

MINUTES OF ORAL EVIDENCE

taken before the

**HOLOCAUST MEMORIAL BILL COMMITTEE**

PETITIONS AGAINST THE BILL

Wednesday, 27 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

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FOR THE PROMOTER:

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

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FOR THE PETITIONER:

Brian Doctor KC  
Richard Buxton  
Lord Strathclyde

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(At 12.05 p.m.)

1. THE CHAIR: Good morning, everybody, and welcome again. This is the ninth public meeting of the Select Committee on the Holocaust Memorial Bill, and we are going to continue to hear petitions today. We are hearing the Buxton petition this morning, and then, in the afternoon, Lord Strathclyde's petition, both with co-petitioners.

2. I am going to repeat the safety information, in case there is anybody here who has not heard it before. 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. Proceedings will be broadcast, and a full transcript will be taken.

3. Before we start again today, I will repeat our provisional ruling on scope, which is that the committee does not wish to hear petitioners on the following matters: first, that the Holocaust Memorial and Learning Centre should not be located in Victoria Tower Gardens; second, that the Holocaust memorial should not be co-located with the learning centre; thirdly, that the learning centre should not be located underground.

4. Mr Buxton is represented, but Lord Strathclyde, I think, is not. Shall we start, then, with the Buxton petition, Mr Doctor?

**Buxton Family and Thomas Fowell Buxton Society**

5. MR DOCTOR KC: Thank you, my Lord. My Lord, Mr Richard Buxton is here as the witness, and I understand you all should have a copy of a small bundle that he has put together, which he might refer to during the course of his evidence.

6. THE CHAIR: I am afraid we are slightly awash, as you can see, with documents. Yes, we have the small bundle.

7. MR DOCTOR KC: Thank you, my Lord. I will ask Mr Buxton to address you.

**Submissions by Mr Buxton**

8. MR BUXTON: My Lords, my Lady, I am sorry about you being awash with

documents. I am going to, in fact, refer also to a bundle that Baroness Deech was using yesterday, and I trust that you have that before you as well. That is a quite an important one to have. Lord Hope, I think, knows what I am talking about.

9. LORD HOPE OF CRAIGHEAD: I have it, thank you.

10. MR BUXTON: I am Richard Buxton. Thank you for agreeing to consider the petition that I am presenting on behalf of the Buxton family and Thomas Fowell Buxton Society. I am satisfied that what I have to say today in no way conflicts with your ruling on scope—the three no-go areas that you have set out. To the extent that the Buxton petition itself may have trespassed into those areas, I anticipate that you will simply ignore what was said.

11. I thought it would help to say up front what I ask of you today. Accepting that the background of the Bill before you is to enable a Holocaust Memorial and Learning Centre to be built in VTG, but submitting that we can only sensibly be here before you at all because the Bill says, as it does, “a memorial” and so forth, and not “the memorial” as presently planned, I am going to ask that the committee recommends to Parliament that the Bill is amended so as to require that the proposals do not harm the setting of the Buxton memorial. The language that I will suggest mirrors that of the planning legislation, which is one of preservation or enhancement. I am going to explain, and I believe it will help to do so in some detail, why what I ask the committee to do is entirely consistent with the promoter’s intention from the outset.

12. I should say that I am a solicitor specialising in environmental and planning law, and I am in the rather unusual position of being involved with this matter both personally and professionally. I have been working with the London Historic Parks and Gardens Trust, the Thorney Island Society and Baroness Deech since about 2019, when we tried to warn the promoter about the 1900 Act, but he took no notice.

13. Today, I am here in a personal capacity, though I trust that your Lordships will perceive what I say in defence, as it were, of private interests of the family and the educational interests of the society as completely congruent with a public interest, which can then have real weight in the framing of your recommendations. Of course, I defer to the expertise of others on the history of the Holocaust and proper memorialisation and education, but I do have some familiarity with planning, and I hope that I can add

something useful.

14. To go back to causing no harm, in whatever way that may be achieved—and I will come to that—it strikes me as such an obvious point that it is surprising the promoter does not say, “Of course”. The problem is simply that, while the Bill allows for a memorial, the promoter still seems inexplicably fixated on delivering the Adjaye designs, which it is common ground will cause relevant harm.

15. So far as the Buxtons—and, I believe, many others—are concerned, an appropriate memorial and, if needs be, a learning centre, which, on their own or together, within Victoria Tower Gardens, in some way will do no harm, is unobjectionable.

16. I have heard Mr Katkowski, for the promoter, complain many times that an amendment to this effect will prevent the project proceeding. My theme today, and entirely consistent with your ruling on scope, is that it might, indeed, need rethinking of the promoter’s currently intended project, but that in no way prevents building something appropriate. It is just that the promoter will need to do some fresh design work. As Ms Monger explained, there are even real alternatives already on the table.

17. I have reviewed the evidence that I gave in January about the Buxton interests to the House of Commons Select Committee. To avoid detaining the committee now, I have assembled that into a short bundle, which, in fact, I handed up last week, consisting of the transcript of what was said and some of the old slides to which I referred. I am not going to go into that bundle now. They are at pages 27 to 51, and I invite the committee to review the detail of that material in its own time. I have reread it, and there is nothing in it which I would wish to change. There are also some pages from the material that was before the planning inquiry, but, for convenience, are in the bundle you had when hearing Baroness Deech yesterday, which I intend to take you to. They are important background to what I might call my “of course” point.

18. I am grateful that we have not had to justify standing before your Lordships, but it is right to say that one of the formal family petitioners here, Joseph Buxton, says he has around 330 Thomas Fowell Buxton descendants on his mailing list, and many of those are taking an active interest in the current issue of the Holocaust Memorial Bill.

19. Dr John Fannon, who gave evidence about the society before the House of Commons, but whose information was uncontentious, and so I am not calling him again, tells me that it has about 80 members, with some scattered worldwide. I have included copies of the society's recent annual report and its 53rd newsletter in my bundle. The point of saying that is that I am appearing before you in complete good faith that there is a substantive and proper Buxton interest. That said, although the Buxton memorial is thus named because it was given to the nation by Sir Thomas Fowell Buxton's eldest son, Charles, it is, far more importantly, in memory of all the abolitionists.

20. For further detail, I refer you to the Historic England piece on the Buxton memorial in the bundle. You will see that, towards the end of page 7 of the bundle—I do not think it is necessary to go to it, because I can read it out now, and I am sorry for the printing at the beginning of that extract—it says, “The Buxton memorial Fountain is designated at Grade II\*” for various architectural and heritage reasons, but including, at the end, it “is of particular historic interest having been erected to celebrate the Slavery Abolition Act of 1833. The significance of the monument is enhanced by its location; it commemorates one of Parliament's most momentous Acts”.

21. The point is that the Buxton memorial is, in effect, to the abolition of slavery, which was a horrendous institution involving huge suffering and deaths spanning several hundred years. I believe it to be the closest to a national memorial that we have.

22. I do not presume to draw comparisons with the Holocaust, but I was surprised when I heard the promoter say, through Mr Katkowski last week, as recorded at paragraph 141 of the transcript of 20 November, that it was “the greatest crime in human history”. Given what the committee is considering, it is odd that he did not mention slavery.

23. It is not productive to argue about that point, but it is, I submit, right for me to say now that, whatever the desirability of a memorial to the Holocaust, that is no conceivable basis for creating harm to the setting of any other memorial, let alone one that commemorates the abolition of slavery. Memorials should be capable of being considered in their individual contexts and appreciated for the horrors or successes that they represent. In this instance, we would say, even as laypeople, that jamming one horror up against the other is a significant design failure. It diminishes the purposes of

marking both in the historical record.

24. My evidence to the House of Commons Select Committee made points about the selection of Victoria Tower Gardens as the site for the Holocaust Memorial and Learning Centre, and I explained in some detail how Victoria Tower Gardens was alighted upon in a “moment of genius”. It is the most extraordinary tale of site selection, and it is perhaps why the genius did not withstand scrutiny. It is why we are here, several years later.

25. I realise that the site selection point, as such, may be out of scope for today, but the way that this issue or in any way working out what would work with VTG are not thought through properly, it explains why the promoter’s proposals have run into the difficulty of causing the harm that we seek to ensure that you, for Parliament, see avoided. We submit that the harm can and must be avoided.

26. The papers also show the Minister and inspector agreeing that the Holocaust Memorial and Learning Centre would cause harm to the setting of the memorial. The text of what they say is in my bundle, at pages 9 to 22, and the relevant extracts are in our petition, at paragraphs 17 and 18, as are some photomontages, which illustrate the overbearing nature of what is proposed.

27. As I asked you earlier, I ask you to look at the montages in your own time, but I think it is right quickly to go to my petition, which I trust your Lordships will have before you, and ask you to look at the underlined bits in paragraphs 17 and 18, which talk about how the two memorials “would collide in uneasy and discordant juxtaposition. And so here, decisively, the visual dominance of the UKHMLC would unsettle and crowd the BM”—Buxton memorial—“significantly infringing the viewer’s opportunity to settle and contemplate its purpose and architecture, and thus fully appreciate its multifaceted significance”. This is on page 4 of my petition. I hope you have it in front of you.

