

Introduction on behalf of the Petitioners: TTIS, LHPGT, Buxton and Deech

Brian Doctor KC
Fountain Court Chambers

The Petitioners

- The Thorney Island Society, a local amenity society established in 1985 (including the listed Residents of the Westminster Area)
- Baroness Deech and holocaust survivors
- London Historic Parks & Gardens Trust
- The Buxton Family (including Richard Buxton, James Buxton, Joseph Buxton, Sir Crispin Buxton and John Farrow as trustee of the Thomas Fowell Buxton Society)

Summary

1. Petitioners' interests relating to Victoria Tower Gardens (VTG)
2. Not opposed to either a Holocaust Memorial (HM) or a Learning Centre (LC)
3. Petitioners do not want delay; a major cause of the delay so far is the precipitate and unjustified selection of VTG for this project
4. As a practical matter: they would not oppose a suitable and appropriate HM in VTG and seek amendment to achieve that
5. They also seek particular amendments to protect their interests

Principle of the Holocaust Memorial Bill (the Bill): section 1

The wording of section 1 of the Bill:

1 “Expenditure relating to a Holocaust Memorial and Learning Centre

(1) The Secretary of State may incur expenditure for or in connection with

- (a) the construction on, over or under any land of—

(i) a memorial commemorating the victims of the Holocaust, and

(ii) a centre for learning relating to the memorial,

- (b) the carrying out of any work ancillary to, or associated with, anything falling within paragraph (a), and

- (c) the use, operation, maintenance or improvement of the memorial and the centre for learning.

(2) Expenditure incurred under this section is to be paid out of money provided by Parliament.

• Promoter’s Slide 14 not accurate:

“Clause 1: authority for the Secretary of State to incur expenditure in connection with **the** Holocaust Memorial and Learning Centre”

Section 2 of the Bill

“2. Removal of restrictions in relation to certain land

Section 8(1) and (8) of the London County Council (Improvements) Act 1900 does not prevent, restrict or otherwise affect the carrying out of any of the activities described in paragraphs (a) to (c) of section 1(1) on, over, under or otherwise in relation to the land described in section 8(1) of that Act.”

The Instruction of the House to the Select Committee (SC)

1. Motion 6 first defines the principle:

Motion 6—Holocaust Memorial Bill: Instruction—

That it be an instruction to the Select Committee to which the Holocaust Memorial Bill is committed to deal with the Bill as follows:

(1) That the Committee treats the principle of the Bill, as determined by the House on the Bill's Second Reading, as comprising the matters mentioned in paragraph 2; and those matters shall accordingly not be at issue during proceedings of the Committee.

(2) The matters referred to in paragraph (1) are—

(a) the Secretary of State may incur expenditure for or in connection with (i) a memorial commemorating the victims of the Holocaust, and (ii) a centre for learning relating to the memorial; and

(b) section 8(1) and (8) of the London County Council (Improvements) Act 1900 are not to prevent, restrict or otherwise affect the construction, use, operation, maintenance or improvement of such a memorial and centre for learning at Victoria Tower Gardens in the City of Westminster.

Instruction by House para 3

(3) “Given paragraph (2) and as the Bill does not remove the need for planning permission and all other necessary consents being obtained in the usual way for the construction, use, operation, maintenance and improvement of the memorial and centre for learning, the Committee shall not hear any petition against the Bill **to the extent** that the petition relates to—

(a) the question of whether or not there should be a memorial commemorating the victims of the Holocaust or a centre for learning relating to the memorial, whether at Victoria Tower Gardens **or elsewhere**; or

(b) whether or not planning permission and all other necessary consents **should be given** for the memorial and centre for learning, or **the terms and conditions** on which they should be given.”

Meaning

1. The Petitioners shall not challenge the House's authorisation to the SoS to spend public funds on the construction etc of a Holocaust Memorial and a centre for learning relating to it, wherever such be located: anywhere in England or Wales.
2. NB: it is not the *location* which can't be challenged (the location isn't specified), it's the *construction, use etc*.
3. The Petitioners shall not challenge the removal of the restrictions contained in the 1900 Act against building a HM and LC in VTG
4. The Petitioners shall not seek to persuade the Select Committee that Planning permission should or should not be granted, or the conditions of any such grant.

