

**Statement of Common Ground (SoCG) between
City of London Corporation and St Paul's Cathedral**

25th November, 2024

City Plan 2040

1. Purpose of the Statement of Common Ground

The purpose of this Statement of Common Ground (SoCG) is to update the Local Plan Inspector/s and other parties in relation to matters raised within Regulation 20 representations. The topics covered in this SoCG include themes related to the Plan as a whole, stemming from disagreements regarding heritage and the impact of tall buildings, particularly in relation to the heritage value and landmark status of St Paul's Cathedral and its multifaceted contribution to wider London.

This SoCG has been prepared post submission of the City Plan 2040 on 29 August 2024. It highlights matters where agreement has been reached, and areas where agreement has not yet been reached but will be subject to further discussion at the Local Plan examination hearings.

This SoCG is in addition to any other matters or statements to be produced during the course of the examination by either party.

2. How this Statement has been derived

In developing this document, both parties have been aware that a Statement of Common Ground should be factual, highlighting matters of agreement or disagreement. Both parties have sought to particularise these areas of disagreement in a manner intended to assist the Inspectorate with the complex task of effectively scheduling the Examination in Public (EIP).

As time has been very limited with regards to the preparation of this Statement, what follows is more an expression of separate and differing viewpoints, rather than a synthesis of the arguments and clear areas of agreement over 'common ground'. Where commonality is agreed, as far as possible, this has been noted. We are also seeking to highlight to the inspectors areas of disagreement which both cordially parties agree could be themes drawn out for effective scrutiny and examination.

St Paul's also seek to acknowledge that, whilst the plan making process necessitates the regular monitoring, review, and preparation of new and updated plans, the evolution and examination of the City Plan 2040 is a rare occurrence. Both St Paul's and CoL recognise that the content of the Plan and the detail of the evidence base that underpins it, are all highly important for the future of the City of London and the situation of St Paul's within the City. We recognise that this is a once in a generation event and thus Chapter of St Paul's are especially interested in and committed to the collaborative formulation of the best (most effective and least harmful) City Plan.

In all cases, St Paul's refer to the representations prepared as part of the Regulation 19 response, which should be read alongside this Statement – from which this discussion constructively emerges.

Additionally, this Statement includes reference by St Paul's to the context of the Regulation 19 response, which the Cathedral considers important to understanding the rationale and position outlined in representations and in this paper. This includes discussion of the rate and type of change of the setting of the Cathedral, which St Paul's feel is an important consideration in understanding the response to the draft City Plan 2040.

The differences of position and policy preparation between St Paul's and CoL are, in some areas at least, so marked that this Statement focuses on identifying areas of disagreement, rather than commonality. In doing so, both parties have striven to avoid rehearsing arguments in representations. Instead this document seeks to define a series of broad themes on which we hope there will be constructive engagement under examination.

3. Parties

The signatories to this SoCG are the City of London Corporation (CoL) and the Chapter of the Cathedral Church of St Paul in London (hereafter 'St Paul's')

4. Comments received at Regulation 20

St Paul's submitted their Regulation 19 response (R0008) on 17th June 2024. These representations raised significant concerns regarding the proposed 2040 Plan, primarily related to the perceived heritage harm that would arise as a result of the proposed Clusters on the significance of the Grade I listed Cathedral. St Paul's also identified harm to the presence of the Cathedral as a Strategically Important Landmark and its contribution to strategic and local views. Chapter's representations further questioned the assessment methodology and conclusions used to underpin these parts of the Plan.

The St Paul's response is principally focussed on Chapter 11: Heritage and Tall Buildings. However we are in agreement with the City that the Plan must be considered as a whole. Representations set out that that, as harm was identified by St Paul's in relation to Chapter 11, other representations were made on other related chapters of the Plan: such as Chapter 1: Strategic Priorities, Chapter 2: Spatial Strategy, Chapter 5: Offices, Chapter 9: Design, and Chapter 14: The Temple., the Thames Policy Area & the Key Areas of Change.

In its representation St Paul's set out an understanding and argued that the draft Plan is unsound due to the harm that the Cathedral perceive would arise from development that would be compliant with Policy S12. St Paul's consider this harm would be inherent in the Plan, cause conflict within Policy S12 itself and cause conflict between Policy S12 and the other policies of Chapter 11: Heritage and Tall Buildings. As noted above, St Paul's consider that when logically argued through, these conflicts arise from the identification of dependencies which place the delivery of the effective aims and principles of Chapter 11 in conflict with the Strategic Priorities of the Plan itself.

St Paul's understands that CoL will be proposing some minor changes to the draft Plan through the examination. These have been relayed verbally by City officers; however, St Paul's do not feel that the Plan would meaningfully be changed in a way that addresses the concerns raised

in representations. Thus St Paul's feel that representations made in July 2024 still stand.

5. Agreed principles and aims:

St Paul's and CoL agree that:

- The Plan policies should enable and establish the basis for development of a vibrant, prosperous City.
- The Plan, and all of the development that it would permit, should deliver sustainable development (environmentally, socially, economically) in line with the objectives of the NPPF.
- That there is a 'social value' to heritage, aspects of which are not quantifiable in monetary terms, but which is directly linked into social and communal well-being, sense of identity and place, communal cohesion and other benefits including sustaining traditional skills, specialist stewardship and care for heritage and environment, and employment more generally.
- St Paul's Cathedral has a direct economic impact on the City, supporting events and the visiting economy, including circa 750,000 direct paying visitors to the Cathedral, who further bring a calculable monetary benefit to other businesses in the City and London.
- St Paul's also has a recognised and major indirect economic effect in the 'brand value' of the City, London and Nation. This brand value is strongly linked to the visual identity and identifiability of the Cathedral as a Strategically Important Landmark. Research by Historic England notes that the Heritage Sector directly contributes £15bn to the UK economy annually; but the same research notes that the 'life-wellbeing value' of heritage to the UK economy and citizenry has a calculated value of £29bn. St. Paul's introduces these research metrics relating to the non-monetary and social value of heritage into this expression of principles, in order for the inspectors to recognise and appropriately balance the weighting of policy considerations and for the inspectors to fully recognise the social, environmental and economic benefits of the Cathedral.
- It is agreed that heritage assets are a finite and shared resource which, once lost or harmed, cannot be recovered. There is a direct and indirect economic and social value to this precious, finite heritage resource. The same is true for the value of the important landmarks to London's iconic cityscape and skyline.
- Both the City and the Cathedral acknowledge the exceptional spiritual value of St Paul's. The Cathedral is one of the pre-eminent places of Christian worship, not just in the City or in London, but in the Nation. The cathedral is a symbol of hope to millions, the visible heart of a community, and has stood as the spiritual centre of the City for over 1400 years.
- This unique, exceptional, and long-standing communal and spiritual value is also a key component to the heritage significance of the Cathedral as a Grade I listed building, and

its multifaceted contribution to the diverse City and society more generally.

- It is acknowledged by both City and St Paul’s that, over 20 years, the contribution made by the setting of St Paul’s Cathedral to its significance and its heritage and landmark value as a prominent and dominant landmark in the City of London has markedly and inherently changed.
- CoL acknowledges that St Paul’s have made representations to the City planning team over many years and engagements (letters, meetings, casework discussions) flagging concerns about harm to the cathedral arising from case-by-case planning judgements. Both parties agree that some developments in the City have been acknowledged as part of the planning process to have caused heritage harm to the significance of the Cathedral and its role as an important landmark in key views. Both parties agree that such decisions can be reached in accordance with the balancing exercise set out in national policy.
- St Paul’s and the CoL have differing views as to the consequences and implications of these past and on-going planning decisions for informing the new City Plan, which we both agree are of great importance to explore, which are discussed further below.
- St Paul’s and CoL are completely aligned on the value of planning policy being better proscribed, clearer, more certain of outcome, lower risk (for developers) and less contentious. If delivered, overall we agree that good effective policy-making would be a major public benefit in relation to the sustainable growth of the dynamic setting of the Cathedral AND seeking to prevent further heritage harm as well as, where possible, seeking to enhance this heritage significance and setting.
- St Paul’s and CoL are strongly aligned and in agreement on the importance of the City Plan 2040 being the best it can be, especially in relation to management of the exceptional heritage significance of St Paul’s Cathedral in relation to national and international policy norms.
- It is also mutually agreed by both CoL and St Paul’s that there is real value in a close relationship, partnership working and liaison - on a range of matters of common and public interest - for the benefit of the City, including planning matters and casework. CoL values the voice and expertise of St Paul’s as a public participant in the consultative planning process. A core shared objective of the plan making process, within which this SOCG resides, is that we want to sustain and develop the continuing good relations between the CoL and St Paul’s recognising the public benefit of so doing.

6. Key topics for discussion

The CoL and St Paul’s Cathedral differ on the appropriateness of the methodology used within the evidence base for the Plan with regards to heritage, visual, and townscape impacts. St Paul’s and the CoL also fundamentally differ in the conclusions reached on heritage impact and visual impacts which will arise from the Plan policies. This can be understood and summarised

as a difference in views relating to the following headings which we aim to concisely express as a mutual set of themes in the following agreed text:

- Overall Methodology
- SVIA methodology and conclusions
- HIA methodology & evidence base
- HIA conclusions
- ‘Baking in harm’ conceptual analysis
- Interrelationships between heritage and tall buildings policies
- Interrelationships between heritage and tall buildings policies and the Plan when read as a whole
- Wording and interpretation of Policy S12
- Justification of Impacts.
- Wider issues
- Overall Soundness.

7. Overall Methodology

St Paul’s disagree with the appropriateness of the assessment methodology related to impacts and heritage harm used as part of the Plan. The Cathedral note in representations that there are established, tried and tested methodologies for evaluating the key constraints of importance – especially heritage impacts - used to underpin the Plan. St Paul’s suggest that, whilst still mediating between these constraints, recognised methodologies for assessment should still be adhered to.

St Paul’s offer in representations that where needed a ‘bespoke approach’ might come from interpretation and analysis - i.e from mediating and evaluating the interpretations between the conclusions of these methodologies - but a departure from the assessment methodologies themselves, or diluting accepted and recognised evaluation methodologies should not be accepted, especially when the evidence base appears to rely upon these accepted methodologies.

St Paul’s assert that this is not the policy place or process to be testing ‘new methodologies’ given the implications this may bring, and the resulting obfuscation, loss of transparency and objectivity. The relationship between the assessment used to evaluate the contours and consented and forthcoming schemes of development is also unclear.

St Paul’s have noted that the assessment methodologies are inconsistent and do not follow the methods identified by Historic England Guidance and principles set out in the NPPF.

CoL considers that the evidence and methodology underlying the City Plan 2040 to be proportionate to this strategic exercise of plan-making.

While the proposed Clusters would appear in many local and strategic views of the Cathedral, they are not individual proposals and therefore cannot be assessed using established methodology that is designed, in the main, for the level of detail of planning applications.

CoL’s position is that it is not possible or appropriate to draw firm conclusions on whether harm could be caused by such strategic parameters as the Cluster contour lines. This is because

they represent a hypothetical scenario for future development, rather than realised development proposals that have clear and fully rounded relationships with heritage assets. Development proposals would need to undergo rigorous individual assessment as part of the planning process, including on their impact on St Paul's, and this is required in relevant parts of the City Plan.