28. Mr Doctor reminds me that these statements are from the inspector’s report. I am quoting from the inspector’s report, but it is such important stuff in the context of what I want to say that I hope your Lordships do not mind me saying it. “The space such an expressive historic structure needs to be properly appreciated would be demonstrably curtailed”. “Awkward, stylistic juxtaposition and visual congestion”. Over the page,

“The existing structure’s open setting would be materially compromised by the presence of the UKHMLC”. “Any harm to that significance in turn affects that of the registered park and garden”. The Minister goes on to agree with him, saying it “would unsettle and crowd” it, and it “would fail to preserve the setting of the Buxton memorial”. “For these reasons ... characterisation of the harm to the setting of the Grade II\* memorial as being of great importance”, even though, in the planning context, it was regarded, for the purposes of the decision, as “less than substantial harm”. It is very important that the committee appreciates that is what was found to be caused to the Buxton memorial.

29. I move on, because I think it is important. I apologise in advance for taking the committee to the detail of the design documents, but they are, again, important to reinforce what I have to say—that, of course, the Bill should provide that no harm is caused to the setting of the memorial, or to any other memorial for that moment. Please could the committee go to the Baroness Deech bundle that was up before you yesterday, I think to page 30? We do not need to worry about the rest. I am going to ask you to consider some of the statements in what Sir David Adjaye and Asa Bruno of the two architectural practices involved gave to the planning inquiry. I might add in passing that these materials are also there to reinforce the point of the submission—which is not part of my case, but I put the bundle together—that Sir David Adjaye was clearly front and centre in this matter, even though Arad’s worked with him. One can see that from the earlier materials in Adjaye.

30. Moving to page 30 of the bundle, if your Lordships would not mind, I am going to take you to particular bits. I am going to try to do it speedily, but it is important that the committee appreciates that these key people clearly intended that what was planned should fit harmoniously—underline “harmoniously”—into Victoria Tower Gardens and, indeed, enhance—underline “enhance”—the gardens and other memorials. The language is telling, and I shall, if I may, go to it, because they all converge on the legal point that I will come to. I am going to identify the paragraph numbers and read some of them out, if I may. I am certainly not going to do the whole lot. At paragraph 3.26, it is intended to have a “powerful design that respected the landscape of the gardens and preserved green space for the use of local residents and tourists”.

31. At paragraph 3.2.13, “Be a logical and harmonious addition to the existing memorials in the gardens”, all of which can be “viewed as a physical representation of

the United Kingdom's conscience and values". At paragraph 3.2.14, "Address the sensitivities of the historic, political and national importance" and so forth of the park.

32. Moving on to page 31, I think this is quite an important point. If you read paragraph 4.4.4, it says, "The gardens were altered to their present appearance in the 1950s. In 1952 there were proposals for re-siting the statues and for the incorporation of the Buxton memorial Fountain from Parliament Square". I simply comment that what we are doing here is, as it were, plonking a new and huge structure into the middle of something that was, in the 1950s, carefully redesigned to incorporate the existing memorials.

33. LORD FAULKNER OF WORCESTER: I have a question, Mr Buxton. Sorry to interrupt your flow. When the memorial was moved from Parliament Square, what was the view of your family and the trustees?

34. MR BUXTON: In 1857?

35. LORD FAULKNER OF WORCESTER: No, when it was moved from Parliament Square.

36. MR BUXTON: I hesitate to answer this properly, because I can research it for you. I do not know what the family thought about it, but what I do think is this. I have a feeling that it was not just moved from Parliament Square. I may be entirely wrong, and the historians will correct me, but I think some of this may be a little bit incorrect. I think that it was actually moved away from Parliament Square before the Second World War, or during the Second World War, as part of the protection of memorials, and then re-sited in Victoria Tower Gardens later. I do not think it was simply moved from A to B. I may be completely wrong about that, but that is what I think is the position, and I can research it for you and let the committee know.

37. LORD FAULKNER OF WORCESTER: If the Lord Chairman agrees, I think it would be helpful to just have a brief narrative of those events, because I do not think we have seen those in any of our papers.

38. MR BUXTON: No, you have not, and I have not attempted to give them. My point today is that whatever happened in 1950 was carefully thought through in terms of

all four memorials.

39. THE CHAIR: I understand that, but the request is, please, for a short note on why it was moved, when it was moved to VTG, and what did the family think about it?

40. LORD FAULKNER OF WORCESTER: Exactly right, Lord Chairman.

41. THE CHAIR: If you could, do a short note on that, no more, I would have thought, than one side of A4.

42. MR BUXTON: Yes, I will certainly keep it short. I am sorry that I simply do not know the answer to that.

43. MS LEAN: Apologies, my Lord. I was merely going to note, I believe you were given a copy, earlier in the petitions, of Dorian Gerhold's book on the Victoria Tower Gardens, and there is a page on there that does talk about the Buxton memorial specifically. It is page 44. I certainly did not want to cut across a request for a note, but, as I thought the committee already had this document, I thought that might be a useful reference at this point.

44. MR BUXTON: This document, the Gerhold book, says, at page 44, that, when Parliament Square was replanned in 1949, the memorial was regarded as incompatible with the new simple layout. Also, Victorian architecture was much less highly regarded then than that it is now. The Anti-Slavery Society was strongly opposed to the removal of the memorial. When the Act provided for this was debated in Parliament, Lord Simon successfully moved an amendment drafted by the society providing that the memorial should be re-erected in Parliament Square or on some other site to be approved by Parliament, and Victoria Tower Gardens was selected as the new location. I can provide a copy.

45. THE CHAIR: We have the book, but, if you could, just see whether there is any more material. It sounds like the family were against it, because it talks about the anti-slavery groups being against the move.

46. MR BUXTON: The family is associated with the Anti-Slavery Society, so I suspect that that would be the connection, but I will look into it so far as I can, my Lord.

47. THE CHAIR: Do not spend too long on it.

48. MR BUXTON: Moving on, page 32 deals with the memorials in Victoria Tower Gardens. It says, at 4.10.1, “Victoria Tower Gardens is home to a collection of historic memorials that demonstrate and celebrate human nature and sacrifice from pivotal moments of the past”. They deal with the Pankhurst memorial, the Burghers of Calais memorial, the Spicer memorial, and the Buxton memorial, and they explain what it is all about and give pictures of it.

49. On page 33, at 4.12.3, it says that the Holocaust memorial is intended “to sit comfortably within its historic settings and soft landscape”. Then, on page 34, there is quite a lot about enhancing heritage. At 5.4.1, “The proposal”—for the Holocaust memorial—“takes into careful consideration the relevant planning and heritage site legislation, policy and guidance and protects views, including two key views from within Victoria Tower Gardens”. Then it talks about its visibility in 5.4.2, and it talks about “enhanced surroundings for the Buxton memorial with a new seating area where visitors can reflect on its meaning”. Then I would just remind your Lordships that the seating area, in fact, is an extremely short radius from the proposed Holocaust memorial security fence, and I will come back to that.

50. At 5.4.4, “The proposed scheme and main aim, along with the intention to create a powerful and significant new memorial, is to retain the gardens, their uses, their visual connections, and very importantly, to respect and add to the existing memorials, while improving their settings”. “The proposal therefore considers it essential to maintain the position of the Buxton memorial”. This comes possibly slightly to what Lord Faulkner was suggesting last week: could the Buxton memorial be moved? I am not a memorial garden planner. I do not know what should be done, but it might even have to go back to Parliament Square. What is important is that the whole thing is planned holistically and not simply to accommodate the promoter’s proposals.

51. THE CHAIR: Basically, you are saying you are not able to say, and you are not proposing, that the Buxton memorial should be moved. That is the first point.

52. MR BUXTON: No, my Lord. I am not here to propose that. I am proposing that this is looked at properly by people who know what they are talking about, and I am not one of them, to work out what is a proper design for these gardens in the round, if it has

to incorporate a Holocaust memorial. If a Holocaust Memorial and Learning Centre has to be put in on top of the existing design, then that has to be done extremely carefully too. At the moment, we have neither one thing nor the other.

53. 5.4.5, I think, “The proposal therefore considers it essential to maintain the position of the Buxton memorial”. At 5.4.6, “The UK National Holocaust Memorial and Learning Centre introduces the potential for increased interest in the Buxton memorial from those visiting the park”, and so forth.

54. I think we can skip over 35, probably. In 36, again, I just ask your Lordships not to look at the text, but to look at the photograph, and you will see the Buxton memorial in that photograph on page 36, sitting there, looking very cramped by the new proposals.

55. THE CHAIR: I suppose it might be said that many more people will see the Buxton memorial if the proposed project goes ahead than otherwise, because they come along that path from the north and have to pass by it. You are going to have thousands of people every day looking at that memorial.

56. MR BUXTON: That may be so, my Lord. What was said after expert consideration by the planning inspector and the Secretary of State was it was going to cause harm, and I am just illustrating to your Lordships what this sort of concern was all about.

57. BARONESS SCOTT OF NEEDHAM MARKET: Could I just follow on from that? It is quite difficult to tell from both the drawings and the photographs how much space there is going to be as people are walking. If you wanted to stop and look at the Buxton memorial, for example, as you were going past, will there be any space to do that, or will you have to go off onto the river path and do it that way?

58. MR BUXTON: That is a very good question, my Lady. We would need to look at the plans in more detail, but I think that you have a situation where you have the security fence around the Holocaust bit, or the courtyard, and then you have this indentation where the Buxton memorial is, which is where people are supposed to be contemplating the Buxton memorial on nice seats. I think you are completely right that, if people were squishing past there on the path, they would be interrupting that contemplation, and so to do that, we hope that they would be redirected onto the river

path and round somehow. That is a detail that I thank you for pointing out.

59. LORD HOPE OF CRAIGHEAD: Can I raise the position about the present siting of the memorial? It is visible, is it not, from Smith Square? I think one of the reasons for it being where it is is a clear view down the street from Smith Square, and you have the memorial straight in front of you. That view will not be spoiled, I think, by what is proposed.

