

MINUTES OF ORAL EVIDENCE

taken before the

HOLOCAUST MEMORIAL BILL COMMITTEE

PETITIONS AGAINST THE BILL

Wednesday, 20 November 2024 (Afternoon)

In Committee Room 4A

PRESENT:

Lord Etherton (Chair)
Lord Faulkner of Worcester
Lord Hope of Craighead
Lord Jamieson
Baroness Scott of Needham Market

FOR THE PROMOTER:

Christopher Katkowski KC, Counsel, MHCLG
Jacqueline Lean, Counsel, MHCLG
George Wilson, Parliamentary Agent, Pinsent Masons

FOR THE PETITIONER:

Brian Doctor KC
Nina Grunfeld
Helen Monger
Dr Dorian Gerhold

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(At 2.05 p.m.)

1. THE CHAIR: Good afternoon, everybody. We have now concluded our hearings on standing and we have heard general submissions from Mr Katkowski, Mr Doctor and Lord Carlile on the scope and principle of the Bill, and so we turn today to looking at the petitions themselves, which we have held can and should be considered.

2. Before we turn to the first of the petitions, I must repeat the usual safety advice. In case of fire, bells are not used in the parliamentary estate. Instead, a two-tone siren followed by a series of taped messages is broadcast. If evacuation is necessary, please follow the instructions of the clerk. Anyone not in the committee room itself should find the nearest security officer.

3. We are expecting votes in the House this afternoon. We cannot say exactly when. If they should be before we have finished—I anticipate finishing this session today between 4.30 and 5.00—there will be an adjournment of the committee for 10 minutes to allow members of the committee to vote. The proceedings are, as before, broadcast and a full transcript will be taken.

4. The petitions will be heard in the following order: Thorney Island Society and residents of Westminster; the London Historic Parks and Garden Trust; and then the Buxton family and Thomas Fowell Buxton Society.

5. I must remind all of those who are present of the provisional no-go areas, if I can put it like that, for scope and principle. There are three of them on which we do not wish to be addressed. We do not wish to be addressed on matters which are solely put in in order to arrive at these three areas. The first is that the Holocaust memorial and learning centre should not be located in Victoria Tower Gardens; the second is that the Holocaust memorial should not be co-located with the learning centre; and the third is that the learning centre should not be located underground. It is just possible that that provisional confinement of issues may require some refinement as we hear the evidence, but that is the current state of play.

6. I will now ask Mr Doctor to begin his submissions on behalf of the Thorney Island Society and the residents of Westminster.

7. MR DOCTOR KC: Thank you, my Lord. My Lord, at this point I am not going to

make submissions, but I just would like to tell you something, which is firstly who the witnesses will be. On behalf of Thorney Island, it is going to be Nina Grunfeld, who is sitting next to me on my left. She is also a resident of Westminster. She has prepared a statement, but, because it was prepared for yesterday's session, thinking we would reach her yesterday, it is slightly out of date—your Lordships will read it—because it deals with the question of the learning centre and whether it should be in the VTG. She is going to address you and orally take you through it, but she will not mention those parts of it. It is not much. Anyway, that is what she is going to do. I am going to hand in a copy of her statement so you will have that.

8. THE CHAIR: Yes, we have got that. Thank you.

9. MR DOCTOR KC: We then will move on to the London Parks and Gardens, and we are going to call Ms Helen Monger, who is representing them. She will be followed by Mr Dorian Gerhold, both of whom have prepared statements which they have tried to update overnight to meet the ruling that you made yesterday. We hopefully will get through them, and we then have Mr Buxton, who is on his way. He comes from out of London and is hoping to be here soon. We hope he will be here, if he is reached today. If we do not get as far as him because of time, he will come back when we next meet. I think there is a date that has been provisionally made in my discussion with Mr Wright, the 26th.

10. THE CHAIR: We next meet next Tuesday.

11. MR DOCTOR KC: Yes, it will be on that date.

12. THE CHAIR: I do hope he is able to because we would like to crack on.

13. MR DOCTOR KC: Yes, I am sure he will be here, but he is catching trains and so on. After that we are hoping that Baroness Deech will be able to address you next Tuesday as well, that session in the morning. I have raised with Mr Wright the request we have that I will be allowed an opportunity to, as it were, sum up and present a closing submission on behalf of the four petitioners that I represent, so that I will not do that now. Possibly that can be done next Tuesday, if that can be fitted in there.

14. That is the timetable that we propose, subject to all of your Lordships' and

Ladyships' approval.

15. MR KATKOWSKI KC: Sorry, if I could just seek some clarification, if I may. There are a number of amendments which are suggested by each of these petitioners that have been mentioned by my noted friend. Plainly, I would wish to have the opportunity to address you on those amendments. I just wonder whether we are doing those petitioner by petitioner or whether we are saving them all up to the end, given what my learned friend has just said. Personally, I would prefer to do them petitioner by petitioner.

16. THE CHAIR: Yes, what I envisage is that you will have the opportunity to reply, and then Mr Doctor will have the opportunity to have the last word.

17. MR KATKOWSKI KC: Right, understood. Thank you.

18. LORD HOPE OF CRAIGHEAD: Can I just clarify for my own mind? I am not quite sure whether the Chair is suggesting that you should reply petition by petition. There are quite a number of amendments suggested by each of them.

19. MR KATKOWSKI KC: Indeed.

20. LORD HOPE OF CRAIGHEAD: It would be more convenient to do it petition by petition.

21. THE CHAIR: That is what I had intended. I thought I had said that.

22. MR KATKOWSKI KC: That is what I would prefer, and I understand that that is what has been said.

23. THE CHAIR: Yes.

24. MR KATKOWSKI KC: Thank you. I would much prefer that. Thank you very much. Sorry to interrupt.

Thorney Island Society and Residents of Westminster

Submissions by Ms Grunfeld

25. MR DOCTOR KC: With that, I would call Ms Grunfeld. I understand you have

the statement from her and she will now address you.

26. THE CHAIR: We could read this ourselves quickly and she could add whatever she wants to highlight. I would rather that she did not read the whole thing out. Would it be sensible for us to read it for five minutes on our own first?

27. MR DOCTOR KC: We are in your Lordship's hands, but she would like to speak to you, as it were, and perhaps highlight paragraphs and parts of it which have a special significance for the Thorney Island Society.

28. THE CHAIR: Are you content with that?

29. MS GRUNFELD: I am not a lawyer. I am not a politician. I am probably one of the few park users you have heard from, and I think it is really important to hear what I have to say.

30. THE CHAIR: Well, nobody is going to block you out, but I thought we might read the whole statement first and then allow you to highlight the points you think are particularly significant.

31. MS GRUNFELD: I could take you through paragraph by paragraph and say what I think is significant.

32. THE CHAIR: Very well. If that is what you prefer to do, let us do that.

33. MS GRUNFELD: The first paragraph is not significant at all. It just tells you that I am a Londoner and I have lived right round the corner from Victoria Tower Gardens for 20-odd years. My mother worked in an Oxfam shop in Westminster which no longer exists. She used to go there for lunch so she told me about it.

34. I am a child of Jewish refugees. We had people who died in the Holocaust as a family. I am a great believer in Holocaust memorialisation, but the kind of memorialisation I like are things like the Stolpersteine, which are little and frequent. I have worked in marketing. They say you have to see something 19 times before it makes an impact. The wonderful thing with the Stolpersteine is that you see them every time you go anywhere in Germany or abroad, so they make more of an impact.

35. THE CHAIR: You are talking about these little bronze things in the ground

showing who was there.

36. MS GRUNFELD: Exactly, yes. I think that is a lovely thing, and personally I always thought it was a really nice thing. My mother, being German, would always say, ‘I just want to thank all the English people who have looked after me and who have looked after all of us refugees’. I think it would be a very nice thing to have a Stolpersteine, but with, “This is where someone English”—name—“rescued someone who was a refugee”—name. Anyway, otherwise I definitely support the motto of the Save Victoria Tower Gardens campaign: right idea, wrong place.

37. Paragraph 3 is all about how every park has its own identity. When I grew up, I went to Holland Park or Kensington Gardens, which were my nearest parks then. The wonderful thing about Victoria Tower Gardens is that it is so small and you meet people there. It is sort of like a community place and the river is gorgeous. That is now paragraph 4. Is this all right? Is this the right speed?

38. THE CHAIR: This is absolutely the right speed.

39. MS GRUNFELD: Okay, brilliant. The other thing is the neighbourhood. When you see Peter and Virginia Bottomley and you see me, you think, “This is a very wealthy neighbourhood. Why on earth does anyone need a park?” We have so many estates around us. We have the Peabody Estate, the Millbank Estate, the Page Street Estate. None of us have a park. We have the tiniest garden. They do not have any garden at all. Since we have moved here, the number of residents has expanded enormously. Lots of buildings have been turned into blocks of flats. The old post office, the old courthouse, the former residences or whatever it was and ICI. There are just so many flats now in the area that the park is much fuller than it used to be.

40. There is just something about the value of Victoria Tower Gardens as a community space. There are two large churches in the area as well, which came to give evidence at the planning inquiry because they know that a park is needed. I am also saying that, as well as residents, parliamentarians, civil servants and office workers come here to the park all the time, visitors are always there. They are tired. They need somewhere to sit down. The children love the playground.

41. The next bit is quite important. We have a dog club. I am sure there are other

clubs, but I know about the dog club since we got our dog. The man who pushed me here yesterday—I met him through the dog club. We might be neighbours. We live in the same area. The fact that we have dogs and come to the park every day brings us together.

42. I just wanted to point out a few people who we have met because they are really nice stories. This will not happen anymore in the future. One man was a French Algerian man who lived on benefits. This was about three or four years ago when the winter was really cold. He did not even have a proper blanket, let alone an electric blanket. A group of us would support him financially until he got his benefits because they were being blocked for some reason. We also got him the advice he needed to apply for residence under the EU settlement scheme. Now he has a job at the local market. His clothes have changed. His demeanour has changed. He is a happy person. He does not need the park so much, but for that moment of time it was really important to him.

43. Some neighbours have a Ukrainian refugee who, like my mother when she came as a refugee, needs the parks. I was listening to Howard Jacobson the other day. It is where you feel you belong, and you do not always feel you belong. He said he did not feel he belonged in lots of places, but in a park, even if you do not talk to anyone, you belong. You are all there because you are doing something together.

44. I got this from one of our neighbours who is in his 40s. I think it is really important. I am just going to read it, if that is okay. “I moved to the area 20 years ago, and for the first nine years I spoke to no one. I then got a dog, which has enabled me to meet people, with my mental health challenges”. He is bipolar. He is autistic. He has PTSD and anxiety. He finds the city crazy, noisy and dirty. The park is peaceful and quiet. He exercises himself and his dog. He is part of a community. It is not just a green space. It is somewhere where he feels he belongs. He would only have met those people in the park, other people who are like him. When you go to Hyde Park, you think, “That is not a community”. It is not a community. When you are in Victoria Tower Gardens, that really is a community park. You can read the rest.

45. My husband suggested I put in this story about our youngest son. We have four children, and the youngest one is six years younger than the rest. Everyone had left

home. We insisted that he walk the dog for lots of reasons. It was really important to him at quite a difficult time in his life. Everyone in the park got together and gave him an 18th birthday party at Pizza Express and made him birthday cards. He was so happy. It was really lovely. I felt he was growing up.

46. Yesterday, I went to my osteopath because, as you can tell, I have a bad back. I often see her in the park. We were talking about it and what I was doing. She called it her sanctuary. I think that is how a lot of people would describe it. That is what Victoria Tower Gardens is like to me. It is not a public park. Well, it is a public park; it is a locals' park. I think it is what W.H. Smith imagined it would be when he gave the money to the local community for it.

47. We have got a few memorials already, so we are not averse to memorials. I think the difference is the other memorials all commemorate positive things. The Holocaust memorial brings an awareness of something you do not want repeated. It brings unhappy memories to the park. In the last year and a half, I think it also has the potential to bring threats of further violence. That is one of the reasons.

48. I have got a whole load of figures here on number 8. I can either hand over to Brian or should I just let you read paragraph 8 yourself? I am not a maths person. I am not an awful lot of things. I am not a politician.

49. THE CHAIR: Shall we do that? Would that be a good idea?

50. MS GRUNFELD: I think that would be a brilliant idea.

51. THE CHAIR: Okay. We will read that.

52. MS GRUNFELD: The other important thing is on page 4. The planning inspector absolutely, as you can tell from the results, was not on our side. He, again, has listed the amount of people, but then he agrees that it would have a significant increase in visitor numbers to the park and an impact on its character and functionality.

53. MR DOCTOR KC: Just to pause there for a moment to give you the reference, Ms Grunfeld is referring to something that comes from the planning inspector's report. That is at the top of page 4, where he refers to these figures of 3,000 and 7,000. That comes from the Government's—that is the promoter's—environmental statement. We have

included the relevant page at page 39 of our bundle, which I think you must also have. I would like you, if you would not mind, to look at it because these figures are bandied about. This was, at quite an early stage, what the Government envisaged. It is page 39 of our bundle.

