

City of London (CoL) and Historic England (HE)

Post-Reg.19 Initial Statement of Common Ground

1. Introduction

- 1.1 This document is a Statement of Common Ground between the **City of London (CoL)** and **Historic England (HE)** in relation to various issues raised by the Regulation 19 consultation version of the City of London Local Plan. The document sets out the current position of both parties in relation to the relevant issues, and records the discussions between them since the close of the public consultation.
- 1.2 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.
- 1.3 This SoCG is in addition to any other matters statements to be produced during the course of the examination by either party.

2. Parties

- 2.1 The signatories to this SoCG are the City of London Corporation (City Corporation) and Historic England.

3. Comments received at Regulation 20

- 3.1 Full detail of **HE's** position is set out in its Regulation 19 submission in response to the draft Plan.
- 3.2 **HE**, in its representation dated 24 May 2024 to the Regulation 19 Local Plan consultation, raised significant concerns about the City Plan 2040 and its implications for the historic environment in both the City and beyond. The Statement of Common Ground (SoCG) therefore:
 - sets out the key strategic issues, the parties' differences on them and their respective positions;
 - records the dialogue between the parties that has taken place post-Reg. 19 consultation;
 - sets out the changes proposed by **CoL** to seek to address **HE's** concerns; and
 - confirms both parties' current position with regard to these further discussions.

4. Context

- 4.1 The importance of the historic environment of the City is agreed between the parties. It is wholly exceptional in the national context and is central to the City's character and success. The City has 28 conservation areas, over 600 listed buildings, 48 scheduled monuments and 4 registered parks and gardens. At 27%, the percentage of Grade I and II* listed buildings is broadly four times national average¹. It is also immediately adjacent to the Tower of London World Heritage Site, which is internationally recognised to be of Outstanding Universal Value (OUV).
- 4.2 These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF, para 195).
- 4.3 Much of the City's most important heritage can be appreciated from far beyond its administrative boundaries.

5. Position of both parties

- 5.1 In addition to the exceptional nature of the historic environment in both the City and its environs, both parties are in agreement as to the importance of the economic growth and its value to the local, London-wide and national economy. Achieving economic growth and environmental conservation, in its widest sense, is a central aim of sustainable development.
- 5.2 Both parties are also in broad agreement as to the strategic priorities identified in the Plan, and in particular the intention to celebrate, protect and enhance the City's unique heritage assets as set out within the environmental objective. Furthermore, **HE** agrees that the retrofit first approach set out in policies OF1 Office Development, S8 Design and DE1 Sustainable Design are an important step in ensuring that the retention of existing office buildings is strongly promoted as an alternative to the demolition of buildings that can be refurbished and upgraded.
- 5.3 **HE** also welcomes and supports the objectives of a number of other policies relating to the historic environment. Policies S11 Historic Environment, HE1 Managing Change to the Historic Environment, HE3 Setting of the Tower of London World Heritage Site and S13 Protected Views are all intended to support the strategic priority related to the conservation of the historic environment.