60. MR BUXTON: My Lord, that is a point I was going to come to on the next slide, which is page 37. There is another one that I will come to. If you look at the photograph of the two memorials, you have the Holocaust memorial and then you have the Buxton memorial, and you will see some railings above the courtyard.

61. I am going to make two points. First of all, as they stand, those railings do, to a certain extent, obscure the view of the Buxton memorial from Smith Square—maybe only the lower half of it—but they are in some contrast to—two points. First of all, not all the photomontages show those railings, so it looks as if you do have a straight view through, which you do not. Secondly—and this will be a matter for Lord Carlile, no doubt, or others to elaborate on—I suspect that the railings to ensure the security of the courtyard will, no doubt, have to be a great deal higher than they are proposed. I do not know how narrow they are either. That is all I would say about that.

62. On page 38, my Lords, you will see the Buxton memorial tucked away down there. Coming back to the point I was just making, on page 39, you will see these security fences cutting off the courtyard. On page 40, you will see it tucked away again, but I would like to draw your attention, please, to paragraph 8.2.3, which I will come back to. “The landscape design is treated as a priority, as a garden set within a garden”.

63. Mr Doctor reminds me to refer to page 39, where you have quite clear fences again. On page 40, in paragraph 8.2.3, it says, “Our use of grass, hedging and timber emulates the park’s natural materials. The learning centre is underground so as not to disturb landscape space”. That may be so, but there is an awful lot of hard standing we need to have a word about.

64. On page 41, there is this issue, which I think has been referred to by other witnesses. They talk about Sir David Adjaye giving an interview, saying that there was

concern that “disrupting the pleasure of being in the park is key to his thinking”. He explained, middle of paragraph 8.2.6, “The comment was not talking about or referring to a visual disruption or physical disruption with the site but an emotional disruption, how the memorial will impact the visitors’ thinkings and feelings”. That is, again, underlining the point that the intention of the designers here is that they do not want to cause harm.

65. Again, over the page, on page 42, there is an objection—this is part of the proofs—that they would “extinguish monuments”—for example, this one and the other ones. Then the answer is no, that they have given very careful consideration with the “juxtaposition with all memorials. Our journey through the park ensures every memorial is considered, visible and part of the new narrative that includes the Holocaust memorial”. That is what the designers were wanting and thinking.

66. LORD HOPE OF CRAIGHEAD: There is something rather odd about the positioning of the memorial in page 42 and what we see in the photograph on page 43. If you look at page 42, the memorial seems to be just slightly to the south-east of the pillars, whereas, in the photograph, it seems to be to the north of the pillars. I do not think the position is entirely clear of what the designer is intending to do. Do you see my point?

67. MR BUXTON: I see your point, my Lord. Of course, these are photomontages, and so one has to treat them accordingly, but they just give some indication. I suppose that the designers are doing their best, but, in reality, they cannot avoid—as, indeed, the inquiry and Minister found—harm to the Buxton memorial and the setting of it.

68. If I may move to 43, we talk about the proportionality. They say in 8.2.2 that it is designed to give the Buxton memorial—“Our site is larger but the memorial and the learning centre are incorporated to provide a more informative experience”. The existing memorials, in 8.2.14, “With that in mind the existing memorials’ connection is renewed. They have a relationship with the Holocaust memorial and in turn allow new visitors to learn and understand their history in a more cohesive setting, where their historical importance and meaning is highlighted and reinvented for the 21st century and for future generations to benefit”.

69. I would add, following Lady Scott’s helpful observation, that they might well be

interrupted in their view by people coming past, unless there is careful traffic control, but the point generally comes back to the observation that I have made about a planned park. The promoter's proposals are simply not that. They are trying, unsuccessfully, to squeeze in the Holocaust memorial rather than achieve the cohesive solution that is sought.

70. Again, I have two points on page 44. The first is a repeat of what I think I have already said. At 9.1.5, it is to have an integrated situation. The second point is important. It is in the photograph. In the photograph, it will be seen that there is a hard standing—a path all the way in front of you, where people are walking along. That is all new stuff. This is the new taking away of the green space that is not referred to by the promoter in its consideration of the amount of space taken up by the park. All this huge amount of extra hard standing, which is sitting on maps, is not included in this magical figure of 7.58%, which the promoter has, as it were, traded on so far.

71. LORD FAULKNER OF WORCESTER: Would I be right in assuming, looking at the photograph from 44, that, in addition to this new path, which, Mr Buxton, you say is hard standing—and I am sure it is right—there is, additionally, the river path. There is the pathway by the river to the right of that.

72. MR BUXTON: Yes, but, my Lord—and others will correct me—this path is new. Now, we could find a plan. My Lord, I do not know if you have it in front of you this morning.

73. THE CHAIR: You have page 42. That shows the new path.

74. MR BUXTON: My Lord, that plan is not that helpful. I do not know if it is helpful to go to the Government's plan, which comes with Lady Scott of Bybrook's parliamentary answer, which is in the bundle that you have. My page is 197, I think. This is quite important stuff. Do your Lordships have that?

75. BARONESS SCOTT OF NEEDHAM MARKET: Sorry, I am now one bundle too far.

76. MR BUXTON: I am so sorry.

77. BARONESS SCOTT OF NEEDHAM MARKET: In which bundle?

78. MR BUXTON: It was the bundle that was produced when Ms Monger was—

79. THE CHAIR: Could you just tell us what you want us to note here?

80. MR BUXTON: The point I am trying to make, my Lord—I will give you a reference and a written note. I think that is the easiest thing.

81. THE CHAIR: No, we do not want any more writing.

82. MR DOCTOR KC: It is called, “Bundle of Materials, Thorney Island Society”.

83. THE CHAIR: Yes, we have that.

84. MR BUXTON: If you have it there, it might be much easier to refer to it now. All I am saying to the committee is that it is important to understand that the promoter’s proposals include, first of all, the bit that is in red, which is the security area, or at least part of it. Secondly, it includes those dark grey areas, which, as I understand it, are new or widened paths. Those are all in addition to the 7.5% that is said to be taken up. That is the point to make, and it is a really important point to get clarified in the context of proposals that are said to avoid getting rid of green space and so forth.

85. I have nearly, I hope, come to the end of this. I do apologise for the length of this.

86. THE CHAIR: What more do you want to get out of this bundle? What is it you are saying? I understand what you are saying so far is that somebody needs to come along with a holistic view of the area in VTG, and that the proposed Holocaust memorial should not be of a kind or size that would destroy the setting for the other memorials. You are assuming that those memorials will stay in place. What more do you want to get out of this? Have I summarised that properly?

87. MR BUXTON: You do, my Lord, correctly, but what I am trying to emphasise is that this is the designers’ intentions. On page 47, moving on to Mr Bruno—and I am not going to be much longer with this document—“goes hand in hand with a desire to preserve intact as possible and retain the character of an urban garden” and so forth.

88. Then you have page 48, which talks about the importance of the Buxton memorial, and you can see it there, viewable on its own, and no railings around it to concern oneself with.

89. Now, very importantly, I would like to draw your attention to page 49.

90. LORD HOPE OF CRAIGHEAD: Page 48, paragraph 5.4 is rather important, is it not, because it is talking about the relationship between the memorial and the Buxton memorial. It is saying that it is envisaged that the view from Dean Stanley Street and St John's Smith Square would remain, but would be given spatial significance within the park and a new setting, and so on. They are trying their best, you might say, to maintain a setting and at least preserve that view from Smith Square.

91. MR BUXTON: Indeed, and they say they are doing what they can, and they are saying it is of utmost importance. My comment on the side of that paragraph, which I will not trouble the committee by reading in full, is that, yes, but you are not looking at it through railings.

92. I am getting close to the end of this, I can assure you. On page 49, there is a picture of the memorial, and you can see the Buxton memorial with its fence, although it is not at all clear what the fence is. It looks there as though it might be made of Perspex, so you can see all the way through it. We do not know. Then I also point out the fact that, on the top of the mound, there is believed to be a security zone. You will not be able to get to the top of the mound. The very top of the mound will be inaccessible. There must be some method of stopping people, effectively, leaning over into the memorial courtyard. In any event, part of that mound is too steep, so it is illusory to see those as anything more than aspirational designs.

93. On page 50, similarly, with the Buxton memorial tucked away, you will also see the photograph shows no fence at all.

94. THE CHAIR: Am I right in thinking that, if you are coming down the new path from the north end, visually the mound will appear to be, as it were, an extension of the path, because it is all going to be green? I take your point absolutely about not being able to get on to it. I do take that point. We all know that, but, if you look at the 49 diagram, it is all shown as green, as it were, so I am just trying to work out what it will look like when you come in at the north end.

95. MR BUXTON: My understanding, my Lord, is that it will look like a green mound. There are pictures of it. Perhaps most tellingly, at the end of my bundle, on page

55, you will see people on the mound, apparently very happily having a picnic in the glorious sunshine. I have a feeling that that is not going to be the reality of this mound.

96. I am just trying to go in order. You will see, in 51, that the memorial is visually vastly dominating, and you cannot even see the fence there. You can see something obscuring the Buxton memorial, but it is not the straightforward view from Smith Square. On page 52, you will see another fence.

97. THE CHAIR: I just want to clarify this in my own mind. It may have absolutely no significance to a final resolution, but, Ms Lean, if you look at 55, you see a mound with people on it. We are now being told that it is too steep, really, for anybody to get up there. Do you have any knowledge or instructions about that?

98. MS LEAN: My Lord, my instructions are that the mound is accessible. I know this is dealt with somewhere in the inspector's report, so if I may, what I will do is I will scabble around in that and see if I can find the specific passages for you that deal with the incline and the accessibility of the mound.

