



CITY HERITAGE SOCIETY

The Civic Amenity Society of the City of London

Founded 1973

Planning Policy Consultations
City of London Corporation
Guildhall
London EC2V 7HH

15 April 2026

Dear City Planning Team,

Re: Celebrating Heritage Supplementary Planning Document (SPD), Regulation 13 Consultation

The City Heritage Society welcomes the opportunity to respond to the draft Celebrating Heritage SPD. The Society has existed since 1973 to campaign for the preservation of the City's unique heritage and to argue for high standards of architecture and design in its new buildings and public spaces. We respond to this consultation in that spirit.

We wish to record at the outset that the SPD is a significant, and in many respects impressive, document. Its treatment of fabric (Principle Five), patina (Principle Six) and archaeology (Principles Ten to Fifteen) is thoughtful and well-grounded. The ambition to put heritage at the heart of placemaking, and the attention given to intangible heritage and hidden histories, reflects a genuinely broad conception of what the City's heritage encompasses. We commend these aspects unreservedly.

Our concerns are focused and specific. We raise them not to oppose the document but because we believe they point to gaps and framings that, left unaddressed, could undermine the SPD's protective intent when individual applications are being determined.

We believe that we write in the spirit of goals that the Corporation itself has set out in the draft City Plan 2040, advancing, as it does in the Chairman's foreword, a need and desire to be "celebrating, protecting and enhancing the City's unique heritage assets".

1. The omission of the Section 66 duty

The preamble (paragraph II.3) explicitly states that the SPD "does not elaborate on the associated and overarching requirements in statute, national and local policy to conserve and enhance the

significance of heritage assets.” We understand the document’s focus on design guidance, but we are concerned that this disclaimer effectively removes from view the most important statutory protection available to listed buildings.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers to have special regard to the desirability of preserving listed buildings, their settings, and their features of special architectural or historic interest. The courts have consistently held that this duty imposes a higher standard than the ordinary planning balance, and that failure to treat harm to a listed building as a matter of considerable importance and weight, distinct from and additional to the NPPF balancing exercise, constitutes an error of law.

In our experience, this duty is not always applied with sufficient rigour in the City. An SPD that is silent on it risks compounding that pattern. We ask that the adopted document includes, at the very least, a clear statement directing applicants and officers to the Section 66 duty and its implications for how harm to listed buildings and their settings must be weighted in decision-making.

2. The treatment of setting

Linked to the point above is the treatment of setting. The SPD’s “Street” section addresses setting across paragraphs 2.21 to 2.29, and Principle Eight introduces the concept of “deference” as a means of managing the visual relationship between new development and heritage assets. We welcome this. However, we believe the SPD misses a significant opportunity to assist applicants, officers and decision-makers in understanding what “setting” actually means in practice, and how to assess its contribution to significance.

The NPPF defines setting as the “surroundings in which a heritage asset is experienced”, and the SPD quotes this directly. But the experience of setting is not simply a visual matter: it encompasses movement through space, approach sequences, acoustic and sensory qualities, historical associations, and the relationship between an asset and the activities that take place in its vicinity. The SPD does not address these dimensions, and in consequence the guidance it offers on setting is weighted almost entirely towards massing and visual character. These are of course the parameters most useful to developers and architects, but they are not necessarily always the most important from a heritage significance perspective.

The SPD would be significantly strengthened by including practical guidance on how to identify and articulate the contribution that setting makes to an asset’s significance — guidance of the kind that Historic England’s Good Practice Advice Note 3 (The Setting of Heritage Assets, 2017) provides, but which is not currently cross-referenced in the SPD. In particular, the document could usefully explain: how setting should be characterised through a structured assessment rather than a visual appraisal alone; how different elements of setting (including auditory, experiential, and associative elements) should be weighted; and how the significance of setting contributions should be graded to assist in harm assessment. Without this, applicants and officers lack a shared framework for a concept that is frequently disputed in complex applications.

We also note that paragraph 2.21 of the SPD states that “the setting of a heritage asset is not finite or irreplaceable, but often inconstant and, potentially, capable of infinite variation provided the significance of an asset is not harmed.” While technically accurate, we are concerned that this

framing, without accompanying guidance on how to assess setting's contribution to significance, may be read as licence for incremental change to settings that cumulatively erodes significance.