The Petitions and suggested amendments

1. Seek to persuade the SC to amend the Bill by inserting a clause

“1A: Any centre for learning relating to the memorial shall not be built in or at or under VTG”

2. Such clause would not clash with the two principles of the Bill, nor with the Instructions of the House.

3. The restrictions under the 1900 Act would still be removed preventing anyone in future trying to rely on them; and

4. This Parliament would impose its own, limited, restriction on the use of the public funds it is authorising to be spent, in the interests of both the public generally and those of the Petitioners.

Note:

1. The Bill does not require the building of a HM or LC in VTG or anywhere in particular;
2. This amendment aligns precisely with the statements to the House of the SoS and Minister;
3. Petitioners will suggest other amendments later this week

Ministers' statements to the House

Sir Edward Leigh MP:

“It is accepted that there is a principle to memorial, so what about my point on having an overground memorial—like other memorials—but not an underground learning centre? Will the Committee still be able to consider such a detail?”

Felicity Buchan MP (DLUCH):

“The Committee can consider the extent and any conditions on the memorial in Victoria Tower gardens, so yes, that can be considered.”

Secretary of State

The Secretary of State himself confirmed that stance in the same debate:

Sir Peter Bottomley:

“I ask this explicitly: can either the Secretary of State or the Minister stand up and tell me now that, if someone wants to argue in front of the Committee that it would be better to have the basement box somewhere else and just have the memorial, would that petition potentially be heard by the Committee?”

The Secretary of State for Levelling Up, Housing and Communities

“I think it would be a matter for the Committee.”

Promoter's interpretation

1. The Petitioners cannot address the SC on the location of the Learning Centre in VTG
 2. The Petitioners cannot address the SC on any issue which could be the subject of a planning application.
- There would appear to be nothing left.
 - The Select Committee has, on this approach, been set up to consider nothing. As a concession, the SoS would consider giving undertakings relating to some issues (which would in any event be part of the planning application) concerning construction times and conditions.

Meaning of Instruction clear and unambiguous

If it was intended to disallow debate about the location:

1. Why does the Bill not specify that funding is provided for the SoS to build a (or the) HM and LC in VTG?
2. Why does the Instruction refer to VTG “or elsewhere”.
3. When Chair asked Promoter’s counsel this, he seemed to suggest it may have been difficulty in drafting:

139. THE CHAIR: I’m asking why did the Government or the promoters not just put on the face of the Bill the fact that it had to be built in the Victoria Gardens.

140. MR KATKOWSKI KC: That’s a matter I can’t answer off the cuff; I would have to take instructions. I think it’s an art, as well, of drafting the legislation of this nature and consideration would have been given to exactly how to do it. The provision is set out in a very wide way to remove an obstruction to the building of this particular project. Can you just give me one moment?

141. Mr Turney, my learned junior, is just reminding me that in a way this comes back to the point which I made earlier on: that, of course, the purpose of the Bill is to remove the obstruction to the building of the memorial and learning centre. It isn’t in any way to authorise the building of the memorial and learning centre.

Evidence of Petitioners

- Does not challenge the funding or establishment of a HM or a LC
- Does not argue that planning permission should or should not be granted, nor advance or oppose the terms
- It is directed to advancing their particular interests to a SC of the House.

What is the SC's role:

- To consider and report to the House on the nature, extent and seriousness of the petitioners' objections, and, if the SC so decides, the extent to which the proposed legislation should be amended to recognise and cater for those objections, alternatively what assurances the Promoters of the Bill should give before the House proceeds with the Bill

General points in answer to the Promoter's

Introduction: The History of this project

- Holocaust Commission established in January 2014: what could Britain do to ensure the memory of the Holocaust is preserved.
- It reported in [2015] and recommended: (Executive Summary on page 13):
 1. A striking and prominent new Memorial in Central London.
 2. A physical *campus* and an online hub that would bring together a network of the UK's existing Holocaust education partners, seeking to advance Holocaust education in every part of the country. The learning centre, which was to be part of the campus, would *include* a lecture theatre, classrooms, and the opportunity for those who want it to locate their offices or set up satellite offices there, within the wider physical campus. It recommended that the LC should include the **Imperial War Museum's Holocaust Exhibition**, upgraded and expanded.