99. MR BUXTON: Whether one can climb the mound, as it were, as you go along on the left of it, I think that some people would not be able to. What I am also concerned about is that one's access to the top near the fins is, in fact, going to be restricted for security reasons. That is my expectation, but, no doubt, Ms Lean will confirm whether or not that is so.

100. It says, on page 53, at 7.3.4, that approach from the north, all 23 fins are visible and reachable. That is what it says.

101. Then it says, on page 54—and this is quite an important point as far as we are concerned—at 8.7 in those rather dense columns, that the Holocaust memorial is positioned a minimum distance of eight metres away from the Buxton memorial in such a way to enhance its strength more dramatically, and so forth. Of course, that does not mention the fact that you are not going to be eight metres away. You are going to be at the fences. There is going to be some sort of fence in between. Then we have 55, the halcyon picnic, and I think that is enough. I do apologise for taking your Lordships' time so much in dealing with.

102. Moving on, I am going to very quickly summarise that the materials show that the intention for the proposals was to fit harmoniously with the existing gardens and memorials, security fencing at a minimum, and they are all, to give them their due, at least trying to be harmonious and rosy in the photomontages, but, of course, in relation to the Buxton memorial, the inquiry and the Minister concluded that those good intentions would not succeed, and that the setting would be harmed, as I have already read out.

103. I was going to mention something at this point about the 7.58% and the truly shocking discrepancy that there is in relation to what the promoter is saying about the 7.58% and the exact amount taken up, but I think that that is a detail that can be left. If the committee requires it, I can provide further information about that.

104. My Lord, we are at 1 pm. I do not intend to be that much longer, but I do anticipate maybe possibly being 20 minutes longer. What does the committee want to do?

105. THE CHAIR: I think we should stop now as planned, and then you will come back. If you come back at 2 pm, you will run up against Lord Strathclyde, but he will have to wait until you have finished.

106. MR BUXTON: I will be very cross with myself if I have not finished by 2.30 pm.

107. THE CHAIR: Let us proceed as quickly as we can at 2 pm.

108. MR BUXTON: Thank you, my Lord.

*Sitting suspended.*

*On resuming—*

109. THE CHAIR: Would you prefer, Mr Buxton, for us to wait until Mr Doctor comes, or are you happy to carry on?

110. MR BUXTON: I think he will be here shortly, my Lord, but I am happy to carry on if that would help the committee move along.

111. THE CHAIR: I think that would be—

112. MR BUXTON: Here he is.

113. THE CHAIR: Right, let us carry on.

114. MR BUXTON: My Lords, I am going to move faster now, you will be relieved to hear. In case it was not clear from what I was saying before, whatever the halcyon intentions might have been of the designers of this, in practice there is going to end up being a 1.5 to two-metre distance between security fencing and the Buxton memorial. There is going to be, inevitably, a high security fence there, for reasons that are well known. It will also be impossible to use that distance—that separation—for people to move through that narrow 1.5 to two-metre gap, because people will be sitting there and there will be seats there, as we know.

115. That would be a real pinch point, should people wish to travel through it, and it would be difficult for people to appreciate the Buxton memorial from that distance. If they wanted to contemplate the Holocaust memorial from that distance, they would have to look through a security fence. Now, moving on, my Lords, to the issue, I want to—

116. THE CHAIR: You have not given us any amendment or recommendation that we should make in relation to that specific issue, have you?

117. MR BUXTON: Yes, my Lord. I am coming to that. I will come to that in just a moment, if I may. What do we as Buxtons ask Parliament to do about its consideration of the Bill? It seems to us that this is but a small ask, and one easily accommodated if the promoter would have the good grace to realise that his present proposals just will not work. In any event, we humbly ask you, please, to ensure that whatever is done by way of Holocaust commemoration is not to harm the Buxton memorial or any other memorial in Victoria Tower Gardens.

118. The promoter has never suggested that an appropriate memorial could not easily be erected in Victoria Tower Gardens that would not harm the setting of the Buxton memorial, or indeed any of the other memorials. He has preferred to bulldoze on with his existing plans. All he needs to do is to swallow his pride and have a rethink.

119. The question for the committee, if it agrees with that submission, is how to amend the Bill such that a lack of harm is indeed assured. It seems to me that there are various

ways this could be done. One might be to specify a separation distance, for example, between the closest part of the Buxton memorial and the proposed Holocaust Memorial and Learning Centre. I stress that that would have to include any security fencing. In practice, that would mean the nearest part at the base of the Buxton memorial to the nearest part of the security fences for it.

120. As you will see from my evidence to the House of Commons, I suggest another way of doing this might be achieved by turning the whole thing around so it is the mound and not the fins that face the Buxton memorial. It would be for your judgment as to what distance could not sensibly be said to harm the setting, but I would suggest at least eight metres between the Buxton memorial and any security fencing. Another approach would simply be to insert a provision in the Bill that there should be no harm caused to other memorials or their settings. That would leave the detail to decision-makers informed by experts and not be overly prescriptive in the legislation.

121. THE CHAIR: Sorry. Could you repeat that? What is it you—

122. MR BUXTON: Sorry, my Lord?

123. THE CHAIR: Could you just repeat what you said about you could amend the Bill—say that. I am sorry. I was writing that down.

124. MR BUXTON: Yes, another approach would be simply to insert a provision in the Bill that there should be no harm caused to other memorials or their settings.

125. THE CHAIR: You mean no harm to the setting.

126. MR BUXTON: Either to the physical memorial, or to the setting. That follows the scheme of the listed building legislation. That would leave the detail to decision-makers informed by experts and not be overly prescriptive in the legislation itself.

127. Now, I hasten to say that I use the expression “harm” as a shorthand. The approach of the listed buildings Act is not to prohibit harm, but instead to require planning decision-makers to have special regard to the desirability of preserving a listed building or its setting. I have extracted in my bundle—at page 1 or page 2, I think—a copy of an extract from the listed buildings Act. It is Section 66, which shows that that is the way it works.

128. LORD JAMIESON: Can I just clarify? You are proposing an amendment that, in effect, you would rely on the planning authority to make a judgment as to whether harm has been created and whether that harm, if it is created, is justified.

129. MR BUXTON: No, my Lord. That is the present law.

130. LORD JAMIESON: Who is going to judge?

131. MR BUXTON: This is why Mr Katkowski, the promoter, says that what I propose would stop the building of the memorial in its tracks, because my proposal is to require—and, as I will come to, I think it is an entirely sensible requirement in context—that any proposals preserve the setting of the listed building or their setting. It is in contrast to having special regard to the desirability of said setting.

132. LORD JAMIESON: I am just trying to unpick a little bit. Forgive me. You are essentially asking us to have an amendment or whatever that would prevent this memorial being put there.

133. MR BUXTON: My Lord, that is what Mr Katkowski says about—

134. LORD JAMIESON: I am asking you.

135. MR BUXTON: Yes, that is the effect of this amendment. According to Mr Katkowski, it would prevent it because it is going to cause harm to the Buxton memorial.

136. LORD JAMIESON: You accept that.

137. MR BUXTON: That is unacceptable and I would submit—

138. LORD JAMIESON: No, you accept that the amendment you are proposing would stop the Holocaust memorial.

139. MR BUXTON: Because I say that the amendment that I propose would be either to require no harm to the Buxton memorial, or to preserve it, which in law means the same thing—and I can come to the legal case that says that—as that is the position, and as the inspector and Minister have found that it would cause harm, that would be the effect of this amendment, but it is not designed as a wrecking amendment. It is designed

to ensure that there is no harm to other memorials.

140. LORD JAMIESON: I just wanted the clarity. Thank you.

141. MR BUXTON: I am sorry if I have not been—

142. LORD JAMIESON: No, it is fine.

143. BARONESS SCOTT OF NEEDHAM MARKET: Sorry, Chairman. I really do not want to prolong this, but, having read the inspector's report, he is extremely clear about the harm to the memorial, but then goes on to say that he believes, on balance, that the public good is—so it does seem to me that your amendment would have the effect of completely tying the hands of a planning inspector.

144. MR BUXTON: My Lady, that is the intention of this amendment, to tie the hands of the decision-maker. It is a matter for the legislature to tell planning inspectors and other people and Ministers what they can and cannot do. That is why this is a matter not of planning, but it is a matter of legislation. After all, the 1900 Act had exactly the same effect. It tied hands. They could not do it, and they did not realise they could not do it.

145. LORD HOPE OF CRAIGHEAD: The fallback position is that we should follow the wording of Section 66 of the 1990 Act, where the Minister must have special regard, as you say, for the desirability of avoiding harm and so on. That is actually what the inspector did in his report.

146. MR BUXTON: He did.

147. LORD HOPE OF CRAIGHEAD: He has already done that.

148. MR BUXTON: He has done, and it is not good enough, my Lord.

149. LORD HOPE OF CRAIGHEAD: You are abandoning your fallback position.

150. MR BUXTON: That is not my fallback position.

151. LORD HOPE OF CRAIGHEAD: I see, because I thought you said that the alternative would be to have regard to Section 66.

152. MR BUXTON: No, you are very familiar with Section 66, but I am bringing

Section 66 as an example of the way these things are done in the planning world. In the planning world, the requirement is to have special regard to the—

153. LORD HOPE OF CRAIGHEAD: Well, the desirability.

154. MR BUXTON: —desirability of preserving. I am saying that, in this particular case, that should not be an issue, that Parliament should require that it is preserved, and that is it.

