tor &co

Carlos Chikwamba
Principal Planning Officer
Cherwell DC
39 Castle Quay
Banbury
OX16 5FD

(email only)

10 July 2026

Our Reference: 226403

Dear Mr Chikwamba,

25/01510/OUT Land South of Perdiswell Farm, Shipton Road, Shipton on Cherwell

We are writing with regard to your recent correspondence with Pearce Gunne-Jones on the above project, in particular your emails of 2 and 9 July, and his dated 7 July 2026; the ICOMOS Technical Review (June 2026); and Historic England's consultation response dated 30 January 2026.

The purpose of this letter, which deals with World Heritage Site [WHS] matters, is to provide some clarification on the matters raised by ICOMOS and Historic England [HE]. In turn, this will assist the decision-maker in making a decision on this allocated site which is both robust and defensible. Specifically, we should like to address five points in turn:

1. the agreement between HE's conclusions and those presented in the Heritage Impact Assessment (tor&co, December 2025 – included as Technical Appendix C3 of the submitted Environmental Statement);

2. areas of disagreement with Historic England and how this does not imply deficiency;

3. clarification on cumulative impacts in the HIA;

4. comment on ICOMOS's reference to a review of attributes and Landscape Character Assessment; and

5. clarification on the status of WHSs in the planning system and ICOMOS' role as consultee; and

1 Agreement between HE and HIA

We will set out below that there are some areas of disagreement in professional judgement between HE and our assessment as set out in the HIA. However, the crucial point to note is that the conclusions of both are exactly the same: **there is a low level of less than substantial harm to the significance/OUV of the Blenheim Palace WHS.**

For decision-making purposes, though the path to the conclusion has differed, it is therefore clear that there is total alignment between HE

and the applicant in the final analysis, and there is no objection to the scheme – either implicit or explicit – forthcoming from Historic England.

Three further points are instructive. First, even on HE's own broader assessment of additional attributes (see below), their conclusion remains the same and therefore the same as that in the HIA. Second, it must be noted that there has been no change in conclusion or stance from HE in the wake of ICOMOS's comments, and that the latter do not challenge HE's position. Third, it will be remembered that the applicant engaged extensively with Historic England in 2022 for the earlier iteration of this project and made significant amendments to the scheme as part of that dialogue, which is recorded in full in the correspondence provided in Technical Appendix C2 of the ES. In their final consultation response (dated 26 January 2023), HE raised no issues with the previous (and identical) scheme on this site; neither with the scheme itself, nor with any matters to do with impacts on the WHS, nor with any assessment provided by the applicant.

2 Disagreement is not deficiency

We acknowledge that there are points of disagreement between us and Historic England. These points of disagreement are matters of professional judgement, not matters of deficiency or missing information. The main element here is the relevance and applicability of attributes 1 and 7. For your benefit, these attributes are elements which have been agreed in the Management Plan as helping convey Outstanding Universal Value [OUV]. The Statement of OUV is included in the HIA at 5.4 (pp. 18-21) and, in turn, is an expression of *how* Blenheim Palace meets the two criteria for inscription (set out at 1.10, p. 3).

Historic England maintains a position that the proposed development has the potential to affect attributes 1 and 7 as well as attribute 4, which is the only attribute we consider to be reasonably capable of being affected by the development. There is no need to reiterate the arguments on these matters, as the rationale for our position is set out comprehensively, and in our view defensibly, in section 7 of the HIA (pp. 27-34). This section also benefits from considerably more analytical and evaluative detail than is provided by Historic England in their brief letter, which does not provide an adequate basis on which to provide a robust and comprehensive assessment and therefore results in their points on the matter of divergence not being fully made out.

The first point to note, then, is that divergence on this matter does not reflect any deficiency on the part of the HIA, which, as both HE and ICOMOS acknowledge, is set out in accordance with UNESCO's HIA Toolkit. We consider it demonstrable that the assessment has comprehensively utilised the standard UNESCO approach and guidance, which has provided evidence-based conclusions we would be prepared to defend at appeal in the event of a refusal.