Holocaust Foundation

- Holocaust Foundation set up in 2015 to implement that vision. It laid down criteria for a site in Sept 2015:
 1. A physical campus of at least 5000 sq. m (and the summary on page 2 states that sites of between 5000 – 10000 sq. m of built space over no more than three contiguous floors would be considered).
 2. Apart from the usual reception, visitor orientation, restrooms, cloakroom and first aid, a physical campus, as envisaged by the Commission, with facilities to host lectures and seminars, and to run educational courses and workshops: it mentions permanent and temporary gallery spaces, four learning rooms, an auditorium with tiered seating for at least 150 people, two meeting rooms for events and hire.
 3. Provision of office space for staff from the Foundation and other Holocaust organisations to locate offices or satellite offices so as to bring together a network of Holocaust education bodies;
 4. Quiet contemplative space for reflection and commemoration or interfaith prayer room;
 5. The site must enable gatherings of up to 500 people for commemorative events.

Choice of site for HM and LC

- As you've already heard from Dr Dorian Gerhold, the Foundation's property location advisers, CRBE, considered up to 50 sites and assessed 24, and recommended 3.
- VTG was not identified or investigated by the advisers.
- Yet it was summarily considered for the first time and adopted by the Board of the Foundation at its meeting on 13 January 2016 ("moment of genius" (Ed Balls MP)), and announced by the Prime Minister (Mr Cameron) on 27 January 2016 as the site of the national Holocaust Memorial.
- The decision few months later to locate the learning centre under it in VTG was not the result of any research or detailed study

The consequences of this precipitate choice

- The vision of the Commission and the criteria established by the Foundation regarding the Learning Centre have been effectively abandoned. In its place is an “exhibition centre” for the Memorial.
- Opening in 2020 was in the 2015 criteria, but no planning application made until Dec 2018, and no planning enquiry until Oct 2020. Ignored warnings about the 1900 Act. So far delay of 8 years, and the latest estimate is 2028.
- In the meantime, the Imperial War Museum, not one mile away, which welcomed the opportunity to build a Memorial to complement the Holocaust Galleries they were in the process of creating, has been completed and opened.

Consequences cont.

- No attempt has been made to show what extra value would be contributed to the educational effect of the Holocaust Galleries at the IWM by an “exhibition centre” under the Holocaust Memorial.
- The Planning Inspector placed considerable weight on “...*achieving a memorial within the lifetime of survivors, so seeking to honour the living as well as the dead, has a resounding moral importance that can legitimately, in my view, be considered a **material consideration** and a **public benefit of great importance**, meriting **considerable weight** in the planning balance in this case.*”
- Given the planned opening in 2028 this benefit is seriously in doubt.

Refurbishment of the Palace and Victoria Tower

- The planned refurbishment will obviously affect the use and enjoyment of VTG. Baroness Deech will refer to a sketch by the chief of R&R showing most of VTG covered in building material and jetties moored on the river alongside VTG.
- Even if only part of it is so used, what effect will that have on the Memorial? How does the building of an underground LC impinge on this?
- Are the HM and LC to be rushed into existence only to be closed again during the refurbishment of Parliament?

Objections by Petitioners: LHPGT

1. Loss of amenity and heritage value to a registered public park
2. The land was given to the State in trust for public enjoyment and recreation and to give free and unencumbered access to the riverside. Parliament, whose MPs have also benefitted from that generous bequest for over a hundred years should not take that away on the basis of a “moment of genius”.
3. VTG's existing memorials are not destinations but supplement and enhance the purposes of the park: The LC is intended as a destination in itself which will overpower all other aspects of the park.
4. The consultation which has led to the current proposals have inaccurate measurements including a significant loss of both greenspace and playspace in an area lacking in accessible open greenspace.
5. Future Governance of the parkland to guarantee appropriate public access and sufficient maintenance funding needs to be provided for.

