

ST PAUL'S CATHEDRAL: HEARING STATEMENT  
 MAIN MATTER 7 – HERITAGE AND TALL BUILDINGS

## 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*.

Appendices to this Statement include an introductory cover letter and *The Setting of St Paul's Cathedral, Its contribution to heritage significance: an analysis and evidence base* (City Plan 2040 Examination in Public version), referred to as 'the *Setting Study*'.

## 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?

A summary of our concerns can be read within our Regulation 19 Response. We do not consider the heritage and tall buildings policies are justified by appropriate evidence with regards to St Paul's. We feel they are contrary to national policy and guidance and do not confirm with the LP.

Our responses to this question are developed below.

## 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?

We have great concern, and what appears to be an irreconcilable difference of expert opinion with the City, in relation to the evidence base regarding the heritage policies within the plan in relation to St Paul's Cathedral. The concerns that we expressed in our Regulation 19 representations appear also to be shared by Historic England. This affects the heritage policies and the way they are applied, and also relates to the evidence underpinning Policy S12 Tall Buildings (see question below).

The City acknowledge that we have shared useful evidence with them on the significance of St Paul's in the *Setting Study* (included as an appendix to this statement); they also acknowledge that we have some expertise to speak cogently in this matter. However, for reasons that are obscure, the City does not appear to have any appetite to listen to or accommodate these representations within the CP and plan making process.

Besides what is set out in detail within our Regulation 19 Representations and also covered within our Hearing Statements (see MM1, MM2, and to some extent MM4) we would ask the Inspectors to probe the underlying motivations and rationale of the City's approach, relating to the evidence base and assessment methodologies.

We have identified in representations that the HIA prepared concerning St Paul's does not appropriately follow accepted guidance on heritage impact, specifically national Historic England guidance *GPA3: The Setting of Heritage Assets*. It does not provide an accurate or adequate assessment of the significance of this building of exceptional heritage value. We also consider that the assessment of the contribution of the setting of St Paul's to its heritage significance is incomplete in nature and partial in scope, and does not acknowledge the changes wrought by cumulative impact. These have caused harmful changes to the significance of the Cathedral over time, and the way this significance can be appreciated.

While there are repeated assertions inferring that the growth of the cluster to the extent permitted in the CP would be positive, appeal decisions such regarding the 'Tulip' (ref: 18/01213/FULEIA) record that, in terms of significance, juxtaposition between the old and new 'cannot be treated as uniformly positive' and 'is not an excuse or license to skip an essential step in assessment'. There are other materials and arguments in this appeal judgements which we would flag to the EIP inspectors as relevant to these matters (not reprised here for concision).

All of these issues lead to a flawed Heritage Impact Assessment, which is used to underpin the heritage (and tall buildings) policies within the cluster.

We have discussed proportionality of assessment elsewhere in our Hearing Statements (MM1 and MM2). To re-iterate here, we consider that, due to the cumulative and long-term nature of the plan policies, the evidence base and heritage assessment should be proportionately and correspondingly detailed to account for these cumulative, long-term changes.

We also note elsewhere (see MM2) that we consider the CP does not accord with other national guidance related to heritage, including *GPA1* and *HEAN3*.

As noted, we request that the *Setting Study* is used within the plan making process to assist with understanding heritage impacts. We ask the Inspectors to determine or advise how this contribution to the evidence should be adopted, referenced and used in the Plan.

In our representations, we have shown how the assessment of heritage impact itself is flawed, noting in particular the wrongful inclusion of townscape and VIA terminology and methodology and how this is contrary to agreed heritage practices (noting additionally, it is in contradiction of the GLA *Planning Practice Note: Heritage Impact Assessments and the Setting of Heritage Assets, November 2023*). We also note the inference of heritage harm within the HIA which is not adequately reflected in the conclusions, or the eventual policies (see also harmful consented schemes, as in MM1). We also ultimately disagree with the level of heritage impact concluded. As noted, this is also important with specific reference to SP12 Tall Buildings (see below)

The CP is not in conformity with the LP in terms of heritage. This concern is discussed in detail in our Hearing Statement for MM1.

**DO THE POLICIES SET A POSITIVE STRATEGY FOR THE CONSERVATION AND ENJOYMENT OF HISTORIC ENVIRONMENT IN A MANNER APPROPRIATE TO ITS SIGNIFICANCE?**

When considered in relation to the NPPF (see MM1), and guidance found in GPA1 (see MM2), we do not consider the CP provides a positive strategy for the conservation and enjoyment of the historic environment (see also our Regulation 19 Representations).

