

MINUTES OF ORAL EVIDENCE

taken before the

HOLOCAUST MEMORIAL BILL COMMITTEE

PETITIONS AGAINST THE BILL

Tuesday, 26 November 2024 (Morning)

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:

Jacqueline Lean, Counsel, MHCLG
Robbie Owen, Parliamentary Agent, Pinsent Masons
George Wilson, Parliamentary Agent, Pinsent Masons

FOR THE PETITIONER:

Brian Doctor KC
Baroness Deech
Lord Vaux of Harrowden
Dr Martin Stern

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(At 10.20 a.m.)

1. THE CHAIR: Good morning, everybody. I apologise for the slight delay due to various matters, including the train strike or train problems. We have received a raft of new material as well from one of the petitioners. This morning is devoted to the petition and evidence of Baroness Deech. I must repeat the safety information that I had previously given. In case of fire, bells are not used in the parliamentary estate. Instead, a two-tone siren followed by a series of taped passages 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. I also remind everyone that the proceedings will be broadcast, and a full transcript will be taken.

2. Before I invite Mr Doctor, representing Baroness Deech and her co-petitioners, I would like to remind the parties of the provisional ruling of the committee on scope, namely that the committee does not wish to hear petitioners on the following three matters: one, that the Holocaust Memorial and Learning Centre should not be located in Victoria Tower Gardens; two, that the Holocaust memorial should not be co-located with the learning centre; and, three, that the learning centre should not be located underground.

3. The committee is very sorry to hear, Mr Doctor, that Ms Anita Lasker-Wallfisch, a co-petitioner, is unable to attend and speak in support of the petition. As requested by her, I can confirm that the committee has read the transcript of the evidence she gave to the Select Committee in the Commons.

4. Before we start, I just wanted to address a point to Ms Lean, junior counsel for the promoter. We received over the weekend, I think it was, material from Lord Carlile in which he puts forward an amendment relating to security, but perhaps more importantly in which he raises the new issue which concerns the Ram doctrine, which has not so far been raised before either in the House of Commons or here.

5. We are not going to make any final determination on whether such a new argument can be raised at this stage, but it would be helpful to us to have a response from the promoter to the further submission by Lord Carlile on scope. Lord Carlile does not give his evidence for a little while, and it would be helpful I think to deal with this matter when he comes to give his evidence, but any assistance and views the promoter

could give us at an earlier stage would be welcome to us.

6. MS LEAN: Thank you, my Lord. That is noted, and we will look to provide a note or something in response ahead of Lord Carlile's appearance next week.

7. THE CHAIR: Thank you very much. On that basis I will now ask Mr Doctor to begin with his submissions on behalf of Baroness Deech and her co-petitioners.

Baroness Deech et al

8. MR DOCTOR KC: Thank you, my Lord and my Lady. Can I just start by saying that we are very grateful for the remarks you made about Anita Lasker-Wallfisch, and we are grateful that you have taken the time to read the transcript of her evidence below. Today I am proposing that Baroness Deech should give evidence first, followed by Mr Martin Stern and Lord Vaux, and I am sure that we will be able to keep well within the time limits of the hearing.

9. THE CHAIR: Thank you.

10. MR DOCTOR KC: So without further ado, can I ask Baroness Deech to address you?

Submissions by Baroness Deech

11. BARONESS DEECH: Right. I am Baroness Deech, as you know, a Cross-Bench Member of the House of Lords. I am representing six Holocaust survivors. That is people who were imprisoned during the Second World War in concentration camps but survived and came to this country. Their names are in our petition. No group of people is more affected by any memorial and learning centre. We are fortunate to have with us as a witness Dr Martin Stern, who is one of them. Dr Lasker-Wallfisch, as you know, is unable to come, but she authorised me to say that I can speak on her behalf and that she has not changed her mind since giving evidence to the Commons committee. The other survivors named have increasing mobility issues and would have difficulty coming here, but their unchanged views may also be read in the transcript of their appearance before the Commons committee.

12. In sum, they do not feel that they have been adequately consulted, informed or

heard. Many more survivors might have come forward had they been adequately informed about the details of the scheme and in particular the learning centre, and had they been made aware of the hybrid Bill proceedings that are going on now. A public inquiry is not a consultation. If the memorial and learning centre are built as currently planned they say, “Not in our name”.

13. I also wish to make representations about the challenges of the restoration and renewal proposals affecting this project. The aims of the project, as the committee well knows, arose out of the Prime Minister’s 2015 Holocaust Commission report. It recommended as follows: “The evidence is clear that there should be a striking new memorial to serve as the focal point of national commemoration of the Holocaust. It should be prominently located in central London”—which they defined as ranging from Regent’s Park to Southwark—“to make a bold statement about the importance Britain places on preserving the memory of the Holocaust”. “The national memorial should be a place where people can pay their respects, contemplate, think, and offer prayers; take the form of something people can interact with; provide factual information about what happened linked to other resources; tell the story of Britain’s own connection to the Holocaust; convey the enormity of the Holocaust and its impact, in particular the loss to mankind of the destruction of European Jewry”.

14. It recommended that the memorial should be co-located with a world-class learning centre at the heart of a campus driving a network of national educational activity. This was to be a substantial institution in its own right, not a visitor centre for those coming to see the memorial. I quote: “A critical part”, they said, “of the vision for the learning centre is that it would also be responsible for developing a physical campus and an online hub”, with an endowment, and much more, as I will come to.

15. I understand the limits of scope as determined by this committee. I will therefore address how the survivors are affected by the memorial, and what is a memorial, and likewise the learning centre. I will also address how those who visit and work nearby will be affected by the interaction between building a memorial and learning centre, and the restoration and renewal of Parliament. My witness Lord Vaux will give evidence on the difficulties associated with building the learning centre while also carrying out the restoration and renewal of Parliament and the repair of Victoria Tower.

16. What is a learning centre? The Holocaust Memorial Foundation set out its criteria for a central London site as follows. I quote: the site is required to “allow for the creation of a physical campus that aims to engage and inspire a vast number of visitors, has facilities to host lectures and seminars, and to run educational courses and workshops; allow for the provision of space for Holocaust organisations to be given the opportunity to locate their offices or establish satellite offices, and therefore fulfil a responsibility to bring together a network of the UK’s existing Holocaust organisations and experts, supporting them in driving a renewed national effort to advance Holocaust education in the UK; enable ... some quiet, contemplative space to allow for reflection and commemoration; allow for gatherings of up to 500 people”—at least 5,000 square metres, with four learning rooms, able to accommodate 40 people, an auditorium to seat 150 people, two meeting rooms for events and hire.

17. The proposed underground learning centre now bears no relationship to this original understanding of the project they were tasked with carrying out. Until a few days ago, we had no information about what the contents are to be. We have not been consulted on them, and indeed they have been kept a mystery from almost everybody who might be interested in them. We have never been told what the learning centre is meant to achieve, or what effect it might have on the visitor and passersby. The constraints of the site have led to a much-diminished learning centre, shorn of the most important educational elements that were recommended.

18. The choice of VTG has led to worldwide concern. The UNESCO World Heritage Committee expressed concern in 2019 that building it would threaten the outstanding universal value of this area—bundle page 121. The Infrastructure and Projects Authority annual report 2023 rated the project as “undeliverable”, along with HS2—bundle page 127. The management of the project and the escalating costs were examined by the National Audit Office and found to be wanting in ways that have not been fully addressed—bundle page 95 and on. We are now having to make the best of a bad job because the hastily made decision to use VTG has led to delay, cost and the reduction of what could have been a useful learning centre to a small visitor centre.