Objections by Petitioners: TTIS

1. No consideration has been seriously given to alternative sites.
2. Local residents in high density housing, lose vital local open space and park
3. No other large green space open to the public from Great Peter Street to Vauxhall Bridge Road
4. Area of high rise: the substantial (30%) reduction in playground space will reduce children's enjoyment of the park

TTIS cont.

5. Design (Adjaye) completely disrupts the park and changes its character, turning it into a visitor attraction: Over 2 million new visitors to the park forecast (1 million entering the memorial, at least 1 million new visitors seeing the outside) - four times as many park users per year as at present.
6. Security implications not up to date. A very real danger of security checks being imposed on every visitor to the park.
7. A new organisation to provide governance of VTG including community and other organisations is required.

Objections by Petitioners: Baroness Deech and survivors

1. The abandonment of the Commission's recommendations with regard to Holocaust learning due to the need to squeeze the LC into the small basement.
2. A tourist attraction wholly at odds with any serious attempt at education on the Holocaust.
3. The mounting cost, jeopardising other interests such as education about the Holocaust, the Jews and Jewish life.
4. The on-going drain on public resources whilst the Jewish Museum closes.
5. The association with the architect.

Buxton Memorial

1. In this session Richard Buxton of the Buxton family and John Fannon for the Thomas Fowell Buxton Society will give evidence.
2. Mr Fannon's principal theme is the efforts the Society makes to educate people about slavery and the importance of being able to appreciate the Buxton Memorial. That means memorialisation and food for thought.
3. It does not mean a dominating visitor destination.
4. Thomas Fowell Buxton and other anti-slavery campaigners are memorialised in VTG in the BM.
5. He will say how unfortunate it would be for a memorial to the Holocaust to eclipse one of the great achievement by Parliament of ending slavery in the colonies.
6. If there are to be two memorials, they both need SPACE.

Richard Buxton

Mr Richard Buxton who is a descendant of Thomas Buxton has also been involved with this matter as a solicitor. He will:

- Show the committee some documents that may assist it.
- Illustrate just how the Holocaust memorial as planned will adversely affect it: it will dominate the scene and undermine the BM's purpose as a memorial for contemplation of the anti-slavery achievement.
- Suggest ways this could be dealt with and an appropriate amendment to the Bill which would satisfy the Buxton concerns.

Holocaust Memorial Select Committee

23 January 2024

Slides of Richard Buxton

For Buxton family



The Rt. Hon. John Whittingdale MP
House of Commons
London
SW1A 0AA

Monday, 26th October 2015

Dear John,

As you may be aware, I am involved with the Holocaust Memorial Commission set up by the Government last year, tasked with ensuring that Britain has a permanent memorial to the Holocaust and educational resources for future generations.

The Commission is currently considering possible locations for a Holocaust Memorial and Learning Centre.

I think a potentially suitable location for the Holocaust Memorial would be Victoria Tower Gardens, with the Learning Centre close by in Millbank where we have been offered a viable location.

As I'm sure you are aware, the Gardens fall under the jurisdiction of Black Rod, as it is part of the parliamentary estate, and DCMS as it is managed by the Royal Parks.

I would be very grateful for your views on the viability of locating the Holocaust Memorial in Victoria Tower Gardens. The Prime Minister is aware of this proposal, and he suggested that I write to you to seek out your views on this issue.

With best wishes,

A handwritten signature in black ink, appearing to be "The Lord Feldman of Elstree".

THE RT. HON. THE LORD FELDMAN OF ELSTREE
Chairman of the Conservative Party

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for Culture
Media & Sport

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The Rt Hon The Lord Feldman of Elstree
Chairman
The Conservative Party
2 Matthew Parker Street
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CMS 274432/DC
3 November 2015

Dear Andrew,

Thank you for your letter dated 26 October about the Holocaust memorial.

I have followed progress of the Holocaust Memorial Commission since it was established and I am pleased that several possible locations for the memorial and learning centre have now been identified.