155. LORD HOPE OF CRAIGHEAD: Right, I understand.

156. MR BUXTON: That is the thrust of what I am trying to say, and you have been very helpful in teasing that out of me.

157. LORD HOPE OF CRAIGHEAD: You are not asking us to repeat Section 66 then.

158. MR BUXTON: Certainly not, no, because that is what they have been working to already. To put it in the vernacular, my Lords, the problem with Section 66 and other “have regard to” legislation is that it leaves an awful lot of wriggle room for the decision-maker, and that is what has happened here. It has been clearly found that there is going to be harm, but for whatever reason they have decided that, on balance, this thing should go ahead.

159. Now, I hope I am not going to repeat myself. Just before I move on, I introduced the word in the amendment, which I think you have before you. It is “preserve or enhance”. Now, “or enhance”, in the cases—probably the leading case I could refer you to is one called Barnwell Manor, where Lord Justice Sullivan confirms that the meaning of “preserve or enhance” is the same and it means no harm. We are talking about two sides of exactly the same coin, whatever words are used. The reason I would be keen to include the words “or enhance” is because under another provision of the Listed Building Act—that is Section 72—it also includes the requirement in a conservation area to have regard to the desirability of enhancing or preserving the conservation area.

160. We are here in—I think it is—the Westminster Abbey and Parliament Square conservation area, and I thought it is plain that it is desirable, and indeed essential, that whatever is done preserves and indeed enhances. It is consistent, this wording—what I am suggesting—whether it is a conservation area, or with the ordinary listed buildings

legislation.

161. I move on to say that, in effect, this approach, of course, does eliminate—as the committee is alive to—the substantial discretion that exists in a “have regard to”, or indeed in “having a special regard to”, duty, which is in the present legal framework. It is a tough duty, but I just would add that, by further way of encouraging the committee to consider amendment to the effect that I mentioned, the “have regard” duty has been upgraded under the Environment Act 2021 along the lines I suggested to a “must” in relation to the duties of public authorities in relation to national parks and areas of outstanding natural beauty, now called national landscapes, by amendments to the National Parks and Access to the Countryside Act 1949 and the Countryside Rights of Way Act 2000.

162. In the case of national landscapes, instead of the duty of public bodies being that they shall have regard to the purpose of, in that case, conserving and enhancing the natural beauty and so forth, the rule in section 85 of the CROW Act 2000 is now that they must seek to further the purpose of conserving and enhancing the natural beauty. The concept—to deal with the question that has just been raised—of limiting a decision-maker’s discretion is quite proper, and has no doubt arisen because a “have regard” duty, and even a special “have regard” duty, is so easy to avoid. Now, of course, the situation might arise where it is necessary to override a requirement that I am suggesting, for example in time of war, but it is surely appropriate that the purpose of getting a memorial in peacetime satisfactorily sited amongst other memorials in a public garden is not one of those. As Dr Stern said so clearly yesterday, it is vital to get it right and not be influenced by short-term considerations.

163. I might add that the word “harm” and similar words like “harmful” can be found in all kinds of legislation, and for present purposes it is convenient shorthand, but the “preserve and enhance” approach may be more appropriate to use in legislation that is to be used by planning decision-makers. Both involve a degree of evaluation. The important thing to do is to get the framework for that right. Of course, I readily acknowledge that normally planning decisions can be made that cause harm, as indeed happened here. However, there is no reason why legislation such as contemplated here cannot expressly require that harm is not caused. Given the importance of the environment—that is Victoria Tower Gardens—under threat, I submit that this is clearly

one of those cases.

164. In any event, however it is done, to amend the Bill to include the type of protection we seek would be entirely consistent with the way the promoter has approached our petition. On page 35—I will just give you the reference—of the promoter’s objections to the petitions, you will see at paragraph 37 that the promoter says in response to our request that the committee decide what limitations and conditions are appropriate. He says, “The promoter does acknowledge that it is indeed for the committee to determine what, if any, appropriate limitations and conditions should be included in the Bill”. There is nothing out of the ordinary in what I am suggesting.

165. I respectfully submit that a requirement that other memorials and their settings should be protected, whether by defined separation distances, or by reference either to not causing harm, or to a requirement to preserve and maybe enhance as well—which is in square brackets in the list that you have—is entirely right. To say, as the promoter does, that these are planning issues is a complete distraction. Of course, final judgment as to what is appropriate planning-wise is a matter for a planning decision-maker. However, even if the decision-maker might normally have discretion, that can properly be constrained in particular cases, or classes of cases, if the legislature is so minded, indeed, as I have mentioned, just like the 1900 Act had the effect of constraining the way Victoria Tower Gardens should be used.

166. We, and that is the Buxtons, are not seeking that sort of prohibition, merely what one would like to think is self-evidently a proper one, that the setting of the memorials is not harmed. Although we have a special interest in the Buxton memorial, the same, of course, should apply to the other memorials. The promoter has never suggested that the current harmful plans could not be changed, and an amendment that would have that effect is what I ask the Select Committee to recommend to the House is required. Further to support what I ask the committee is to observe that the debates in the House of Commons and the House of Lords have supported in principle that there be no question of endorsing harm. Indeed, quite the contrary. I refer to Mr Gove’s, Mr Blackman’s and Felicity Buchan’s observations, as I quote in our petition at paragraph 16 of the petition. I will not take you to it now, my Lords, but I would be grateful if you could—

167. THE CHAIR: We have seen those.

168. MR BUXTON: What they had to say, yes, about complementing the Buxton memorial. Entirely consistent with those laudable thoughts, we have the clear statements to that effect by Sir David Adjaye and Asa Bruno, which I have taken you to already. It is just that, come to the crunch, those laudable plans were found, following extensive investigation at a public inquiry, to cause harm. They were just wrong, so to rethink is what I would respectfully call a no-brainer. It is absolutely consistent with creating what parliamentarians recently, and the designers originally, had front and centre in mind to the Holocaust Memorial and Learning Centre proposal. It is just the government department promoter who, for some reason that has never been explained, wishes to proceed with plans that are inconsistent with those expressed aims and, if truth be told, must surely be at odds with what any rational promoter would want to see.

169. Going back to his objections on our petition, the promoter does say, at paragraph 44, that a requirement to complement other memorials and not harm them is a matter for planning. However, that is inconsistent with what he says at paragraph 37 that I have referred to. In any event, it mixes up on the one hand the scope of a planning decision-maker's judgment, and what constraints may be imposed on that planning decision-maker when exercising that judgment. That is not a planning issue at all. It is a legislative one.

170. To conclude, I trust your Lordships will agree that there must be provision here to ensure that there is no harm to other memorials or their settings, that they are preserved or, indeed, enhanced. I urge the committee not to feel any way constrained in making, as the promoter rightly and expressly accepts you can in principle, appropriate conditions and limitations in the Bill to protect the Buxton memorial and other memorials from harm. It would be alarming were it otherwise. I ask you to consider the amendments put forward, or something to the same effect. I thank you very much for listening to me.

171. THE CHAIR: Thank you very much indeed. Does any member have any questions? No, we have no questions for you. Ms Lean, would you like to respond?

#### **Submissions by Ms Lean**

172. MS LEAN: Thank you, my Lord. I can perhaps now be relatively brief in response

in light of some of the questions raised by the members of your Lordships committee a few moments ago, and Mr Buxton's response to the same, which is that in headline terms what you are being asked to do is to recommend an amendment to the Bill that would destroy its principle and go to the very heart of what this Bill is intended to do. The effect of this amendment would be, as Mr Buxton fairly acknowledged, to stop the current proposal for the Holocaust Memorial and Learning Centre in its tracks. At the moment, that is the only proposal that there is for a Holocaust Memorial and Learning Centre in the gardens.

173. With Mr Buxton recognising, as he does, that saying an amendment that requires there to be no harm to the Buxton memorial in circumstances where harm has been found by the planning decisions taken to date, it necessarily follows that the effect of such an amendment would be that, on the basis of the assessment that has currently been made of the proposals, this memorial could not go ahead. Although I am conscious of the submissions that were made at the outset of Mr Buxton's evidence about what the Bill provides for, "a memorial"—it is not a Bill that talks about "the memorial"—it comes back to Clause 2. I think these were some points that were raised by my Lord, Lord Hope, on 19 November, which is surely a limitation like this necessarily would have the effect of restricting or preventing or affecting the construction of a Holocaust Memorial and Learning Centre, contrary to Clause 2 of the Bill, if what it seeks to do is to tie the hands of a future decision-maker about what an appropriate Holocaust Memorial and Learning Centre might look like, or what the proposal put forward is.

174. My Lords, that is by way of a very short headline response, which is we would respectfully submit that this is not an appropriate amendment for this committee to be considering, because it does seek to stop the Holocaust Memorial and Learning Centre that is currently on the table in its tracks and would prevent that being delivered, contrary to a key driving purpose behind this Bill.

175. LORD HOPE OF CRAIGHEAD: Could I just stop you there, if I may? If we cast our minds back to the planning inquiry, just to focus on the inspector's position, he did accept, as has been pointed out, that some degree of harm was caused to the Buxton memorial. Might he have said to the developer, "Can you adjust your position a little bit to increase the dimensions? It is a very tight dimension passing between the security fence and the memorial. Is there room for adjusting your design just that bit to improve

the setting?” or are we to assume that it is absolutely fixed and is incapable of rethinking to that limited extent?