CoL considers the 'tried and tested' methodologies described by St Paul's have not, in fact, have been 'tried and tested' on an exercise such as this. As there is no methodology extant for assessing the likely effects of broad, hypothetical scenarios such as those posited in the City Plan, CoL has developed a bespoke methodology couched in townscape terminology. This is not as detailed as the processes described by St Paul's, reflecting the lack of detail of the Clusters as 'proposals' which are available to assess. CoL remains of the view that this methodology is appropriate and proportionate to the task of plan-making – and that applying methodologies designed for individual proposals or planning applications would, in fact, in itself be inappropriate to the task at hand.

Furthermore, CoL strongly considers that a key purpose of this exercise, in seeking to strategically identify tall building locations and heights, is to minimise the possibility of them causing harm to the City's strategic heritage assets; the exercise is at the strategic level of plan-making and not the detailed level of decision-taking. CoL strongly contends that no Plan could guarantee that harm be avoided, only the possibility of it minimised as far as reasonably possible.

Whilst acknowledging that the Plan contours are not 'development proposals', St Paul's consider that, given the 3-dimensional nature of the policy as expressed in the Plan and the way it has been depicted and indeed assessed within the City's own evidence base, the very principle of contour compliant development can be understood to cause harm. Thus St Paul's contend that this harm is already evident and demonstrable within the Plan as published.

The CoL acknowledge that the proposed City Cluster includes contour heights commensurate with consented scheme that were found to cause harm to the setting of St Paul's. Both parties agree that consented schemes should not be ignored in planning processes. It is the CoL's view that the formation of the City Cluster successfully ensures that consented schemes would be incorporated into a holistic and comprehensible skyline, and that by doing this the potential for harm to St Paul's and other strategic landmarks would be minimised.

In the view of St Paul's, there have been multiple instances in the past - continuing in the present - of consents which have resulted in erosion of the significance and setting of St Paul's, contrary to the City Corporations' adopted Protected Views SPD's and LVMF policy guidance and recommendations and St Paul's understanding of the contribution of the setting of the Cathedral to its significance. St Paul's consider that there are many cases of 'managed changes' being consented which exemplifies a long course of 'controlled detriment' to the heritage significance of St Paul's Cathedral, which St Paul's are representing to CoL should not be further facilitated and enabled under the new 2040 Plan.

The Inspectors may wish to call for evidence on the number and nature of approved development schemes in which harm to the Cathedral has been identified (by any party) but approved. St Paul's feel that this is an important line of enquiry and evidence for understanding

concerns around the future impact of the policies that have been proposed under the 2040 Plan.

St Paul's particularly notes that the contours do not just encompass existing consented schemes which were approved having identified heritage harm (but this harm is not acknowledged in the plan-making methodology or HIA output) but also the proposed contours in addition would permit further new development immediately around these approved schemes which – by definition – would also cause further harm. We recognise that this Statement of Common Ground is not properly the place to articulate these granular issues with the Plan, but we are seeking to flag to the inspectors how these overlapping web of issues that are expressed in our representations actually take effect in the reality of the policy as currently formulated.

St Paul's consider, therefore, that the approach taken by the CoL 'bakes in' harm the Plan (see further detail below) and indeed would be construed as establishing the circumstances for permitting development to such an extent as described by the policy contours, which would be harmful.

The Cathedral considers that there is a dissonance between the way the overall methodology of the Plan described by the City, and the individual methodologies that appear to underpin the Plan with regards to assessment. The Cathedral consider this would create harmful outcomes which conflict with the overall policy aims for heritage within the planning process. If not amended at this stage of examination of the Plan, St Paul's contend that there would be a missed opportunity to reduce controversy and improve clear, effective planning outcomes, which would be of public benefit.

Whilst the policy includes a contour map and not development, St Paul's understand that the evidence base for the Plan has effectively assessed the principle of development of the clusters to the form and height prescribed, cumulatively.

St Paul's consider that it must be acknowledged that, to deliver the quantum of development the City's economic modelling indicates as required, and to maximise development yield for applicants, applications will likely be testing the contours to their very limits. This is borne out by the Cathedral's present and recent experiences in dealing with applications that respond to the Plan, currently understood as 'emerging policy' (see further below).

8. SVIA methodology and conclusions

St Paul's disagree with the conclusions of the SVIA with regards to impacts to key views, including strategic views. St Paul's consider that the proposed clusters - location, volume, mass and form of permitted development that would be permitted by the policy contours - would cause adverse visual impact to the character and composition of strategic and local views identified within the SVIA. The Cathedral considers that this impact would detrimentally affect the ability to appreciate St Paul's as a Strategically Important Landmark.

St Paul's therefore consider the conclusions of the SVIA to be flawed and contrary to existing local and regional guidance regarding such views – and their underlying policies.

St Paul's disagree with CoL regarding the methodology and proportionality within the SVIA especially as it is later used to underpin the Heritage Impact Assessment (HIA). (see below).

CoL considers, in relation to the important views of St Paul's in which they appear, that in their location, volume, mass and form, both Clusters would assume appropriate and respectful forms in relation to the Cathedral, and that their physical distance across the City from the Cathedral and their visual distance from it in the views would ensure that the possibility for individual planning applications to cause harm to its setting are satisfactorily minimised. As such, CoL continues to stand by the conclusions of the SVIA. See also CoL's commentary on point 10 below.

The Cathedral refers to their Regulation 19 responses as to exactly where and how they consider adverse visual impact would arise, and disagrees with the City's viewpoint. The Cathedral also wishes to re-iterate that, whilst the CoL contend the Plan cannot be assessed as 'development', the conclusions of the SVIA effectively does so and are used to underpin their strategic thinking and plan making rationale.

9. HIA methodology & Other evidence base

St Paul's disagree with the robustness of the HIA produced to assess the impact of the Plan - specifically the proposed clusters - on the sensitive heritage of the exceptionally significant Cathedral.