I completely agree that the Victoria Tower Gardens site would be an attractive option for this memorial, given that you may have the opportunity to locate the Learning centre relatively close by.

Management responsibility for almost all of Victoria Tower Gardens falls to myself rather than Black Rod. In principle, I support the option that Victoria Tower Gardens could be considered as a location for the Holocaust memorial. There are a number of factors, which will need to be given thorough consideration before it can be fully endorsed.

Although no firm decisions have been made, the Government is also considering options for the location of a National Memorial to British Victims of Overseas Terrorism, and we will want to make sure that any potential juxtaposition of this memorial and the Holocaust memorial is fully thought through.

Though I agree that this is a good option for a potential location, I have asked my officials to fully consider all options available for the location of the Holocaust Memorial and I suggest that we keep options on Victoria Tower Gardens open at this stage.

Yours ever
John

Rt Hon John Whittingdale OBE MP
Secretary of State for Culture, Media and Sport



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Attn: Secretary of State / Melanie Dawes, Permanent Secretary

31 July 2019

Dear Sirs

Proposed Holocaust Memorial in Victoria Tower Gardens

We are instructed by The Thorney Island Society, which supports the Save Victoria Tower Gardens campaign. It is, as you know, the recognised local amenity society providing comments on planning on behalf of residents and the local community in the part of Westminster which covers Victoria Tower Gardens ("VTG").

Without prejudice to all the other practical and policy difficulties that make the proposal in our clients' view wholly unsuitable and unacceptable, and without even considering whether the planning process has been lawfully conducted, there is an important legal impediment which prevents the proposal proceeding at all.

Section 8 of the London County Council (Improvements) Act 1900, the statute empowering the LCC to create the southern part of VTG and to pass it to (what was then) the Commissioners of Works, requires that the area in which the Memorial is proposed to be built "shall be laid out and maintained ... for use as a garden open to the public and as an integral part of the existing Victoria Tower Garden". We have taken advice from counsel Mr Thomas Seymour of Wilberforce Chambers. He has reviewed the proposal and plans and confirms that developing a substantial part of the land as a Memorial and Learning Centre would, unarguably, be in breach of that provision.

It would accordingly be unlawful for the Secretary of State, who has ministerial responsibility for the Holocaust Memorial project, to seek to proceed with a proposal in breach of a statutory prohibition. It would likewise be unlawful for the Secretary of State for Culture Media and Sport, to whom title to VTG has passed from the Commissioners of Works, and to whom we are copying this letter, to permit the development to proceed.

We therefore invite the sponsoring Secretary of State (HCLG) urgently to re-consider his position. It clearly cannot be right for public resources to continue to be expended in furthering a project which cannot proceed. That includes troubling the Westminster City Council with the application for planning permission. This letter is copied to it for information. It is also copied to the Secretary of State for CMS, because as

landowner of the site he has an independent duty to ensure compliance with the terms on which the land is held.

The Society wishes us to repeat its clear position that it is not in any way opposed to the creation of a Holocaust Memorial and Learning Centre. Its position is simply that VTG is the wrong site. It cannot be accommodated there without the loss of much of what is in effect a much-loved and much-used Royal Park, and total transformation of the character of the whole VTG area. Many other sites have been proposed, including of course the Imperial War Museum. You will be aware that the Society's opposition to the choice of site is very widely shared, including by many prominent members of the Jewish community.

Please confirm that you will now advise the proponents of the project (UKHMF) that the proposals must now be withdrawn, and alternatives reconsidered.

Yours faithfully


Richard Buxton

cc. Department for Culture Media and Sport (attn: Secretary of State / Sarah Healey,
Permanent Secretary)
Westminster City Council (ref: 19/00114/FULL)

RMB - 6



Ministry of Housing,
Communities &
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31 October 2019

Dear Mr Buxton,

Thank you for your letter of 31 July 2019, the contents of which are noted.

We are of the view that the proposal for a Holocaust Memorial and Learning Centre complies with section 8 of the London County Council (Improvements) Act 1900 and will not be withdrawing the planning application in relation to Victoria Tower Gardens ("the Gardens"), as you have requested.