19. The commission called for 5,000 to 10,000 square metres, whereas the site only offers 1,150 internally. As the survivors said, this is too small for what is needed but too big for the gardens. The promoter retrospectively justified the choice by an appeal to the

effect of the sight of the Palace as visitors emerge from the learning centre, but in fact they will not see Parliament because the entrance is to the west, not the north, and Parliament will be obscured from the entrance by the mound. What should have been a serious campus, a memorial to the victims of Nazism with an explanation of how this came about, has been diverted into a project about British values and the trite message that democracy will protect against genocide. It has turned into a monument to British self-reflection, not a memorial and learning centre.

20. The intended message of protection of a minority has been negated by the recent antisemitic protests in the UK. Everything has changed, as you know, since 7 October, even in Westminster, which the authorities have been powerless to prevent. I have seen a presentation a few days ago on some of the planned contents of the learning centre. They are interesting in themselves, being about British action and inaction during the war in relation to the camps and the refugees. It is a small exhibition, entirely photographic and digital. Whether there is more is not known. The whole thing could be downloaded on a memory stick and given to everyone to plug into their computer. We feel that discussion about the events, for example in classrooms up and down the country, could be better facilitated if that were the case.

21. Since Victoria Tower Gardens was chosen, several developments have rendered it even more unsuitable: the Government's own green and environmental policies; the effects of Covid with the need for space; the crowds that assembled there for the late Queen's lying-in-state and the coronation, and some of you may remember from the old black-and-white photos the same thing happening in 1952 and 1953, and no doubt will happen again. The location sooner or later will be for many years the site of building materials, scaffolding, workmen, jetties, et cetera, to be used in the repair of Victoria Tower and the Palace of Westminster. Together with the memorial this will leave no part of the gardens available as a park, contrary to the 1900 Act.

22. Whatever the sequence of building, the memorial and underground learning centre will impinge on R&R, and vice versa. R&R may involve tunnelling under the Palace and into the gardens. The use of the space for noisy building works, for decades, possibly, renders it wholly unsuitable as a place of contemplation and commemoration.

23. The memorial. What is a memorial? The Collin's Dictionary definition is, "A

memorial is a structure built in order to remind people of a famous person or event”. The 2015 commission described it as “a place where people can pay their respects, contemplate, think and offer prayers”. The proposed memorial requires an explanatory visitor centre because the design itself conveys nothing, as I shall show. I and others would dearly like to have the names of our lost family members commemorated. My grandmother is commemorated nowhere. There is nothing in the proposed design that would remind anyone of the Holocaust, British actions at the time, Jews, death or survival. It does not meet the 2015 requirements. If it stood alone one would ask, “What is that?” and it has already gathered a number of derisory nicknames such as “the toast rack” or “the dinosaur’s ribcage”. It has to be co-located with the learning centre simply in order to give it some meaning. Around the world, moreover, abstract Holocaust memorials are more prone to vandalism than figurative ones.

24. The whole project’s lead designer was clearly David Adjaye throughout. It is a meaningless memorial because the design by Adjaye Associates is now known to have been presented originally elsewhere before it was selected for London and is based on historical inaccuracy. Its prior use cannot have been known to those who organised the choice of design. Strikingly similar designs by Adjaye Associates have subsequently been used in other countries for very different purposes, exposing the fact that the design was never specific to the Holocaust, or the UK, or the gardens. Its designer, David Adjaye, whose name stands as the lead designer on every plan, is now accused of misbehaviour such that this association is highly offensive to survivors—bundle pages 78 and on.

25. In my bundle you will see illustrations of the rejected design for Ottawa—page 2—and the ones built recently for Niger about terrorism, and Barbados, slavery, in the bundle—page 193. To ascribe the design to Asa Bruno as Mr Katkowski did, and to call me disingenuous, is to divert attention away from the nature of the Adjaye design and the allegations against Sir David. Bruno was not mentioned until the allegations against Sir David became public. He was not involved in either of the subsequent similar designs and has never been regarded as the project leader. Adjaye Associates is a partnership of many people and many firms, but they are the badge of the design. Adjaye has a recognisable signature design.

26. In the bundle you will see the Government loudly and proudly proclaiming the

choice of Adjaye Associates as the lead designer—page 3. The submissions by Adjaye to the public inquiry—page 15—the maps with his name on, the statements made by Adjaye Associates in relation to the project, including that it was meant to “disrupt the park”—bundle page 13—a description which is surely an attempt to justify it, given that it was never designed for the park. You will also see details of the allegations of a sexual nature made against Sir David, and that most of his clients have dropped him—bundle page 78. He has stepped aside from this project—page 77—which he would not have felt necessary to do had he been able to put Bruno in the forefront rather than himself, but he has not withdrawn the design. It remains his, and his name would forever be associated with the project.

27. At least five other learning centres of better quality, as Sir Richard Evans our great German historian has said—bundle page 70—and broader scope than this one planned for VTG have recently opened, and the Imperial War Museums Holocaust Galleries have reopened after a £30 million improvement. The Jewish Museum London sadly has closed for lack of funds. Ideally, a Holocaust learning centre would take its place in a new museum, placing this tragedy in the context of intertwined British and Jewish history, context being what the late rabbi Lord Sacks thought was optimal. A better project might place emphasis on Jewish survival and contribution as well as exclusively on victimhood.

28. The problems in sum: many Jewish people and the survivors I represent are deeply concerned by these problematic issues, first because our memories and experiences are not being properly recorded as we would wish, and the educational opportunity has been lost; second, because the dire consequences of the choice of location and the nature of the learning centre will lead to our being held responsible for results we have not wished for. We will be blamed for the damage to the park, the locality, the environmental degradation, and any interference with R&R. The heavy security management involving guards and traffic rerouting, as Lord Carlile will tell you, will be blamed on us. The risk of terror and vandalism in such a provocative location is not a reason not to build in a central location, but the consequences, especially since 7 October, have to be addressed. Those consequences will impinge adversely on all users of VTG, including children, and will be feared by everyone working in the Palace of Westminster.

29. The survivors regret the loss of the space and funds that could have established a

proper learning centre, as was recommended. Prominent members of the Jewish community, parliamentarians, survivors and clergymen have called for the proposed learning centre to be replaced by a new Jewish museum of a holistic nature. In the alternative we call for a larger learning centre, whether underground or not, for example in Victoria Tower itself or on the site of the Parliament education centre, which is a temporary building. A larger one would deliver the recommendations of the 2015 commission. In any event, the effects of R&R on the gardens will bedevil the memorial and learning centre proposal wherever and whenever it gets built.

30. There is no objection to a moderate-size, figurative memorial in VTG by a different designer. Had the promoter wanted, as was said, to have a memorial built within the lifetime of the survivors, this could have been done years ago. The survivors however contend that it is better to get this right for future generations, not for themselves, and not to rush it. There are over 300 Holocaust memorials around the world, and yet antisemitism is rising sharply. We must think afresh about their purpose.

31. We call on the committee to propose certain recommendations and amendments, which have been handed out to you. The drafting, I expect, is by no means perfect, but if the Select Committee were to minded to adopt them then I am sure parliamentary counsel would undertake their usual job. Apart from those amendments, we also respectfully request you to ask that the authorities responsible for R&R, the repair of Victoria Tower and the replacement of the education centre should report jointly on how these undertakings and any memorial and learning centre in VTG would impact on each other, and lay that report before Parliament before planning permission is sought.