3 Cumulative effects

The second point raised by Historic England is a suggestion that cumulative effects are not dealt with in the HIA (p. 6), a point which is simply repeated by ICOMOS (p. 3) without any expansion or explanation.

It should be noted first that there is no prescribed method to assess cumulative impacts in the context of development affecting heritage assets generally or WHSs specifically. Historic England's setting guidance (GPA3) notes the need to consider 'cumulative change' (p. 4) and notes the need for cumulative assessment under the EIA (p. 12). UNESCO's Toolkit provides a definition of 'cumulative impacts' (glossary, p. 57), includes assessment of cumulative

impacts as a one of its principles (p. 9) and generally refers to the term throughout, but does not provide a specific way in which that assessment is to be worked into the overall assessment.

Fundamentally, there is a clear assessment of cumulative effects presented in the HIA at 7.48-7.62, pp. 34-36). This textual assessment is succinct and clearly demonstrates that inter-project effects have been considered, looking in each case at: i) the original assessment of harm in the relevant applications considered; ii) potential inter-project effects in the construction phase; iii) potential inter-project effects in the operational phase; iv) potential inter-project effects in the decommissioning phase; and v) overall, whether levels of harm would likely increase as a result of the proposed development. In our view, this represents a consistent and clear framework against which to measure potential cumulative impacts and, notwithstanding the comments in both HE and ICOMOS, no critique or counter-argument to this approach is forthcoming.

The suggestion that a cumulative impact assessment is missing from the HIA is therefore demonstrably false. The textual assessment provided in the HIA, which is deliberately succinct and focussed, is a suitable and sound basis to inform the overall assessments presented in Tool 2 and Tool 3 of the HIA (appendices a and b, respectively). Again, there may be matters of professional judgement which differ, but these have not been raised by either HE or ICOMOS.

4 Attribute review and Landscape Character Assessment

In their position as third-party international commentator, ICOMOS has mentioned the benefits of an attribute review and Landscape Character Assessment as part of the WHS Management Plan evidence base for some time, and Historic England are aware of this. You will note, however, two instructive points:

- Historic England, as the representative of the State Party, has not stated that an LCA is, or should be, a requirement to inform a decision on this application against national and local heritage policy, nor that an attribute review should be carried out as part of this planning application.

- Amendments or additions to the WHS Management Plan or its evidence base, which is ICOMOS's area of interest, are not appropriately or reasonably to be carried out as part of a planning application; any more so than individual amendments to Local Plans would be considered on an *ad hoc* basis. The WHS Management Plan, which was formally consulted upon with, and agreed by, Historic England is currently undergoing a review as part of Blenheim's established 10-year cycle, aiming for publication in 2027. As part of this review, an attribute review is being undertaken and an LCA is being considered as part of the evidence base. The Management Plan review is being undertaken in full concert with Historic England.

5 WHS/ICOMOS in the planning system

Finally, we wish to clarify the position of WHSs and ICOMOS in the planning system as this not necessarily as clear as it ought to be in general planning guidance.

First, WHS status is not statutory and ICOMOS is not a statutory consultee. WHSs exist in the UK by virtue of the UK's position as signatory to an international treaty. In legal and policy terms, WHSs are to be treated as designated heritage assets of the highest significance (e.g. NPPF para. 213) and the forthcoming provisions in the Levelling Up and Regeneration Act

cement this fact. There is no parallel or alternative legislator regime to apply to WHSs, despite frequent implications from many quarters to suggest this.

In its letter, Historic England refers to the UK's obligations under the 1972 Treaty (p. 6), which could be interpreted that this brings with it some additional or parallel system for WHSs. It does not. The relationship of WHSs and the planning system has been comprehensively dealt with (and not challenged) by the Court of Appeal in *R (Save Stonehenge World Heritage Site) v Secretary of State for Transport* [2024]). The court was unambiguous in finding that

- there is no implicit or explicit conflict between the application of the planning system and the UK's responsibilities under articles 4 and 5 of the Convention (see judgement at [48], [136], [158], [167]); and

- neither article 4 nor 5 'expresses an absolute prohibition on any heritage harm being allowed to occur to a World Heritage Site' [157], which therefore further confirms compatibility between the Convention and planning policy; in particular the concept of the 'planning balance'.