¹ Baxter, 2021, City of London Statement of Heritage Significance, para 5

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- 5.4 However, as set out elsewhere in this Statement of Common Ground, **HE** does not consider that these policies could be effective due to the over-emphasis on the economic element of the spatial strategy at the expense of the environmental objective and the evidence that justifies the resultant impacts.
- 5.5 The overarching area of disagreement is therefore whether the draft Plan, if adopted in its current form, would lead to the growth of the existing City Cluster that meets the objective of contributing to the achievement of sustainable development. The parties disagree as to whether the plan is justified as an appropriate strategy, taking into account reasonable alternatives and based on proportionate evidence (NPPF, para 35).
- 5.6 Given the importance and exceptional nature of the local historic environment, **HE's** position is that the plan, read as a whole, would fail to conserve heritage assets both within and outside the City of London in a manner appropriate to their significance. The plan, read as a whole, does not set out a positive strategy for the conservation and enjoyment of the historic environment as required by para 196 of the NPPF. It does not avoid significant adverse impacts on the environmental objectives of the Plan (including conservation of the historic environment), as set out at para 32 of the NPPF or indeed pursue alternative options which would reduce these impacts. **HE** therefore considers that the plan is not consistent with national policy.
- 5.7 **HE** considers that the draft Plan, as can be seen through the evidence base and particularly the 3D modelling that underpins certain policies, promotes development that would severely harm the heritage significance of a wide range of heritage assets, including, but not limited to, the Tower of London World Heritage Site, St Paul's Cathedral and Bevis Marks Synagogue.
- 5.8 As a result, it could not deliver sustainable development as defined in the NPPF given the adverse impacts on the historic environment. Furthermore, **HE** considers the assessments undertaken to understand the impacts that would follow from adoption of the draft Plan's policies to be flawed, inappropriate in methodology given the importance of the affected heritage assets and non-comprehensive given the far-ranging effects. They do not justify the draft policies and Plan as a result.
- 5.9 **CoL's** position is that the Plan, read as a whole, would successfully minimise the possibility of the growth it seeks to accommodate causing harm to the historic environment. Its proposed Cluster envelopes have been modelled according to the OUV of the Tower of London and the significance of St Paul's Cathedral and the Monument and, accordingly, would minimise the possibility of tall building proposals coming forward in the proposed Cluster areas that would cause harm to the settings of these three strategic landmarks considered as part of this strategic Plan-making exercise. The Plan appropriately reserves consideration of the City's many other heritage assets for the decision-making stage and contains robust policies for the preservation and, where possible, enhancements of these and the City's other heritage assets when individual

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planning applications come forward over the life of the Plan. The City therefore considers that the Plan as a whole proposes a positive strategy, proportionate to the strategic level of plan-making, for the conservation and enjoyment of the historic environment that takes into account the desirability of sustaining and enhancing the significance of these heritage assets.

5.10 **CoL** considers **HE**'s conclusion of 'severe harm' to be overplayed, relying as it does only on a partial assessment of broad, hypothetical scenarios (the Cluster envelopes), subjective judgements about the relationships between the Tower and Cathedral and change occurring within views of them, and speculation as to the impacts of hypothetical individual proposals within these Clusters on other heritage assets. **CoL** strongly considers the Cluster envelopes to achieve respectful relationships with the Tower of London, the Cathedral and the Monument in the various views and therefore minimise the possibility of harm occurring to them at individual planning application stage.

5.11 This central difference of opinion relates to a number of objectives, policies, evidence base documents and assessments within and supporting the draft Local Plan. However, despite these complex inter-relationships, the areas of disagreement can be broken down under the following headings:

- Spatial strategy and its relationship to strategic priorities
- The plan-making process and the potential for harm to heritage significance
- Differing approaches to the issue of the setting of heritage assets
- Evidence base and justification for the scale of office growth
- Other evidence base and assessment documents
- Tall buildings in conservation areas
- Immediate setting policies
- Soundness

6. Spatial strategy and relationship to strategic priorities

6.1 The City of London and Historic England agree on the relevant strategic priorities (the economic and the environmental) and their importance to sustainable development in the City. However, the parties disagree as to how the Plan's spatial strategy would enable both the desired economic growth together with appropriate conservation of the historic environment.

6.2 **CoL** considers the scale and location of this growth to be justified and that the capacity modelling that has informed the Plan is robust. It considers the rationale for locating this growth in the Cluster to be based on a robust assessment of sensitivity to tall buildings across the City, with no other available locations capable of accommodating this scale of growth without increasing the risk of heritage harm.