32. There should be a new competition to design an appropriate and moderate-sized memorial if situated in VTG. The Government should report on the security and costs aspect of the project before presenting any application for planning permission, and there should be an impact assessment before the Bill completes its stages, and a risk assessment before planning permission is sought. In the amendment I have said there should be no food and drink sales in the gardens if the memorial is sited there, in part because it seems to me that a café of the Coke-and-crisps nature is deeply disrespectful to a memorial to people who starved to death, and also having a café there will simply cause more congestion, more litter and more crowding, so that is the reason for that amendment.

33. That is all I have to say. Thank you.

34. THE CHAIR: Thank you. Can I just ask you about the last amendment? There is a kiosk there that is proposed. I cannot remember if that was the subject of any discussion or argument before the inspector.

35. BARONESS DEECH: I do not believe so, and it appears to be out of use, but a new café would be something like that and would bring all the detritus that such cafés inevitably bring in a public park with thousands of people queuing and using it, or coming out to use it, or just passersby using it, so it seemed to me not a good idea.

36. LORD HOPE OF CRAIGHEAD: I think the proposal that the promoters have moves the kiosk to the south end of the park, really the south end of the playground. I am not quite sure what purpose it is going to have, but that is where they want to move it to.

37. BARONESS DEECH: Well, I just think a kiosk, a café, should be out of the question.

38. THE CHAIR: You do not believe that was discussed at all at the—

39. BARONESS DEECH: I do not think so. I do not think so. I may have raised it, but I do not believe so.

40. THE CHAIR: Well, thank you very much.

41. BARONESS SCOTT OF NEEDHAM MARKET: Could I ask a question?

42. THE CHAIR: Of course.

43. BARONESS SCOTT OF NEEDHAM MARKET: Thank you. To the second amendment about the learning centre, in your evidence you talked about wanting to repurpose the parliamentary education centre. Is that what you are getting at in your second amendment?

44. BARONESS DEECH: No. I think it is confusing. We are talking about the parliamentary education centre, which is a little—

45. BARONESS SCOTT OF NEEDHAM MARKET: Yes.

46. BARONESS DEECH: Yes, you know what it is.

47. BARONESS SCOTT OF NEEDHAM MARKET: Yes.

48. BARONESS DEECH: Well, it has been suggested that that could be used as a learning centre, because for Parliament's purposes it is apparently temporary. I believe it was renewed for about five years recently but there have always been plans to do something else with it, maybe move it inside. So that is just a possibility, if you are looking for somewhere else in VTG.

49. BARONESS SCOTT OF NEEDHAM MARKET: Right, thank you, because the second point I really wanted to restore was the relationship with restoration and renewals, and I am wondering—I am in your hands, Chairman—whether you would prefer I waited until Lord Vaux.

50. THE CHAIR: I think that sounds sensible.

51. BARONESS DEECH: Yes, Lord Vaux will fill you in.

52. THE CHAIR: Yes, detailed questions about renewal and restoration should go to Lord Vaux. Anybody else got any questions? Very well. Now, Ms Lean, do you want to say anything now, or—you have got another witness; is that right?

53. BARONESS DEECH: Yes, Lord Vaux and finally Dr Stern, our survivor witness.

54. THE CHAIR: Yes. How would you like to deal with this? Would you like them all to give their evidence and then respond to each one, or do you want to hear each one in turn and then respond each time? What would suit you?

55. MS LEAN: My Lord, I am happy to do whatever is most convenient for the committee. As with Mr Katkowski last week, I intend to focus on amendments sought and a few points of clarification, so I am happy to deal with it all together at the end if that would be acceptable to the committee.

56. THE CHAIR: Yes. I think it would be helpful to address each witness, though, so we will wait until the end, when they have all given evidence, and then you will deal with each witness.

57. MS LEAN: My Lord, I just wonder if I could at this point just seek some clarification, however. We have obviously been given the drafting this morning of three amendments. There were four amendments sought in the body of the petition, and there was also a list of 11 asks at section 3 of the petition. When Baroness Deech spoke just at the end there about the requests, some of them seemed to go beyond the three amendments on the sheet of paper today. So I would just be grateful for some clarification, perhaps by cross-referencing the four amendments in the petition and the asks at section 3, as to which are still pursued on behalf of this petitioner.

58. BARONESS DEECH: We do have a combined list, do we not? Since the petition and having heard your Lordships on scope, those discussions have caused us to refine and consolidate amendments, and apart from amendments I have made recommendations, which do not lend themselves to the form of amendment, but if the committee were minded to consider them in their thinking that would be very helpful.

59. THE CHAIR: So you are continuing to seek recommendations from the committee—

60. BARONESS DEECH: Yes.

61. THE CHAIR: Where is this in your—

62. BARONESS DEECH: Recommendations—oh, this afternoon or very soon I will submit to you via Mr Wright my longer, written statement, which has more detail in it, but the recommendations I read out to you, you will get in written form within a couple of hours. One of them is about getting a report on how R&R and Victoria Tower and all the other works will impinge on the memorial and on each other—will one block the other, and vice versa—a new, moderate memorial not by Sir David Adjaye, and security, though I am sure Lord Carlile will fill you in more fully on that, and I am saying there should be an impact assessment. Usually with big ventures like this you expect an impact assessment and a risk assessment. Neither has been carried out, as far as I know.

63. THE CHAIR: Anyway, so we will expect from you today your longer list of evidence, your longer evidence in written form, plus these recommendations you are still pursuing.

64. BARONESS DEECH: Yes. Yes, I just have to hit the button and maybe just tidy it up a bit, but today you will get it.

65. THE CHAIR: Right. Well, it is important we get them today, because it is going to make our task, which is already quite demanding, really almost impossible if people keep on showering us at any stage or any day with more material. Thank you. Right, so the next person then is going to be—

66. MR DOCTOR KC: If you would like we could call Lord Vaux.

67. THE CHAIR: Lord Vaux next, yes.

Evidence of Lord Vaux of Harrowden

68. MR DOCTOR KC: This is Lord Vaux, but perhaps the witness will say exactly who he is, and he's going to be talking about R&R, so I am going to ask him to just tell you why he is somebody who knows something about that and why he can be of assistance to this committee.

69. LORD VAUX OF HARROWDEN: Yes, I am Lord Vaux of Harrowden. I am a Cross-Bench Member of the House. I have been involved in the R&R process for a number of years now, firstly as a member of the House of Lords commission. Then, from its inception, I was a member of the R&R client board until January this year, and since January this year I have been the deputy chair of the R&R programme board and chair of the R&R programme board sub-board, if that makes sense. I should stress that I am not speaking today on behalf of the programme board or any of the R&R bodies. I am here speaking for myself, but with that experience and knowledge.

70. MR DOCTOR KC: Can I just ask you to explain just very briefly the initials R&R? What are we talking about?

71. LORD VAUX OF HARROWDEN: Restoration and renewal of the Palace of Westminster.

72. LORD DOCTOR KC: Before we move on, there is apparently another project going on for the restoration of Victoria Tower. Could you just mention that?

73. LORD VAUX OF HARROWDEN: There are ongoing projects that fall outside of

R&R. The Victoria Tower project is a slightly hybrid situation, which is a substantial project to initially repair the external stonework of the Victoria Tower, but there is a possibility of bringing forward some of the direct R&R aspects of it in the inside of the tower at the same time, so it could become a bigger project. It is uncertain at the moment but that is currently under consideration.