54. Paragraph 8.5.22, ‘It is therefore projected that an additional 10,000 visitors per day will enter the gardens once the national Holocaust memorial is open. This is very much a robust scenario, especially when compared to the US Holocaust Memorial Museum, whose average daily visitor numbers are less than half this figure’. It is envisaged that it could rise as high as that.

55. They say in paragraph 8.5.23, “Of the projected 10,000 daily visitors”—which simple mathematics will tell you is 3.65 million additional visitors per year—“a third of them will be ticketed”, that is people who will have obtained tickets, which apparently are not going to cost anything but you will have to acquire online, which will enable you to enter the fenced-off area and then enter across the open courtyard down into the learning centre. That is one-third of them. The other two-thirds, they are expecting, will be people who simply come to the garden and wander around the garden. That is going to be an extra, they say, 7,789 visitors a day.

56. 8.5.3 refers to the division between one-third and two-thirds, so I would ask you to bear those figures in mind when considering all of this. That is what Ms Grunfeld is referring to and what the inspector referred to when he quoted those figures. Okay, do you want to continue paragraph 9?

57. MS GRUNFELD: Yes, thank you. Paragraph 9—is everyone up to that? I feel like a teacher. That is all very well when we are talking about changing the character of Victoria Tower Gardens, but that is the physical character. What is going to happen is the mood or, as they say in German, Stimmung is going to be completely different, if it is dominated by a huge monument to 6 million deaths. How can anyone sit, laugh, throw a ball around or whatever they are going to be doing, picnicking? It just feels wrong. That is what is going to stop it being a park.

58. Mr Katkowski completely understands that. The architect David Adjaye has been quoted in an interview to the *Times* as saying, “Disrupting the pleasure of being in a park is key to the thinking”. He might have not grown up near a park, but to me the

pleasure of being in a park does not want to be disrupted. It is already starting to happen. Last year, Holocaust Memorial Day, which is normally celebrated in Hyde Park, was moved to Victoria Tower Gardens. There was a stage. There was a public address system. No one was allowed in unless they had a ticket. There was no prior notification for the residents. All these dogs and humans were walking up to the gates and were not allowed in because there was this event going on. It is just not a park anymore. Even for that weekend, we had no prior warning. That sort of event will happen all the time if the Holocaust memorial and learning centre are built.

59. The children's playground—it is hard to tell your child that you cannot go in that weekend. There is a lovely picture in Dorian Gerhold's booklet, which I believe you have all been given, of the sandpit when the park was built. That again is being squashed and squashed. The idea is that it is going to be squashed even further because, if the Holocaust memorial and learning centre as planned—it is going to be reduced a further 30% and the wall is going to be pushed away from the park. It is going to make it impossible for a mother with children of different ages to see her children. If some want to go off into the main bit of grass and others want to stay in the playground, it is going to be very hard to manage all those children.

60. What is upsetting is the idea that the view—when you come into the park from the bridge, going over from Lambeth Bridge, all the way along you can see the Houses of Parliament. It is just a beautiful view and that grass is just gorgeous. It is not going to be there. When you go down the steps from Lambeth Bridge, you will just see the ticket booth; you will see concrete; you will see the Holocaust memorial and learning centre. That is not a park. It is just very different. The whole atmosphere will be changed.

61. I am at page 5 and I am slightly straying into Alex Carlile so I am just wondering whether I need to say this. I am not going to say this. You will all be relieved. It is all about security and how much security there is going to be.

62. I have a vision of how, in a few years' time, all the gates will be closed. There are lots of gates going down into the park now. They will all be closed apart from the one by the Holocaust memorial and learning centre. Again, that is not really a park.

63. When all this started, nine years ago, the Imperial War Museum did not have the incredible Holocaust galleries. I do not know whether you have been to them. They are

literally a 12-minute walk, just over half a mile, two short bus stops away. I know this is a council issue and not for you, but you could easily have, as it were, Stolpersteine with the history of the Holocaust directing you as a link between the new Holocaust galleries at the Imperial War Museum and the park.

64. I think the other thing that I find upsetting is that the memorial is always going to be tainted with the association with the architect, Sir David Adjaye. He has had terrible press. So far we do not know whether it is true or not, but normally when press reaches the levels that his did it is probably true. I would much rather that a Holocaust memorial was designed by someone else. That is 14.

65. On 15, I know this is not what I am meant to be—

66. MR DOCTOR KC: No, you do not need to read the part that you cannot.

67. MS GRUNFELD: Okay, I will not read the part that I cannot. I think it is just too much. It is too big. The Buxton memorial should be the largest size that anything could be, in my mind.

68. Paragraph 16 is probably quite important. The decision that you are making is simple but it is very serious. In remembering the dead, we must not forget the living. It is a really loved park and the living use it. That is my bit. Thank you very much indeed. Any questions?

69. THE CHAIR: Yes. The obvious question is what you say this all leads to. What do you want to be done?

70. MS GRUNFELD: I am not allowed to say, from what you said yesterday, but, given the circumstances, I think there is the whole of the country to choose from.

71. THE CHAIR: Am I right in thinking that all this that you have mentioned leads up to your ultimate point, which is that we should not have the Holocaust museum and learning centre there?

72. MS GRUNFELD: Not the one designed. It could be something else. It could be a smaller version.

73. THE CHAIR: What about the learning centre?

74. MS GRUNFELD: At the moment all along the top of Victoria Tower Gardens is the education centre. That is a perfect place to put a learning centre, if you want it. You do not need to build anything else. Was it John Bercow who did that?

75. THE CHAIR: You are saying the existing education centre for Parliament should become the learning centre?

76. MS GRUNFELD: Why not? Yes. It is there. No local has been invited to go into that. I have no idea what is in there. You see a few children, but it is not massively used. I think it would be a good use of it. Yes, and a memorial no bigger than the Buxton memorial.

77. LORD FAULKNER OF WORCESTER: Chairman, could I just pick up one thing? In paragraph 15, right at the end, you say you at least ask the committee to recommend amendments to protect the playground. What have you in mind there?

78. MS GRUNFELD: As I was saying, it is getting smaller and it should not get smaller. It should stay the size it is now at least. We should make it easy for parents. At the moment it is squashed between toilets and a potential little kiosk. If there are lots of people wanting to buy tickets or get their tickets to go and their bags searched and everything, it is just not going to be a place of fun for children. It is going to be potentially a dangerous place. I do not know, but I would say it should not be reduced in size. Mr Doctor here is helping me. I am not used to this.

79. LORD FAULKNER OF WORCESTER: Thank you.

80. THE CHAIR: Has anybody else got any questions? We are very grateful to you. Thank you so much for highlighting those points in your evidence. Obviously, we will consider all the points very carefully.

81. MS GRUNFELD: Thank you for listening.

82. THE CHAIR: Not at all. Now, Mr Katkowski, what do you want to say about that?

83. MR KATKOWSKI KC: Where do I start? My Lord, what I want to say about that, to be quite frank, is I would welcome some clarification from my learned friend who

appears for these petitioners. That is petitioner number 15. In their petition, at section 3, they set out 10 things that they ask this committee to do. You will not be surprised to hear me say that I would regard most of them, if not all of them, as being not matters for this committee, but I think it would only be fair, to be quite frank, if my learned friend could indicate to the committee, and for my benefit as well, if I could say, which of these are being persisted with.

84. The first, for example, is that the centre for learning should be somewhere else, which obviously infringes the ruling or direction or guidance you gave yesterday evening and this morning, and so on and so forth. There are a number of them which are directly contrary. Many of them, I would say, are implicitly out of step with the rulings that you have given.

85. In order for me to make my submissions, I do not want to address matters which are no longer being put to the committee and waste your time talking about things which are no longer being advocated, so I think it is only fair, to be quite frank, to understand, in the light of your rulings, which of these 10 items are actually being continued with.

86. MR DOCTOR KC: I am happy to do that, if I may do that.

87. THE CHAIR: Yes, certainly.

88. MR DOCTOR KC: Starting with paragraph 1, “The Bill should stipulate”—we cannot argue for that as such, but Ms Grunfeld has said, and we would in the light of your ruling argue, that the learning centre should be in the parliamentary building that she referred to, which is on the site and which would be co-located with the memorial which would be built. It would be much less disruptive of the park, obviously, both during the construction period and after that. The learning centre, in fact, as I can show you later, would be much closer in meaning and in scope to the original vision of the Holocaust Commission, which was for a campus. I can come to that later. It would be for the learning centre to be in the education centre.

89. Paragraph 3, then—

90. MR KATKOWSKI KC: What about paragraph 2? I am so sorry.

91. MR DOCTOR KC: Yes, obviously we are not going to ask you to—

92. THE CHAIR: No.

93. MR DOCTOR KC: I have suggested that it should be in the learning centre, so I will change it to that.

94. THE CHAIR: I am a bit confused here. 1, you say the learning centre can be properly described as being co-located if it is in the education centre.

95. MR DOCTOR KC: Yes.

96. THE CHAIR: That is 1. 2 is about a new search for the memorial and centre for learning.

97. MR DOCTOR KC: I am not going to persist in that.

98. THE CHAIR: You cannot persist in that, no.

99. MR DOCTOR KC: 3 is on the assumption that you have made the ruling which you have now made. “The memorial should be of a height, size and bulk no greater than any of the existing memorials in the gardens and should not cause harm to the view of the Palace of Westminster or the setting of Buxton memorial”, which we persist in.

100. 4 is the children’s playground. “The Bill should stipulate that the size of the children’s playground should not be reduced, that the access to the playground should not be affected and that the playground should not be located near the memorial”. Ms Grunfeld, in her witness statement, refers specifically to the question of the queues to get into the security part going along the children’s playground, which is inconvenient—let us put it that way—or undesirable, so we would hope that there would be something said about the playground being, if not near the memorial, at least separated from the memorial in a meaningful way.

101. 5 is that Section 2—that is the disapplication section—will cease to have effect once the memorial and learning centre are inaugurated, so that they do not provide a cover for further encroachment on the space protected by the 1900 Act. That we would advance.

102. THE CHAIR: Just pausing, Clause 1 does talk about re-erection.

103. MR DOCTOR KC: Yes. The problem is that it does not refer to any particular memorial, but one could understand that, if some memorial were built and were struck by an earthquake, it could be re-erected. Somebody could decide, "If the park is going to be closed anyway because security is a nightmare, we may as well use this now to build a much larger memorial covering the whole park". We say that should not be allowed.

104. Since the purpose of the Bill, they say, was to provide for the current plan that the Minister has to be built, it should not be allowed, in the future, to be used to extend the plan as Parliament eventually decides. If Parliament follows the suggestion that we will come to of actually limiting the size of the park that can be used, the Act will not later allow something to be built which is higher or larger or even perhaps takes up some other part of the park.

105. LORD HOPE OF CRAIGHEAD: The problem is that subsection 3 of Clause 1 talks about extension, alteration and, as the Lord Chairman has said, re-erection. We have to have regard to those words, do we not?

106. MR DOCTOR KC: My Lord, "re-erection", I would submit, must be sensibly limited to if it is knocked down, if something happened to it and it fell down or part of it fell down.

107. "Extension" must be given some sensible meaning, but if in fact it means that actually you could extend it into the whole park, following my argument yesterday, that would destroy the part of the principle which is that the rest of the park will be retained as a garden. That may be one of the things your Lordships' Committee might suggest to Parliament, that that be in some way clarified, that "extension" does not mean that it can be doubled or trebled in size or used to cover the whole park. It must be given some more limited use or the meaning of "extension" must be clarified.

108. If one were to ask the promoter today, "Tell us. Do you actually think that this is going to enable you or your successors to knock the thing down and use the whole park? Is that what you mean by extension?", he would come back and say, "No, of course not. I mean if you have to put in one of these new heat exchangers, there could be a slight extension for that, or if you find it is raining on one side and the water is causing a problem. That is what 'extension' means".

109. If you were to recommend to Parliament that it should amend the Bill to make it clear that “extension” does not have the widest possible meaning but, if an unforeseen circumstance arises, it can be slightly extended, that would be in keeping with the principle that the rest of the garden is going to be protected for all time under Section 8. No doubt some wording can be devised which will achieve that.

110. The committee should not be concerned that Parliament has authorised, as it were, the Minister to have a completely free hand to do whatever he likes in the park anywhere and therefore nothing can be suggested to restrain it. I say the committee should ask the Minister to clarify that some of these words do not have that extreme meaning.

111. THE CHAIR: Thank you.

112. MR DOCTOR KC: Ms Grunfeld has dealt with this. There should be a limit on the amount of time the gardens can be closed to the public in any one year, if for some reason associated with the memorial there should be some need to close all the gardens.

113. Paragraph 7, which deals with the governance, is going to be dealt with, I think, by Ms Monger in greater detail. That is the idea that there should be separate governing authorities for the garden on the one hand, which could be the Royal Parks or whoever is currently doing it, and then a separate governance for the memorial, so that the governance of the memorial does not have, as it were, the automatic right to make decisions for the park part of it. They are in charge of the whole thing so they have no difficulty in doing whatever they want with regard to the garden because that suits the purposes of the memorial.