St Paul's disagrees with CoL on the following core topics:

The reliance of townscape and VIA methodology is unsatisfactory. In the view of St Paul's, without being grounded within heritage significance, as mandated by Historic England guidance GPA3, other national guidance and policy, and as a response to legislation, the method cannot support the aims, principles or conclusions of the plan-making process

CoL disagrees and would refer to its commentary on point 7 above.

St Paul's consider that the HIA does not adequately assess the significance of the Cathedral, its setting, and the contribution of its setting to its heritage significance and how this significance can be appreciated. St Paul's consider this is an inappropriate approach to 'setting' and is not in line with accepted methodology GPA3. This inadequacy is wide ranging and multifaceted and explored in depth within the Cathedral's representations, which should be referred to for detailed discussion.

CoL disagrees and would refer to its commentary on point 7 above.

St Paul's instead offers the mature draft of the '*St Paul's Setting Study*' which was submitted in July as part of St Paul's representations, as an alternate, proportionate, and methodologically sound evidence base which defines the significance of the Cathedral. On this basis, the Setting Study is a proper basis through which to judge the impact of the tall buildings policies - as, in line with the NPPF, heritage assets must be conserved proportionately to their significance. The CoL agree with St Paul's that the Cathedral is the most significant building in the City of London, and is of international, exceptional heritage significance.

St Paul's request that the Inspector utilises the Setting Study as part of examination of the City Plan 2040, in preference to the baseline within the existing HIA prepared by consultants TTC that is currently part of the evidence base.

CoL welcomes the comprehensive Setting Study and is grateful to St Paul's for providing it; the CoL acknowledges that this it is vastly more detailed than Statement of Significance included in the HIA (para 6.7-6.42). CoL sees the Study as a very useful basis for future policy development, especially in relation to the revised Views SPD it intends to produce as a replacement for its 2012 Protected Views SPD (though of course this process would happen after and is beyond the scope of the Plan process). Nonetheless, CoL's position continues to be that the information contained within the HIA is accurate, proportionate and suitable for assessing the broad, strategic impacts on St Paul's setting for the purposes of this exercise. See also CoL's commentary on point (7) above. CoL does not consider it appropriate or, indeed, possible to discount the HIA as an essential part of its Evidence Base and replace it with the Setting Study.

St Paul's note the above and hope it can be agreed with the inspectors early in the examination process to explore what is 'appropriate' and 'possible' and we hope that the appropriate use of the St Paul's Setting Study can and should be agreed with the inspectorate in the early phase of the EIP.

St Paul's notes the 'bespoke methodology' discussed elsewhere, and asserts that – with regards to heritage - anything other than assessment undertaken with methodology tried and tested by both appeal decisions and the Court such as GPA3 is appropriate. We understand that the Plan is not a development proposal, however as discussed elsewhere – consider that that the principle of the clusters and harm that the policy may facilitate and enable can be assessed in compliance with agreed guidance and methodology. St Paul's notes that the HIA prepared by TTC that underpins the Plan appears to do so (though, as noted, St Paul's feel this is highly deficient in multiple key areas).

St Paul's disagree with CoL on the relationship between the HIA and the topic paper regarding the ultimate justification for the policy.

St Paul's does not consider that the HIA provided, notwithstanding methodological inaccuracies or its conclusions (see below) is proportionate, especially considering the importance and scale of change wrought by the cluster, relative to the exceptionally high international heritage significance of the Cathedral.

St Paul's therefore consider that the HIA does not adequately or accurately assesses the impact of the Plan on the heritage significance of the Grade I listed Cathedral.

Nonetheless, CoL's position continues to be that the information contained in the HIA is accurate, proportionate and suitable for assessing the broad, strategic impacts on St Paul's setting for the purposes of this exercise. See also CoL's commentary on point (7) above.

10. HIA conclusions

St Paul's respectfully acknowledge but fundamentally disagree with CoL's consultant advisors regarding the conclusions reached by the HIA regarding the level of heritage harm caused by development that the Plan would enable.

St Paul's considers that the assessment of the impact of the proposals which will (and are expected) to emerge as a result of the Plan is unclear, and that at certain points throughout the report the HIA infers that heritage harm would be caused – but this harm is left unacknowledged in the conclusions. The Cathedral also considers that a conclusion of harm could even be reached in line with an assessment undertaken with CoL's own Topic Paper, which the Cathedral also considers to be flawed.

St Paul's disagrees with the ultimate conclusions reached by the HIA. St Paul's has articulated and made clear representations on the technical evaluation of harm and impacts. CoL acknowledge that St Paul's are well advised on matters relating to heritage evaluation and that the views of St Paul's are also echoed by Historic England, who are similarly specialist in this technical field of heritage management. As noted above, CoL also accept that there has been a long period of change in the environs of the Cathedral. Whilst there are differences of opinion as to how much that change of approved and built developments have been impactful and harmful, it is a common understanding that many developments are approved where heritage harm has been recognised but nonetheless permitted.

St Paul's consider that the out-working of the Plan policy as currently expressed would cause a high level of heritage harm to the significance of the Grade I listed building of international importance. Thus St Paul's position and assertion is that the Plan 'bakes-in' a process of further unacceptable harm (as discussed further below).

St Paul's consider that this impact would also be identified in line with assessment undertaken in line with the Setting Study as an appropriate baseline, with a proportionate and suitable assessment methodology.

The City continues to stand by the conclusions of the HIA, which is that the consolidation of the City Cluster is likely to have a neutral to beneficial effect on the setting of St Paul's overall. CoL considers that the proposed City Cluster contour lines would satisfactorily minimise the possibility of harm being caused to the setting and significance of the Cathedral, and that the Plan as a whole sets out a suitable approach to meeting objectively assessed needs, would be consistent with national policy and is justified by proportionate evidence.