Principally, this is due to the heritage harm that we consider would be 'baked in' to the CP and the evident conflict between Policy SP12 and the heritage policies within the CP, conflict between the strategic objectives of the CP, and conflict with other tiers of heritage policy and guidance. Under the CP the starting point for any new development would effectively be to result in harm, with this harm being reactively minimised or mitigated if possible on a case-by-case basis. This is neither a consistent, coherent, positive or sustainable strategy with regards to the long-term stewardship of our exceptional heritage, including St Paul's Cathedral.

Additionally, due to the harm that would be caused to St Paul's Cathedral, and the flawed nature of the evidence base in relation to the exceptional heritage value of this Grade I listed building, we do not consider that these policies will result in the special interest of St Paul's being conserved in a manner appropriate to its international significance.

We have indicated elsewhere that there are many positive effects, values and benefits that preserving heritage significance brings to society – through the plan-led system. This is multifaceted and an important, necessary aspect of a positive approach to heritage and its relationship to other policy areas and objectives (see para 12 of GPA1). Currently, the imbalance and conflict within the Plan as a whole does worse than not acknowledging this contribution, it actively embeds a process and policy which harms this finite and irreplaceable heritage resource.

Furthermore we also offer comment on the proposed changes to the City Plan concerning conservation areas. We previously discussed the negative effects of the removal of the policy prohibiting tall buildings in conservation areas (see our Regulation 19 representations). We do not consider that the additional new text provides sufficient protection to the City's conservation areas, especially given the City acknowledge the whole of the Square Mile is sensitive to tall buildings.

Our Regulation 19 Representations (see also our other responses to Main Matters) also touched upon the potential to create a policy supporting the design of a 'World Square' to enhance the environs of St Paul's. This would form part of an overall positive strategy for heritage. It is disappointing that this has not been pursued within the heritage policies of the plan, or elsewhere.

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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?

St Paul's has been an engaged observer of the case of 55 Bury Street, and observed the active campaign of the Bevis Marks synagogue community to oppose approval of the infringing development, which has now been refused twice by committee (against Officer recommendations).

The Bevis Marks community have invested a huge energy in being heard. Is it right that it should take such a disproportionate effort to campaign on a recommended decision that most ordinary citizens would recognise as wrong? The Chapter of St Paul's does not conduct campaigns; we recognise that St Paul's is already privileged in the planning system by protective policies (Listing; Conservation Area; St Pauls Heights; LVMF; Protected Views SPG). However St Paul's does feel similarly at risk and threatened. Our key observation in response to this question to the Inspectors is 'please listen to Bevis Marks and their representations'. They deserve their hearing.

But we would go further to generalise from the Bevis Marks experience to suggest to the Inspectors that in the plan-making process it is evident that St Paul's Cathedral voice and concerns are also not heard, or acted upon. The conclusion that should be drawn from this – we offer – is that the CP does not achieve a right balance of sustainability wherein social communal and non-monetary social values, such important aspects of the social objective of the NPPF, are at the heart of plan-making.

ARE THE HERITAGE POLICIES CLEARLY DEFINED AND UNAMBIGUOUS SO THAT IT IS EVIDENT HOW A DECISION MAKER SHOULD REACT TO DEVELOPMENT PROPOSALS?

As noted in other representations (see MM1 and Regulation 19 Representations) we do not consider the heritage policies are well defined or unambiguous.

We have consistently represented that these heritage policies are in conflict with the Tall Buildings Policy S12. Whilst much of the heritage policy wording is broadly positive in terms of positive intent, the harm baked into the plan (principally through Policy S12) would cause conflict with these aspirations for the historic environment and result in ambiguity in the plan, which would be to the detriment of and will not deliver effectiveness.

Our Regulation 19 Responses also outline further concerns with Policies S11 and HE1, principally arising from conflict within the plan.

IS POLICY S12 (TALL BUILDINGS) CONSISTENT WITH POLICY D9 OF THE LONDON PLAN AND IS IT INFORMED BY A PROPORTIONATE EVIDENCE BASE?

As noted, we consider that the flawed evidence base in relation to tall buildings, strategic views, and heritage impact concerning St Paul's means that Policy S12 is fundamentally flawed, not proportionate, and reaches ill-judged conclusions that underplay harmful impacts regarding St Paul's Cathedral. It would also create conflict within many aspects of the plan.

Greater detail on the flaws found within the HIA for St Paul's can be found in our answer to *'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?' Concerns are also outlined in MM1, MM2, and our Regulation 19 Representations.*

Our other representations (see MM1 and Regulation 19 Representations) outline that we do not consider Policy S12 is consistent with Policy D9 of the London Plan. This is related to the flawed evidence base and harmful outcomes of the plan.