114. THE CHAIR: Just go back. Sorry, I am just a little bit behind you. On the question of extension, you want it clarified. I take it that you are accepting that we could not just delete that from the Bill as a committee and that either we need a satisfactory explanation or limitation by way of amendment from the promoter or, alternatively, we say in the special report, “The House should consider”. Is that the sort of thing you—

115. MR DOCTOR KC: Yes, that is what I have in mind.

116. THE CHAIR: I see. Thank you.

117. MR DOCTOR KC: The basis on which you could do it is there would be a tension between any extension or the widest possible extension and the other principle that the park is to be maintained, the part that is not used. There seems to be a conflict between that word in relation to the memorial and the other meaning of Section 2, which is that the park should be maintained. This committee is the best to point out this difficulty, whether it is solved by limiting the extension or by removing it. Parliament might even remove it, given the conflict between the two aims.

118. Moving on, as I said, paragraph 7 deals with the different governing authorities responsible for the park and for the memorial and that they should be separate.

119. Paragraph 8 deals with security, but, as Ms Grunfeld did not address you orally on that, I am content to just leave that for the moment to, in any event, Lord Carlile, who you have asked to prepare some amendments. There is no point in having separate amendments on the security issue.

120. I think the concern that she mentioned is one that is coming from a member of the public. The concern is the obvious one. There is a mound. It leads up to a railing or something, and you can look over into the courtyard at the fins or the entrance. It is blindingly obvious that, on the first day on which somebody throws something over that railing and it hits a member of the public entering through the fins, there is going to be a security incident.

121. It might just be thought that either they are going to have to constantly police this area so that people cannot throw things over—because an ice cream stick is one thing; an incendiary device is another—or they are going to decide that no one can come on to the mound. It is going to raise enormous security issues and it is going to raise cost issues, of course. Would it not just be cheaper, given the running of this thing, to just close the mound or the garden or whatever in order to prevent this from happening rather than to install massive security arrangements? That is the sort of issue which Lord Carlile will deal with.

122. Paragraph 9 is that the committee should report in some way on the question of cost.

123. THE CHAIR: Why? We are not a body that controls expenditure.

124. MR DOCTOR KC: My Lord, I accept that, but there may be some wise words from the committee on the implications of the costs of this.

125. BARONESS SCOTT OF NEEDHAM MARKET: Sorry, we are considering the private interests. I think the testimony that we have just heard about the use of the park for me absolutely hits a private interest. I am really struggling to see how a report to Parliament is something that you could talk about as a private interest as opposed to being an issue that Members of the House would raise when this Bill comes back through its normal public Bill stage.

126. MR DOCTOR KC: My Lady, I fully accept the point you are making, but I would ask you to bear in mind that the decisions on issues like funding of the security of the park and looking after it will eventually impinge on the use of the park. If it is decided, for example, that it is too expensive to secure the memorial, an alternative would be to just close the park, making it easier to defend, and this would impact on the use of the park by members of the public. If you feel that that is not a good enough connection to allow you to comment on that, that is obviously a matter for your decision.

127. THE CHAIR: If you are correct that the 1900 Act should continue on areas which are not covered by the Holocaust memorial as put up, why would that not cover that problem?

128. MR DOCTOR KC: My Lord, I would hope that it would, on the assumption that it will remain—

129. THE CHAIR: The advantage of the protection of Section 8 of the 1900 Act remaining is that we can say that deals with the private interests of residents. You are starting to talk about how much is it going to cost, who is going to look after it, who is going to supervise the expenditure of money and whether it has to be published or not. These are matters raised by Bills. I think particularly Baroness Deech raises these matters. That has nothing to do with private rights, which is what we are concerned with.

130. MR DOCTOR KC: My Lord, I will not take it any further. Paragraph 10, I think, I have already dealt with. It is another way of formulating paragraph 7.

131. THE CHAIR: Anyway, I think you have answered Mr Katkowski's question in detail.

132. MR KATKOWSKI KC: Thank you so much.

133. THE CHAIR: There we are.

134. MR KATKOWSKI KC: I am very grateful. That is extremely helpful. Thank you. I will run through the remaining points. I think perhaps most of them are remaining, but in relation to the first suggestion which is made in paragraph 1, section 3, of the petition, that has now been amended: the learning centre should be in the Parliament Education Centre. You apparently should make an amendment that the learning centre has to be in that particular location. Plainly that is in complete contravention of the ruling that you have given that relates to the proposed Holocaust memorial and learning centre. You have already indicated that that is not to be questioned. With great respect, I do not accept that that is a matter for this committee.

135. Number 2 has gone. Over the page, paragraph 3 is a point which is made by a number of the petitioners, petitioners you are going to hear from today and indeed next week, and that is to say that the Bill should be amended so that the memorial should be no larger than, in this particular instance it is said, any of the existing memorials in the gardens. You would presumably choose the largest of those and say, "The Holocaust memorial cannot be larger than that". Plainly, that again infringes your ruling because the proposed memorial, if it is permitted and built, would be the largest in size. Its height, size and bulk would be larger than any of the other memorials in the gardens. Plainly, any such amendment would run contrary to what I have submitted and what I understand the committee has accepted as the principle of the Bill.

136. THE CHAIR: Just pause there. Can you reformulate your criticism of this as not related to—I know this is essentially your case—the specific Holocaust memorial as planned? I know that your argument is that everything has to be judged by reference to the specific one that is going to be put up.

137. MR KATKOWSKI KC: Yes.

138. THE CHAIR: Is there a way that you can formulate that without reference to that

particular thing? For example, it might be said that it is obvious that, if you have a learning centre underground, you are not possibly going to be able to constrain what is above the ground to what is in the Buxton memorial. That is not possible.

139. MR KATKOWSKI KC: My Lord, I will answer your question, if I may, directly in a few moments' time, but, as I understand section 3 of the petition, it relates to the memorial element, so the above-ground element, of, as it happens, the proposal. I do not think there has ever been a proposal that the memorial itself should be underground. The memorial has always been proposed to be above ground. It is saying that you should amend the Bill in such a way that the memorial to the Holocaust should be no larger than presumably the largest of the existing memorials in the gardens.

140. My point—I am sorry to persist with it, but I feel I must—is, if that was done, that would stop the proposed memorial in its tracks because it is larger than any of the memorials in the gardens. Yesterday, when you ruled that there must be no questioning of a Holocaust memorial and learning centre in Victoria Tower Gardens, et cetera, I had understood that to mean any memorial, including the proposed memorial. This morning, my Lord, when you formulated the ruling or the direction, you specifically referred to the Holocaust memorial and learning centre.

141. Plainly, a Holocaust memorial and learning centre cannot mean that the petitioners cannot object to any Holocaust memorial and learning centre apart from the one that is proposed. That would make a nonsense of the Bill, obviously. I am afraid I persist as I have and I find it very hard to formulate the point in any other way than to say that any such amendment would stop the proposed memorial in its tracks and would be dictating to Government that any future memorial could only be of a certain size. With great respect, how on earth can this committee decide that the size, height and bulk of a memorial to the Holocaust, the greatest crime in human history, should be no larger than any of the other memorials?

142. LORD HOPE OF CRAIGHEAD: I am sorry to interrupt you. If one were to assume a fresh attempt at a Holocaust memorial were to be devised, this would tie down the designer and indeed the inspector at a planning inquiry in a way that might not be desirable.

143. MR KATKOWSKI KC: Indeed, that is my very point, my Lord. That is my very

point. I know that you fully understand this, and I hope that you will forgive me. I hope that you will, anyway. I am extremely keen that the committee is aware of the implications of this clause for the project that the promoter is proposing.

144. THE CHAIR: We have got that.

145. MR KATKOWSKI KC: Thank you, my Lord. In addition to that, my Lord, I simply do not accept on behalf of the promoter that it would be at all appropriate for this committee to tie the hands of any future designer, should the memorial be redesigned. With great respect, how can it be said at this stage that the only appropriate size for a memorial to the Holocaust is no larger than—I do not know. Which is the largest at the moment? Probably the Burghers of Calais, I should think, or perhaps the Buxton memorial. How can how can it be appropriate for this committee to do that? I am afraid I object strenuously to this third item.

146. Number 4 is the same as above. The fourth point is about the children's playground. This provision would stop the proposed memorial and learning centre in its tracks because the proposed memorial and learning centre does change the children's playground in certain ways. That has all been considered, as you know, by the inspector and will need to be considered again through the planning process in due course.

147. Again, to take the wider point, why should it be said that, if there is to be a memorial and learning centre in relation to the Holocaust in the gardens, that the children's playground is such that it cannot be adjusted in size, that its access should not be affected and that it should not be near the memorial? It is really not within your, with great respect—

148. LORD HOPE OF CRAIGHEAD: There are three bits to paragraph 4. There is, first of all, size, then there is access, and then there is the location. The access point may have something to it. Could one say, for example, that during construction access to the playground should be maintained? It could be that kind of thing. I can understand the location. It is diminished in size. You say you have to do that in order to get the proper location for the memorial, but the way in which you maintain the existence of the playground during construction and afterwards could be an issue either for an undertaking by you or some recommendation by us. Would you perhaps look at that a little more for us?

149. MR KATKOWSKI KC: Of course we will, my Lord. It is entirely my fault and responsibility. I had not read the proposition in that way. I had read the proposition as a proposition which, to be quite frank, is directly aimed at seeking to stop the memorial and learning centre in its tracks because it is well known that the memorial and learning centre will change the access to the playground. There are different routes to the playground shown as part of the plans, and so that is how I read it, but if the point is a more subtle one and perhaps, with great respect, a better one—that is to say, “How is one going to ensure that the children can play in the playground when all this work is being done?” et cetera—that is a different point, and of course I will take instructions on that.

150. THE CHAIR: Lord Jamieson has got a question.

151. LORD JAMIESON: If I can just expand that slightly to say restrictions talked about the quality of the playground. I think one of the points that Ms Grunfeld mentioned was non-interference with access to the playground as a result of queues or other things associated with it, so I think it would be very helpful if we thought through how we could protect the enjoyment and access of a playground, essentially accepting that it will be a new playground and that a new playground can be at least as good and have at least as good access and so forth.

152. MR KATKOWSKI KC: The parents and children, et cetera, can get to the playground without being obstructed, if you like, by queues. I understand the point, my Lord. I know that this was all addressed in the evidence at the planning inquiry, but we will take instructions on this and, if we may, come back to the committee on that.

153. LORD JAMIESON: Thank you.

154. MR KATKOWSKI KC: Thank you very much indeed. Number 5 is the sunset clause—that is to say that Section 2 should cease to have effect at some point in time. Frankly, one would need to see the drafting in relation to this because it is not as simple as saying that Section 2, as it would become, should cease to have effect once the memorial is inaugurated because, of course, one has to use and operate the memorial and learning centre. The whole point of Section 1, which, of course, is cross-referred to in Section 2, is to ensure not only we can build this but also that we can use and operate it, so one would need to be careful in the drafting of any such provision.

155. I think, with great respect, the point which is seeking to be addressed by item 5 in the petition, which is, as I understand it, that there should be some restraint on the promoter's ability to take more and more of the park over time in order to have a memorial and learning centre for the Holocaust, is much better dealt with through the form of amendment that the committee has already asked us to produce. It is much better dealt with in a geographic sense rather than trying to squeeze it into some timing point. Because of the difficulties of having to operate the Holocaust memorial and learning centre, it is not just as simple as building it. One has got to be free of the 1900 Act when we actually operate it as well because that area of the gardens would no longer be—

156. THE CHAIR: Let us wait to see your amendment and see what it looks like.

157. MR KATKOWSKI KC: Yes, indeed so, my Lord. I am hopeful and, if anything, confident that the amendment that we propose or we put forward for your consideration will cover that.

158. 6, that there should be a limit on the amount of time the gardens can be closed. I simply do not understand this. The idea that this Bill, this Act in due course, should state that the gardens cannot be closed more than X number of times a year—this issue extends far, far beyond Holocaust memorialisation and learning about the Holocaust. Who knows for what purposes the gardens might be seen as a place where there should be some or other function or, to use a word which probably is not very appropriate, event that would require the closure of the gardens, nothing to do with the Holocaust memorial and learning centre? I just do not understand how one can seek to pin on to or attach on to this Bill—

159. BARONESS SCOTT OF NEEDHAM MARKET: Do you mean something like the queuing place, for example, during the—

160. MR KATKOWSKI KC: Yes, the lying-in-state of our late Queen.

161. BARONESS SCOTT OF NEEDHAM MARKET: Yes.

162. MR KATKOWSKI KC: Yes, exactly. There are all sorts of—I say “all sorts”. It would not be too hard to imagine things that one might wish to carry out in the gardens

which would require the gardens to be closed, but this committee would need evidence far more extensive than the evidence that any of us here are giving on the Holocaust memorial and learning centre. It raises far wider issues than our proposals.

163. LORD JAMIESON: To flip that, you would accept restricting closures associated with the use and operation of the memorial and centre. I have no idea why you would shut the park for the memorial centre. That would be acceptable.