- 6.3 **HE** considers that given the scale and form of tall buildings proposed in the tall building areas by the draft Plan, the strategic priority for the conservation of the historic environment could not be achieved. Delivering economic growth through a minimum of 1.2m sq m of net additional floorspace in the form and locations demonstrated by the modelling would inevitably lead to severe harm to the historic environment, and would not represent sustainable development or good growth as defined by the London Plan.
- 6.4 In particular, **HE** considers that by concentrating the majority of the growth in office development in the form of tall buildings in two tall building zones (as illustrated by the 3D modelling), the scale of the impacts would be such as to entail permanent harm to the historic environment. Set against this, the examination of alternative means of delivering the additional floorspace has only been a partial exercise. For example, it has not been explored whether increasing density and height in alternative locations across London's Central Activities Zone could deliver an appropriate amount of floorspace without the same level of harm to the historic environment. Similarly, it has not been established what quantum of development could be achieved as a result of the welcome focus on retrofit and retention. **HE** notes the logic behind locating the tall building zones outside areas covered by existing planning policy restrictions, but considers that the scale and height required to deliver the forecasted demand in such a small footprint is such that adverse impacts on significance cannot be avoided.
- 6.5 Establishing the principle of development and growth in the form, height and locations identified as a strategic objective would mean that those sections of the draft Plan intended to protect and conserve the historic environment could not be effective or successful.
- 6.6 **CoL** has undertaken extensive, proportionate and thorough assessments of the Square Mile's capacity for growth and has targeted it in the areas where it is least sensitive to change. **CoL** considers that it has fully demonstrated and evidenced this, and consideration of London-wide distribution of this growth to clearly be disproportionate to its task of Plan-making, given that the City Plan successfully meets objectively assessed need. **CoL** strongly refutes the notion that the scale and modelling of the Cluster envelopes would 'inevitably lead to' or 'entail' severe harm. As set out above, **CoL** strongly contends that **HE**'s conclusion in this respect can only ever be a partial one, impossible at the strategic-level of plan-making, and resting on partial assessments, subjective judgements and conjecture.

7. The plan making process and the potential for harm to heritage significance

- 7.1 **CoL** contends that plan-making cannot and is not required to make a guarantee of harmless development over the Plan period; it is required to set a positive strategy that provides for objectively assessed need unless there are strong reasons for not doing so. In the view of **CoL**, the proposed City Cluster contours provide a suitable framework

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that would facilitate development which would successfully minimise the possibility of harm arising to the relevant heritage assets; and policies in the City Plan (and London Plan) provide adequate provisions that would support this framework and require further consideration of individual schemes as they come forward.

- 7.2 **CoL** is of the view that these facts are sufficient to allow a partial assessment of the potential impacts of development but that a full and comprehensive conclusion on harm is impossible at the plan-making stage; and that the proposed Cluster cannot itself entail or cause harm, being a broad, undetailed series of contours rather than a detailed planning proposal at planning application stage.
- 7.3 **CoL** further considers that the proposed Cluster envelopes have been appropriately and proportionately shaped by the OUV and significance of the heritage assets in question. In the vast majority of the relevant viewing experiences they would (i) maintain clear and suitable visual distance from the heritage assets, (ii) be clearly and unmistakably physically distant from them and (iii) be clearly of an entirely contrasting, modern aesthetic. **CoL** is of the firm belief that these factors would mean the relevant heritage assets easily maintain their command of the relevant views, with the Clusters, though visible, clearly comprehensible as modern episodes in the City's development.
- 7.4 Conversely, **HE** considers that harm to heritage significance – including severe harm to heritage of the greatest significance – would be embedded in the Plan as a result of the policy approach. This would be the consequence of the locations and form identified for tall buildings in the plan. **HE** believes that the 3D modelling and various assessments of the effects of the tall buildings policy and the expanded Cluster demonstrate that the greater height, massing and profile envisaged could not avoid adversely affecting nationally and internationally important heritage assets. **HE** does not consider that the modelling responds appropriately to either the OUV or heritage significance of the affected historic environment. **HE** acknowledges that the development that would be enabled by the proposed expansion of the Cluster would be of a different architectural idiom, but considers nevertheless that it would adversely affect heritage significance. Notwithstanding the distinction between modern and historic, the proposed scale and height of development would lead to further erosion of the Tower of London's attributes of OUV. The proposals would therefore fail to conserve heritage assets both within and outside the City of London in a manner appropriate to their significance. They fail to take sufficient steps to avoid or minimise any conflict between the conservation of heritage assets and other objectives of the plan.
- 7.5 Notwithstanding the policies in the draft Plan designed to conserve the historic environment, these effects are such that they should be addressed as part of the plan making process.
- 7.6 **HE** further considers that as the **CoL**'s evidence and assessment of the impacts concludes that any effects on heritage significance are minimal, then a significant