The design for the UK Holocaust Memorial and Learning Centre is being developed to be sensitive to the existing Gardens and will allow residents and visitors alike to continue to benefit from the green space. We do not accept that the proposal will take up a "substantial" part of the land, as you contend. The Secretary of State's intention, as set out in the planning application to Westminster City Council, is to use only approximately seven and a half percent of the Gardens for the project. The design also incorporates improvements to the Gardens that will benefit all visitors, including better pathways, improved access to existing memorials and boosting the health of trees by updating existing drainage.

Please note that the Gardens are not a Royal Park, as you claim. Although the Gardens are managed by The Royal Parks charity, they are not one of the designated eight Royal Parks in London.

You refer to the Department for Culture Media and Sport (DCMS), as landowner, having an "independent duty to ensure compliance with the terms on which this land is held". DCMS is fully supportive of the Holocaust Memorial and Learning Centre being located in Victoria Tower Gardens.

Yours sincerely,

Alex Powell

Transcripts of parts of the proceedings in the planning inquiry on the proposed Holocaust Memorial and Learning Centre, October-November 2020

[The following transcripts were compiled by Dorian Gerhold using the YouTube videos at the references given below, who has checked them against those videos.]

(1)

23 October, Ed Balls, joint chair of the UK Holocaust Memorial Foundation (witness on behalf of the applicant), evidence in chief <https://www.youtube.com/watch?v=pytwYOnJhJc> (at 2.00)

Christopher Katkowski

Thank you very much indeed. Now, thirdly of the four topics. There have been quite a few points raised in written material, and indeed oral evidence to the inquiry, questioning and querying, if you like, the site selection process. We all know the proposal is in Victoria Tower Gardens. But the question I suppose, which is begged, is well, how did we get here, if you like. So I wonder whether you could just help please with an overview of, if you like, your understanding of the site selection process, because there's been an awful lot of – many, many points raised about it and a lot of criticism. So can you help please, Mr. Balls?

Ed Balls

Well, Lord Pickles, and I only became the co-chairs of the Foundation a couple of years ago, but we'd both been members of the Commission for a lot longer than that. And in fact, I was one of the people appointed to the very first Commission established in 2014 by the then Prime Minister, David Cameron. So I've been there all the way through the whole process, and was very much involved as a member of the Foundation, drawing up the initial report of the Commission, which led to the decision to pursue the monument, the Learning Centre and the other recommendations which the Government at the time accepted from the Foundation. At that time, in the report, there were three locations which were

identified, back in the beginning of 2015. It was clear from the Commission's deep criticisms of the current memorial in Hyde Park that we wanted something considerably more substantial, iconic, central, accessible, thought provoking. There were three options put on the table for consideration, not an exhaustive list, the kind of things we were looking at – Potters Fields by the Mayor's office up the Thames, Millbank Tower and the Imperial War Museum, and at the time, and you can see this from the discussion in the Commission report, none of us felt that any of those locations really passed the test, and there were problems with all three of them, which became greater problems in the months which followed. The Government accepted the recommendations of the Commission, the Foundation was established and then more intensive work was put into finding a site. There was a sub-committee of the Foundation to do so which I wasn't on. But I did know that the document was put out in the autumn of 2015, CBRE were commissioned to do a site search. I think they found 24 different possible sites. They recommended three possible sites, which I believe were part of Middlesex Hospital, Knightsbridge Barracks, and the Royal College of Gynaecologists. I have to say that, at that time, none of us in the Foundation thought that we had really found the location. And we sort of solved the problems which we hadn't solved with those three initial recommendations. We then had a meeting of the Foundation in the beginning of January 2016 [*actually 13 January*]. At that meeting, the chair Peter Bazalgette put onto the table in the meeting, that a new site had come forward, which he explained was on the basis of discussions he had had with DCMS and other government agencies, the possibility of Victoria Tower Gardens as a site, which was a site owned by DCMS, managed by the Royal Parks charity. And in that meeting, round the table, I would say, universally, we all felt that we had found what we were looking for. I remember speaking, exactly to this point, that if we wanted something which was iconic, central, something which would bring visitors and make them think, that the Victoria Tower Gardens passed every test that we were setting, in a way which no other site came really anywhere close to doing, and we

