical and unbalanced pursuit of one aspect of the economic objective of sustainable development, to the detriment of environmental and social objectives – specifically the historic environment and other intangible, non-monetary social values. This arises as a result of the quantum of development required and enabled by the plan, and more specifically the way in which it envisaged to be delivered, to the exclusion and detriment of other social and environmental goals. We submit that, whilst important, GDP and other economic growth measures are not the only indicators of a healthy, equitable and sustainable society.

HAS IT BEEN POSITIVELY PREPARED 'IN A WAY THAT IS ASPIRATIONAL BUT DELIVERABLE'? (PARAGRAPH 16 OF THE NPPF)

We do not consider the plan has been positively prepared. The plan-making process (especially that behind the contour modelling) has been unclear, perhaps deliberately opaque and lacking in transparency. We do not feel the process has involved adequate stakeholder consultation, nor do we feel that consultation feedback has led to any meaningful listening or change.

We do not feel that the aspirations of the plan align with those of the NPPF, as outlined above.

We also consider that the plan is not deliverable, due to the inherent conflict between tall buildings and heritage policies, and conflict with wider policies and tiers of policies, that would arise from harmful development permitted by the Tall Buildings Policy.

IS THE CP CONSISTENT WITH THE NPPF IN ALL OTHER RESPECTS? OR IF NOT, WHAT IS THE JUSTIFICATION FOR ANY INCONSISTENCY?

As noted above, and within our Regulation 19 Representations and other Statements (see MM2, MM7), we do not consider the CP is in conformity with NPPF para 36:

a) Positively prepared

See above.

b) Justified

We have concerns regarding multiple aspects of the evidence base, especially the unsound methodology of the HIA and the evidence base for any quantum of development stated as required (let alone the unexpected and worrisome modification which changes 1.2m m2 new office space defined as a maximum, to now being a minimum development goal).

c) Effective

Policy SP12 would, in our view, lead to development that is fundamentally harmful to the heritage significance of St Paul's Cathedral. Given this, we suggest that Inspectors will recognise that there is irreconcilable conflict between policies SP12 and HE1 and other heritage policies, conflict in the plan,

and conflict between the plan policies and national policy and guidance. We consider the plan is unclear, difficult and risky to implement, and would lead to uncertainty or challenge. This would seriously compromise the effectiveness of the CP. More detail is provided below (see decision making).

d) Consistent with National Policy

We do not consider the CP is consistent with other areas of national policy. As outlined In our Regulation 19 responses, we consider that the heritage harm is, by dint of the policy intent and wording, 'baked in' to the plan in a way which would mean it would not align with much of Chapter 16 of the NPPF. This is an essential and core part of the plan and cannot be reversed later. We also consider that this harm would be entrenched, exacerbated and perpetuated over time.

Given the nature and extent of the harm encapsulated in the plan, we do not feel that St Paul's Cathedral would be 'conserved in a manner appropriate' to its exceptional heritage significance, as outlined by para 202. We also do not, therefore, consider the plan presents a 'positive strategy for the conservation and enjoyment of the historic environment' as per para 203.

There are additional areas of concern. The flaws in the HIA and SVIA with regards to St Paul's Cathedral mean that the CP is contrary to para 32 of the NPPF regarding the requirements of an evidence base. This application of a 'novel' but evidently unsatisfactory methodology, specifically with regard to the significance of St Paul's Cathedral and the contribution made by its setting, has led to an ineffective and ambiguous plan (see statements on MM2 and MM7 for further details).

We propose that the *Setting Study*, an updated version of which is included in this submission, be used to inform the revision of the plan policies moving forward.

DO THE POLICIES IN THE CP PROVIDE A CLEAR INDICATION OF HOW A DECISION MAKER SHOULD REACT TO A DEVELOPMENT PROPOSAL?

The NPPF also requires that policies are unambiguous (para 16d). The inherent conflict between Policy S12 and CP heritage policies, and the strategic imbalance of the plan, creates ambiguity for applicants and decision makers and public participants in the planning process.

Our Regulation 19 Representations also outline the conflict that individual development would face with heritage specific aspects of the NPPF, if such development was compliant with the contours of Policy S12.

The basic premise of a policy is to provide a level of certainty to applicants and decision makers. The policy conflict described above means that decision making will be required to consistently balance deeply conflicting planning policies for every single application. It also means that decision making will have to default to a balance of harm vs benefits in every single case by default. This is not considered a truly plan-led approach to decision making.

The starting position for development should be to avoid harm to St Paul's Cathedral and other heritage assets, not merely minimise such harm. The plan would reverse this position, leading to ambiguity for decision makers.

We also feel that, cumulatively, this level of harm and conflict will only increase if development grows to follow the contours over the plan period. This risks (at best) inconsistent decision making,

as we have seen to date, which further increases uncertainty and ambiguity in the process, compromising the effectiveness and deliverability of the plan. We also feel that this approach is not aligned with a genuinely plan-led system.