164. MR KATKOWSKI KC: With great respect, I am not sure how that relates to the Bill itself, but, again, I can take instructions. We have no intention, plainly, of shutting the gardens, and we do not need to shut the gardens. The whole point is not to shut the gardens for the Holocaust memorial and learning centre.

165. “Offence” is an awful word to use, is it not, for such a significant thing? The idea of commemorating the Holocaust or having things happening in the gardens which relate to the Holocaust—that will not be all within the remit of this memorial and learning centre. I am just very nervous, with great respect, about the idea—it might have absolutely no impact on our project at all—that this committee would amend the Bill to legislate now to ensure that the gardens could only be closed—I do not know how many days are envisaged.

166. LORD JAMIESON: Sorry, we are not restricting the closure of the park in general, but there should not be, as a result of the memorial, closures of the park. That is what we are seeking to restrict, potentially.

167. MR KATKOWSKI KC: Yes. There are already by-law-making powers in relation to the gardens. They all spring from other provisions in Section 8, which we are not seeking to disapply. I will take instructions on the point, my Lord. I am very hesitant about it, to be quite frank, but let me take instructions on this.

168. LORD HOPE OF CRAIGHEAD: Could I raise, again, the question of the construction?

169. MR KATKOWSKI KC: Yes.

170. LORD HOPE OF CRAIGHEAD: That is what, three and a half years?

171. MR KATKOWSKI KC: That is the estimate.

172. LORD HOPE OF CRAIGHEAD: I am not clear at the moment to what extent public access to the park would have to be denied while you are excavating the area that is to be occupied by the memorial centre. I presume you are not going to do it like tunnelling; you are going to take the surface away, which is the obvious way to do it, and then put it back again. There will be no park apart from the walkway, which you say will be preserved. Is there some restriction that could be put on the time that that would take?

173. MR KATKOWSKI KC: I do this with the greatest respect to the committee. I would caution the committee on getting involved in such matters because that would require detailed technical evidence about this.

174. LORD HOPE OF CRAIGHEAD: We could ask you to make an undertaking that the public walkway, through the construction, at all times be maintained so that people can walk to the Embankment and enjoy the view from the Embankment and go all the way along to the bridge.

175. MR KATKOWSKI KC: We had, as you know, an assurance in relation to that very point, which was never taken up by the committee in the Commons, which could be converted into an undertaking.

176. LORD HOPE OF CRAIGHEAD: Yes, it might be rather important to do that.

177. MR KATKOWSKI KC: The point is noted, my Lord. Otherwise, my Lord, I was going to say that the construction, as I understand it from the evidence of the planning inquiry, would take various parts of the gardens on a rolling basis, depending on exactly what part of the project is being constructed at what particular time.

178. Where are we? Number 7, that there should be a particular entity to govern the memorial which would be separate from those who manage the gardens. That is patently not a matter for this committee, with respect.

179. Paragraph 8 is being left to Lord Carlile. That is a security point. The committee has asked Lord Carlile to produce an amendment, which we can consider in due course.

180. THE CHAIR: Can we just go back to the previous point?

181. MR KATKOWSKI KC: Yes.

182. THE CHAIR: There is a private interest for those who use the park as inhabitants of the area that, once it is put up, the park area should remain distinct and available for use.

183. MR KATKOWSKI KC: As a garden.

184. THE CHAIR: As a garden.

185. MR KATKOWSKI KC: Yes.

186. THE CHAIR: This is what this point is driving at, which is, unless there is a body which is separate from the governance of the memorial and learning centre, there may be, in some way or other, an encroachment on the park area. That is the concern. That does raise a private interest.

187. MR KATKOWSKI KC: My Lord, yes, the gardens are managed by the successors to the commissioners under Section 8 and the Bill seeks to do nothing to that. That will all continue in place. Plainly, their statutory role is to ensure that the fundamental provision of Section 8, which is that the garden should be maintained as a garden that the public can access and enjoy, will remain in place. Nothing in the Bill has anything to do with any of that. What is being said is that whoever governs the memorial and learning centre must not be the party who is responsible for the management of the gardens.

188. THE CHAIR: For example, if there are a lot of people who want to use the memorial, they may decide to use part of the parkland in order to have a queue there and elsewhere. There are all sorts of things that could happen. All that is being said is, "You have to have two separate organisations, which are distinct, in order that the separate interests should be attended to". Now, I did notice that this was not a matter dealt with in the planning. There is nothing about that in the planning. It may be that it could have been, but it was not, in fact, dealt with in the planning.

189. MR KATKOWSKI KC: It could have been, but it was not, I think, is a fair

summary.

190. THE CHAIR: It was not. I think this is a matter of information as to what the two bodies are going to be.

191. MR KATKOWSKI KC: Yes, indeed.

192. THE CHAIR: Could you just take some instruction on who the current people would be? I know you talked about the successors. Could you just tell us who, as of now, would be the people who would be organising this? Presumably, the Holocaust museum, as a national museum, would come under the remit of DCMS.

193. MR KATKOWSKI KC: DCMS is the successor in title to the commissioners in relation to the gardens.

194. THE CHAIR: That is the point.

195. MR KATKOWSKI KC: Yes, we can put on a piece of paper who—

196. THE CHAIR: If you could, just tell us who they are and who they will be.

197. MR KATKOWSKI KC: We will certainly be able to tell you, without any difficulty at all, who they are in relation to the gardens. We can certainly set out our intention in relation to the memorial and learning centre.

198. My Lord, I was going to say that actually it might make sense for the two to be the same, to be quite frank, so as to manage any potential conflicts, but that is not my understanding of what we propose in any event—that there will be a separate body running the memorial and learning centre, on the one hand, and one running the gardens, on the other.

199. THE CHAIR: Anyway, perhaps you could help us on that. That may be an issue for an undertaking, possibly.

200. MR KATKOWSKI KC: We will put it on a piece of paper for you, my Lord.

201. LORD HOPE OF CRAIGHEAD: Would its jurisdiction be defined geographically, the area over which it would have jurisdiction?

202. MR KATKOWSKI KC: In relation to—

203. LORD HOPE OF CRAIGHEAD: The issue as to whether the Section 8 responsibility would be geographically separate from the other one. It might be helpful to know what the limits are of the responsibilities.

204. MR KATKOWSKI KC: My Lord, yes, I understand that. We will wrap that all up in the same response to the request that has been made. I know that there is already an answer to this somewhere, but I am not going to try and do this on the hoof because I will probably get it wrong.

205. THE CHAIR: This does appear in more than one petition.

206. MR KATKOWSKI KC: It does. It appears repeatedly.

207. THE CHAIR: It would be useful to know what the—I am sorry. I interrupted you. Where are we up to?

208. MR KATKOWSKI KC: Not at all. I have lost the plot. We were on number 7, were we not?

209. THE CHAIR: Yes.

210. MR KATKOWSKI KC: That plainly is linked to number 10, so I will make the same point about 7 and 10. The same note will cover those issues, my Lord, if I may.

211. Number 8 has been left to Lord Carlile, so I will say no more about it. We will return to that once we have Lord Carlile's proposed amendment.

212. Number 9 is on costs. The committee is already there. I am sure costs plainly are the public side of the Bill and certainly not anything to do with private interests. You will understand, of course, that, if the Bill had simply comprised Clauses 1 and 3, it would be a public Bill. The hybrid element of the Bill is Clause 2. You will well understand the long-established practice that this House cannot actually amend a money Bill. As the Bill is not simply dealing with money, it is not, strictly speaking, a money Bill, but the sentiment of this House not actually in any way interfering with provisions that relate to public expenditure would patently apply to Clause 1. Anything to do with costs is plainly not an element which falls within the private aspect of the Bill.

213. Those are the submissions I wish to make.

214. LORD HOPE OF CRAIGHEAD: Could I just go back to number 7 again, talking about geographical definitions? There are things like who cuts the grass, at whose expense you clear up the leaves and all that kind of thing. It would be helpful to know whether you suggest it would be good, for a sense of good order and proper management, that we have a definition of which bits are in which—

215. MR KATKOWSKI KC: Who is doing what where, if you like. Who is responsible for doing whatever it might be in this part and that part.

216. LORD HOPE OF CRAIGHEAD: Yes.

217. MR KATKOWSKI KC: My Lord, if I may say, I fully understand the point. I am sure all those sitting next to me and in the room do as well.

218. THE CHAIR: Mr Doctor, is there anything further that you wish to raise that the committee itself has not already raised?

219. MR DOCTOR KC: Just very briefly, I would make the point that the ruling was that we should not raise a question whether there would be a Holocaust memorial and learning centre in VTG, and we will not do that. At the same time, the promoter says what his intentions are in relation to the proposal that has been the subject of the previous planning inquiry. That is his present intention, but, of course, that is not referred to in the Bill anywhere. The way in which the committee should look at this is that that may be the current promoter's intention, but it may not remain the promoter's intention for all time, and not even at the present.

220. When it comes to actually proceeding with the memorial, the generality of the wording in the Bill means that anything that is designed can be built without regard to Section 8. There would be no harm, we suggest, in this committee stating now that certain standards, limitations or whatever one wants to call them should be laid down. For example, if the current plan does not envisage losing the playground, there is nothing to stop the Minister, after the Act has passed, saying, "That was then. We now propose to lose the whole of the playground because that is more convenient", for whatever reason they come to. Your committee will have lost the opportunity of laying

down some provision for—

221. THE CHAIR: We have addressed the question of the playground. We have asked for some sort of description or undertaking in relation to continuing access.

222. MR DOCTOR KC: Yes, and also in relation to size. The way in which my learned friend dealt with it was that you could not do that because the Minister can do what he likes, although he has no current intention of removing the—

223. THE CHAIR: We have to keep a grip on reality. Whatever is proposed needs planning permission. Speaking for myself, I think it is inconceivable, frankly, that planning permission will be given over the whole of the park area to a memorial. We have to be somewhat realistic about this.

224. MR DOCTOR KC: My Lord, one says that and one feels that that would be sensible, but one never knows. Given the way in which the planning inspector approached it, which was that ultimately whatever harms were caused were all outweighed by the public interest, which is essentially what he is looking at, as you say, it is inconceivable that they would say the whole park must go because of various political and other reasons. They take up 7.5%. What is the difference with 15% or 20%? There is still quite a lot of park left.

225. We are just urging your Lordships and Ladyship to set some parameters so that the very wide possibilities are catered for, in particular with regard to things like the playground and possibly the siting of the learning centre. All of these things can be considered. If they are not going to go beyond this, what we are suggesting is not going to harm the current proposal. The current proposal could be amended to take a little bit less of the park and that sort of thing, but we leave that to your Lordships.

226. THE CHAIR: Thank you very much. All right.

227. MR DOCTOR KC: On the question of the gardens, I just would like to say that we mean what I think Lord Jamieson says we meant by that clause relating to the closure of the gardens for the purposes associated with the Holocaust memorial. We are not concerned here—and neither are you—with the use of the garden for other purposes like the lying-in-state of the sovereign or whatever it is, but the garden should not be closed

for purposes related to the Holocaust memorial for more than a certain amount of days per year.

228. THE CHAIR: That is the end of that case, then, is it? I would like to thank Ms Grunfeld very much indeed for appearing in front of us and taking us through your statement, which does bring the whole thing to life, as a person who actually has used and enjoyed this particular park and its special features for a very long time. We are very grateful to you for that. This is a public session. You can stay or go as you please.

229. MS GRUNFELD: I will wait for someone to wheel me away.

230. THE CHAIR: Sorry. There is one more question.

231. LORD JAMIESON: No, there is not. I was just going to utilise this natural break for two moments, if that is okay.

232. THE CHAIR: Certainly, yes. We will just wait for a little while.

London Historic Parks and Gardens Trust

233. THE CHAIR: Mr Doctor, I now invite you to make submissions or to call your evidence on behalf of the London Historic Parks and Gardens Trust.

234. MR DOCTOR KC: Thank you, my Lord. Ms Helen Monger is here on behalf of the Trust, and she would like to address you.

Submissions by Ms Monger

235. MS MONGER: I have prepared a presentation. I tried to adjust overnight. The slides were submitted yesterday, but I have adjusted my presentation verbally in order to accommodate the scoping decision. I will take you straight to my petition. You will note that point (a) of my petition was for a memorial only. Clearly, that now falls out of scope, but the actual wording I will speak to—could you go back one slide for a minute, please? Thank you.

236. THE CHAIR: Are you going to give this in a paper form or not?

237. MS MONGER: No, I will present first. I can follow up, but I would like to present because I have got it co-ordinating with slides, if I may.

238. THE CHAIR: Okay.

239. MS MONGER: Thank you for letting me sit here. I am the nominated representative for London Historic Parks and Gardens Trust. We are often referred to as London Parks and Gardens, or LPG for short. It is a branding nightmare. I have campaigned for the protection of Victoria Tower Gardens as the charity's representative, steering on their behalf the legal cases about both the ministerial handling arrangements prior to the planning inquiry in 2021 and the successful challenge at the High Court, which quashed Mr Christopher Pincher's illegal planning approval in 2022 when he was Minister for Housing. At one point, you said just now that it was inconceivable that the Government would seek to take the whole park, but it seemed to us inconceivable, before we took the legal challenge, that the Government would seek to take the park and ignore the 1900 Act. I will come back to that.