176. MS LEAN: My Lord, I hesitate slightly only because, having not been at the inquiry, I am not aware what discussions there might have been about that, or what scope there might have been for slight adjustments. Ultimately, when it came to making his recommendation to the Secretary of State, the inspector would have been having to report on the proposals that were before him as to whether, on the plans and the proposals that he had, his recommendation was such that the harms were such that the proposal should not go ahead, or whether the public benefits still outweighed those harms. I am reminded that no such recommendations were mentioned, or were even referred to by the inspector in his report.

177. I am happy to take away the point. I am conscious, as a matter of general practice, it is not unknown for there to be slight tweaks to points during planning inquiries. That is why I hesitate to say something as categorical as, “No, it absolutely could not have been considered”. I would have to go, I am afraid, and check as to what scope there might be for that, and exactly the degree of granularity of the details that the inspector was being asked to, in terms of exact spacing and suchlike between memorials and fencing, because there were a number of conditions. I am going to check to my left in case there is any nodding of heads or shaking of heads. There were a number of conditions that required, in the usual way, certain particular details to be left over for further approval by the local planning authority.

178. LORD HOPE OF CRAIGHEAD: It is certainly not a condition at the moment.

179. MS LEAN: No.

180. LORD HOPE OF CRAIGHEAD: Please, it is absolutely right that you should take further instructions in order to deal with the point I have raised. It is not only Mr Buxton who has raised this point about the very narrow passage between the security fence and the memorial. It might be worth thinking a little bit about that, because congestion of people is something you would not want to have for the enjoyment of both memorials.

181. BARONESS SCOTT OF NEEDHAM MARKET: Presumably, if another inspector is brought in—we do not know exactly how the planning application is going

to be dealt with, but if there is another inspector, they could take a slightly different view, presumably.

182. MS LEAN: I think, yes, that is right. As Mr Katkowski referred to when this was raised, I believe, maybe last week, it would probably depend on the matters the Secretary of State indicated she wished to be informed of by any second inspector. But yes, in principle, if there is a fresh inspector who is appointed to consider it, they will be looking at it afresh. As I believe Mr Katkowski said, the Secretary of State would then have the two reports and would have to look at both of them when making any decision.

183. I am certainly happy to take away that point about scope for points around detail about how far exactly a fence might be away from the memorial, and whether that was something that had that degree of granularity at that time, or if it was one of those points that might have been left over to be picked up at a slightly later point on those specific details. I will come back to you on that, if I may.

184. LORD HOPE OF CRAIGHEAD: Thank you very much.

185. MS LEAN: In any event, I do imagine that, whatever course the redetermination takes, these are no doubt points that those who are objecting would wish to be raising—wishing to bring to the attention of a decision-maker. Again, in terms of whether it needs to be something done by your committee, or whether it is something that can be left to be considered in the planning process, it does very naturally fall for consideration as part of the planning decision-making process at that stage.

186. Perhaps if I can just pick up on one further point of principle in terms of the amendment you are being asked to make, as Mr Buxton has very fairly outlined to you, the amendment sought does represent a departure from the usual legislative position that applies when dealing with listed buildings. It would be seeking a stronger protection, or a different protection, or a different regime of considerations, for these memorials than apply generally to listed buildings. With respect, it is not clear what the justification is for these particular memorials in this particular location in the context of this Bill and the amendments, and what you are being asked to do, and what you are being asked to consider with this Bill.

187. The purpose of the Bill is to disapply what is effectively a restrictive covenant that

would stand in the way of the Holocaust Memorial and Learning Centre being built at Victoria Tower Gardens—the requirement that it is to be maintained as a garden for the public. It is not a protection that is written into that Bill for the purpose of the memorials. The memorials post-date the 1900 Act. The memorials came after the 1900 Act. The memorials have moved even after being initially installed within Victoria Tower Gardens, and that is reflected in the inspector’s report itself, where he recalls that they had moved around. That then does raise the question of why, in a Bill that is designed to remove that obstacle, which is for maintaining the garden for the public, it would be appropriate to then go and say, “Well we are now going to propose a particular protection over and above that afforded by the general legislation and national planning policy for these particular memorials”.

188. Of course, I say that without in any way, shape or form seeking to diminish the importance of the memorials and what they stand for, but just to highlight perhaps the disjunct between the amendment you are being asked to make and what this Bill is primarily concerned with.

189. I think at that point, if I can just pick up on a couple of points of detail. My apologies. If it is helpful for me to stop there, I am happy to stop, but I have just a few notes from earlier. Firstly, there was a point raised about the incline on the mound. I said I thought this was addressed in the inspector’s report. It is at paragraph 15.199 at page 195 of the inspector’s decision letter. He sets out the various gradients. If it is helpful for me just to briefly summarise those, he sets out, “Much of the northern part of the mound would be at a gradient of 2-3.5%, and therefore readily accessible to most, including for informal play and recreation. The smaller areas close to the fins and adjoining the diagonal footpath would have a gradient of up to 11%. On the eastern side, this would increase more rapidly to between 5% and 11%. These steeper areas would remain accessible to those able to traverse this moderate incline and the resulting visual vantage point offering new perspectives of the south facade of the Palace of Westminster east of the river and beyond. Smaller areas to the west and adjacent to the fins would have a gradient of up to 30%, and therefore would be inaccessible to many”. That is the overview that is provided in the inspector’s report about the mound and its accessibility.

190. There was also a point, if I may, about the 7.5%. Perhaps if I just may provide a reference point because it is in a very similar location in the inspector’s report. 15.197

and 15.198 on page 194 give an overview of the disagreement between the parties about this 7.5% figure and that being accessible—the amount of the park no longer accessible to the general public, as opposed to the arguments being put forward about how much is no longer green space.

191. THE CHAIR: What was the point you wanted to make with those references?

192. MS LEAN: My Lord, you asked me earlier about the accessibility of the mound, or whether—

193. THE CHAIR: You mean that the inspector considered them.

194. MS LEAN: Well the inspector considered the mound and gives you the incline, so that is where the detail is about how accessible they are, and the specifics around which bits will be steeper than others, and which bits will be more easily accessible. The 7.5%, I merely noted it because Mr Buxton referred to it and said he could go into it if the committee wanted to understand the disagreement about the 7.5%. I was merely noting those references now because maybe we would come back to them at a later stage discussing some of the amendments that have been put forward on behalf of the petitioners that Mr Doctor represents more generally. If it was helpful for the committee to have a quick understanding of the disagreement about the 7.5%, those two paragraphs probably provide the quickest summary of the disagreement.

195. I think, my Lord, just the final point I suppose I had to make on the amendments sought, given the reference specifically to the eight metres—I think two amendments have been put forward for your consideration. One is the “shall not go ahead unless it preserves and enhances”, the other being “shall not be closer than eight metres to the Buxton memorial”, which is this. You are, in a sense, asked to decide what, in your judgment, is the appropriate distance for that to be. You have no evidence or anything to assist you in making that judgment, quite rightly, in my submission, because as the committee has already indicated, you are not sitting here as a planning committee, or as a planning decision-maker, and that is the quintessential sort of judgment that is left to the planning process. Just finishing, I suppose, on the amendments point, that, to a degree, also underscores why, in our respectful submission, that would not be an appropriate amendment to be included, or recommended for inclusion, by this committee.

196. THE CHAIR: Right. Yes, Mr Buxton. Do you want to say anything in relation to what you just heard?

197. MR BUXTON: I hear what Ms Lean has said, my Lord. This is not intended as a wrecking amendment. It is intended to ensure that no harm is caused to the Buxton memorial—entirely up front about that. Whatever effect it might have is a matter for the promoter. It is right, in my submission, for Parliament to confirm by way of more restrictive legislation, if necessary, the particular importance that should be had to the area in question, and therefore to constrain, if it does, the planning decision-maker's discretion. I hear what Ms Lean says about eight metres and that may be, but what the planning decision has already found is that the current distance of 1.5 metres is too small. The 7.5% point is something that I think I said I would try to outline in a short note as to what the concern is. It has been—

198. THE CHAIR: No, I would rather we did not have any more.

199. MR BUXTON: Leave that.

200. THE CHAIR: If you want to say anything, please do so, but we have a mountain of written material.

201. MR BUXTON: I realise that. I do not propose to say anything about the 7.5% point. Thank you, my Lords.

202. THE CHAIR: Thank you very much.

203. MR DOCTOR KC: My Lord, may I just add something, just by way of response to my learned friend?

204. THE CHAIR: Yes.

205. MR DOCTOR KC: I will deal with most of all this in my summing up on 10 December, so I am not going to take up your Lordships' time, but I just want to say one point and that is this phrase, "Stopping something in its tracks". The suggestion is that it would be stopped in its tracks. That does not mean necessarily that the whole Bill, everything about it would come to an end if your Lordships were to make any sort of amendment or recommendation. What it might involve—some sort of redesign—is it

might involve the need, if it is appropriate, to obtain planning permission, and that is not necessarily a case of stopping something in its tracks.

206. The promoter is very keen to ensure that we only discuss this current proposal and nothing else, because that is the best way to persuade the Minister dealing with what is to be done about planning to simply say, “Well, it has all been taken care of. We don’t need to do anything other than just share a few more representations”. It may be that your Lordships may—we would urge you that you may eventually have to make certain recommendations or amendments, which might involve having to apply for new planning permission. So be it. I will say more when I am done, when I make my final submissions.

207. THE CHAIR: Very well. Thank you very much indeed. It is a public hearing, so you may either stay or go as you please. We are extremely grateful to you, Mr Buxton, for the care you have taken over this. We have been much assisted by your references to the plans in particular, giving us a real sense of the impact on the Buxton memorial of the projected and proposed project. Thank you.