The upshot of this is that the consent of any development which results in harm to the OUV of a WHS, when that harm is properly assessed, minimised, mitigated, and/or balanced with public benefits in accordance with legislation and policy, does *not* breach those international obligations.

Second, there are fundamental issues with undue reliance on ICOMOS consultations within the planning system, especially where that reliance is in preference to the view of Historic England. ICOMOS is not a statutory consultee, does not operate specifically within the UK planning system, and is not strictly organised to comment on individual planning applications. It has a global reach and applies principles which do not always sit happily alongside planning policy. For example, as ICOMOS itself makes clear, it does not recognise the concept of 'the weighing of harm against public benefit' in WHS context (p. 4). This clearly goes against one of the fundamental principles of decision-making in the English planning system and, were we to take ICOMOS at its word, it would surely mean that our entire planning system goes against the obligations under the Treaty.

We would also note that it is not typical for ICOMOS, being based in Paris, to make site visits to inform their assessments. This is the case here and, clearly, this will affect both the accuracy and reliability of assessment, especially when set against the assessments of those who have far greater familiarity with the site and area, such as Historic England and the applicant do.

Conclusion

The fundamental point of the above is to remind the case officer that HE's assessment and the assessment presented by the applicant in the HIA agree in the assessment of a **low level of less than substantial harm** to the significance of the WHS. The path to that conclusion differs, and there are divergences of professional judgement, but the outcome for decision-making is the same and represents a clear validation and vindication of the HIA.

Even with their expanded view of affected attributes, HE reached the same conclusions the HIA, meaning that it would not be necessary or proportionate to provide additional information to address this difference in approach: you have the conclusion of the statutory consultee and it aligns with that of the applicant. Furthermore, HE, as the statutory consultee for such projects, has neither offered nor suggested an objection to the proposed scheme. We have

also reminded the case officer that HE similarly raised no issues with the scheme, its methodology or its conclusions in the extensive engagement undertaken in 2022, culminating in their consultation response to the previous (identical, but for minor details) in January 2023.

Were the local planning authority to refuse the scheme – notably on an allocated site previously subject to assessment and formal examination – on heritage grounds and cite Historic England's comments as a reason, we would contend that this would not be rational or defensible and it would certainly be vulnerable to challenge.

We have demonstrated that there are no inadequacies or deficiencies with the submitted HIA and suggest that professional disagreement is being wrongly interpreted as such. We have drawn fresh attention to the cumulative impact assessment in the HIA which follows a clear, consistent and succinct process to the identified schemes. Aside from claiming this assessment does not exist, neither HE nor ICOMOS has challenged this assessment or made out any contrary argument in a similarly consistent and structured fashion.

We have also highlighted reasons for caution in potentially preferring ICOMOS' stance to that of Historic England. The former is not a statutory consultee and does not operate or comment from an expert position within the English planning system; they advise the State Party who, in the UK, are represented by Historic England. Historic England are the receiver of their advice and the translator of that advice into planning-compliant commentary; it is quite possible for Historic England to take divergent views from ICOMOS and those views take precedence over the latter in planning decisions.

On that basis, and on the basis of the general thrust of this letter, we recommend that the case officer focus on the clear alignment in the conclusions between HE and the applicant on matters relating to potential impacts on the WHS. By focussing on these shared conclusions as material to the decision, and weighing up the matter in the planning balance as per national and local policy, there can be no suggestion that Cherwell DC is not fulfilling the international obligations referred to by HE, specifically the State Party's responsibilities under the 1972 Treaty (NPPF, para. 2).

We trust that this addresses the questions/concerns raised in your emails of 2 and 9 July 2026, but, should you wish to discuss any of the above further or require further information in respect of any points raised, then please do not hesitate to contact me.

Yours sincerely,

Dr James Weir MA(Oxon) DPhil PgDipSurv PgCertArchHist FRSA IHBC
Technical Director (Heritage)

cc. Roger File, Blenheim Estate
Ash Maltman, Blenheim Estate