240. It is important to tell you from the beginning that I have no legal training and I have relied on advice from professional counsel, including Mr Richard Buxton, who is, I am hopeful, coming very shortly—I know he has been detained on a train from Cambridge—and Mr Brian Doctor KC, who you see here, and some others.

241. In my career, I have worked for quangos, non-departmental public bodies and charities in the heritage and environmental sectors. I am currently serving as a volunteer trustee for CPRE London, another charity with a nightmare in terms of their name, that are also seeking to connect people to the countryside and green spaces.

242. I happen to live within walking distance of Victoria Tower Gardens, across the river in Lambeth, and I have visited the park and its playground with my children on many occasions, but I am here today in a professional capacity for London Parks and Gardens. As I mentioned and you have already in your petition, we are a registered charity and we are grateful that, as an amenity society, we have been given discretionary rights to be heard today.

243. The charity's purpose is to protect and celebrate the character of Greater London's designed landscapes in all their forms and for the benefit of everyone. The charity is reliant on public fundraising in support of its work to record, protect and conserve those landscapes. There is a wide variety of types of landscape from public parks, such as the one we are going to discuss, historic gardens, allotments and other natural sites, which

create a rich tapestry of vital green space, all contributing to climate mitigation and giving people a sense of place and community in the capital, as you heard from Ms Grunfeld just now. Could I have the next slide, please? Thank you ever so much.

244. LPG's protection work includes seeking mitigation in the planning system of the impacts of construction proposals where they may impinge on the setting and appreciation of historic landscapes. Victoria Tower Gardens is a grade 2 listed public park and a nationally recognised heritage asset, which the charity therefore regards as its duty to protect within the planning process and the wider legislative framework, such as the 1900 Act. On behalf of its many supporters and members that the charity seeks to represent, it wants to do so in the interest of the public and to maintain the public right of access and enjoyment of this national heritage asset.

245. In our preparation for these hearings and previously, the Thorney Island Society and LPG have worked alongside each other because we have common cause. Many of our suggestions for constructive amendments are therefore similar, although we may have a different take on them. I hope that what now follows might explain some of the background.

246. Both charities' requests for amendments represent the ideas of many, but the precise wording of those in the LPG petition are mine, based on that guidance and others. I am sure there are better ways of expressing those proposed amendments, but I hope to explain further the rationale behind each of the suggestions I have made. I have also taken on board some other petitioners' ideas, which were available on the website, in passing and will make reference to some of those as I go along.

247. I would like to put on record, before getting to the substance of the issues, that the charity wholeheartedly respects the importance of Holocaust education and memorialisation. The Adjaye designs were undoubtedly developed by the promoters with good intentions in response to the 2015 Holocaust Commission report's findings. That is in our bundle, pages 3 to 23. Mr Doctor has already referred you to them. LPG claims no expertise when it comes to the interpretation of Jewish culture within the UK, nor in-depth knowledge of how best to mark the Shoah, nor indeed any proficiency in advising on how to reduce modern-day antisemitism.

248. However, LPG is aware that many in the Jewish community question the

desirability of the promoter's current proposals, and you will also hear from Baroness Deech and the group of survivors whom she represents about their concerns. When I hand my speech over, you will see I have put some links, one of which is to an article in the *Architects' Journal* from 1 March of this year where Daniel Libeskind, another renowned and Jewish architect, calls for a rethink of the Adjaye Holocaust memorial designs.

249. Moving to our substantive concerns, the proposals led by Sir David Adjaye were intentionally designed to disrupt the park. Again, you have already been referred to some of the articles in our bundle, page 107 to 109, where there are two articles. LPG has maintained that they will destroy the purpose and character of this much-loved public park. The Holocaust Memorial Bill, as currently presented, will remove vital protections wholesale and reduce the rights of the public to freely enjoy their park.

250. The land forming Victoria Tower Gardens was put in trust to the nation for maintenance as a garden for public enjoyment and recreation in perpetuity, as spelled out in the 1900 London County Council (Improvements) Act, which I shall refer to for shorthand going forward as the 1900 Act. LPG has brought in a witness today who will speak after me, Dr Dorian Gerhold, who will provide you with far greater detail about how the 1900 Act came about and why it is so significant.

251. LPG first referred to the 1900 Act in its statement of significance, prepared in January 2019 and presented as part of its response, submitted to Westminster City Council's planning portal. Again, I refer you to your bundle that we gave pages 41 to 106, and in particular to section 4 and paragraph 4.9 where we highlight the precise wordings of the 1900 Act, which were before the planning inquiry and the planning committee at Westminster and hence the promoters from January 2019.

252. LORD HOPE OF CRAIGHEAD: Could we have that paragraph number again, please?

253. MS MONGER: Paragraph 4.9.

254. LORD HOPE OF CRAIGHEAD: Thank you.

255. MS MONGER: We reiterated the importance of the 1900 Act at the planning

inquiry. The charity was not alone in flagging to the promoters and the planning inspector that the 1900 Act would result in the Adjaye designs being regarded as an illegal land grab. Sadly, these warnings were ignored at every level, leading to the ongoing delay in delivering on the specifications requested in the 2015 Holocaust Commission's report. Again, you have that in your bundle.

256. I have taken note of yesterday's scoping decisions by the committee and have endeavoured overnight to adjust my approach. It will be clear from LPG's earlier petition, as I said at the outset, that the charity's preference would have been to retrofit a building or car park nearby. I want to put on record that many such buildings have come up and gone away in the past nine years, all within the parameters of central London as set out within the original site brief report by CBRE in 2015. Again, your bundle, pages 24 to 35, spells out a little map at one point and tells you where any building would have satisfied the brief at that point. Many of these buildings could have been used as the basis for alternative proposals and a new survey would bring new opportunities.

257. However, with the scoping in mind, it is LPG's contention that the planning inspector's report was fundamentally flawed by failing to take into account the deliverability of the scheme, given the impediment of the 1900 Act, and its status as a valid basis for any decision must be disregarded. At the present time, the future planning process to be adopted by the decision-taker is unknown.

258. The promoter's counsel yesterday indicated three ways to proceed post the Bill and ignored the many changed circumstances since 2019 when the original planning application was submitted for consideration. These changed circumstances include the sadly diminishing chances of Holocaust survivors seeing a Holocaust memorial and learning centre open within their lifetime, upon which great weight was placed by the inspector, even though that is not in the NPPF as a planning criterion; the increased security threats; the changing environmental legislation; and much more. The promoter's Adjaye design proposals should therefore be regarded as no more relevant or legitimate than potential alternative designs for a Holocaust memorial co-located with a learning centre within Victoria Tower Gardens. Next slide, please.

259. The amendments proposed by LPG seek to reduce the harms envisaged and maintain as much of Victoria Tower Gardens as possible as a public park for relaxation

and enjoyment, as intended by the 1900 Act. At the House of Commons Select Committee, LPG provided expert witnesses who showed how an appropriate memorial could be sited whilst maintaining a public park at Victoria Tower Gardens. Designs presented by renowned architect Hal Moggridge, LPG's patron, for a memorial were only tentative, but he had in a previous iteration also contemplated the possibility of an alternative co-located underground learning centre, or possibly reusing the site of the Parliamentary Education Centre, which is at the moment only a temporary structure. There may be other alternatives, some of which have also been presented, I believe, to the Secretary of State in the past nine years.

260. It is also important to note that UNESCO, at three successive meetings of its Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, known as the World Heritage Committee, has repeatedly raised the alarm about the Adjaye design risking the Palace's World Heritage status, should it be built as proposed, most recently in October 2023.

261. THE CHAIR: Can I just ask a question?

262. MS MONGER: Yes.

263. THE CHAIR: In all the dealings that you have had over several years with these gardens and the Holocaust memorial project, has the use of the education centre been raised? I do not recall that being dealt with in the planning report.

264. MS MONGER: It was not raised at the planning inquiry stage, but it has been raised through correspondence at other points. Going back to the UNESCO October decision, may I draw your attention to the bundle, pages 172 to 173, and in particular paragraph 9 of their decision, where they raised significant concern about the Adjaye designs and the risk to the World Heritage status of Westminster?

265. Keeping any new memorial in proportion with existing structures and maintaining the park as the perfect setting for the Palace of Westminster would avoid international criticism. Taking the Buxton memorial as a guide for what can be proportional to the gardens—and I beg to differ that it is the Burghers of Calais that is the biggest; I believe it is actually, by volume, the Buxton memorial—a fitting memorial could be delivered at speed within this park, in sympathy with the existing monuments, with an associated

learning centre.

266. THE CHAIR: That being in the education centre.

267. MS MONGER: No, that would be a memorial. You could have an underground learning centre in association with a memorial of a size on a par with the Buxton memorial.

268. THE CHAIR: Is that really feasible?

269. MS MONGER: I think it could be within the park, if that was what was desired.

270. THE CHAIR: Looking at all the people who might want to get access to the learning centre and its size, how would they get access? If you are going to limit above the surface the size of the memorial and you are contemplating an underground learning centre, at the moment I do not see—that is obviously a technical matter—how you are going to deal with that.

271. MS MONGER: I am being given some extra support here by another architect who knows the scheme well. There were a number of schemes put forward at the time of the competition for alternative designs. In fact, what we are dealing with now is a small ticketing area and larger memorial with a learning centre underground. It is just a question of how you divvy up the space. I am not an architect, I hasten to add, either.

272. THE CHAIR: Nor are we.

273. MS MONGER: There was an international competition and a whole series of designs, and many of them had smaller interventions above ground and/or alternative ways of approaching this.

274. Taking into account the committee's scoping decision and acknowledging the promoter's Pinsent Masons letter, which you got given, and the table at appendix 2, the counsel will be relieved to hear that I am now moving to territorial and temporal changes, which I am told I am allowed to talk about even by them. If I may have the next slide, please.

275. It has been consistently said by the promoters that their proposals will take up just 7.5%, or sometimes 7.5%, of Victoria Tower Gardens. It may have been difficult for

decision-makers to understand the likely impact of the memorial and learning centre on Victoria Tower Gardens. The inspector in his report said that the impact would be felt more widely on the park but declined to quantify it. A larger percentage figure was given for the loss of green space after the inquiry, but no measured area plans were given to support this, save LPG's own evidence at the time of the inquiry, which provided a far higher estimate. As a result, there is no agreement about the percentage impact of the promoter's intended HMLC on the park, though it will be plain to the committee how significant that impact is in both quantitative and qualitative terms. New slide, please, which shows you aerial views.

276. There have been parliamentary questions to establish the likely space that will be occupied and to inform parliamentarians of the impact. The green aerial visualisations provided repeatedly during public consultation show a lush green sward with any impact mostly hidden by trees. They ignore the central placement of the proposed memorial and learning centre in their measurements and its height, accentuated by the giant above-ground mound, which together completely dominate the whole of the rest of the park. They have the effect of turning the whole park into the setting not of the Houses of Parliament—"they" in this instance is the Adjaye design—but instead of the new Holocaust memorial and learning centre.

277. The dominance of the Adjaye design is also in part the result of the construction of the intrusive curving pathway you can see going diagonally with a concrete seat beside it across the middle of the central lawn space. The path is brought about by the designer needing to manage the anticipated increase in footfall linked to future visitors' most likely route coming from Westminster. It is an integral part of the Adjaye design and the interruption in the lawn space which it causes is, as the planning inspector recognised, a key part of its disruption of normal park use. Park users will not be free to wander, run or sprawl at will across the whole of this space. New slide, please.

278. Further, the response supplied by Baroness Scott of Bybrook erroneously equated the amount taken up by the Holocaust memorial and learning centre to 1,429 square metres. In her Parliamentary Answer to HL6914, tabled on 28 March 2023 and amended on 12 April 2023, the Minister described 1,429 square metres—I will read it in full, but, if you want to read it for yourselves, it is bundle page 194 to 198—as the "area in square metres of Victoria Tower Gardens as a whole that will be occupied by the intended UK

Holocaust memorial and learning centre, including (a) the entrance pavilion, (b) courtyard and ramp into the learning centre, (c) associated hard standing, (d) service access, (e) new access paths, (f) the parts of the mound not accessible to the public, and (g) areas to be enclosed to ensure the security of the centre”.

279. She then tabled a plan in the Lords Library, subsequently reproduced with minor changes by Pinsent Masons in their letter about the Commons Select Committee assurance, appendix 2, which shaded an area that excluded the works associated with (d) the service access, (e) the new access paths, (f) the parts of the mound not accessible to the public and (g) areas to be enclosed to ensure the security of the centre. For the avoidance of doubt, that is the plan that Baroness Bybrook submitted.

280. If we can go to the next slide, these further interventions that were excluded from the promoter’s plan alter the fabric of Victoria Tower Gardens. They are entirely the result of the promoter’s intended proposals and will occupy a far greater proportion of the park than the 1,429 square metres, or 7.5%, that they advertised. As you will see, they are shaded in grey on that slide, what we believe to be the entire area that is being changed, altered, ignoring the 1900 Act.