The example of the (recently refused) 55 Bury Street applications (refused twice) is a case in point – only by a hugely asymmetrical but energetic campaign by the community of Bevis Marks Synagogue was the recommendation for approval by officers over-turned at committee. There has been a huge waste of resources on both sides of the case, which tight and precise policy drafting would have avoided. Whilst this case was considered under the previous plan, it exemplifies what the future would hold if the 2040 Plan is allowed to pass without revision, given its inclusion in the City Plan 2040 contours.

Additionally, there have also been discussions regarding consented schemes that are not yet built. We consider – and officers and committee of the City also acknowledged - that a number of these schemes would cause harm to the heritage significance of the Cathedral. The City and other stakeholders have also identified harm as part of the decision-making process and noted that they would be contrary to policy and guidance. These schemes sit within the proposed contours map. We represent that this harm is not fully acknowledged within the evidence base, and furthermore that the plan would entrench, exacerbate, and perpetuate this harm as the *starting point* for any future decisions and delivery of policy.

The Inspectors may have noted the following text in the SOCG with regard to recent planning applications, illustrating our concerns of the contours and the harm that would be enabled by the Plan:

In the case of No. 55 Bishopsgate, the City themselves identified harm that would arise from the development. Stakeholders and regulators such as Historic England and indeed the Cathedral also identified a high degree of harm. The scheme would have been enabled by the contours. The scheme was approved.

In addition, 99 Bishopsgate presents a different condition of harm (in this case and in the opinion of St. Paul's and Historic England this harm is serious and objectionable), that nonetheless is deeply concerning. This is a scheme which has emerged which is directly enabled and facilitated by the emerging policy herewith under debate...

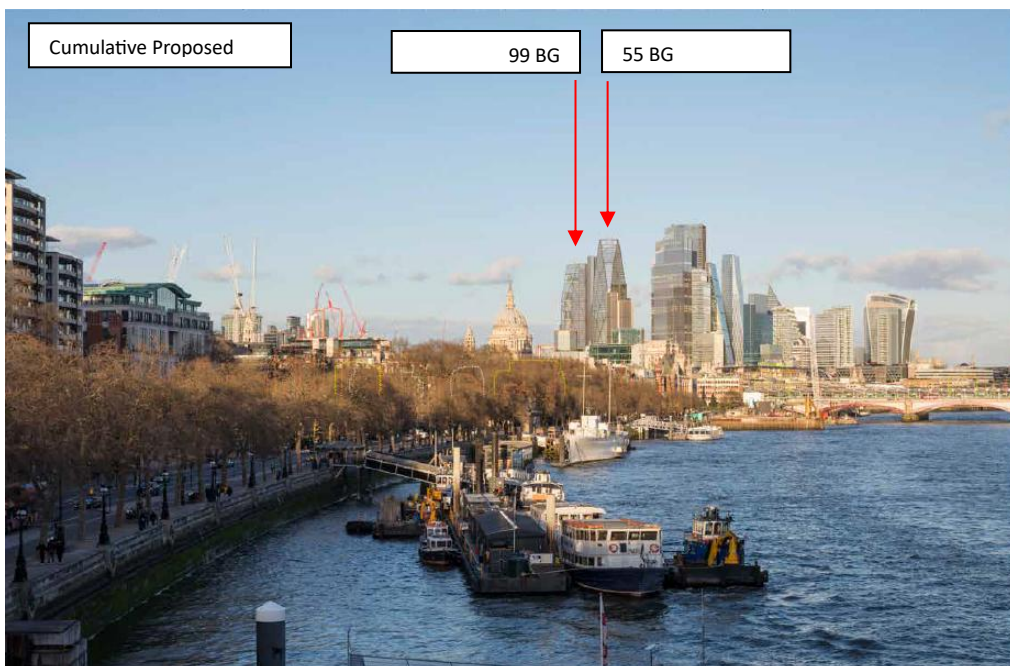
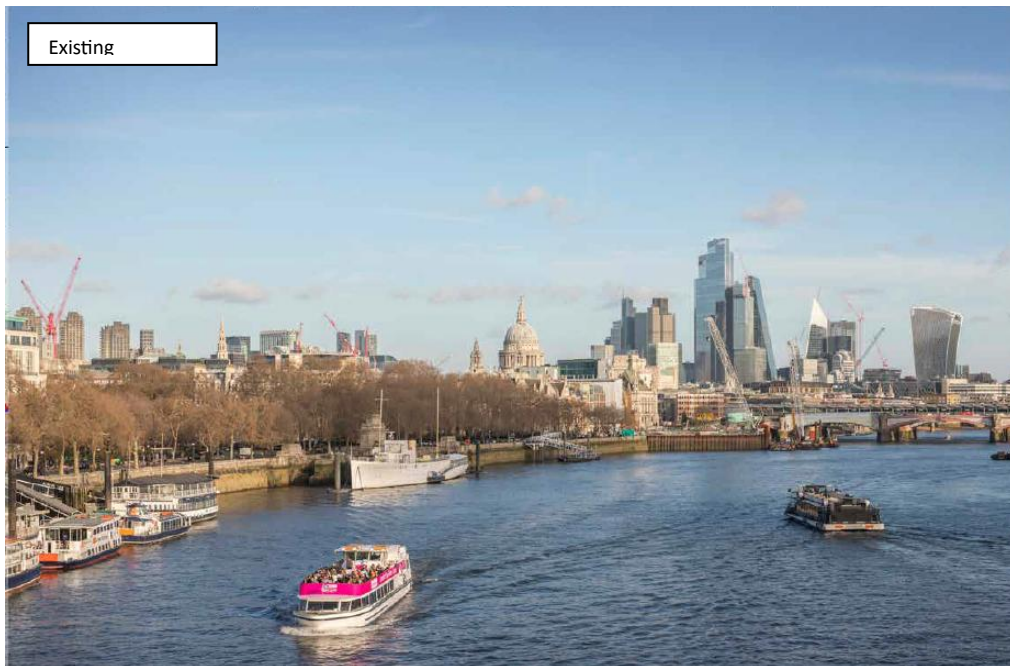
... we suggest these two very recent cases, if examined, would be instructive and illustrative of the nature of the plan-making issues.