74. MR DOCTOR KC: Thank you. My Lord, can I continue?

75. THE CHAIR: Yes, certainly.

76. MR DOCTOR KC: Lord Vaux, would you describe for the committee the impact that R&R might have on the park known as Victoria Tower Gardens?

77. LORD VAUX OF HARROWDEN: Certainly. It is important to stress the “might” there in that, as I think the committee is aware, no decisions have yet been taken on the R&R programme and how that will go forward. There are currently three potential ways of doing it that are under consideration, which hopefully will crystallise during the next six to 12 months, and a decision will be taken. All of them involve the potential use of a chunk of the Victoria Tower Gardens as the main area for keeping all the equipment, access to the Palace, et cetera. Two of the proposals involve one tunnel underneath the building, which would have to be accessed and done from the Victoria Tower Gardens end. The third one actually involves two tunnels, so a slightly bigger aspect of upheaval at the Victoria Tower Gardens end.

78. The current plans indicate that they would want to use almost 50% of the Victoria Tower Gardens northern end, the Palace end of the gardens, by area—not by length, but by area—and that would be for the full duration of the works programme, which could be anywhere between just under 10 years up to potentially 30 years, depending on which process is followed. Obviously, that has substantial impact. There would not be much overlap in terms of construction happening at the same time.

79. LORD FAULKNER OF WORCESTER: Sorry, just for clarification, you said 50% of the northern end of the garden.

80. LORD VAUX OF HARROWDEN: Fifty per cent of the gardens at the northern end.

81. LORD FAULKNER OF WORCESTER: Yes, but where are you drawing the line to create the northern end?

82. LORD VAUX OF HARROWDEN: Well, from the Palace to—as I say, 50% by area rather than length. If you have seen the maps there is a path that diverges around the—and it would go up to just over the edge of where the divergence is on that path, if that makes sense.

83. LORD HOPE OF CRAIGHEAD: Would you say what the effect is on the education centre? Is that going to remain there while you carry out the R&R, or is it to be removed?

84. LORD VAUX OF HARROWDEN: No, the education centre would have to go for that period of time in that location. Depending on which process we follow, the education centre would be potentially relocated within the Palace, underground within the Palace, depending on which route is chosen.

85. LORD JAMIESON: Sorry, if I may, I know this is a schedule as it will be, but it might be helpful if you just indicated roughly where it would be on there.

86. LORD VAUX OF HARROWDEN: Yes.

87. THE CHAIR: Could you hold that up so the whole committee can see it?

88. LORD VAUX OF HARROWDEN: My understanding is that it would be broadly up to about this point in the park, so up around that way, if that makes sense, but up to about here.

89. LORD JAMIESON: That is where the Burghers of Calais are, on the left.

90. LORD VAUX OF HARROWDEN: It is slightly beyond that.

91. LORD FAULKNER OF WORCESTER: Beyond the burghers, but not as far as the Buxton memorial.

92. LORD VAUX OF HARROWDEN: Correct. As you know, the park is wider at that end, so when I say 50% by area it does not take 50% of the length.

93. MS LEAN: I am terribly sorry. For those of us behind Lord Vaux, I am afraid we

did not quite see the line. If it was possible to see that, that would be very much appreciated.

94. LORD JAMIESON: Feel free to draw a line on it; then we can share it around.

95. LORD VAUX OF HARROWDEN: Okay. I mean, it is rough.

96. THE CHAIR: I think that reference to the burghers and—

97. LORD VAUX OF HARROWDEN: It is broadly that sort of shape, but it is preliminary anyway because we do not know at the moment exactly where we go. It all depends slightly on which route we take.

98. THE CHAIR: Right. I think anyway the location somewhere between the end of it, between the Burghers of Calais and the Buxton memorial, gives us an idea.

99. LORD VAUX OF HARROWDEN: It is a substantial part of the park during that process.

100. THE CHAIR: Yes, yes. Of course, this raises the issue of when the actual construction work will start, because there is a huge amount to do before you dig one piece of the ground. So I know that there has been talk about 2027. To many of us that seems wildly unrealistic.

101. LORD VAUX OF HARROWDEN: That is wildly unrealistic. The main works will not start until at least 2029 at the very earliest. There may be preliminary works, for example building a jetty into the Thames, which would require access through to do that, in the meantime. As I say, the Victoria Tower project itself may get slightly subsumed into R&R and that would happen slightly earlier than that, but the main works, there is no way they would start before 2029. It could well be later.

102. BARONESS SCOTT OF NEEDHAM MARKET: Just for the record, Chair, like Lord Vaux I have got some form on restoration and renewals. I was a member of the sponsor body when it was first established, and I am now a member of the client board as a result of being on the commission. When the sponsor body was first set up there was one option for restoration and renewals, which had been agreed by both Houses, namely the full decant, and then in 2021 to that they added partial decant—in other

words, the Commons would stay put. A third option was added two years ago, perhaps, which is called enhanced maintenance, and there is a lot of work still to do on scoping that option.

103. So what I was not clear from your earlier words is to what extent in each of those three options are we in a position to make judgments about how much of the garden will be needed for restoration and renewals, and for how long?

104. LORD VAUX OF HARROWDEN: At the moment the assumption that is being made is that all three will require the same level of access and use of the gardens, because all of them are substantial projects whichever way you do it. The so-called EMI, the enhanced maintenance and improvement option, the more recent one that is being looked at, actually requires two tunnels as it is currently being thought about, so it is actually in some ways a larger impact there. So the assumption at the moment—obviously, it may change depending as things evolve—is that all three would require the same level of use of the gardens. The time periods would potentially change. The full decant option, obviously, by its nature is likely to be quicker. The EMI option, the enhanced maintenance and improvement option, is likely to take longer, and it is not totally clear how long the gardens would be needed for that option at the moment but it would be for a substantial period of time.

105. LORD FAULKNER OF WORCESTER: Would you say something about where construction materials are to be stored, and also how access is to be obtained? You have either the river, which you mentioned earlier, or you have the road, and one of the things would be to what extent you are reducing the ability of traffic to go along the public road in the course of the construction process.

106. LORD VAUX OF HARROWDEN: I think it is too early to be definitive about that, but it is likely to be a mixture of the two. That is the purpose of building this jetty, is to remove the pressure off roads, but undoubtedly the roads will be required to some extent. I do not think we have full detail on that yet, so I cannot give you a definitive answer.

107. LORD FAULKNER OF WORCESTER: Thank you.

108. MR DOCTOR KC: Can I ask you to clarify? The tunnel, or in one case two

tunnels—this is a tunnel from the garden into the parliamentary estate, if I can call it—

109. LORD VAUX OF HARROWDEN: They are tunnels under the building. I actually do not know exactly where the entrances would be, but in time they would just simply be tunnels under the building. They are going to be used for the services. They do not go out into the gardens for access, ultimately, but when you are building those things, obviously you need a sort of runway, et cetera.

110. MR DOCTOR KC: So at least during the building period the tunnel will be built from the garden, or partly from the garden.

111. LORD VAUX OF HARROWDEN: I do not know exactly where the entrance to the tunnel would be during that process.

112. MR DOCTOR KC: Could it be in the garden?

113. LORD VAUX OF HARROWDEN: I do not know.

114. MR DOCTOR KC: Would you need planning permission for the use of the garden?

115. LORD VAUX OF HARROWDEN: I believe so, and one of the concerns that have been raised is that if the Holocaust memorial is sited there, it might make getting planning permission to use a large chunk of the gardens more difficult, but I am not sure what level of discussions have happened on that. Yes, they will need planning permission to do it.