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degree of ambiguity would be created with regard to future development proposals. The relevant sections of the evidence base conclude that locations, height and massing for tall buildings are acceptable, despite having, in **HE's** opinion, clear and demonstrable adverse impacts on heritage. Later consideration of the impacts of proposals would inevitably be guided by the parameters set out through the plan making process.

7.7 **HE** considers that the approach does not reflect a number of important regional, national and indeed international policy requirements and obligations. It does not provide for a positive strategy for the historic environment as set out at NPPF para 196, nor does it reflect London Plan policies HC1 on heritage conservation and growth or HC2 on world heritage sites and its requirement that development should not compromise the ability to appreciate their OUV.

8. Differing approaches to the setting of heritage assets

8.1 Both parties agree about the approach taken to the management of physical change to individual heritage assets. However, they disagree about the approach taken to understanding and assessing the effects of the draft Plan on the setting of heritage assets.

6.2 National planning policy defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral (NPPF glossary, p75).

8.2 The importance of setting lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance. Whilst the extent and importance of setting is often expressed by reference to visual considerations, the way in which we experience an asset in its setting is also influenced by other environmental factors.

8.3 **HE**, with the wider historic environment sector, has produced advice (GPA3: The Setting of Heritage Assets) to help all those involved in delivering new development that is appropriate and successful in terms of its impacts on significance of heritage assets when development is proposed in its setting. The approach set out in GPA3 is sequential:

- Identify which heritage assets and their settings are affected
- Assess the degree to which settings (of which views can form part) make a contribution to their significance
- Assess the effects of the proposed development on significance
- Explore ways to maximise enhancement and avoid/minimise harm

- 6.4 **CoL's** position is that the impacts that would flow from the proposed City Cluster have been assessed by a bespoke approach through the Strategic Visual Impact Assessment and the three Heritage Impact Assessments (for which it has used an approach which amalgamates GPA3 and townscape methodology). **CoL** considers it important to highlight that the proposed City Cluster would be only a careful expansion of the existing City Cluster (as set out in the future baseline of implemented and consented schemes) and that, having been modelled in response to OUV/significance, it would achieve appropriate relationships with these heritage assets and is therefore part of a positive strategy for the conservation and enjoyment of the historic environment that takes into account the desirability of sustaining and enhancing the significance of these heritage assets.
- 8.4 **CoL** considers that the proposed Cluster form would have appropriately deferential edge conditions in the places where it is closest to these assets in the views (conditions of which **CoL** acknowledges the sensitivities) and that it would, through its three-dimensional distance from them, be visually disassociated from both heritage assets, which would remain pre-eminent in their respective low-rise historic surroundings. **CoL** strongly contends that the approach it has taken to the settings of heritage assets, rooted in the understanding of the City's significance as set out in chapter 2 of the Topic Paper, is in line with national and London policy.
- 8.5 **HE** fundamentally disagrees with the approach taken and, consequently, the conclusions reached. Para 2 of the NPPF requires that planning policies must reflect relevant international obligations (relevant here due to the impacts on the WHS) and statutory requirements. Under the Planning (Listed Buildings & Conservation Areas) Act 1990, local planning authorities have duties to have special regard to the desirability of preserving the special interest of listed buildings and to pay special attention to preserving or enhancing the character and appearance of conservation areas. Development plans should be formulated in a manner which reflects those statutory requirements. **HE** is clear that the approach adopted for assessment does not conform to that set out by UNESCO (see [Guidance and Toolkit for Impact Assessment in a World Heritage Context](#)).
- 8.6 As **HE's** Good Practice Advice Note 1 (GPA1; para 10) explains, a positive strategy requires a plan for the delivery of development including within the setting of heritage assets that will afford appropriate protection for the assets. Conservation is not a stand-alone exercise satisfied by stand-alone policies that repeat the NPPF objectives.
- 8.7 **HE** considers that the methodology by which the impacts on the historic environment that would flow from the adoption of the Plan have been assessed (and subsequently justified) is not appropriate, particularly in the context of effects on the WHS. **HE's** position is that the methodology underpinning the Heritage Impact Assessments and the Strategic Views Impact Assessment is overly-focused on views and effects on