In the vast majority of the viewing experiences assessed, clear sky space would be maintained around the Cathedral and sufficient visual distance maintained between it and the Clusters to ensure that the iconic silhouette would remain instantly recognisable and appreciable. Moreover, in the views where the visual proximity is greatest, such as from Waterloo Bridge (15B.1), the edge conditions of the proposed Clusters would be appropriately deferential and respectful. Furthermore, the considerable physical distance maintained between it and the Clusters would ensure that it continued to command considerable zone of low-rise, historic townscape and the Clusters would be seen at removes from it, set apart. The prospect of the Clusters and the Cathedral on the skyline would, as now, continue to be a layered juxtaposition between St Paul's and the commercial centre of the City.

The HIA notes in several places (paras 6.49, 6.52, 6.57) that there could be potential for adverse effects. CoL considers that the HIA gives a realistic assessment of the potential impacts, given the challenges of analysing a 3D visualisation of 2D contour lines. The identification of potential adverse effects is not a definitive conclusion of harm, but is a realistic assessment that certain views are particularly sensitive and that there *could* be circumstances where an individual scheme in the proposed City Clusters *might* be found to cause harm; but, at this strategic level of plan-making, as set out above, CoL considers it impossible to be definitive on these matters, and continues to assert that the way in which the SVIA and HIA articulate potential impacts is valid proportionate to this exercise. Furthermore, the Plan contains policies that require detailed assessment of individual applications and their impact on heritage assets.

St Paul's refers to their regulation 19 representations for more detailed commentary on the nature of heritage impacts. St Paul's strongly but respectfully disagrees with CoL on this counter-position especially what is understood by the words 'deferential; respectful; and layered juxtaposition'. We suggest that these terms and the basis for argument should be subject to close and considered scrutiny at examination. This argument would appear to run counter in sentiment and policy to the well established City SPD on View Protection (Adopted Jan 2012) and indeed St Paul's understanding of the contribution of setting to the significance of the Cathedral.

As elsewhere, St Paul's seeks to note the dissonance between the weight the City place on the HIA, the proportionality described above, and the degree of harm that St Paul's consider would be caused by development that accords with the contours (especially if and when development pressures and tests the contours to their limits as discussed above).

St Paul's contend that 'proportionality' in relation to method and assessment process should be judged to reflect:

1. The exceptional significance of St Paul's Cathedral. There is no more important historic structure in the City of London.
2. The quantum and nature of past change, and the quantum and nature of potentially detrimental change that would be permitted and facilitated by the contours defined in the draft 2040 Plan.

As described elsewhere, this is St Paul's experience in commenting on recent and current planning applications, which illustrate our concerns of the harm that would be enabled and borne out by the Plan. We invite the Inspector to consider the approved application for 55 Bishopsgate, and the current live application for 99 Bishopsgate as helpfully illustrative exemplars of the issues inherent to the contours.

In the case of No. 55, 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.

St Paul's recognises that the inspectors must not seek to intrude on the correct or proper application of the planning process underway in relation to 99 Bishopsgate; however we suggest these two very recent cases, if examined, would be instructive and illustrative of the nature of the plan-making issues.

11. 'Baking in harm' conceptual analysis (linked to above)

St Paul's disagree with CoL regarding the nature of heritage harm (and harm to key views and townscape) and the Plan.

St Paul's consider the Plan would 'bake in' these harms to the Cathedral by effectively enabling development that could, and would, built out to and fill up a 'development envelope' – whether this is the policy aim or not. St Paul's consider that even conservatively responding to the contours within the policy would enable and permit further harmful development.

St Paul's acknowledge, but disagree with, CoL's position that harm cannot be baked into a Plan, and that the contours defined by the 'jelly mould' should be assessed in a different way to 'development.' St Paul's observe that the contours (and the jelly mould used to communicate them) are a spatial construct in three dimensions. Thus when viewed cumulatively, the principle of the contours can indeed be assessed in line with the technical evaluation processes used for development – and such harm can therefore be 'baked in' by policy which essentially will enable future harm.

St Paul's would then also query that, given this is the position of CoL, why the 'jelly mould' visualisations were used as the basis of assessment, and why City rely on an assessment process that fundamentally follows that of development.

It seems to St Paul's that CoL are seeking to advance an argument that the planning policy is not 'development' therefore St Paul's critique of the harmful effect of this policy cannot, in the view of CoL, be considered detrimental in heritage terms.

St Paul's note the policy wording and supporting documents use the 'visual shape' of the policy area as their own basis for testing - including seeking to bring forward arguments about the positive effects of consolidation of the Cluster and so-called 'edge conditions'. St Paul's therefore suggest that if CoL find that they can define the policy area spatially in their self-evaluation, then St Paul's approach to this heritage critique must be valid also.

CoL would refer to its commentaries at points 7 and 10 above. To reiterate again, CoL's position is that plan-making cannot itself avoid or cause harm or make guarantees on this matter; it can only establish a framework that would minimise the possibility of harm arising from individual planning applications, which will themselves be subject to further rigorous assessment. CoL considers that, for the reasons outlined in the commentaries above, particularly point 10, the proposed Cluster envelopes would have appropriate visual relationships with the Cathedral and would minimise the possibility of individual planning applications that could cause harm to its setting or significance. CoL considers this to be true of the wider approach in the Evidence to the City Plan 2040, which is to assess the entire City for its sensitivity to tall buildings and to

scope Cluster modelling only in those areas deemed only sensitive to this form of development. For all these reasons, CoL considers that the Plan would not ‘bake-in’ harm occurring from tall building development, but, in actuality, would set out an appropriate framework for guiding the development of tall buildings in the Square Mile, while minimising the possibility of harm arising.