3. Cumulative impact

The SPD is, in fact, silent on the question of cumulative impact: the harm caused not by any single development proposal but by the aggregation of multiple changes, each individually modest, to heritage assets or their settings over time. This is a significant omission, both because cumulative harm is explicitly recognised in national policy and the London Plan, and because it is a pattern we believe to be particularly acute in the City.

The London Plan (Policy HC1c) requires that “the cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.” In our experience, however, this requirement is not routinely applied in City of London decision-making. Individual applications affecting conservation areas or the settings of listed buildings are typically assessed in isolation, with the question of harm framed solely by reference to the specific proposal. The cumulative effect of successive changes, to streetscape, to roofline, to the pattern of uses in a conservation area, is rarely considered at application stage.

The SPD could make a material contribution here. We ask the Corporation to consider adding a principle or section addressing cumulative impact explicitly, which might include: an expectation that Heritage Statements for proposals in established conservation areas address the history of recent change and its cumulative effect on character and significance; guidance on how officers should frame cumulative harm in their reports to committee; and a commitment to periodic review, perhaps through the conservation area appraisal and management plan process, of how the cumulative effect of consented development is affecting the significance of heritage assets over time. Without such a mechanism, the SPD's principles risk being applied case by case while the broader picture deteriorates.

4. The concept of “irrelevance” and its risks

The SPD introduces “irrelevance” as a defined term — glossed as the “loss of active use, becoming inoperable or the lack of constructive participation in the planning process.” It is used to motivate the importance of keeping heritage assets commercially and functionally viable, which we agree is a legitimate and important aim.

However, the concept has no basis in statute or in the NPPF, and we are concerned about how it may operate in practice. A building that is commercially underperforming, or that has become functionally outdated, does not thereby lose the statutory protection afforded to it by its listed status. Yet the framing of “irrelevance” – and its implicit counterpart, that a heritage asset must remain commercially relevant to retain its full weight in the planning balance – risks providing a ready-made argument for treating the significance of inconvenient listed buildings as diminished.

This concern is not hypothetical. In live cases before the Corporation, applicants have already deployed precisely this kind of language, describing listed buildings as having “fallen behind” environmentally, economically and socially as a basis for justifying extensive intervention. We would ask the Corporation to clarify, in the adopted SPD, that irrelevance in the sense defined by

this document does not affect the weight to be given to a listed building's significance under the statutory framework.

5. Principle Two and the substitution of design process for harm assessment

Principle Two proposes that harm to heritage assets can be "avoided or minimised by ensuring they have influenced development." Paragraph 1.20 goes further, suggesting that the degree to which heritage assets have visibly influenced a scheme's design has a "proportional relationship to the concept of harm". In effect, this argues that a well-informed and responsive design process is itself evidence of reduced harm.

We are concerned by this formulation. The question of whether a proposal causes harm to the significance of a heritage asset is a substantive one, assessed against the asset's identified significance and the specific impacts of the proposal upon it. It is not, and should not be, answered by reference to the quality of the applicant's research or the demonstrable attentiveness of their architects. A scheme can be thoroughly informed by its heritage context and still cause substantial harm; equally, a modest scheme by a less sophisticated team may cause no harm at all.

We are concerned that Principle Two, as currently drafted, could be used to argue that a thorough Heritage Statement and an iterative design process have already discharged the harm question, bypassing the formal assessment required by NPPF paragraphs 207-221.

We ask the Corporation to revise this principle, to make clear that design responsiveness is a means of minimising harm, but is not a substitute for its independent assessment.

6. The selection of case studies

The SPD's case studies are presented as exemplars of good practice. However, all of the cases selected involve proposals where harm was either found to be absent or was judged to be outweighed by public benefits. There is no example of a case where harm was found to be unacceptable, where consent was refused on heritage grounds, or where a proposed scheme was substantially redesigned following officer concern.

This is not a neutral editorial choice. A reader approaching the SPD could reasonably conclude that harm is routinely justifiable and that refusal on heritage grounds is an exceptional outcome. That impression is inconsistent with the statutory framework, which treats substantial harm to the most significant assets as something to be refused except in wholly exceptional circumstances.

We ask that the adopted document include at least one case study illustrating a case where heritage protection resulted in a refusal or a fundamental revision of proposals, demonstrating that the principles of the SPD have teeth as well as vision.

We appreciated the opportunity to engage with officers at the event at St. Ethelburga's on Wednesday 8 April 2026, and we remain available to discuss further any of these points with officers. As always, we remain committed to constructive engagement with the development of planning policy in the City.

Yours faithfully,

Christopher Fowler
Chairman, City Heritage Society