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townscape, rather than effects on heritage significance as set out in GPA3. The use of a townscape focus - rather than heritage – to the methodology for assessing the contribution of setting to heritage significance, for example in the cases of The Tower of London, St Paul's Cathedral and Bevis Marks Synagogue, is not a recognised approach to setting and has resulted in conclusions which substantially underplay the impacts. **HE** considers that the impacts would be so great that WHS status of the Tower of London would be under threat over the plan period if it is adopted as set out.

8.8 In particular, **HE** considers that the eastern edge of the expanded Cluster (as demonstrated in the modelling) does not take account of a number of attributes of the Tower of London's OUV (for example its physical dominance). It does not reflect the aims and objectives of the WHS Management Plan and takes a narrow view of compliance with the London Views Management Framework, such as the effects from view 10A1 on Tower Bridge. Importantly, **HE** considers that the approach undertaken differs significantly from that specified for HIAs on world heritage sites recommended by UNESCO in October 2022.

8.9 Taken together, **HE** is of the opinion that the approach to the assessment of effects on the setting of heritage assets is flawed and, as such, cannot provide the necessary certainty on which decision making for individual assets should be based.

8.10 In relation to the Tower of London's OUV, **CoL** recognises the sensitivity of the eastern edge condition of the proposed City Cluster and this is set out clearly in the HIA. **CoL** strongly considers that it has fully accounted for OUV in modelling this area, with the Cluster envelope shaped specifically to account for the attributes: 'Internationally Famous Monument', 'Landmark Siting' and 'Physical Dominance', which are of particular relevance to the Wider Setting in which the Cluster is situated. **CoL** considers that the approach it has taken is fully consistent with the LVMF and the WHS Management Plan – and that the ongoing consolidation of the Cluster is not only acknowledged by the Management Plan but, if achieved within reasonable limits like those of the proposed Cluster contour lines, could actually have a beneficial effect on the relationship between the Tower and the City which is a component of the OUV attribute Landmark Siting.

9. Evidence base and justification for the scale of office growth

9.1 **CoL** position: The City Plan is evidenced by a robust study into the future demand for office floorspace, and the target for a minimum of 1.2 million sqm (NIA) of additional floorspace reflects the study. Capacity modelling of the tall buildings clusters demonstrates 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.

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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.

9.2 **HE** understands that the evidence base relating to future office demand underpinning the minimum 1.2 m sq m of net additional office floorspace in the draft Plan has been undertaken as an entirely separate project from the capacity modelling and assessment of impacts of the proposed City Cluster. As there is no figure available as to how much floorspace would be delivered within the modelled extent of the two clusters, it is not possible to understand to what degree the heights and massing demonstrated by the modelling could be amended (perhaps even to marginal or modest degrees) to address the consequent impacts on the historic environment while still potentially delivering the necessary floorspace. This throws doubt on the justification for the level of growth identified in the draft Plan and indeed on the envelope of the Cluster.