281. In addition, the space to be enclosed for security of the centre in (g) alone has never been fully disclosed and may potentially take up virtually the whole park. Security envelopes have a habit of expanding. It would only take one object lobbed into the courtyard, as Mr Doctor told you earlier, to potentially result in the closure of almost all or all of the park. In this situation, the park would obviously no longer function as a freely accessible open space for quiet relaxation, informal play and enjoyment, and the public would have lost its right to use the park freely. This is, after all, public land.

282. It came as news on 16 October, at the first hearing, when the promoter displayed for the first time a plan of the construction phase, slide 44 on their slides, showing just how much of the park will actually be taken up and for how long. One need only look at this slide to see that the area to be occupied at least for three and a half years, assuming no delays in the delivery timetable, far exceeds the 7.5% of the park’s land area. Please also note that the promoter’s draft assurances, sent during the House of Commons Select Committee proceedings—I do not quite know what the number is; I think it is PRO 006—relate to the construction phase. This will do nothing to protect the land post

construction.

283. LPG wants to guarantee that all the parkland left over following the construction of an HMLC remains protected by the 1900 Act. Given the repeated claims that no more than 1,429 square metres will be occupied by the entirety of the Holocaust memorial and learning centre, we ask that this figure is used in an amendment to limit all interventions after the construction phase. For the sake of clarity, that would mean including everything from (a) to (g) from the Bybrook list of works within the envelope of permanent disruption at ground level. This would enable the express desire of the promoters, though probably not the specific current Adjaye design.

284. If I can move to the next slide, please, so moving on to amendment (c), LPG accepts that use of a greater proportion than the 7.5% of land during the construction period will be required to enable works to take place. However, LPG foresees a scenario where a Holocaust memorial and learning centre, whatever its initial size, though we hope it can be restricted to 7.5% of the park, once built, might be expanded to accommodate more visitors or in some other manner to add further, for example to enable more commercial activities or accommodate additional school resources.

285. The committee has already discussed this very point both yesterday and today, and therefore I shall merely repeat that LPG seeks an amendment that would prevent any subsequent encroachment on to the park's land beyond the footprint of the Holocaust memorial and learning centre, once built—in other words, restoring the full Section 8 protection to the remainder of that land and maintaining it as a public garden for recreation and relaxation. We are not seeking any restriction during the construction period, but we are seeking it post construction.

286. THE CHAIR: Do you have a draft amendment for us to look at?

287. MS MONGER: I did put one in my petition, but I am not a legal expert. I gather the promoter has been also asked to put one in to that effect. We will have to see what comes from both of those.

288. THE CHAIR: Mr Doctor, are you going to be drafting an amendment for us to consider?

289. MR DOCTOR KC: I will.

290. THE CHAIR: Then we can compare the two.

291. MR DOCTOR KC: I was waiting to receive the amendment which I think was mentioned quite some time ago from the promoter in order to deal with that, to enable me then to say whether that is acceptable or not acceptable or not understood and to respond to that. If you would prefer us to draw up our own amendment before we see that, by way of a plan—I am referring to the plan, really—we can do that as well.

292. LORD HOPE OF CRAIGHEAD: You have an amendment in your petition.

293. MS MONGER: We do.

294. LORD HOPE OF CRAIGHEAD: Amendment (c).

295. MR DOCTOR KC: Yes, that is the one on the slide, yes.

296. LORD HOPE OF CRAIGHEAD: No. Actually, it is not quite that wording. The wording in (c) is, “This section”—i.e. Section 2, Clause 2—“will cease to have effect when the Holocaust memorial and centre for learning opens”. That is the wording of the proposed amendment. It is not exactly what you have here.

297. MR DOCTOR KC: Right, yes.

298. MS MONGER: I drafted that, and I am not a lawyer.

299. LORD HOPE OF CRAIGHEAD: That is your proposal, though, is it not?

300. MS MONGER: Yes.

301. THE CHAIR: I think you need to decide whether you want to have a new proposal or a different proposal to that one. I think it would be helpful to see whether you could do something now. I am not precluding you from commenting, as no doubt you will, on the promoter’s amendment, and vice versa, but I think it would be helpful just to see what yours is going to be.

302. MR DOCTOR KC: Right. I will do that.

303. MS MONGER: Shall I continue?

304. THE CHAIR: Yes, please.

305. MS MONGER: It is also in the interest of park users to curtail any restrictions on their access to the park as much as possible. Understandably, during certain rare state occasions, such as the Queen's funeral, Victoria Tower Gardens is used for a very different purpose and access must be restricted. On occasion, this has become necessary following antisocial behaviour from certain political demonstrations spilling over from Parliament Square. If I could have the next slide.

306. I am not following my petition in exact order, so I am moving to my amendment (g). As Nina already mentioned, over the May bank holiday weekend, for the first time the park was shut to enable a Holocaust Memorial Day remembrance service on the orders of the Secretary of State for the Department for Culture, Media and Sport, and you can see an article in the *Daily Mail* in your bundle, pages 168 to 171, to that effect. Prior to that, this service of remembrance and others had been held adjacent to the existing UK Holocaust memorial, which is in Hyde Park. That presented only very limited disruption to the overall park's functionality, that being Hyde Park. The Royal Parks normally apply a policy restricting services around relevant memorials and there was no precedent for this occasion. It is clear, however, from this experience that, should a Holocaust memorial alongside a learning centre be established in the park, then it is very likely Victoria Tower Gardens will be shut more frequently for such commemorative activities.

307. LPG therefore seeks to restrict the number of days the park may be shut for events by the ultimate governing body of the UK Holocaust memorial and learning centre by its amendment request. I know you have already discussed this. Our suggestion is to no more than three days a year, as it was this year. Further, LPG takes issue with the promoter's claim in the Pinsent Masons letter, page 31 of their table, that this request is out of scope. It is not. It is clearly a temporal request seeking to protect the park's amenity value and public rights as intended by the 1900 Act.

308. THE CHAIR: This year you had Holocaust Memorial Day. Is that right?

309. MS MONGER: It was a day, but they shut the park for three days, over the

entirety of the bank holiday weekend, for security measures.

310. THE CHAIR: Was there another occasion?

311. MS MONGER: No.

312. THE CHAIR: It was just that one.

313. MS MONGER: It was an exclusive ticketed event only. There is a YouTube video somewhere with Lord Pickles speaking at the event.

314. THE CHAIR: Thank you.

315. MS MONGER: If I may move to the next slide, please. Thank you very much. LPG attributes great significance to the heritage value of the historic monuments in the park, which add interest and in VTG tell a story of political progress in Britain. The promoter's intended design is too big and damages the setting of the existing memorials. Indeed, the Bill as drafted does not prevent a design which might have an even greater negative impact on the existing monuments. This proposed amendment in our petition would ensure that any future construction would complement, not harm, the existing designated monuments. Next slide, please.

316. With the Adjaye design, you will see the Buxton memorial setting is particularly challenged. LPG agrees with the Buxton family's request to respect the setting of the grade 2* Buxton fountain. It is also worth considering the flow of visitors within the park. According to the promoter's submissions during the planning inquiry, the peak number of people inside the park is predicted to be 1,269 at the same time during the peak hour versus 300 or so at peak times now. The planning application for the promoter's intended design also refers to 10,000 visitors per day, which implies well over 2 million per annum. The narrow gap between the two monuments—it is roughly 1.5 to 2 metres—means there is only just enough room for people to sit without passing through, so pushing passers-by on to the confined space between the river and the monument, and creating a potential pinch point ideal for pickpockets.

317. LORD FAULKNER OF WORCESTER: Can I ask: has any thought been given to moving the Buxton memorial, bearing in mind that it has only been in that position for a relatively short time, and having previously been in Parliament Square? If it were

moved further into the garden, that pinch point you have just described would not occur, would it?

318. MS MONGER: I do not know what the promoters have considered, but what I will say is that the placement of the memorial is not an accidental placement. It is very critically placed on an avenue that looks down to Smith Square in one direction and magically splits the park between the Houses of Parliament and Lambeth Bridge. It was very carefully planned by the post-war architects, Abercrombie, et cetera. It was not placed in that spot accidentally for any reason.

319. LORD FAULKNER OF WORCESTER: I was not saying it was an accident. I was just saying that it might be shown off to better effect if it was not as close to the—

320. MS MONGER: I cannot answer what the promoters have considered. Obviously, that would also require listed building consent and further planning approvals were you to try to move it. Historic England would have to advise on listed building consent. At the moment, it is up in scaffolding and has been for some time because the foundations are rotting away and they are doing a significant and expensive repair. To move it again could be even more costly. Are you okay for me to carry on?

321. THE CHAIR: Yes.

322. MS MONGER: Please may I have the next slide? Thank you. The current play space is a much-valued local resource. This playground was carefully designed by the Royal Parks in consultation with local people, intended as an amenity for use by many that have no access to gardens in this part of London. It took into account another important monument, the Spicer monument. You already heard quite a lot about it from Ms Grunfeld earlier. Part of the park's history is that it provided one of the earliest areas for children to play with the introduction of a sandpit opened in 1923 through the generosity of the Spicer family.

323. There are few open playgrounds within this dense urban London landscape. According to Westminster City Council data, the area is deficient in both play space and open space, which affects a wider area than the immediate vicinity, with many in social housing between Vincent Square and the river, and in Pimlico, relying on the park for play and relaxation—and indeed where I come from, in Lambeth. If I may have the next

slide.

324. THE CHAIR: That was raised, was it not, at the planning?

325. MS MONGER: It was.

326. THE CHAIR: The question of the playground and its reduction in size.

327. MS MONGER: It was, but I am coming on to that in my very next point, so I hope this will help, and the plan will help. The remodelling of the playground brought about by the proposed Adjaye design would result in a reduction of 31% of the size of the playground and move it closer to the road. If you look at the plan, you will see the blue line is the existing expanse of the playground, and the red line is the intended expanse with the Spicer memorial being moved further towards Lambeth Bridge. Moving it closer to the road, through the diminution of horticultural borders, will put children's lungs in jeopardy as they are moved closer to the traffic on the roundabout.

328. More significantly however, the planning inspector noted that the location of the memorial would result in the physical and visual separation of the playground from the rest of the park. Adjaye complained in his evidence to the inquiry that his design did not reduce the size of the playground, and this was in response to criticism. On this basis, he misrepresented the design to the public inquiry. Then the inspector noted that there would be a reduction, but he said the reduction would be 15%, not 31%, a significant difference which could have affected the planning balance had this been properly taken into account.

329. If I can move to the next slide, please, the promoter's intended design will be upsetting for children and their parents alike, who will need to now watch closely rather than giving them a sense of freedom as the current space does. In addition, children's access is likely to be impeded given the anticipated queueing before going through the security and ticketing hall for visitors to the learning centre, and it is likely to be crisscrossed by the visitors from the playground, because the visitors are going to have to run across it to reach the public conveniences.

330. At present, the Spicer monument forms a low and fully permeable barrier to the rest of the park with a wooden seat around, which was originally a much larger sandpit

and was the main feature of the original 1920 design of this playground. The Spicer monument is an unobtrusive design with some attractive relief sculpture on it which enhances the playground.

331. Simply not moving the Spicer memorial, as the Thorney Island Society have already pointed out, would maintain the playground area, though it would of course have effects on the current proposed entrance pavilion for the Adjaye design. LPG has therefore sought an amendment that will retain and protect the historic playground area at 1,185 square metres for future fun and games for children—and the measurements are on the slide for you. Obviously, it is in the interests of public policy that children's play is to be protected, where possible, to tackle issues of obesity and other childhood diseases. However, this request for an amendment is neither a matter for planning nor public policy. It is a request that specifically relates to the protection of a very specific historic playground space in a particular park, and would set the legislative framework for future planning decisions on any future design as the 1900 Act has to date.

332. THE CHAIR: What would be the impact of that restriction in the amendment to the erection of the Holocaust memorial and learning centre?

333. MS MONGER: Depending on the design, it would not have a restriction on—it would have a restriction that meant that you could not put the Holocaust memorial where it is currently planned by the promoters, but you could put a memorial and ticketing hall elsewhere in the park without impacting on the playground and maintaining the Spicer monument.

334. THE CHAIR: This is the trouble. The committee would have to understand all the construction implications of what seems to be stated as a very simple proposition, which is you maintain the site or size of the playground, but the question is what impact does that have elsewhere? Have we got any expert evidence on that?

335. MS MONGER: It would depend on the design that the promoter then came up with knowing what land they had available to build upon.

336. THE CHAIR: They would have to do a redesign.

337. MS MONGER: Yes.

338. LORD HOPE OF CRAIGHEAD: If you take the existing design, all we would do is move it further north, but that has obvious implications. It reduces the amount of the park further north and it affects the Buxton memorial.

339. MS MONGER: Indeed.

340. LORD HOPE OF CRAIGHEAD: It would have that effect. You could maintain the existing design, but you would shift it so many yards further north.