116. MR DOCTOR KC: Thank you.

117. BARONESS SCOTT OF NEEDHAM MARKET: Could I just ask on that last point, then? I mean, there are petitioners who are arguing that this committee ought to be putting some sort of spatial restrictions on the use of the park for this memorial, so how would you envisage that fitting in then? I mean, if the Act were to be changed in that way, how would you see that fitting in with Parliament's ability to carry out whichever of the options of restoration and renewals?

118. LORD VAUX OF HARROWDEN: To be honest, I do not have an answer to that. I do not know.

119. LORD FAULKNER OF WORCESTER: I am sorry if I am a bit slow to understand, but I still do not understand the point of the tunnels and I wonder if you can help me with the plan where they will start and finish.

120. LORD VAUX OF HARROWDEN: They will go under the building. They are there to replace the existing underground services of the building, which is the major problem we face with R&R, is the services elements

121. LORD FAULKNER OF WORCESTER: This is at the Parliament end.

122. LORD VAUX OF HARROWDEN: The full length of Parliament will have new tunnels put under it for these services, the gas, the electricity, all that sort of thing, to go through rather than the basements they are currently in. They will ultimately be under the building. Exactly where they begin and end I do not know the answer to, but broadly they are there to replace the existing basement services.

123. LORD FAULKNER OF WORCESTER: So it is not a means of providing access to the gardens.

124. LORD VAUX OF HARROWDEN: No, no.

125. LORD JAMIESON: I am just trying to understand the process. You may not know the answer, and I accept that, but has the restoration and renewal committee or whoever been involved or made representations about planning at the various stages of Bill?

126. LORD VAUX OF HARROWDEN: Not to my knowledge, no. Not as far as I am aware. I know there have been discussions between the R&R teams and the people behind the Holocaust memorial, but I do not think there has been anything formal, as far as I am aware, anyway, and certainly the committees have not.

127. LORD FAULKNER OF WORCESTER: Will the R&R team require a similar repeal amendment to the 1900 Act in order to get work in the gardens?

128. LORD VAUX OF HARROWDEN: I have asked that question, and the answer that has come back is that they do not believe they will because it is temporary use, in the same way that the use of part of the gardens for the existing education centre did not

need a change to the Act because it was temporary use. That is the answer I have been given.

129. MR DOCTOR KC: Unless there is anything else you would like to mention, Lord Vaux, I have got no further questions.

130. LORD VAUX OF HARROWDEN: I do not think so. The things that concern me are that this goes, in my mind, three ways. There is the impact of the Holocaust memorial on the ability to get planning permission, and whether it restricts the ability of the R&R team to use the gardens in some way. There is the impact, obviously, of having substantial works going on, and a chunk of the garden boarded off on the Holocaust memorial once it is up and running, and then there is going to be quite a period on this basis when there is very little park left if both uses are happening at the same time, so those are the three concerns.

131. THE CHAIR: There is going to be very little left whether the two projects are done together or one after the other.

132. LORD VAUX OF HARROWDEN: Correct.

133. THE CHAIR: On any footing there is going to be, because the proposed Holocaust memorial and the learning centre with its mound will probably come up to just near to the Buxton memorial. There is not really going to be much there. Do you know whether those who are involved in arranging the restoration and renewal project will be making any submissions to the Minister on the revival of the existing planning application for the Holocaust Memorial and Learning Centre, because it is now being revived? There remains the planning application. Permission was set aside because they failed to take account of the 1900 Act. The Minister is now in the process of reviving it and has invited people to make recommendations and comments. Is it proposed that the sort of complications that you are mentioning will be raised?

134. LORD VAUX OF HARROWDEN: It has not been proposed to this point, and that is partly because no decision has been taken on R&R itself, and therefore the concentration has been on the project itself rather than those impacts. I will, however, raise the matter, because I think it is something they should think about.

135. THE CHAIR: I would have thought that was quite an important consideration to be borne in mind now: when are things going to be reconsidered? So it would appear that there is a period of time between now and, say, 2029 before the main work on the R&R project begins. For what it is worth, you are going to have about three or four years while the park remains in its current state.

136. LORD VAUX OF HARROWDEN: I think that is right. There will probably need to be some relatively temporary impact to do the jetty if that goes ahead, and the Victoria Tower project will have some impact, not so much on the park but on access, particularly large trucks, et cetera, going up and down Millbank to access the Victoria Tower. There will be some impact in that interim period, but it will be limited.

137. THE CHAIR: Does anybody else have any questions they would like to ask? We are very grateful to you. Thank you very much, and we are now on to Dr Stern. Is that right? I am sorry; I should have asked you, Ms Lean. Did you have any questions of Lord Vaux?

138. MS LEAN: No, my Lord. If it is acceptable, I will pick it up in my general response at the end.

139. THE CHAIR: Thank you very much. Right, your last witness, then.

140. MR DOCTOR KC: Yes. Thank you, my Lord. The last witness is Dr Martin Stern, who's sitting next to me, and respectfully asks if the committee would speak up a bit, as he's having a little difficulty in hearing everything. I will ask him as well to speak as loudly as he can to you, and he would now like to address you.

141. THE CHAIR: Thank you. Yes, Dr Stern.

Submissions by Dr Stern

142. DR STERN: Thank you. My Lords, my Lady, it was only in security that I discovered that my jacket was hanging over a kitchen chair at home. I apologise. My name is Martin Stern. As a five-year-old boy, I was arrested by Dutch police and handed to the Nazis. My one-year-old sister was arrested also by Dutch police, and we landed in a prison camp in the Netherlands. Most people from there were sent to Auschwitz or Sobibor, and did not survive. For some reason, my sister and I were put on a train. We

went on the same kind of horrific cattle truck as the others, but to a different destination, the Czech town of Terezin, or Theresienstadt, which was a big deception operation by the Nazis, from which people were sent to their deaths only after they had served their propaganda purpose, so it took longer to get killed. This was to support the Nazi lie that Jews were being resettled and not mass murdered. Very few of the 15,000 children who went there survived—very few.

143. My sister and I were two of the ones who did. We were taken from amongst the other children by a woman prisoner who looked after us in the women's dormitories, and that may be why our name was left off the list to board the train to Auschwitz. We were assembled with the other children waiting to get on that train, but we were left behind. Those children were gassed. Our father, who killed two Nazi soldiers whilst being arrested on a Dutch farm, was likely to have been tortured—people caught with arms were—and sent to Auschwitz and died in Buchenwald.

144. For 20 years after retiring as an NHS consultant, I have devoted my life to education about the Holocaust and about genocides in general. It is my life's passion, and I neglect much else for it. I study voraciously, and make a point of speaking throughout the UK, including Northern Ireland, Scotland and north and south Wales, and I have worked with all the main organisations on such education. I am a trustee of the National Holocaust Centre and Museum in Nottinghamshire.

145. I would not begin to claim that my efforts ensure that the horrors of which the Holocaust was an extreme example will never happen again. They have happened ever since and are happening today. Mankind is mankind. We are the most dangerous animal on earth, but progress is possible. We are no longer cannibals, and mostly we do not even hang criminals in public. Civilisation is a long, slow process, and its means of progress is inquiry and education. It can at times go backwards, as it did catastrophically in the country of Bach and Beethoven.