We also have concerns with the additional wording in the text underpinning Policy S12. The proposed changes outline with regards to the additional office space required, that *'Taking into account the policies of the plan as a whole, there may be some circumstances where the redevelopment of an existing tall building could contribute towards meeting these needs.'* This again raises queries regarding the evidence base, noted above and within other representations.

From this wording, we understand that the City are identifying that the retro-fit of existing tall buildings plays a part in the delivery of 1,200,000 m<sup>2</sup> of office space. But as we have indicated elsewhere, it seems unclear in the evidence base what the relationship of existing built-volume is to meeting the purported development need. Is it actually possible that the contours could be lower and less impactful if refurbishment of existing buildings is taken into account?

We also note that a number of Statements of Common Ground prepared between the City and landowners agree to explore changes to the contours map in relation to specific potential development locations. These have relevance to St Paul's as a matter of general approach as well as specific impacts. We consider that the deep issues and ambiguities with the current evidence base and methodology should be addressed before any changes to the cluster contours are made. We would be especially concerned with any unevidenced changes that would seek to expand the proposed contours, which we already see as harmful. Whilst we strongly welcome consultation and dialogue on the Plan, it could appear that these are changes to policy advanced by potential individual future developments. This idea is hard to reconcile with a truly plan-led approach. The Inspectors will already be aware that the contours were specifically contrived to encompass the emerging envelope of 99 Bishopsgate – long before there was any public visibility of the emerging design during confidential pre-application discussions. St Paul's wrote to the City to query this developer-led formation – and there is a perceived lack of transparency and coherence around the process. The allocation seemed to have been made without being informed by any formal or transparent heritage and TVIA assessment. Exploration later revealed that the City had in fact published a different modelling of the area around the site of 99 Bishopsgate which did not recommend such an intrusive built form. See: <https://www.cityoflondon.gov.uk/assets/Services-Environment/Tall-buildings-policy-volumetric-testing-1-1.pdf>. It is not understood what changed to vary the City's approach to contours for this site.

The general observation we draw to the Inspectors' attention is that it seems that pressure from promoters of sites can influence the City in their contour mapping, rather than this being led by a well evidenced strategic vision - but contrary representations which highlight issues and harm cannot, even when their own specialist technical advisors have demonstrated these issues.

**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?**

We consider that there is ambiguity and conflict within the wording and associated contours map concerning Policy S12 that will fundamentally reduce and impact the effectiveness of the plan.

As outlined in other representations (MM1, MM2, Regulation 19 Representations), we consider that the contours inherently linked to this policy would permit, entrench, exacerbate and enable development that would be harmful to the heritage significance of the Cathedral, and the way this exceptional heritage can be appreciated. It would also run contrary to policy and guidance on protected views. This would conflict with the other policies within the plan, and the NPPF, and mean each development would be assessed, from a starting point, as harmful. The harm would be 'baked in'. In our view, this level of harm as outlined in the plan in Policy S12, should be unacceptable and, cumulatively, could not be justified against general public benefit weighting arguments. Public benefit should be designed into the plan without harm being accepted at the starting premise. This conflict would lead to an inherent lack of clarity in the plan in terms of decision making, making the plan ineffective. Decisions on recent development, such as 55 Bury Street, illustrate this ambiguity.

We also have concerns with the wording of the policy. As outlined in our Regulation 19 Representations, the term 'successfully mediate' would, in practice, be pushed to its absolute extents, exacerbating harm and creating ambiguity once precedent was set. We also feel that the policy does not adequately address incremental harms (see also MM1).

We agree with the fact that existence of tall building on a site is likely to be a material consideration in determining development. However, the proposed changes to the wording underpinning this policy (PC85) note that the retrofitting of these buildings may be considered appropriate. We consider stronger wording here is required to ensure that inappropriately located existing tall buildings do not become more harmful through this process and every effort is made to remediate this harm. The City speak about 'enhancing significance' within their heritage policies, but we see little evidence of policy directly supporting enhancement – at least not to the extent that policy would actually result in a harmful building being removed.

**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?**

Policy S13 outlines those protected views identified by the City, and strategic views identified by the GLA. We consider the tall buildings policy S12 would create development that conflicted with the aims, objectives and wording of protected views policy and guidance, again creating conflict within the plan and reducing its effectiveness. We also consider that the SVIA (and HIA) which underpin this work are flawed.

**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?**

We outline our response to this in more detail with accompanying Representations (specifically those prepared at Regulation 19). Given the inherent conflict with other policies (specifically Policy S12, tall buildings) it is unclear how the objectives of this policy can be met.