341. MS MONGER: We are getting into a circular argument, but what you are discussing there is a very specific planning issue and it would depend on the design what planning issues arose. We do know that the original plan was for the Holocaust memorial and learning centre back in 2018 to be further into the park and further away from the playground, but because of tree root restrictions, they could not do that, and so they moved it further towards the playground. Had this been properly gone through and—in a way, that is not the point.

342. The point is I am trying to preserve the 1900 Act and the amenity and public right use of the park. I am saying to you, “Please keep the playground”, and then let the designers and the architects come up with a solution within the remaining bit of the park that you are prepared to allocate to them where you lift the restrictions of the 1900 Act. That is for them to resolve, and we are just saying, “We are keeping the bits of the park that are public park”.

343. LORD JAMIESON: I am just trying to understand whether you entirely agree with it or not. I am not saying I do, but if you accept that any amendments you propose must not block the memorial, you do not know whether your proposed amendment to effectively say, “Maintain the existing park”, would block the memorial, because you do not know—and we cannot judge without a proposal in front of us—whether it would or would not block the memorial. That is a bit of a difficulty for me. If you were suggesting something and said, “They could do X”, and it is definitive, then we would at least know the impact, but we do not know what the impact of this would be.

344. MS MONGER: I am not sure I quite follow what you are trying to say to me.

345. LORD JAMIESON: What I am trying to say is you are making a suggestion of a

restriction on the development, but because you are not making a proposal with, “This is what it would mean for the memorial”, i.e. the security building would have to be moved 90 degrees—I do not know. We are dealing with something that is indefinable from the perspective of the memorial.

346. MS MONGER: With respect, the promoter’s scheme was an illegal scheme and is no more, and therefore, until you get to planning, you will not know. A redesign should be able to accommodate something which is a Holocaust memorial and a co-located learning centre in the park which does not impact on a playground.

347. LORD JAMIESON: That is absolutely fine. You have confirmed my view, which is may be able to, but we do not know.

348. MS MONGER: We do not know.

349. LORD JAMIESON: Thank you. I am not trying to be awkward.

350. MS MONGER: No. I have worked closely with Baroness Deech for some time and LPG also supports her petition in particular. I mentioned at the beginning that I would take other petitioners’ proposals and explain why we support them. Her proposal is the objections to a kiosk selling food and drink. Quite apart from the concerns Baroness Deech expresses in her petition over the propriety of such an offering adjacent to the sombre Holocaust memorial, LPG is concerned—it is not in our petition, but we are concerned nonetheless and support her—to limit the amount of buildings intruding within this small park and to keep as much space unencumbered for the children’s playground.

351. Further, the charity hopes that the committee can propose an amendment which maintains a level access to the playground direct from the gate on Millbank—rather than subsuming this into the access for the Holocaust memorial and learning centre—in order to enable parents with prams to retain easy at-level access. LPG has not included a suggested wording in its petition, but if the playground is to be shrunk, then such protections become even more important.

352. LORD JAMIESON: Again, just for clarity, you, as the parks authority, are in favour of not having a kiosk?

353. MS MONGER: Correct. I am not a parks authority though, just be careful on that.

354. THE CHAIR: What you are saying is that you want to utilise an access at—

355. MS MONGER: The Lambeth end, yes.

356. THE CHAIR: The Lambeth end. What—just for those using the playground, or are you saying that that should be used for access to the Holocaust memorial?

357. MS MONGER: I am saying it probably needs to be kept for access to the playground, because otherwise parents are required to climb with prams down the steps from Lambeth Bridge.

358. THE CHAIR: Yes, I see. Thank you.

359. MS MONGER: May I move to the next slide, please? We recognise, due to security threats, that the ticketing area will facilitate extensive security searches similar to, or, according to Lord Carlile, possibly more intrusive, than those one encounters on entering Parliament. Despite the latest plan released by the promoters, which we only saw yesterday, they have never disclosed how much of the park will be monitored by guards, possibly uniformed and armed, beyond the immediate courtyard. LPG ask that whatever remains of the park outside the 1,429 square metres limit is protected for use as a park, without the need for ticketing, barriers or other surveillance during regular park opening hours.

360. BARONESS SCOTT OF NEEDHAM MARKET: Can I just ask on that? Other petitioners have asked for there to be a refreshed look at security in the light of subsequent events. If we were to put something like this in, and then such a review was to say, “You need to do all these things”, and we had put this in to say they could not, how would we resolve that?

361. MS MONGER: That is half the problem with where we have reached at this stage. I am not a security expert either, and obviously I will defer to whatever Lord Carlile deems appropriate, but it is going to change the whole nature of the park if you have armed guards at the gate, or you require some form of ticketing, or you have bag searches or whatever it is, and the security envelope expands to accommodate the raised terrorist threats or demonstrations or whatever.

362. LORD JAMIESON: Just on that point, this may not be an amendment, but something like an assurance that, in so far as possible, free and so forth access to the park is maintained with minimum intrusiveness of security—I am thinking of words on the hoof. It strikes me this is more of an assurance rather than an amendment.

363. MS MONGER: The problem with assurances is how you enforce it. You have already explained that it is “in so far as is possible”, and who is to define as to what is “in so far as is possible”? But yes, it could be one or the other, but the point is that the park is at risk, and the sense of the park, and the freedom and the release from the urban throng is at risk. If I can move to the next slide, please.

364. THE CHAIR: How are we doing for time? How much more have you got?

365. MS MONGER: I hope very little. I am on to my penultimate slide—my final amendment request—and I hope that then I can move on to Dr Gerhold.

366. THE CHAIR: Thank you.

367. MS MONGER: Appropriate future management of the park by an entity that is separate from the new Holocaust memorial and learning centre, we feel, will be vital to protect the rights and interests of ordinary park users. From the interim ruling given yesterday, I am assuming that that is in scope, and indeed you were discussing it earlier.

368. If I can point you to your bundle that we gave you—so pages 133 to 157, and in particular paragraph 19—because counsel, when they were asked, did not know what was recommended in terms of entities, but you will see that in the NAO report into this project in July 2022, it explained that the intention for the promoters was to create a new body to run the Holocaust memorial and learning centre, and various options are before you.

369. As yet, no further information has been forthcoming on how and when such an entity will be created. The entity running the Holocaust memorial and learning centre will, out of necessity, be focused on the educational value of its museum and learning centre contents. We think its remit should not extend further than that. LPG believes that a separate entity should manage VTG to protect park users’ rights over the remaining land.

370. THE CHAIR: You were here, were you not, when we had that discussion?

371. MS MONGER: I was.

372. THE CHAIR: Mr Katkowski said that he would go away and find what the position is.

373. MS MONGER: Yes, okay.

374. THE CHAIR: I do not think we can get further than that today.

375. MS MONGER: Okay. We just would like there to be a mechanism to reconcile the different interests, because we think there are different stakeholder interests and we do not want the Holocaust memorial and learning centre to override what is in the interests of the park users.

376. THE CHAIR: Understood.

377. MS MONGER: Obviously, there are links to security, going back to our earlier discussion. Final slide, please. The promoter's stated justification for their Holocaust memorial and learning centre being sited at Victoria Tower Gardens is to hold a mirror up to parliamentarians. Sadly, the handling of this has not reflected that intention. I regret that this project has been delayed by the intransigence of the same promoters, who have failed to listen to rational concerns and thus jeopardised their own priority of building something within the lifetime of Holocaust survivors, and unnecessarily increasing the burden on the taxpayers' purse.

378. Having gone through each of the amendments, whilst I acknowledge they may necessitate a rethink on the precise design, at no point do they seek to block either the funding or the construction of a fitting Holocaust memorial and learning centre in Victoria Tower Gardens. Historic parks in the centre of the capital, such as VTG, are rare survivals, and in LPG's view, should never be seen as cheap land for building on. Given the point we have reached, LPG is now asking that the committee put in place a legislative framework that preserves as much of the park as possible for public use, for ordinary people to be able to freely unwind from the urban throng, enjoy the dappled sunlight of trees, as you see here, enable rainwater to gently drain away, and children to play. That is all I have to say.

379. THE CHAIR: Thank you very much. Mr Katkowski.

380. MR KATKOWSKI KC: My Lord, I am just thinking about the time. There is a whole other witness to come, and I know from previous experience the next witness will not be brief.

381. THE CHAIR: The vote is pretty soon. The Minister is on his feet and there will be a vote in about 10 minutes. How long would you like to be on this particular witness?

382. MR KATKOWSKI KC: What I was going to say was I would like to do what I did with the previous petition, which is wait until we get to the amendments. They have already been suggested, but I would like to respond to the various amendments that have been suggested, but there is another witness yet to come to support these amendments. I am obviously in your hands, my Lord. I do not want to say the same thing twice, basically.

383. THE CHAIR: You would prefer the Buxton Society.

384. MR KATKOWSKI KC: No, the second witness for this petition, my Lord.

385. THE CHAIR: I see.

386. MR KATKOWSKI KC: That is the difficulty we have.

387. THE CHAIR: I see. Very well. Yes, I can see that. How long would your second witness take, Mr Doctor?

388. MR DOCTOR KC: The next witness will not be very long. He has also prepared a presentation with slides, but he is content for you to have that and will ask you to read it, not necessarily now but when you have the time. He would like to just address a few important points in that, which will not take very much time.

389. THE CHAIR: It will not be repetitive of what has been said.

390. MR DOCTOR KC: No.

391. THE CHAIR: Well now we can carry on until the bell goes.

392. LORD FAULKNER OF WORCESTER: We are very close to a Division though.

393. LORD HOPE OF CRAIGHEAD: There is going to be a Division fairly soon, in about five to 10 minutes.

394. LORD JAMIESON: We may as well carry on.

395. THE CHAIR: I thought we should carry on.

396. LORD FAULKER OF WORCESTER: Carry on.

397. THE CHAIR: You would want to stop.

398. LORD HOPE OF CRAIGHEAD: Carry on, but we will be interrupted.

399. THE CHAIR: No, of course. I understand. Very well. Let us proceed as speedily as we can.

400. MR DOCTOR KC: You should have been circulated with Dr Gerhold's paper, and Ms Monger, as she said, has prepared something, so we can give it to you in writing if you would be happy to receive that. Perhaps somebody can distribute it afterwards. Do you want to go ahead?

401. THE CHAIR: Just give us a minute or two just to read this through. Can we now start? You are aware, I hope, Dr Gerhold, of the no-go areas.

402. DR GERHOLD: I am.

403. THE CHAIR: Yes, so if we could keep clear of those or matters relating to those, that would be very helpful.

Submissions by Dr Gerhold

404. DR GERHOLD: Thank you, Lord Etherton. My name is Dorian Gerhold. I have set out who I am in paragraph 1. There are two main areas I want to look at. One relates to the history of the gardens and how the 1900 Act came into being. We have the first slide, which simply shows the land acquired under two Acts of Parliament outlined in red on the Ordnance Survey map.

405. LORD HOPE OF CRAIGHEAD: Can we see the slides?

406. DR GERHOLD: And a drawing of about 1912 showing the first part of the gardens and the proposed extension looking south. The story really begins with W.H. Smith offering money to lay out the first part of the gardens as a recreation ground with a promise from the Government to maintain it.

407. Then we come to 1900, when the LCC is improving the Millbank area. It does not want to commit itself to an open space by the river because that increases the cost of the scheme, but the First Commissioner of Works, who is the owner of the first part of Victoria Tower Gardens, insists that, because of the promise to W.H. Smith in surrendering part of the gardens, he will only do that if the Bill is amended to specify that the riverside land be laid out and maintained as a garden for public recreation. He requires the LCC to transfer the land to him, and that is really why we are here now, because of the 1900 Act.

408. The land which the Government now seeks to build on came into the Government's hands because of an agreement that it should remain a public open space and not be built on. It was part of the bargain at that time, and building on it would be a breach of trust. I suggest the committee's response should be to go as far as it can, subject to the decisions—the no-go areas—it has already mentioned, to minimise the amount of building and the damage the proposals will do. I will come back to that.

409. The second area in my submission is about the decision-making process in 2016 and subsequently. I have emphasised four areas in which it was peculiar. One is the compressed timescale.

410. THE CHAIR: Where is that point leading to? You say there was an inadequate review of the sites that were available, but how does that impact on what we are doing today here in this committee?

411. DR GERHOLD: I think it provides you with grounds to minimise the damage caused to the open space in the ways that have been accepted that you can amend the Bill. Mr Katkowski has accepted two ways in particular.

412. THE CHAIR: We are going to proceed with those, so we have asked him for appropriate undertakings or amendments relating to those. We will look at the position of the playground and access to the playground. I am just trying to make sure, because

we are slightly short of time, so I am just wondering what more you are going to get out of this than those points.

413. DR GERHOLD: Simply, we doubt whether Mr Katkowski's proposals will go as far as we would want.

414. THE CHAIR: Are you referring now to the amendments in the petition?

415. DR GERHOLD: No, I am referring to what Mr Katkowski might propose.

416. THE CHAIR: Right. Anyway, the long and the short of it is that there was an inadequate consultation at the beginning in 2016.