It is not constructive to propose a retrospective analysis of recent consents granted for harmful developments. However, we recommended 55 Bishopsgate and 99 Bishopsgate to the Inspectors to illustrate and exemplify the inconsistency, lack of clarity, and ambiguity that would arise as part of decision making under the CP, which we suggest directly impacts its effectiveness.

If examined carefully, Inspectors will notice that there are inconsistencies in the assessment of impact between 55 and 99 Bishopsgate as outlined within Officer's Reports. Whilst in different locations and of different scales and forms, Officers reports acknowledge they share similar impacts to the Cathedral – namely the erosion of the skygap and increasing the 'gravity' of the cluster to challenge St Paul's.

The Officers report for 55 Bishopsgate notes the ‘canyon effect’ that would be created to the Cathedral in view 15B.1, for instance, and the erosion of the skygap. In terms of heritage, the report notes that ‘Due to its height, mass, and siting, the proposed development in baseline and cumulative scenarios would increase the prominence and visual weight of the Cluster of tall buildings, pulling the cluster closer to, and erode the strategic skyline gap between, it and the Cathedral. This would materially detract from the architectural, historic and communal significance of St Paul’s, altering the balance of visual prominence between the Grade I listed building and the tall buildings cluster beyond.’

Consider this published view of both 55 and 99 Bishopsgate (with our mark-up). We include the existing and cumulative proposed.



Given the above analysis for 55 Bishopsgate, is it not evident that 99 Bishopsgate causes greater harm in this regard? It is visually closer to the Cathedral, as experienced from these locations. Due to its siting, height, and massing, it erodes more of the skygap, as experienced in these locations. Objectively, the 'canyon effect' is worsened.

If we then take the Inspectors to the Officers' Report to committee analyzing 99 Bishopsgate. Here Inspectors will find that – for reasons which we recommend should be closely examined and tested - that the infilling caused by 99 Bishopsgate would only *'slightly unbalance the composition and in doing so momentarily reduce the overall visual prominence of the Cathedral.'* At 15B.1. The City argue that this impact is minimised through the design of the scheme, and are at great pains to point out the differences in situation from 55 Bishopsgate. In terms of heritage they note that *'officers consider that the contained and relatively fleeting impact of the proposal would as a result cause harm to its setting and significance'* but that would be *'at the low end of the scale as a result of the momentary impacts from Waterloo Bridge and to a much reduced extent from Hungerford Bridge.'*

This above analysis in our view extraordinarily and wrongly downplays the harm to heritage significance and is completely contrary to not just the representations made by Chapter, but also Historic England – HMG's specialist advisors on these matters.

We accept that these schemes are different, and we recognise that nuance of their impact is different. However, in our view, 99 Bishopsgate worsens a harm present in the earlier consent of 55 Bishopsgate. We do not consider this is adequately or consistently discussed within the Officers' Reports for these schemes. We feel that the representations provided by Officers, both in papers and as directly reported to members at the committee meeting, could appear misdirecting in-light of assessments undertaken by others, such as HE.

Given the City Plan's effective position of immediately defaulting to 'harms vs benefits weighing', it is this inconsistency which is of great concern. This is even more concerning in the long-term, regarding cumulative impacts and short-term decision-making. We invite Inspectors to refer to *the Setting Study* as an evidence base for showing the long-term cumulative effect of harmful change to the setting of the Cathedral which has already happened, in a very short span of time.

As noted, we also have concerns regarding the ambiguous language of specific policies (principally Policy S12 – see submission MM7) which may engender and enable further harmful development and results in the potential for dispute over wording, whereas we propose a very simple 'absolute' meaning of policy wording which would not permit mediation above the line of best fit between contours, which so clearly would be (and is being) exploited by development proposals.

This conflict creates ambiguity and severely compromises the effectiveness of the CP that would only become more entrenched and exacerbated over the plan-period.