St Paul’s would refer to the comments above regarding disagreement over the assessment methodology used, and indeed how the policy could and would enable harm.

St Paul’s also wish to note the further risks they perceive are associated with such a policy. Policies provide key constraints and guidance for applicants, and thus greater certainty of outcome, which is beneficial and a public good. As noted above, St Paul’s has fears (and has seen such fears already borne out) that development will actively test the limits of the contour map – which enable an unacceptable level of harm within a compliant scheme.

Additionally, policies are ‘signifiers’ of the intent and aims of the local authority. They have weight and are indeed weighted in the planning balance. St Paul’s has a further concern that such a policy would, rather than providing a key constraint to preserve heritage significance for public benefit, instead signify that broadly such significance could be eroded. There are concerns that this weighting would emerge in the wider planning balance taking the Plan as a whole. In short, the Plan bakes-in harm and/or the potential for harm.

12. Interrelationships between heritage and tall buildings policies

St Paul’s disagree with CoL regarding the soundness of the Heritage and Tall Buildings Policies section of the Plan and consider there to be irreconcilable and unresolvable conflict between the harm that would be caused and enabled by development that is compliant with the policy, and the wording of the policies with regard to significance. We note that the overarching policy ambition is to preserve and enhance heritage significance, protected views, and deliver a well-designed sustainable and economically viable townscape which delivers public benefits and social value.

St Paul’s consider visual and heritage harm that would be permitted by development under policy S12 to conflict with the wording of the overarching heritage policy and the policy regarding strategic views (which links to the London Plan and LVMF, as well as the SPD).

CoL contends that the proposed Cluster is a framework for future growth, shaped by extensive consideration of St Paul’s, that would minimise the possibility of individual schemes causing harm to St Paul’s; and that plan-making is too strategic an exercise for conclusions on harm to be definitively reached. This conclusion leads CoL in turn, to conclude that the Plan is sound and that its policies accord with one another and with national legislation and policy.

The CoL note that the planning system (including the NPPF, the London Plan and legislation) requires detailed assessment of tall buildings and their impact at planning application stage and the City Plan follows this approach.

As noted above, whilst understanding that the Plan is not a ‘development proposal’, St Paul’s consider that given the nature of policy and contours, the policy would effectively facilitate and

enable harm in principle and that, in the assessment provided, the envisaged extent of the clusters enabled by the policy would be contrary to other policy and guidance.

13. Interrelationships between heritage and tall buildings policies and the Plan when read as a whole

St Paul's disagree with CoL on the soundness of the Plan as a whole due to the interrelationships between the heritage and tall buildings policies and wider policies. St Paul's consider that the harm the Cathedral understands would be 'baked-in' to the Plan by the contours (and quantum of development thus described) means there is also a conflict and imbalance between the heritage and tall buildings policies and other policies within the plan. St Paul's consider that this would cause conflict and imbalance between and within the strategic objectives of the Plan. St Paul's consider that this harm, and associated conflict and imbalance, mean that additional sections of the plan are unsound. This is described below and in detail within the Cathedral's Regulation 19 Representations.

St Paul's consider that there are underlying assumptions and parameters that are in conflict with heritage and other protection objectives (see St Paul's Regulation 19 representations), including delivering public benefits and social value. St Paul's also assert that the evidence base for these assumptions are unsatisfactory or unfounded - such as the demand for new office space. The Cathedral considers that the harm to the Cathedral that would be caused by development enabled by the Plan mean that other policy areas, such as the Strategic Priorities of the Plan, the Spatial Strategy, Offices, and The Temple, Thames Policy Area and the Key Areas of Change are conflicted, imbalanced, and unsound (see more below).

These issues with the evidence base establish conflicts in the Plan when read specifically in relation to policy wording and as a whole, and consequently the soundness of the Plan is at best un-proven, in the view of St Paul's.

CoL and St Paul's agree that the Cathedral are not specialists in the economic assessment used to underpin the Plan. However, both parties agree that matters of objectively assessed need – particularly for economic development – are an important aspect of the evidence base that warrants exploration at the examination. These pertain to the heritage policies as they have been used as justification for the quantum of development – and the Cathedral consider causes harm and conflicts in the Plan. It is agreed that the Inspector(s) may wish to explore the relationship between the economic evidence and policies, and the evidence and policies relating to heritage, tall buildings and views, and that in so doing should give recognition to the non-monetary value and significance of heritage.

St Paul's suggest that there is also a concerning lack of proof in the Plan that a) the target volume of development required and supported by London-wide economic evaluation actually has informed the proposed 'jelly-mould' policy space: potentially a tighter policy space could be markedly less harmful and b) there is no evident evaluation of whether the economic parameters could be achieved with less or no harm, by some form of options appraisal.

It is acknowledged that the latter point is predicated on an acceptance that there will be harm brought about by this policy, which at present CoL's HIA does not identify (see above).

St Paul's disagree with CoL on the conflict inherent to the Plan and question the soundness of the following areas additional to Heritage and Tall Buildings:

- Strategic Priorities
- Spatial Strategy
- Offices requirements
- The Temple, Thames Policy Area and the Key Areas of Change

The CoL considers that the City Plan 2040 is supported by appropriate evidence, and policies strike an appropriate balance between the three pillars of sustainable development. The Sustainability Appraisal has assessed the impacts of policies both individually and cumulatively against sustainability objectives.

The sculpting of the Cluster envelopes to take account of heritage constraints is a separate but related exercise to the capacity modelling. This evidence has set out how the cluster has been informed by SVIA, HIA and the Strategic Landmarks. Capacity modelling of the tall buildings clusters is intended to demonstrate how objectively assessed needs can be met. It must be reviewed in the context of new office floorspace being focussed around the clusters while changes of use of less strategically positioned sites will most likely offset some of these gains. Therefore capacity modelling is one part of the equation and diminishing the capacity of the clusters significantly would undermine the deliverability of the Plan as a whole.