10. Other evidence base and assessment documents

8.1 **CoL** considers that, as with its conclusions on harm, **HE**'s criticisms of the Evidence Base stem from a belief that the Cluster should be treated as if it were a single, detailed proposal like an individual planning application. **CoL** strongly contends that the proposed clusters are broad, undetailed scenarios at a strategic level of plan-making. They are intended to be frameworks to guide development in the broadest, most strategic sense. As such, they have been modelled only in relation to three strategic heritage assets, to take account of relevant pan-London and local view protection policies from the outset.

8.2 **CoL** considers that, at this strategic level of assessment to support plan-making, it was not considered appropriate or proportionate to attempt to assess the impact of the cluster envelopes on all of the City's 600+ listed buildings, 28 conservation areas, c.50 scheduled monuments and 4 registered parks and gardens; and to assess only some would be a partial exercise, of limited value. **CoL** is firmly of the view that the right time to definitively consider the impacts on these individual heritage assets, and the question of harm overall, is at the fully detailed level of individual planning application stage.

8.3 Notwithstanding this, other heritage assets are recognised and embedded in other policies in the City Plan: the policies on City Landmarks and Skyline Features (including the City Churches and numerous secular buildings including Lloyd's of London), The Monument and Bevis Marks Synagogue.

8.4 **HE** considers the assessment of impacts from the tall buildings policy as demonstrated by the 3D modelling is not proportionate to either the sensitivity of the affected historic environment or the scale of the impacts. **HE** considers that the cluster envelopes could not be realised by individual planning proposals without causing severe harm and it is therefore appropriate to consider these likely impacts at the plan-making stage. These

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impacts are such that **HE** considers that the assessment process should go further than analysing the three ‘strategic landmarks’ of St Paul’s, the Tower of London and the Monument. Given the concentration of historic character and heritage assets of the highest order likely to be affected by development of the scale that would be enabled by the Plan, **HE** considers that a finer grain approach is required to appropriately understand the impacts.

8.5 In addition to having serious concerns about the methodologies employed for assessing the contribution of setting to heritage significance and of impacts on that heritage significance, **HE** considers there are other issues relating to the weight which should be afforded to evidence base documents supporting the tall buildings and office policies. For example, the Sustainability Appraisal presents only a very partial picture because it does not assess the 3D modelling or the associated images produced and included in the HIAs, SVIA and volumetric testing of the expanded Cluster. Similarly, it does not include any assessment of cumulative effects of the Plan as a whole on the historic environment.

9 Tall buildings in conservation areas – Strategic Policy S12

9.1 **CoL** argues that this clause was part of the policy approach in the 2015 Plan which is based around specifying where tall buildings would not be appropriate. Under the 2040 Plan, in order to conform to the GLA’s London Plan policy on tall buildings, the City must identify and specify areas where they would be appropriate. The ‘inappropriate areas’ clause was considered to be at odds with this new, proactive policy approach and so was deleted. It is important to note that the London Plan 2021 (policy D9) is clear that tall buildings should only be developed in locations that are identified as suitable in Development Plans.

9.2 It is also important to note that three of the City’s conservation areas feature tall buildings, either existing or approved. Although tall buildings may not be appropriate forms of development in every conservation area, in a place of the density and architectural character of the City there could be circumstances in which they could be acceptable. The City’s position is that a blanket ‘one size fits all’ approach is therefore unsuitable for the City Plan.

9.3 **HE** considers that the amendment to this policy that removes the statement that tall buildings are inappropriate in conservation areas would weaken protection of the historic environment. **HE** notes the requirement in London Plan policy D9 for LPAs to identify appropriate locations for tall buildings, but further notes there is no bar for local plans to also specify inappropriate locations. Given the sensitivity of the historic environment in and around the City, together with the dynamic development context, **HE** considers it logical that areas where tall buildings would be inappropriate should continue to be identified.