146. My commitment to education makes it distressing to witness an educational proposal, pursued with the best of intentions and with passionate collective determination, which is so misconceived in multiple ways. Wonderful people, in their passion for a noble objective, have succumbed to a simple answer, which is damaging to their cause. Yes, a memorial to those events, next to Parliament, is highly appropriate. It

will help to remind those who work in the Palace of Westminster of the fragility of the democracy bequeathed to us. It will honour and memorialise the victims. It will serve its purpose if of modest size, comparable to existing memorials. The learning centre currently proposed is both far too large for Victoria Tower Gardens and far too small for its purpose, as Baroness Deech has clearly demonstrated. That alone is sufficient reason to rethink, but there is more. Baroness Deech has outlined multiple reasons why the project is misconceived. Auschwitz survivor, the formidable and distinguished Anita Lasker-Wallfisch, is unwell, but she and I agree absolutely. I visited her at home, and we could not find anything to disagree on. That is unusual with Anita Lasker-Wallfisch.

147. The learning centre as currently proposed, in addition to obliterating, in my view, VTG, is architecturally problematic in design and reputational context. It is a security problem on an estate where murders have occurred. I remember Keith Palmer, amongst others. It is seriously poor value given the costs inherent in that site, which would not be incurred in another site. It is in conflict with essential redevelopment work on the Palace of Westminster, as we have just heard, and it is a traffic problem for the Westminster area, which has traffic enough as it is. It is a magnet for demonstrations and vandalism right next to Parliament, and it is, in my considered and strong view, likely to stimulate rather than decrease antisemitism, but that is not the end of the story.

148. Good education rests on a good underlying academic basis of inquiry, research and experiment. The proposal, shoehorning too much into too little, threatens to be ossified from the start. Political tensions make it most unlikely someone will be found with the originality and ability of the Smith brothers, who set up the National Holocaust Centre in rural Nottinghamshire. A simplistic assumption has been at the basis of Holocaust education until now. It is the assumption that, if young people are told something bad happened, they will on the whole do the right things. Human behaviour is not so simple. Recent history shows that decades of education about the Holocaust have not prevented widespread support for the mass murder of Jews, or deafening silence about the mass murder of other human groups. Teaching critical thinking has not been that successful in improving behaviour. Transport, from aeroplanes to rubber dinghies, has shrunk the world. Learning to live with people unlike us without mass murder is more challenging than often assumed. A learning centre by all means, but if the teachers do not learn, it will be a waste of time, opportunity and money. It should be

elsewhere. It should be bigger. It should be more inquiring.

149. I have had the feeling many times that in seeking to modify this proposal I am standing in front of a runaway train, but the plan as it is seems misconceived and unwise, and I feel it is a duty to speak. The committee's remit limits what we can achieve, yet I cannot keep silent, and I do speak for Holocaust survivor friends. A comprehensively unwise project detrimental to our nation demands rethinking. For a long time I kept quiet about this because I thought I was the only one. It was when I discovered that that was very far from true, and I am talking here about numerous Holocaust survivor friends who form a great proportion of my friendship circle.

150. My case is that our resources must be used wisely, and not as currently proposed. A well-intentioned disaster must be prevented and the plan reconsidered accordingly. Thank you for your attention.

151. THE CHAIR: Thank you. Do you wish to put forward any particular amendments, or any points that you would like the committee, in the report which we will be writing, to highlight?

152. DR STERN: Well, dear friends of mine, people who have devoted their lives very ably to Holocaust education, feel that by suggesting the current plan is not the best idea, the risk is that nothing will happen, and that Holocaust education will suffer. My view is that, if that were to be the case, the current plan is so bad that it would be better not to have it and to rethink from the beginning.

153. THE CHAIR: Your proposal, basically, is simply not to have the proposed project.

154. DR STERN: Well, my proposal, as I understand the committee's remit, is outside the remit. It would be to have a modest-sized memorial next to the Houses of Parliament, in Victoria Tower Gardens along with the other memorials, but to have a bigger and much better and more cost-effective education centre elsewhere. The costs of building on this site next to the Thames, a lot of the money will be absorbed in engineering problems, some of which we may not yet know. By using another site, we could get much more education for the money.

155. LORD HOPE OF CRAIGHEAD: Can I ask you? Obviously a rethink would take

time. One of the drivers behind those who are promoting the present proposal is that they want to achieve this before the last survivors pass away. Do you have any comment to make about that?

156. DR STERN: I do, and I understand that view. I mean, my very dear friend, Susan Pollack, with a very distinguished history of Holocaust education, who now is ageing severely, expresses that view with passion. However, many Holocaust survivors—the majority, in fact—have already died. We are dying off at quite a rate. I am absolutely certain in my mind that what we should aim for is the right end result. Promoting an unwise scheme simply so that it should be ready before some ageing Holocaust survivors die would be a terrible mistake, and would actually be doing the cause they served a disservice.

157. THE CHAIR: Do any members of the committee have any questions? Right, well, that concludes your witnesses, Mr Doctor.

158. MR DOCTOR KC: It does.

159. THE CHAIR: So I am now going to ask Ms Lean to respond to that evidence.

Submissions by Ms Lean

160. MS LEAN: Thank you, my Lord. If I can start with the sheet of amendments that was referred to at the beginning of Baroness Deech's presentation, my understanding is that these have replaced the four amendments which were in the body of the petition itself, so I am proposing to focus on those three rather than what is in the petition, though I will turn to the recommendations right at the end. I think it probably makes sense for me to deal firstly with the learning centre, so the second amendment sought, because I will come on to restoration and renewal after that, following the order of the evidence.

161. My Lord, this amendment really goes to the heart essentially of the learning centre and what it is proposed to do and what it is proposed to provide, and really it does seem to be directed at what is being proposed not being thought to be good enough. To that extent, my Lord, it seems to veer into what my Lord, Lord Etherton, referred to as the provisional no-go areas or matters which are raised solely to arrive at those no-go areas,

which is that this memorial and this learning centre, or what is proposed, is not good enough and should not be able to go ahead. To that extent, it does seem to go in part to principle, being directed at, “Well, what is proposed is not good enough. It should be something else”. As Dr Stern put it, I believe, “It is too big for Victoria Tower Gardens and it is too small to do what it should be doing”. It does seem to be a proposed amendment that goes more to the principle and the key policy points, and perhaps the public law aspects of the Bill, rather than the private elements that are properly and squarely before this committee for your Lordships’ consideration.

162. It is also right for me I think at this point, to note that the purposes—what the education centre would provide and what was proposed—were the subject of evidence during the planning inquiry, and they were considered during the planning inquiry. If it assists, just for your reference, the inspector’s consideration of this can be found at paragraph 15.133 through to paragraph 15.146, which are internal pages 177 through to 181 of the inspector’s report, and that sets out the inspector’s consideration of the purposes and the public benefits that derive from the proposed learning centre, in response to criticisms that were being made by those objecting to it in the inquiry.

163. The second amendment I was proposing to move on to, if that is a convenient juncture, was—

164. THE CHAIR: Just to summarise your points on amendment 2, you are saying it is effectively a no-go area because it is saying, “It is so bad it needs to be moved elsewhere”, the learning centre; secondly, you say it deals with the public issues rather than private issues; thirdly, you say it was considered at the planning inquiry. Those are your three points on that.

165. MS LEAN: Yes, my Lord.

166. THE CHAIR: Thank you.

167. MS LEAN: My Lord, moving then to proposed amendment 3, the restriction of selling of food or drink in the Victoria Tower Gardens, the first point to make in response to this is that the proposed café is a replacement for a kiosk which is already there in the gardens, albeit not currently open. It essentially relocates it from its current location by the Spicer memorial to the southern—

168. THE CHAIR: How long has it been closed?

169. MS LEAN: I understand it closed before 2019. I was told pre Covid, but I am told before 2019.

170. THE CHAIR: Well, is it really necessary? I mean, Baroness Deech says it is not appropriate, but leaving aside the propriety aspect, you have got thousands of people coming in every day under the proposed project. What purpose is that kiosk going to serve for thousands of people? It cannot be an essential feature of the project.