As expressed above, St Paul's invites the inspector to examine whether there is sufficient transparency, clarity and commonality around the overall assessment methodology, and the way it is communicated, which is a sufficient (proportionate and consequential) for the purposes of informing judgements of the appropriateness of the policy as proposed.

14. Wording and interpretation of Policy S12

In addition to the conflict between the outcomes of the policy and the aspirations of the wording of the heritage policies within the Plan, St Paul's consider that the wording of the policy would further exacerbate, entrench, and enable harm to the heritage significance of the Cathedral. The concern around wording and how the contours are interpreted is already appearing in casework where we are hearing developers bringing forward pre-application arguments that are based in the new policy and there is at least one pre-app scheme where the design is 'mediating' between contours.

CoL acknowledge that precision in wording is essential and helps to reduce risk and increase effectiveness of planning outcomes. It is acknowledged by both parties that there is disagreement around the wording of the policy. St Paul's represent that 'successfully mediate' is too unspecific and open to interpretation. St Paul's suggest that the fix for this problem is simply to state that the contours are maximum heights, where there can be mediation below the developed diagonal line between the contour volume, not above – which is simply an invitation signalling to developers that they can try to push their envelope by persuasive representations to a higher plane than the City envelope envisages. This is also contingent on re-evaluation of contours to remove clearly harmful extents (see above).

The CoL's position is that the wording of S12 is clear, specific to the City's context, and in line with regional and national policy and guidance. The development plan does not supersede or override legislation and therefore 'special regard' would still have to be paid to the desirability of preserving a listed building or its setting (as per Section 66 of the Planning (Listed Buildings and Conservation Area) Act).

The Plan should be read as a whole. Policy HE1 specifically requires **all** development to 'preserve and where possible enhance and better reveal the special architectural or historic interest...' of heritage assets and settings. Policy S12 relates specifically to tall buildings and emphasises that tall buildings, *in particular*, should be alert to potential heritage impacts. It does not vitiate the legislation, the NPPF, or policy HE1, and is in line with the approach in the London Plan D9 C(d). Cumulative impacts are already considered in London Plan Policy D9 C(4) and this does not need to be duplicated in the Local Plan.

The CoL's position on the mediation between contour rings is that the policy as written is the logical explanation of how the transition between heights would occur. The contour lines are a framework, rather than prescribing an overly rigid shape, and are designed to facilitate a degree of flexibility (which is necessary for the design of development) while giving a framework to set the very broad overall pattern of heights that could come forward (subject to individual assessment and other policy requirements).

St Paul's would seek to note that, if the development pattern does follow the 'overall pattern of heights' as described above, then this would be demonstrably harmful to the Cathedral. We are also not content – and do not think it would be in the public interest – with the idea that there should be baked-in and ill-defined degrees of flexibility in relation to harms to the setting and significance of St Paul's. The Cathedral would further note that if it is indeed the explicit intent that any future development accord with this 3d shape, as they understand the policy to create and as it has been reiterated above, then such a shape can indeed be tested and assessed as development in principle.

15. Justification for Impact

It is agreed by City and St Paul's that National policy and guidance is clear on the need for a Local Plan to be justified, as per paragraph 35 of the NPPF providing 'an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.' As evidenced by the CoL's inclusion of a HIA for St Paul's, The Cathedral consider this means that impacts to heritage significance are clearly worked through in line with accepted methodologies.

Many of the St Paul's concerns regarding justification, including issues with the evidence base, are discussed above. St Paul's has fundamental concerns regarding the justification for the Plan and perceived harm caused. This relates to the lack of meaningful or well communicated options appraisal, the lack of clarity and transparency over the Plan derivation process and supporting documents, and concerns regarding the perceived quantum of office space stated as required, especially in the context of the wider CAZ with regards to the London Plan (related to the above points).

St Paul's disagree with the extent and nature of justification proposed due to concerns over:

- The absence of meaningful options appraisal, clarity and transparency of process how the cluster was derived.
- the justification for the requirements for office space – both in isolation and in the context of the extent outlined within across the CAZ.

The CoL consider the Plan to be well justified. The City Plan is supported by appropriate evidence identifying a need for a minimum for 1.2m sqm net (NIA) of new office floorspace within the square mile to 2040, Sustainability Appraisal that has explored options for accommodating growth, and extensive characterisation, views and heritage assessments that have informed how and where tall building growth could be facilitated. In accordance with para 11 of the NPPF CoL needs to plan to meet its own objectively assessed needs (OAN), within its own boundaries in the first instance. The capacity modelling demonstrates how this can be met, ie that the Plan is deliverable. The London Plan recognises the City of London as a nationally important location for globally-oriented financial and business services, and promotes the significant office functions of the CAZ. It expressly promotes office development (excluding residential) in areas of the City, reflecting the prominent role it plays in providing capacity for world city business functions. Both parties consider that, should the Inspectors wish to explore this issue, these aspects of the evidence base, how they have informed the Plan, and the views of stakeholders could be discussed during the examination.

St Paul's defer to the experience of the Inspectorate with regards to such economic matters and the robustness of the economic baseline which justifies the quantum of development, and such the form of the clusters that would be enabled by the policies within the City Plan. St Paul's contend in representations that a) if the excessive quantum of development is found to be in direct conflict with heritage protection, there should be a proper weighting of the holistic and irreplaceable value of heritage and b) that there are weaknesses in the justification of where this volume of development is permitted and planned to be located in relation to heritage harms – the cases of 55 and 99 Bishopsgate being current and useful illustrative exemplars.