208. MS LEAN: My Lord, might I just raise one housekeeping point while Mr Doctor is still in the room, because it relates to some amendments that came over yesterday evening? I thought it might be helpful. First, just as a point of clarification, we received a list with 12 suggested amendments, which we understand was on behalf of all four parties who—

209. THE CHAIR: It is the four petitioners’ proposed amendments.

210. MS LEAN: Indeed. We are working on the basis, or on the assumption, that that list is a comprehensive list, and that it replaces or supersedes all amendments that were set out either in petitions, or were discussed already during the petition hearing. If it is not on the list, it is no longer on the table, if I could put it on those terms. That was our assumption. I am grateful for that clarification.

211. Secondly, my Lord, a question, if I may, which is we are working on the basis that it might be helpful for us to provide a short response to those ahead of the session on 10 December where, I understand, amendments are to be dealt with, if that would be helpful to the committee.

212. I raised it as a question because I am mindful of what my Lord has just said about there already being quite a lot of paperwork in this matter. We would hope that would be helpful, particularly for Mr Doctor as well, so that if there is to be any discussion about the amendments, or back and forth about it, he has had prior sight as well of what we may say about his petitioners' proposed amendments ahead of hearing.

213. THE CHAIR: We will certainly want to know, before the end of our deliberations, what you say about each of these 12 proposed amendments. As to the question of timing, we will discuss that amongst ourselves, but my preliminary view is that, in order for there not to be yet further paper after your paper answering these, it might be better to wait for the time being, at least until we have heard the evidence, but we will discuss that amongst ourselves.

214. MS LEAN: Thank you.

215. THE CHAIR: I know Pinsent Masons, in their letter of 25 November, answered some of our inquiries. They have not all be answered and it may be better for there to be one comprehensive answer to our points and the amendments all in one document.

216. MS LEAN: Yes, my Lord.

217. THE CHAIR: Thank you for the offer. We will certainly take it up. We will just have to decide on an appropriate time.

218. MS LEAN: Thank you, my Lord.

219. MR DOCTOR KC: My Lord, we have been talking about amendments, but I think I have made it clear at an earlier stage that they may give rise to either the committee's decision to make a recommendation, seek an assurance, or an undertaking. We just use the word "amendment" because that is the most extreme form, but it could be that your committee finds it interesting, but worth a recommendation, or seeks some sort of undertaking or assurance.

220. THE CHAIR: Yes, we had understood that. Thank you, Mr Doctor. What I am concerned to make absolutely clear is that, if there are any recommendations, which are not amendments, that you want us to make—so it is outside these amendments—we do need to see them. From what you have said, I am assuming that the only matters that

you want us to consider are these 12 amendments.

221. MR DOCTOR KC: That is correct, subject to one small point, which is that yesterday Baroness Deech had—I think it is—three recommendations, which I could add to the list.

222. THE CHAIR: I think it would be helpful to have one list so that we can just go through them one by one. That would assist our consideration of what we have to do.

223. MR DOCTOR KC: Yes, I do not think they are in the form that could be an amendment, but I will add them to this list and head “recommendations”.

224. THE CHAIR: Yes, I think there are three ways of dealing with those. Either we just mention them and draw them to the attention of the House. No doubt the Minister will see that and will also take note of them. The second way is to seek an assurance or an undertaking, or nothing. That is why I think it would be helpful to have the amendments together, recognising that they may not end up as amendments, but recommendations and so on, and then any further matters outside those that are supported by the evidence—supported by the petition—on which you wish to have some further consideration by the committee.

225. MR DOCTOR KC: Thank you.

226. THE CHAIR: Does anybody have anything else to say about that? Yes, well thank you very much. I think we now come on to Lord Strathclyde.

227. MR DOCTOR KC: My Lord, I am just going to sit here rather than tidying up, but I am not representing Lord Strathclyde.

228. THE CHAIR: That is all right.

### **Lord Strathclyde**

229. THE CHAIR: Lord Strathclyde, you were not here, I think, on the day on which, the promoter having given its view through Mr Katkowski of the scope of the Bill and of the principle of the Bill, and Mr Doctor having responded to that, what we did say is that anybody who is unrepresented, who was not there to hear Mr Katkowski, would be allowed to answer Mr Katkowski’s points. If you have not read Mr Katkowski’s points,

I would rather you did not do that, because I do not want to go back to square one again. Have you read Mr Katkowski's submissions on scope and principle?

230. LORD STRATHCLYDE: Yes, I did get a message and read what Mr Katkowski had suggested was or was not in scope. I am not planning on spending a great deal of time here and taking up most of your afternoon repeating so many things that no doubt have been said before by many people extremely well qualified, and no doubt putting the arguments well. I am here in part because you kindly agreed to allow me the opportunity of speaking to you, having come and made my case the first time round in the right to be heard.

231. I am not going to plough through the evidence that I have already given you in my petition, because it is there for you to read, and it is all perfectly self-explanatory and no doubt echoes what you have said before. I have been wondering about what I could bring new to it because I am sure that that is probably what you want to hear. Would you like me just to say a few words?

232. THE CHAIR: Well, do not repeat anything that is in the petition because we have read it, and we will read it several times before we reach our conclusion. If there was one point, or one or two points, on which you wish to place particular reliance in terms of impact, particularly what sort of amendments you would want us to consider to the Bill to accommodate the private interests of your co-petitioners, well, that is absolutely fine, but I certainly do not want you to repeat the whole petition.

233. LORD STRATHCLYDE: I have no desire to do that either and there are, essentially, three quick points that I want to make. If you think that they are impinging on what you have already heard many times, do tell me and I will move on to the next point.

234. THE CHAIR: Very well. Carry on.

### **Submissions by Lord Strathclyde**

235. LORD STRATHCLYDE: It might be helpful if I just said right at the beginning, because it is easy to characterise those who oppose the Bill in one form or another as somehow not being in favour of a Holocaust memorial, and that is not where I am

coming from, or, I think, most of the people who I represent. I understand fully why there should be a Holocaust memorial in central London to reflect on the horrific evidence of the last century—80 or 90 years ago—and it should be in a fitting place of national importance. I completely buy that, but I have three points to make.

236. The first is perhaps what you might regard as a slightly sentimental one about the purpose and the character of the garden itself, and I speak as a local resident. I have known this garden and park through most of my life, and whether people use it for their own quiet enjoyment, or for work, as broadcasters do, or as the residents do as somewhere to go to on an afternoon—on the basis that most of the residences are themselves un-gardened and flats as well—it serves a real purpose to the local community, not just the residential community, but also the working community, the people who come here, many civil servants' offices that surround the place, and importantly—and I do not mean this in a selfish way at all—but for parliamentarians, who often find the only available green space, open space, is in the Victoria Tower Gardens.

237. I think I am right in saying that it is the only space north of the river adjacent to the park, so it is an important and considerable site. No doubt that is why the 1900 Act was passed to preserve some of the integrity of that. It is designed to support the simple pleasures of uncrowded open space, and if this proposal goes through, it will change that character forever, in perpetuity. The size and scope of the building is inimical to the kind of functions for which the gardens are used now.

238. The second point is a point about security. I have spoken to one or two people about this. Because of the amount of people who the promoters predict will be using and visiting the learning centre and the memorial itself, running into some millions every year, this area is going to become very crowded indeed. I do not want to make much of the current controversy over Israel and Palestine, but it could well become a beacon for discussion, arguments, demonstrations, and so on. There does not seem to be any provision for how that could be best handled. Again, for the residents, that very much impinges on their ability and freedoms to go around their business.

239. The third point is about the need to rebuild this building, the Houses of Parliament, which I am sure you are all aware of, and the amount of time it has taken to

get to a firm proposal, which is likely now for final decisions to be taken during the course of this Parliament. Inevitably, in order to do this huge work, I understand that the builders will need to use the Victoria Tower Gardens, or a large part of it, as a space from which to store their building works, planning, operations, and all the other paraphernalia that we all see in London from time to time on these huge projects. I am increasingly nervous that this proposal will be to so fundamentally change the character of the place, and I think that is part of the purpose of it, and that we will lose something that we have held for a very long time.

240. All these things demonstrate why the Government should look for a better site rather than one that is convenient. I understand the argument about convenience, because of course it is part of the Crown Estate. The Government own it, and although it is run and managed by the Royal Parks, that is not going to continue forever. I cannot believe that the Government—the promoters—worked as hard as they might have done to find an alternative site in central London, which means that, when the Holocaust Memorial and Learning Centre are built, they are not built out of controversy and hostility to what is being done, the kind of which you have obviously listened to over the last few days and weeks.

241. My Lords, that is all I particularly wanted to say, and to demonstrate the substantial strength of feeling that there is in the House, on the people that I represent, some of whom you know are local residents. Last time I was here you did question whether all these people were local, and I understand that their addresses were in fact redacted from the paper that I had, but I think that your officials do have all the names and addresses of the people who support my petition.

242. THE CHAIR: We have certainly got their names and we have their addresses, but I think it was one of your co-petitioners, for example, was as far away as—I think it is called Strutton Ground—which is really a long way. We have been talking really to witnesses about the impact on them where they live only five minutes away, or 10 minutes away, something like that. Let me reassure you that it is only one or two. Virtually all the others—we have checked the addresses and they are near enough.

243. LORD STRATHCLYDE: Yes, I would not want to get in an argument with any of you about the distance of Strutton Ground, but I do regard Strutton Ground as being

relatively local to the Victoria Tower Gardens. Certainly, in an area of London that is an inevitably crowded part of our cityscape, the Victoria Tower Gardens is close by. I know you would naturally argue that St James's Park was as well, but St James's Park is a great tourist attraction and this provides a different quality—

244. THE CHAIR: I do not think it matters because you have enough with yourself and a significant number of co-petitioners who plainly do qualify as local residents. I do not think anything is going to turn on a dispute or a disagreement about one or two of them.