417. DR GERHOLD: That is a great part of the argument, yes.

418. THE CHAIR: All right, we have that point.

419. DR GERHOLD: That is set out in detail. The second point is that there is no audit trail for the decision-making. I am sure you have that point as well.

420. THE CHAIR: Yes.

421. DR GERHOLD: The third point is that it did not meet the specification originally set out in September 2015, and the decision-making is peculiar. We do not know whether they consciously or unconsciously abandoned the criteria that had been set a few months earlier. The fourth point is that no one seems to have looked at the cost of building an underground learning centre on a riverside site, other than the cost of the site itself, which was free. I go—we are now in paragraph 18—into the National Audit Office report and so on. Your colleagues in the Commons concluded the true cost of the project had not been established.

422. Then the final section of my paper is how that is now relevant. It is partly because you are not looking at a well-planned project. The process was flawed, dominated by the Prime Minister's desire to make a great announcement before any investigation.

423. Then, in the final paragraph, this is what I ask you to do by amending the Bill as far as you can, within the limits you set yourselves yesterday, to minimise the damage. I note that there is nothing in the Bill that links Clause 2 to any particular design or size of

a memorial and learning centre, or indeed to the current proposals. I am sure you know better than I do that neither the explanatory notes nor Lord Khan's words on Second Reading are relevant at all in interpreting the Act.

424. THE CHAIR: I am not sure that is legally correct, actually. I think a clear statement by a Minister about the meaning and intent of a Bill is actually something one can refer to in terms of interpretation.

425. DR GERHOLD: I defer to your Lordships' knowledge, but I am basing my view on the *Pepper v Hart* precedent, where the Minister's statement could only be taken into account when the Act was obscure.

426. THE CHAIR: Yes, if there is an ambiguity.

427. DR GERHOLD: Yes, which hopefully there will not be here. Clause 1 refers to extension of the gardens, extension of the memorial and learning centre.

428. THE CHAIR: I am so sorry. We are going to have to stop so that Members can vote. There will be a 10-minute break.

429. [Sitting suspended]

430. THE CHAIR: Dr Gerhold, would you like to finish your submission?

431. DR GERHOLD: Thank you, yes. I am really on to my final paragraph. What I am suggesting is that you respond to what I described both of the decision-making in 1900 and 2015 to date by amending the Bill, as far as you are able to within the restrictions you have announced, to minimise the damage to Victoria Tower Gardens. I emphasise that there is nothing in the Bill that links Clause 2 to any particular design or size of memorial and learning centre, because neither the explanatory notes nor Lord Khan's words on Second Reading will be relevant when interpreting the Act. Clause 1 refers to extension, for example, and Mr Katkowski indicated yesterday the Government might want to take additional land for security measures.

432. What I am doing here is to endorse the amendments just proposed by Helen Monger on behalf of London Parks and Gardens. In particular, there could be a tight territorial limit, which might discourage some of the extraneous aspects of the project,

such as the refreshment kiosk. With a bit more difficulty, there might be a temporal limit, not to restrict the construction period but to stop the Government constantly coming back for more.

433. Just on the matter of planning permission, it seems to me that a junior Minister who knows that the Secretary of State and the Prime Minister have both expressed support for this scheme, unless he is politically suicidal, is not going to obstruct it in any way. I think I will stop there.

434. THE CHAIR: I am very grateful. I want to assure you we will read your written submissions—and we will have a transcript of your evidence—extremely carefully. I hope you do feel, despite me moving things on as appropriately, as fast as possible, that you have had a fair crack at the whip. I do not want you to go away feeling you have not. Very well.

435. LORD FAULKNER OF WORCESTER: We also congratulate Dr Gerhold on his excellent book—a really good read.

436. DR GERHOLD: Thank you very much.

437. THE CHAIR: Mr Katkowski, I think that all you need to do is to take us through the amendments.

438. MR KATKOWSKI KC: Yes, my Lord.

439. THE CHAIR: Say which you accept and you do not accept; if you do not accept, say very briefly why. I am sure we have heard it all before. I think it would be helpful. I do not think you need to go outside that.

440. MR KATKOWSKI KC: My Lord, I had no intention of going outside that. My Lord, it is petition 12, and within the numbering—the pagination—of petition 12, at page 6, in section 3, we find the (a), (b), (c), (d), et cetera, amendments which are suggested. My Lord, I was going to seek to save even more of the committee's time—I hope I have put that in an attractive way which you might find beguiling—because, of course, many of these points are the self-same points that were addressed with the previous petitioner. My Lord, if it would assist, I am perfectly content to say I rely on the submissions I made earlier on about exactly the same proposed amendment.

441. THE CHAIR: I just think it would be useful just to take them each in turn, if you will.

442. MR KATKOWSKI KC: All right, my Lord. I did try.

443. THE CHAIR: You did.

444. MR KATKOWSKI KC: My Lord, amendment (a) is that the memorial should only be of a certain size, no larger than the Buxton memorial. My Lord, you will recall that I have already submitted, and I will submit again, that that would be, in my submission, out of scope, because it would prevent the proposed memorial from progressing. That is actually its purpose, which immediately tells you it is out of scope.

445. Secondly, as you will recall from earlier on, I have indicated, and the committee has previously discussed, the difficulties of this committee forming a view about how large—that there should be some size limit on what would be regarded as an appropriate memorial—and it would, after all, be the United Kingdom’s memorial—to the Holocaust. My Lord, I will not say any more about that. It has been addressed earlier on.

446. (b) is the idea that there should be some geographic limitation on the extent of the lifting, if I can put it in very colloquial terms, of section 8(1) and (8) of the 1900 Act. My Lord, we are going to table an amendment for you to consider in relation to that point. The only point I want to say here is that you will not find, in due course, that our amendment refers to any square metreage or percentages. Every square metreage and percentage that has ever been put forward by the promoter has always been challenged, and at least doubled, by opponents to the project. It would be a recipe for endless litigation and disputation were there to be any square metreage or percentages proffered. We will seek to do it in a completely different way, either by reference to a plan or some other way of pinning the point down, my Lord, which obviously the committee will be able to consider in due course.

447. (c) is the sunset clause. My Lord, I have already submitted that, if there is to be any form of sunset clause, it needs to take into account the obvious point that the use and operation of the Holocaust memorial and learning centre needs to be catered for. This form of amendment, which is suggested here, would not do that, because this amendment here in the petition would be that Clause 2, or Section 2, would cease to

have effect when the memorial and centre opens. Of course, the memorial and learning centre have to be used and operated thereafter, and Section 8 needs to be disapplied in relation to the use and operation, as indeed is provided for in Clause 1(1)(c).

448. D is another suggestion that is familiar to the committee because it has been made by the previous petitioner. That is to say that there should be no impact on the other historic memorials in the gardens, especially the Buxton memorial. As I have already indicated, that would kill the project—I will make the point about the project first, then more generally, secondly—because the project has been found by the inspector in his report to be a project that will cause some harm to the setting of the Buxton memorial. There is hardly a surprise in that, because it is right next to the Buxton memorial, but, as you know, there is a wider planning judgment which was made, which is that the public benefit exceeds and outweighs that harm. That is the point about the project itself.

449. In relation to any other alternative design, again, with great respect, this committee is, on the evidence it has in front of it, not in a position to be able to speculate as to whether there is any design of a memorial and learning centre which could be introduced into this heritage-rich garden with a number of memorials—and the setting of memorials—in such a way that absolutely no harm whatsoever was done to the setting of any of those memorials. It is just entirely speculative this.

450. (e) is about the playground. My Lord, the committee has already asked us, and we will provide a note in relation to the playground and maintaining access to it and the usability of it and so on and so forth. I will leave that there.

451. LORD JAMIESON: If I may, there was an additional point this time which was about level step-free access.

452. MR KATKOWSKI KC: That would be included in the note.

453. LORD JAMIESON: I wanted to make sure it was not—

454. MR KATKOWSKI KC: Indeed. Yes, it depends how wide that that point extends to, because obviously there are steps into the gardens themselves.

455. LORD JAMIESON: At the moment there are steps at Lambeth Bridge, but there is a—

456. MR KATKOWSKI KC: At the playground end.
457. LORD JAMIESON: Yes, there are steps at the moment.
458. MR KATKOWSKI KC: It would be included in the note, my Lord. Thank you.
459. (f) is to do with security matters, and I think best to wait for Lord Carlile's suggested amendment in relation to security and we will take it from there, if I may.
460. THE CHAIR: On (e), you are going to go away and think about it. Is that right?
461. MR KATKOWSKI KC: Yes, absolutely, my Lord. That was a request made to us earlier on, which we are—
462. THE CHAIR: I think there are two separate points. One is maintaining access for as long as possible, possibly even during the construction phase, so it can be used. The other one is accessibility for particularly parents with children.
463. MR KATKOWSKI KC: Yes, and level access has been included in the remit of that request, which we will respond to plainly. Where are we? (f), security—we will wait for Lord Carlile on that, if we may.
464. (g) limits on closure of the park for commemoration days. We discussed this earlier on. This petitioner, though, has asked that the limitation be to three days. Now, what I do not know is whether this petitioner is saying that those three days are three days in relation to Holocaust memorialisation. You will remember that the previous petitioner said—
465. THE CHAIR: Yes, I think she is limiting it. She explicitly limited it to closures related to the Holocaust memorial.
466. MR KATKOWSKI KC: My mistake. I did not hear that point. I did not—
467. THE CHAIR: I do not think that is an unreasonable request, to find out how many days it will be closed for general use.
468. MR KATKOWSKI KC: General—forgive me.
469. THE CHAIR: When I say general—use of the park. Obviously, if you close the

park for some ticketed event then it is not available for general use.

470. MR KATKOWSKI KC: Yes. Understood, yes. Yes, my Lord, but this particular proposition, as I understand it, is now being made in relation to a set number of days associated with Holocaust memorialisation. That is the point that is being made. I will take instructions on that, my Lord.

471. THE CHAIR: Thank you.

472. MR KATKOWSKI KC: (h) is governance of the public park to secure the amenity value post construction. That is the point about the legal entities, one for the memorial, the other for the gardens. Again, we are to provide a note in relation to that. My Lord, those are the various amendments.

473. There is just one point I want to make for the record, really, and also for future petitioners who are going to—I know, because it is already in their petitions—repeatedly make this point. We have had a lot of it today, and I am sorry I have reached the point where I just have to respond to it factually. The memorial has been described as the “Adjaye design”; that is the design of Sir David Adjaye. The Holocaust memorial was not designed by Sir David Adjaye. It was not designed by his practice. It was designed by a completely separate architectural practice and by an architect called Asa Bruno.

474. I am sorry, Baroness Deech. He gave evidence at the inquiry as the architect of the memorial. He was cross-examined for several hours by my learned friend, Mr Doctor, on behalf of the various people who are now petitioners here. He died shortly before the decision was issued—a terrible tragedy. He is the Israeli Jewish architect who designed the memorial, and I am afraid that I have reached the point where this is being done quite disingenuously to continuously suggest the memorial was designed by somebody who has had nothing to do with designing the memorial.

475. THE CHAIR: Did he have no part in it at all?

476. MR KATKOWSKI KC: David Adjaye did have a part in the wider project, yes. For example, in relation to the buildings which are proposed, he designed the kiosk, the entrance building, not the memorial. The memorial was designed by a completely

separate architectural practice, by a completely separate architect who gave evidence at the inquiry, was cross-examined up hill and down dale, by everyone who wanted to ask him questions. It is all on the public record, and if you look at the inspector's report, you will see it all recorded there.

477. THE CHAIR: That we can find the record of.

478. MR KATKOWSKI KC: It is all in the inspector's report.

479. THE CHAIR: You do not have a reference for that, I do not suppose.

480. MR KATKOWSKI KC: I might be able to find you one. I say "I", but those to my left.

481. THE CHAIR: You do not have to wait now, but if you have a reference, perhaps you will get in touch with the administration team, just to give it to them

482. MR KATKOWSKI KC: Of course. Yes, absolutely.

483. THE CHAIR: That will probably have the background in the report very clearly. I do not think, Mr Doctor, there is anything further for you to add.

484. MR DOCTOR KC: No.

485. THE CHAIR: No. We are extremely grateful to everyone. We have finished today's public session. We will start again on Tuesday with Baroness Deech.

486. MR KATKOWSKI KC: Has Mr Buxton fallen out of the—

487. THE CHAIR: I am so sorry. Yes, Mr Buxton. I am so sorry. Mr Buxton is coming on Wednesday, so Tuesday will be Baroness Deech. Wednesday will be the Buxton family and The Thomas Fowell Buxton Society. Hopefully, we will get on to Lord Strathclyde as well.

488. MR KATKOWSKI KC: Marvellous.

489. MR DOCTOR KC: My Lords, there is some possibility—I cannot arrange it now, given where we have landed in terms of timing—that Mr Buxton could come as well on the Tuesday morning, so we can get through that. I will liaise with Mr Wright about the

exact timing of it.

490. THE CHAIR: Very good. That would be helpful. Thank you so much. Many thanks to everybody who attended today, and we look forward to seeing you next week.