16. Wider issues

CoL acknowledge that St Paul's have made representations regarding some further detail of the Plan, some of which relate to or derive from the above matters, with regard to the following sections:

- Design
- Health Inclusion and Safety
- Retail
- Culture and Visitors
- Infrastructure
- Transport
- Open Spaces and Green Infrastructure
- Climate Resilience

As part of this, and as outlined within our representations, St Paul's consider that further policy heft should be given to the creation of a 'World Square' around St Paul's Cathedral. St Paul's have made representations to the City many times on this subject; we have indicated that this

would accord with the Conservation Area enhancement strategy and would be of public benefit as an aspiration. St Paul's note that it is the aspiration to explore opportunities for public realm enhancements, that may include changes to traffic infrastructure and road space, in a holistic manner. It is unclear why the Plan continues to exclude a policy proposal which would coordinate and coalesce a number of policy aims to enhance heritage value and deliver public benefits in the surroundings of St Paul's. We would ask examination to explore why the City are reticent on this matter.

The CoL recognises that public realm enhancements – and in particular the prioritisation of space for people spending time, walking, wheeling and cycling – can contribute positively to the setting of heritage assets. Given the role of St Paul's Churchyard in the street network for the City – particularly for buses – removing vehicular traffic here would likely be highly challenging. The CoL are very happy to discuss these issues with the Cathedral and to explore what potential there may be for enhancements.

17. Overall Soundness

With all sections of the summary below, St Paul's would refer to the Regulation 19 representations for greater detail.

It is agreed with CoL that the Plan must be **positively prepared**.

The areas where we are not agreed relate to:

- St Paul's do not agree the Plan would achieve the objective of sustainable development, as St Paul's consider there is an imbalance between the treatment of different the three objectives of sustainable development within the Plan
- The Cathedral does not agree the needs of the area have been objectively assessed or clearly and objectively communicated.

It is agreed with CoL that the Plan must be **justified**.

The areas where there is not currently agreement include:

- St Paul's has major concerns relating to the lack of justification for the quantum of development anticipated in the Plan period, and the relationship between the contour map shown and this perceived quantum.
- The Cathedral considers that there is a distinct lack of meaningful options appraisal which to show how harms could be mitigated and/or removed.
- St Paul's represents that there is a flawed evidence base in terms of proportionality, methodology, its alignment with the eventual Plan, and conclusions.

It is agreed with CoL that the Plan must be **effective**.

The areas where we are not aligned relate to the following:

- St Paul's has concerns that the Plan is so inherently in conflict with regards to its strategic and specific policies, given the drive for the quantum and form of development described, that its strategic principles and spatial strategy are unsound. This, coupled

with the wider issues identified above, it could not be effective, deliverable, or workable as a Local Plan.

- Inconsistent with London Plan policy and other important guidance (such as the LVMF) when decision making
- Inherent conflict with regards to national planning policy when decision making.

SPC disagree with CoL that the Plan would be **consistent with national policy**, with reference to the below headings:

- A positive vision for the future
- The objectives of the NPPF
- Chapter 16 of the NPPF
- The NPPF, The Operation of Policies, and the Evidence Base

It is agreed that Plans should be prepared ‘Appropriate to Significance’ of a heritage asset; however St Paul’s asserts that CoL does not adequately or accurately recognise this significance and its character, in accordance with recognised guidance and practice.

CoL is of the view that it has taken a suitable and evidence-based approach to plan making, in accordance with national policy and in general conformity with the London Plan. It strikes an appropriate balance between sustainable development objectives and taking into account reasonable alternatives, sets out ‘an appropriate strategy’ for the square mile to 2040.

NPPF para 196 requires Local Plans to set out a positive strategy for the conservation and enjoyment of the historic environment and requires this strategy to take into account the desirability of sustaining and enhancing the significance of heritage assets. The approach to tall buildings in the City Plan 2040 is part of that strategy, with the potential heights and areas for tall buildings being informed through an understanding of the character of the City and the significance of heritage assets, and taking an approach that (amongst other objectives) seeks to minimise the possibility of harm to St Paul’s other significant heritage assets. The approach in City Plan 2040 to tall buildings is compliant to the London Plan Policy D9 in that it identifies locations where tall buildings could be appropriate and sets height expectations.

St Paul’s respectfully acknowledges these aspirations and aims, but we refer back to the observation at the introduction, which is to note that - in our view – the City has a long history of working with a policy and Plans which are ‘correct’ in terms of their apparent deference to heritage but, as lived-out and in reality, have permitted detrimental change. In the case of the draft City Plan 2040, we consider there is a fundamental, irreconcilable imbalance between the three pillars of sustainable development, to the detriment of environmental, heritage protections, due to the quantum, location, scale, and form of development that would be permitted under the Plan – with no reasonable alternatives meaningfully explored. The Cathedral consider this in detail above and within the Regulation 19 response.

This Plan is an immeasurably important opportunity to achieve major sustainable growth delivered in a way that ‘preserves and enhances’ our shared public heritage much more clearly, precisely and effectively.

Conclusion

This Statement of Common ground has been prepared by the CoL and St Paul's to assist Local Plan Inspectors in guiding discussion and themes for exploration during the examination of the draft Plan.

The above sections both note the points of agreement between the CoL and the Cathedral, and identify the points of disagreement that we cannot agree for further discussion, either before or as part of the EiP process.

The timescales for the production of this statement have necessitated rapid work, which is reflected in the composition of this statement. Further discussion may be required in advance or during the examination hearings to best assist the inspectors on where common ground can be found.

St Paul's and the City of London are committed to work with the process of examination positively and constructively. The CoL and St Paul's also continue to be committed to collaborative working outside of this specific plan-making process.

Signed for the City of London:

Rob McNicol, Assistant Director (Planning Policy and Strategy)



Signed for St Paul's Cathedral

Rebecca Thompson, Director of Property

Rebecca Thompson

25th November 2024