171. MS LEAN: My Lord, the café is part of the planning applications. There are obviously aspects of the reconfiguration of the gardens and the playground and suchlike that are part of the planning application itself. My instructions are that the aim has been to allow the users of Victoria Tower Gardens to continue with the current uses that are there or currently in place. It was originally a facility that was there for those using the gardens or the playground. It has to be moved from its current location for the memorial. It is being re-provided at the southern end of the garden. That, in headline terms, I understand to be the position. It is re-providing a facility that was physically there, if not currently operational.

172. My Lord, if I can come on to the propriety point around the amendment, which is about no food or drink being sold in Victoria Tower Gardens, which clearly goes wider than the precise location of the café or the precise proposal for the café, it would be an absolute restriction, as I understand it, on any food or drink being sold in Victoria Tower Gardens after the opening of any memorial and centre for learning. As my Lords will be aware, what Clause 2 of the Bill would do, if enacted, would be to disapply Section 8(1) and Section 8(8) of the 1900 Act to the extent that it would prevent or restrict the activities in Section 1(1), as my Lord, Lord Etherton, indicated I think on day 1 or day 2 of the hearings.

173. To a degree, it is the planning permission and the provision of the Holocaust memorial that dictates where that disapplication applies, but this amendment would apply across the whole of the gardens, as I understand it, so essentially this proposed amendment would be amending the 1900 Act to write a restriction into the Act over the use of the gardens as a whole, which is not currently there at present.

174. LORD HOPE OF CRAIGHEAD: Would you have any objection to it if it excluded the kiosk, and just said ‘apart from the kiosk, food and drink should not be sold’? The problem is that your proposal is introducing huge numbers of people, and there must be a temptation to people to set up a stall selling ice cream and all sorts of other things. The risk of litter is immense, and all the other things that go with it, and to preserve the garden in view of the proposal you have might require a restriction of this kind.

175. MS LEAN: My Lord, I believe reference may have been made to this in passing in an earlier hearing, but of course Section 8(1) of the 1900 Act does provide a power for the commissioners of works, their successor in title now being, I believe, DCMS, to make regulations or by-laws for the use of the gardens, and they are in practice managed by the Royal Parks. I am afraid I was just trying to find the instrument, but there are some regulations that do apply to all of the parks and gardens, including Victoria Tower Gardens, which I believe, but I will check, make provision for things like restrictions on trading and things like that. So my submission would be that there are existing powers available that could be utilised, if they are not already in place, to restrain things like kiosks or suchlike popping up elsewhere in the gardens without the need to make an amendment through this Bill.

176. LORD HOPE OF CRAIGHEAD: I hesitate to ask if we get another paper from the promoter, but it might be helpful if you could provide us with chapter and verse for that, so that we know exactly what we are dealing with.

177. MS LEAN: We can certainly provide that. My Lord, I think just finishing up on my point about amendment 3—

178. THE CHAIR: Was the necessity on the one hand, or inappropriateness on the other hand, of the kiosk a matter that was addressed at the planning?

179. MS LEAN: My Lord, I am afraid I was not instructed at the inquiry, so I will have to turn around to confirm that point, but might it be acceptable for me to confirm that in writing to you?

180. THE CHAIR: Yes, of course.

181. MS LEAN: I do not recall seeing it specifically mentioned in the inspector's report itself, but that is obviously not to say it was not traversed over the various days of inquiry, or in one of the many, many documents that were submitted to the inquiry.

182. THE CHAIR: Perhaps when you deal with Lord Hope's issue, you will include that as well.

183. MS LEAN: Absolutely, we can do that. Just finally on point 3, I mentioned that the amendment would extend to the whole of Victoria Tower Gardens and in effect amend the 1900 Act, which is not what this Bill says it does, so to that extent it would be extending the scope of the Bill in that regard.

184. Moving on to proposed amendment 1, which is the restoration and renewal, the first point to raise on this is that perhaps unsurprisingly there has been liaison and co-ordination between the project team for the memorial and learning centre and the restoration and renewal programme team, which I am told are a team of officers of both Houses who are concerned with that project, and that those two teams meet regularly to share information and co-ordinate plans to reduce potential impacts.

185. Further, I am told that the memorial site is at the southern end of the gardens and need not prevent the use of the gardens by the restoration and renewal programme. Apart from that, the dates I have are similar to those that were outlined by Lord Vaux.

186. My Lord, in terms of, first, what this proposed clause is designed to achieve, which seems to be ensuring that one does not stop the other, there is already a process in place recognising that both may be coming along and will need to liaise to make sure that they can both go forward with a view to reducing the potential impacts of the projects.

187. In terms of the amendment, that probably brings me on then to what the effect of this amendment might be and whether it is within scope, if I could put it in those terms, which is, at Second Reading, the principle of being able to fund and provide for a Holocaust Memorial and Learning Centre in Victoria Tower Gardens was approved by the House. Clause 2 provides that it is there to remove anything that might restrict or prevent the carrying out or the provision of that, and this clause would do the very opposite, so to that extent it would risk being destructive of the principle of the Bill,

because it essentially says, “Well, you can’t do any of that unless the authorities have certified that the Holocaust Memorial and Learning Centre and its provision will not impede the restoration and renewal of the Palace of Westminster”.

188. So to a degree, although it does not seem upon its face, its practical effect is to put an obstacle in the way of the delivery of the Holocaust Memorial and Learning Centre in a Bill the principle of which is to enable that to go forward.

189. THE CHAIR: I am not exactly sure where you are getting to with this submission. The problem is not just allowing the Holocaust Memorial and Learning Centre to progress as a feature of the Bill that is currently before Parliament, but the idea that VTG should so far as possible remain for the public, remain for the benefit of residents and people to enjoy the park, and what we have heard so far is Lord Vaux has said, well, it is likely that the works for restoration and renewal, and other works to Victoria Tower, will extend up to basically roundabout the Buxton memorial, or between the Burghers of Calais and the Buxton memorial, and the Holocaust memorial centre will take up effectively the rest. There will be no park left. The purpose of this committee, insofar as we can, obviously circumscribed by restrictions on interfering with the principle of the Bill or going outside the scope of the Bill, is to try to prevent interference and adverse effects on private interests. I am not quite sure what the purpose of your submission is.

190. MS LEAN: My Lord, my apologies for the lack of clarity. My submission was directed at the amendment that is actually sought by the petitioners on the piece of paper handed in this morning. “The activities described in Section 1(1) may not be carried out on the land referred to in Section 2 unless the authorities of the two Houses have certified that those activities will not impede the restoration and renewal of the Palace of Westminster”. My Lord, I fully take the point that this committee is concerned about the impacts of the proposed Holocaust Memorial and Learning Centre on users of the park, particularly if that is looked at in connection with works to restore the Palace of Westminster, but the amendment that is sought is actually only directed on its face at not impeding or getting in the way of any of the restoration or renewal works of the Palace of Westminster.

191. So that was what my submission was directed at. It essentially makes the

provision or the carrying out of the activity in Section 1(1) of the construction or provision of the memorial centre on the land in Section 2, Victoria Tower Gardens, dependent and conditional upon the authorities having certified that none of that will interfere with the restoration works to the Palace of Westminster. So I am afraid, my Lord, my apologies, that is why my submission was just saying that the amendment that is sought, as written down, goes against the principle of the Bill. I was not seeking for a moment to suggest that it was not open to this committee to consider or be concerned about the fact there might be these two sets of works going through together, but that, with respect, is I think a separate question. It is not currently addressed by this particular amendment.