245. BARONESS SCOTT OF NEEDHAM MARKET: Could I ask Lord Strathclyde a question? Some of the witnesses have talked to us about the governance of the park, and particularly how it is going to work when the memorial is co-located, and basically who is calling the shots, and in that, where do residents fit in. I am wondering as a resident what your thoughts are on that, but including in that some sense of how involved local residents are. Are you kept informed about what is going on in the park? Do you feel that you are included as part of the governance now?

246. LORD STRATHCLYDE: Very much so in the sense that the opposition to this memorial has been extremely well organised by local resident groups, such as the Thorney Island Society, which exist to improve and enhance and discuss the unique and rather peaceful characteristics of the buildings that are here, and have naturally now taken interest in the Victoria Tower Gardens and many others. Whether that impinges on governance, I do not think it does. They are informed. They are consulted, and through that, they pass it down to the residents.

247. As to the future, I think a lot depends on what comes out of this committee and when the Bill comes before the House of Lords as to whether any amendments are put in demanding some kind of consultation. I urge you to think that consultation, while it is very attractive and necessary, it is no good unless there is an element of power there to be able to change things that people do not like. I have heard that there has been a discussion about the planning process that will take through, who no doubt will take many of these things into account, but governance is important. I think that what a lot of people feel is that, if this Bill goes through as it is, with a positive recommendation from the committee, that will be it, and whatever wishes residents have will be comprehensively ignored.

248. LORD HOPE OF CRAIGHEAD: Could I ask you a question? One of the drivers behind the proposal is the need to complete the Holocaust memorial and the centre before the final Holocaust survivors disappear. The inspector, in his report, attached quite a lot of weight to that in deciding how to balance the various disadvantages against the advantages and so on. There is a lot of political pressure behind that, and has been for a long time. Can you bring us up to date and perhaps give a view—your own view—as to the importance that should be attached to achieving it before the last survivors leave us?

249. LORD STRATHCLYDE: Yes, I can see the attractions of that, but I also know that survivors of this terrible period of history—there are very few of them left. I am afraid I have no idea how long they are going to survive, so while I think it is an attractive argument to make, “We must get this finished and up and running before the last one dies”, I do not think it is the only argument. Surely this Holocaust memorial is a national signal to the horrors that occurred and is there to last for many decades, and to remind new generations of what happened and to ensure—particularly through the learning centre—that anything like this could not possibly happen again. I think recent history shows that it all too easily could happen, which is why there is an importance to have a memorial and a learning centre.

250. LORD HOPE OF CRAIGHEAD: Thank you.

#### **Submissions by Ms Lean**

251. THE CHAIR: Thank you very much. Ms Lean, do you have any questions or observations?

252. MS LEAN: I have no questions, sir. I suppose there is one point I would like to pick up on security, but ahead of that, there are a number of recommendations or asks in the petitioner’s petition in section 3. There are, I think, six requests.

253. THE CHAIR: One moment, let us just get this petition. Right, we have the petition.

254. MS LEAN: My Lord, I am happy to go through each of these if that would be helpful. I think they are—and I mean this with all possible respect—all points that have

been raised or requests that have been raised by other petitioners, so I do not want to unduly duplicate, but if it would be helpful for me just to quickly run through them, I am happy to do that.

255. THE CHAIR: Well, I assume, Lord Strathclyde, you still want us to look at these six points.

256. LORD STRATHCLYDE: Yes, indeed. They are very straightforward, simple proposals, and they were there to answer the question about what should be done. It was in answer to that that we came up with the six points, but I hope that it is something that you will consider in your deliberations before coming to your final conclusions and writing your report, which the House will find extremely useful.

257. THE CHAIR: Right, Ms Lean, let us just have a look and see if we have covered these before. Taking a completely fresh look at the proposal, I think we have heard that before. Adequacy and appropriateness of the gardens as a location for the Holocaust memorial—we have heard that before. The children's playground should not be moved. No access restrictions—that is partly dealt with by Mr Katkowski, was addressed in the inspector's report, and I do not think there is anything further to add on that at the moment, is there?

258. MS LEAN: No, my Lord, and it is the subject of one of the amendments that is put forward, I think, on behalf of the London Historic Parks and Gardens Trust.

259. THE CHAIR: Then there need not be co-location. We have dealt with that. Then we have this height and size and bulk no greater than any of the existing memorials. We have heard that. Then we have security. Well, we have certainly looked at security. We have asked Lord Carlile to come up with a suggested way forward on security. Unless you want to add anything specifically on that, we have certainly got it in mind and we are exploring what are the various options.

260. LORD STRATHCLYDE: Yes, I would not want to add anything to that, because I think that Lord Carlile is an admirable person to come and describe to you the suggestions that he wants to make about security. He has become a great expert on the subject and has an enormous amount of knowledge. My point was more about how that extra security would impact on the local community, whether it is residential or workers,

and to suggest that your Lordships should take that into account in your deliberations.

261. LORD HOPE OF CRAIGHEAD: Your final point, point 6, goes on to cost and sustainability of the project. Do you have anything you want to say about that, because that is a separate issue?

262. LORD STRATHCLYDE: It is a separate issue, and of course I really am not trying to make myself qualified to debate costs, but I understand the costs of doing this, partly because of the unknown nature of what is below the grass—we all know that there used to be wharves there 150 years ago, but we do not know what state all of those are in, so the costs are going to be substantial, and they will increase. There is a question of value for money, not in terms of what is the Holocaust memorial for, but I think that there must be a question as to whether there are other sites where you get a better memorial site—a better learning centre—for the money that is proposed to be spent, without so many of the doubts and uncertainties about the proposed site in Victoria Tower Gardens.

263. LORD HOPE OF CRAIGHEAD: You are really making, I think, two points. One is, okay—you have just been saying—try to go somewhere else, but we have already said that is beyond our remit. You are also saying that, before any further work is done, there should be a deeper study as to what the implications are.

264. LORD STRATHCLYDE: Well, only because all of us in Parliament have experience of major projects where their costs go completely out of control. We know that there are uncertainties about the proposed site that need to be explored further, which include the cost. At a time in the 2020s where we are trying to save money, or at least use money extremely wisely and look for value for money, I would have thought that having a question mark over the cost of this particular site is an important one.

265. LORD JAMIESON: Just for my clarity, let us assume the negative case and that costs do spiral. What would the solution be?

266. LORD STRATHCLYDE: Well, I am never quite sure whether it is intended that the Government should underwrite the cost of this, which is what I think will happen inevitably, or whether it is to be entirely built on the back of private donations. There is always an uncertainty about private donations, so I am sure that it is going to come out

of central government expenditure.

267. THE CHAIR: You are really making that point both as a parliamentarian and a member of the public.

268. LORD STRATHCLYDE: Indeed.

269. LORD JAMIESON: I can understand the concern about the expenditure. For the purposes of this committee, doing a report on how much it will cost does not necessarily change the remit of this committee. If the answer comes up as an unpleasant answer, it will be up to the Government to make a choice, which they are free to do at any point.

270. LORD STRATHCLYDE: I completely agree with the point that you are making. Ultimately, it is up to the Government to decide whether they want to spend the money or not, but as a wise group of individuals you might want to reflect—without going into the details—that there are uncertainties about this site, which means that the costs are likely to escalate, and at least warn the Government, or indeed Parliament, of that uncertainty and the consequences of going ahead.

271. LORD JAMIESON: Right, so you are moving to where I thought you were going to move to, which is this is more of a, “Be aware this might”, rather than saying, “You must have a financial report”.

272. LORD STRATHCLYDE: “Be aware, might” is a very good conclusion from what I have seen, yes.

273. LORD JAMIESON: Thank you.

274. THE CHAIR: Thank you very much. That deals with the six points. Anything further you would like to say on those?

275. MS LEAN: My Lord, nothing further. I was going to say I think the sixth amendment is actually similar to one that was sought by the—or is the same terms as the one sought by the Thorney Island Society, so I believe Mr Katkowski addressed it last Wednesday. My Lord, if I might just very briefly, I am sure your Lordships’ committee will be aware of these points, but I am very mindful that Lord Strathclyde came along today to speak on behalf of himself and others. He raised a concern about security

matters and the implication for those in the area. I do not believe Lord Strathclyde was at the planning inquiry. I am sure he will tell me if I am wrong on that, but just if it assisted for his information and reference, points about security matters including on surrounding areas and suchlike were matters that were considered at the planning inquiry, and they are considered in the inspector's report at paragraphs 15.234 through to 15.253.

276. My Lords, I am sure we will come to that when Lord Carlile comes in next week, but it was more that—as it was something that had been raised by Lord Strathclyde on his behalf and others, I wanted to make sure that I had signposted where those who were interested, who may not be in this committee room, could find the previous consideration that has been given to that.

277. THE CHAIR: Now the last thing, Lord Strathclyde, is this. Are you representing Lord Hamilton today?

278. LORD STRATHCLYDE: Yes, I am.

279. THE CHAIR: Thank you.

280. LORD STRATHCLYDE: Yes, Lord Hamilton is definitely in, but Lord Strathcarron is not.

281. THE CHAIR: No. Thank you very much for coming along today and for your evidence.

282. LORD STRATHCLYDE: Well, thank you very much indeed for listening. Thank you.

283. THE CHAIR: We next meet, as the diary currently looks, on 5 December, so that will give everybody an opportunity to catch up with everything. Thank you very much