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9.4 Further, there are no new policies which would provide an alternative positive strategy for this part of the City's historic environment. Only around 10 per cent of the City's conservation areas currently include tall buildings, so **HE** considers it would be less ambiguous to set out which are to be considered as exceptions (and which would satisfy the London Plan requirement for the identification of appropriate locations for tall buildings), rather than reduce protection for all 28 as set out in the draft Plan. **HE** considers that the text in question is important in ensuring adequate consideration of heritage-related impacts of tall buildings in relevant applications and should be reinstated.

10 Immediate setting policies – Bevis Marks and the Monument

10.1 **CoL's** position is that Bevis Marks Synagogue is a highly significant listed building and that the City Plan is right to include bespoke policies for this heritage asset (alongside other assets of such substantive significance, specifically the Tower of London, Cathedral and Monument). The proposed Immediate Setting policy is a proactive measure that would assist with the conservation of its setting and significance without altering its existing level of statutory protection. The Immediate Setting Topic Paper in the Evidence Base makes this clear (page 5).

10.2 **CoL** would further observe that a very similar policy mechanism is set out in the City Plan for the Monument (as a continuation from the 2015 Plan). The Tower of London WHS also has a defined Local Setting. While these policies are in response to different heritage assets with settings, the notion of an immediate or specific zone of setting is not a new one, and provides a useful mechanism that complements and in no way undermines the statutory protection that heritage assets enjoy.

10.3 **HE** is concerned at the introduction of the concept of "immediate setting" with regard to the grade I listed Bevis Marks synagogue. Immediate setting is not recognised in statute or the NPPF and as a result can have no formal meaning in planning terms. In the case of Bevis Marks Synagogue, **HE** considers that this approach creates ambiguity as to the full extent of its setting, and its broader sensitivity to change. It carries an inference that the effects on the "immediate setting" should be the primary consideration in determining development proposals. Elements of the synagogue's setting that are outside the Plan's definition of local setting would clearly be affected by the proposed expansion of the Cluster and as such its setting is likely to be harmed. This definition is not based on an understanding of the significance of that heritage asset and is not in conformity with the NPPF. **HE** notes the existence of similar text within the policies relating to the Monument and the reference to the Local Setting of the Tower of London, but considers the issues in relation to the setting of these assets to be markedly different to that of the synagogue.

10.4 **HE** considers that the reference to immediate setting in relation to both the Monument and Bevis Marks carries an inference that the management of any effects on their

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setting would involve similar considerations. However, the setting of each building is different and complex, while HE also notes that the setting of the Monument is afforded a further layer of protection through the reference to views both towards and from it within policy S13 Protected Views; there is no similar further layer of protection proposed for the synagogue. The immediate setting for the Monument as defined in the 2012 Protected Views SPD is also much broader than that proposed for the synagogue, comprising as it does four city blocks, bounded on several sides by wide roads and also encompassing generous public realm. **HE** would also point to specific recent planning permissions that will harm the significance of the Monument through change in its setting, notwithstanding the extra policy mechanism of its immediate setting within the currently adopted Plan. For example, the redevelopment of 55 Gracechurch Street will have a significant impact on the backdrop and setting of the Monument when viewed from the western end of the Queen's Walk on the south bank of the river (a view identified as important in the Monument Views Study).

10.5 Similarly, **HE** considers that there are no parallels to be drawn between the Local Setting Study for the Tower of London and the references in the draft Plan to immediate setting. Given the complex inter-relationships of the many elements of the ToL's setting and its proximity to the very tallest elements of the City's dynamic development context, any definition or agreement among stakeholders as to the extent of its wider setting has not been considered feasible to date. The definition of the local setting was first identified in the WHS Management Plan in 2007 and was based on an agreed understanding of where the Tower could be seen from street and river level. The built environment context around the WHS has changed substantially since that date and while there remains some value in ensuring the local setting plays a role in managing change, **HE** considers this will only respond to some of the issues that have been identified, including in the SOUV, as threatening the WHSs OUV. This experience demonstrates the importance of considering setting comprehensively.