192. BARONESS SCOTT OF NEEDHAM MARKET: Could I just follow on? Insofar as you are aware, in these discussions which are taking place, it is obviously an important matter, but are they just about the timing and the coming together of these two major projects, or is access to the park and the private interests of people who are living in the area and using the park—are these matters ever up for discussion?

193. MS LEAN: My Lady, I would have to turn round and seek more information on that, I am afraid. I have been instructed that it is about sharing information and co-ordinating plans to reduce potential impacts, which perhaps I have read as that impact on use of the park and the park more generally, but I would have to seek specific instruction from those who are in the meetings, if that makes sense.

194. BARONESS SCOTT OF NEEDHAM MARKET: Yes. I suggest that is not an assumption that we could comfortably make, and if I have understood Lord Vaux correctly, no change to the 1900 Act would be required for the work needed for R&R because it is temporary, and that means there would not be a committee like this looking after the private interests of the residents, if I have understood that correctly.

195. MR DOCTOR KC: My Lord, I certainly take my learned friend's point, and this afternoon it may be that we will need to amend the amendment that we have suggested in some way, because certainly the thrust of the evidence by Baroness Deech and Lord Vaux has been to show, which I think was always obvious, that if the Holocaust memorial is built under the current plan, then, given the fact that there is going to be restoration and renewal, or there is likely to be, there will in fact be no park, and the

difficulty is of course in trying to meet your Lordships' ruling on the scope of what we may suggest by way of an amendment to the Bill that would somehow or other enable us to ask your Lordships to take this aspect into account, which is something that we have always said, but it may not have been achieved quite by the wording of the current amendment.

196. THE CHAIR: I think the problem is, as Ms Lean was saying, this gives priority to R&R, whereas I think your case is probably giving priority to the Holocaust memorial, if there is to be one there at all. I think it needs to be reversed.

197. MR DOCTOR KC: Yes. I take that point, and we will certainly get that to everyone this afternoon.

198. THE CHAIR: Alright. Now, you can finish.

199. MS LEAN: My Lord, if I could just continue with that point on impacts, I have obviously heard what Lord Vaux said about whether or not the restrictions in the 1900 Act may or may not be engaged by the works that are proposed. I am certainly not going to veer into the construction of the 1900 Act, but I would suggest that there may be a question, in the same way that, with the works here, a view was taken that it would not preclude this work, and the court took a different view.

200. So I do not think it can necessarily be ruled out that there might not at least have to be consideration given to whether there might need to be a similar amendment to that which is sought here for those works to take place, but what there would in any event have to be is planning process, and I am loath to feel like I am just kicking more things off to planning, but clearly, during the course of any application for planning permission for the R&R works, consideration would need to be given to construction and construction impacts, and consideration would need to be given to other schemes and suchlike going forward at the time.

201. The planning process for R&R, and use of the gardens for construction, would need to consider and take into account the proposals for the Holocaust Memorial and Learning Centre if they were imminent or during the process of construction themselves, to consider things like the wider impact on users of the park of the construction activities going forward. So there are stages and processes through which these things

would have to be considered, and no doubt, as my Lord, Lord Etherton, raised, on any redetermination of the planning application here, if proposals for the R&R work are more choate by the time that is being looked at, or there are particular concerns that people wish to raise as to the impacts of those works possibly coming forward at the same time, those are things that would be raised that would have to be considered by the Secretary of State in redetermining any planning application for this proposal.

202. Of course, linked to that, I notice well again, without going too much back into planning, when planning permission was granted initially it was subject to a number of planning conditions, one of which was a construction management plan, which would have to be approved by Westminster City Council, and that is obviously a common condition that is imposed on planning permissions, and it is looking at things like managing impacts of construction while projects are going forward. All of that was just to say that there are mechanisms and processes by which these things would have to be considered, and I will of course perhaps return to this once we have seen the revised amendment that may be being suggested by these petitioners.

203. THE CHAIR: We have to finish promptly at 12.00, I am afraid, today.

204. MS LEAN: We do, yes.

205. THE CHAIR: So is there anything else you want to say? I think we are going to be asked this afternoon to consider various recommendations, which are not sought to be included as amendments, but things that we may wish to highlight in any report we write. It is unfortunate we cannot deal with that now, but we cannot. I think the best way of dealing with those—because when we come back, Baroness Deech probably will not be here—is for you to respond in writing briefly to the recommendations that are also being put forward, but I do not want that plus oral recommendations. You can put them in writing.

206. MS LEAN: My Lord, I am certainly happy to do that. There is only one factual point and one mop-up point, if I may. The concern about the extent to which the gardens would or would not be available with the Holocaust memorial and any works of R&R—clearly the situation may be different during construction, but just to note of course that you do have the plan that we handed in, I believe last week, showing those areas of the garden that are intended to be publicly accessible after the memorial and learning centre

has been constructed. So from a timing perspective it may make a difference in that regard, if the two are coming forward together, how much of the park is available even if that northern extent is being used for the R&R works.

207. The second point, and this may veer into the recommendation territory, so if I do I will veer sharply out, but I had a note that we had offered to provide you with references in the inspector's report to the Asa Bruno, designer of the memorial itself as opposed to the overall scheme. Forgive me; I do not think that was picked up in our letter to you of Friday. Why that came to mind in particular was—I can provide the reference in the inspector's report, but in the bundle of materials that was provided for these petitioners yesterday, you do actually have extracts from the proof of the architect himself. It starts at page 45 of the bundle of materials that were provided for the petitioner, and on the front of the page, which is at page 45—I am conscious of time, so if I just flag it quickly—it says, “Proof of evidence—memorial architect on behalf of UK Ministry of Housing, Communities and Local Government Asa Bruno ... on behalf of Rod Arad Architects Ltd”.

208. If I could also just possibly highlight for your note, in light of just some of the concerns that were raised about the design of the memorial and the connection with the Ottawa design, this was something that was raised in objections by Baroness Deech as part of the planning process, and there is a response to it provided in Mr Bruno's proof of evidence in the extract you have at page 54, in paragraphs 8.3 and 8.4. I just thought it might be helpful to direct you to those references, as they are in the petitioners' material, and it is the architect's own words, as it were, rather than mine, but it is also addressed more generally, certainly in the case for the applicant, in the inspector's report starting at paragraph 6.54.

209. THE CHAIR: This is the inspector's report.

210. MS LEAN: This is in the inspector's report, but it is in the section summarising the case that was advanced for the applicant. The designer is not then subsequently named in the inspector's consideration of designs, but where the references are to Mr Bruno in particular are at 6.54 through to about 6.79, pages 26 through to 31. My apologies, that was hopefully just picking up an outstanding—

211. THE CHAIR: The pages were what, sorry?

212. MS LEAN: 26 to 29.

213. THE CHAIR: Right. Thank you very much. You have two minutes, Mr Doctor, if you feel the need to come back on anything.

214. MR DOCTOR KC: My Lords, I do not. I am going to have, I understand, an opportunity towards the end to sum up, and I will make all the points I need to make at that stage.

215. THE CHAIR: Very well. Thank you very much.

216. MR DOCTOR KC: Thank you, my Lord.

217. THE CHAIR: The next public meeting will be at 12.00 tomorrow. Thank you.