10.6 **HE** therefore considers the introduction of a reference to the immediate setting of the synagogue is superfluous and would create confusion and ambiguity in relation to specific development proposals.

11 Soundness

11.1 As articulated in preceding sections, **CoL** considers that the Plan would accommodate the quantum of required growth in a way that would be sustainable and minimise the potential for harm, while considering suitable alternatives. **CoL** strongly considers that the bespoke approach it has taken to this bespoke exercise to be entirely proportionate and appropriate.

11.2 **CoL** strongly considers that the proposed Cluster envelopes would allow the required growth to be accommodated in the Square Mile in a way which would minimise the possibility of harm to the aforementioned three strategic heritage assets, which **CoL**

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strongly considers is the most that can be achieved at the strategic level of plan-making. **CoL** reiterates that the City Cluster envelope has been shaped by extensive consideration of the OUV of the Tower of London and the significance of St Paul's Cathedral so that it would minimise the possibility of harm arising to them from individual planning applications; and that the Plan contains robust policies for the preservation and, where possible, enhancement of other heritage assets when individual proposals are scrutinised at decision-making stage.

11.3 **CoL** therefore conclude that the Plan is sound, that its policies are in accord with one another and with national legislation and policy, and that it therefore meets the various tests including NPPF para 35. 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.

11.4 **HE** considers the City Plan 2040 to be unsound in its present form. It considers that it is not in conformity with national policy because it does not provide for a positive strategy for the historic environment (as per NPPF para 196), contains ambiguous policies (para 16d) and does not reflect the NPPF's position on setting (NPPF glossary). The evidence base and assessments fail to take appropriate account of the effects on the setting of key heritage assets, and therefore their effects on both significance and OUV.

11.5 It further considers that the evidence base does not justify the proposed balance between economic and environmental objectives set out in the Plan, and that it could not be effective as a result. It considers that by establishing the principle of tall buildings at the locations, height, scale and massing included in the relevant policies and demonstrated in the evidence base, severe harm is likely to be caused to the historic environment and individual heritage assets of the highest significance. **HE** considers that national planning policy and legislation requires that the Plan should aim to deliver growth sustainably, in ways that would avoid or minimise harm to heritage, and especially heritage of the highest significance.

11.6 **HE** further considers that the plan fails to meet the objective of contributing to the achievement of sustainable development. The plan is not justified as an appropriate strategy, taking into account reasonable alternatives and based on proportionate evidence.

11.7 **HE's** position is that the plan, read as a whole, would fail to conserve heritage assets both within and outside the City of London in a manner appropriate to their significance. The plan, read as a whole, does not set out a positive strategy for the conservation and enjoyment of the historic environment. The plan does not take sufficient steps to avoid or minimise any conflict between the conservation of heritage assets and other objectives of the plan. **HE** therefore considers that the plan is not consistent with national policy.

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12 Activity and engagement post-Regulation 19

12.1 **CoL** and **HE** staff have met to discuss in detail the consultation draft, HE's response together with the areas of agreement and disagreement as set out above on 17th July, 22nd August and 16th September.

12.2 **CoL** have, during the course of discussions, outlined some potential amendments to the modelled contour lines for the City Cluster and these would mean changes to the impacts on the setting of the Tower of London WHS when viewed from the south. **HE** noted that these potential amendments would have a very modest effect on the impacts, but considered they would need to go much further to address its concerns. As things stand, HE's position is unchanged.

12.3 At the meeting on 17th July, the issue around the removal of the 'inappropriate areas' clause from the tall buildings policy was discussed. This focused on the need to replace this clause with a positive strategy for conservation areas. Both parties agreed this would be a valuable step to mitigate the concerns on this item, and HE awaits further proposals to this effect.

Signed for the City of London:

Rob McNicol, Assistant Director (Planning Policy and Strategy)



Signed for Historic England:

Historic Environment Planning Adviser