all said, if that can be done, that's what we should do. There was then a discussion about the Learning Centre, its location, would it need to be located in a building close by, what complications would that cause, could that be done? I think it was Lord Pickles himself, who by that time was a member of the Foundation as well, who said, 'Why don't we investigate whether the Learning Centre can be co-located underneath the main building', and, as you can imagine, all the people with building experience said that that is an architectural and construction challenge, but it should be investigated. And at the end of that meeting, we left with a clear message of the Foundation, the chair, if this can be done, that's what we want. And I think then some discussions occurred in the weeks which followed, which concluded with the 27th of January 2016 announcement by the Prime Minister that the Government was allocating the 50 million pounds to go ahead with the Memorial in Victoria Tower Gardens, which felt from our point of view an enormous step forward for the work of the Commission and the Foundation, because for all the reasons Eric and I have just explained, this was the iconic site, which would allow us to tell a British story about the past and the 21st century, in a way no other site could. And from that moment on, obviously, there's been huge amounts of work and process leading up to this inquiry. But for me, those two meetings in January, the point where delivering the vision became something huge and powerful and iconic. And that was the process.

Katkowski

Thank you very much indeed, Mr Balls ...

(2)

23 October, Ed Balls and Lord Pickles, joint chairs of the UK Holocaust Memorial Foundation, cross-examination

<https://www.youtube.com/watch?v=pytwYOnJhJc>

(2a) (at 3.07)

Ed Balls

... I've been involved in very, very many government documents over the years. Some of them don't really last a week in terms of scrutiny before they move on. The drafter of this document [*the Holocaust commission report of 2015*] would be extremely surprised to know that five years on we were going through its sentences and paragraphs in such detail. It's probably only the Euro assessment of 2003 as a government document, which has fully lasted the test of time in my experience. As I say, the shelf life is normally much shorter. But it's interesting isn't it – what was a moment of genius – one of the things which you learn in politics and government is you should always scan the horizon for risks and opportunities. But always make sure you're looking at the risk and opportunities at the end of your nose. At the end of our nose was an opportunity. And nobody had seen it. And the moment it came on to the table, in that moment, it's a moment of genius, a moment of insight. ...

(2b) (at 6.20)

Meyric Lewis Yeah. Going back to the moment of genius with me if you please. So, a week or two before the then Prime Minister's announcement that the Memorial will be built in Victoria Tower Gardens, first of all there's no evidence before this inquiry that at that meeting anyone present actively considered the National Planning Policy objections to location of the proposals in Victoria Tower Gardens, is there Lord Pickles?

Pickles Well, there isn't any objection to national planning processes and I'd be very happy if you wanted to go to that point, because after all this enhances the Gardens, it doesn't detract.

Lewis No it doesn't, because the Secretary of State's position before this inquiry is that harm will be caused to the Gardens.

Pickles But not substantial harm.

Lewis OK you say not substantial harm; you said no harm a minute ago.

Pickles My belief is that it enhances the garden. That is not inconsistent. I think we'll end up with a better garden, a more attractive garden, one where people will actually want to go to that garden. It's under-used. And I think we can make it very attractive indeed.

Lewis So that reflects the nature of the discussions which were had at this moment of genius meeting, is that right?

Pickles They might have been implicit, but we clearly wouldn't have contemplated anything that was impossible under the Framework.

Lewis Well, I'm going to come back to that in a moment but basically what you're telling me is, contrary to the fact that the evidence before this inquiry is that the applicant accepts that harm will be caused to the Gardens, those present at the moment of genius meeting in January, would actually have regarded the proposals as an enhancement of the Gardens, is that right?

Pickles Oh yes, definitely.

(2c) (at 6.28)

Lewis Okay, let's go back to my question, which is that there's no evidence that paragraph 97, forget criterion C for the minute, was ever considered at this moment of genius meeting back in January 2016. That's right, isn't it?

Pickles I suspect a lot of things weren't considered, such was our happiness at the prospect of a Memorial and Learning Centre on the site.

Lewis This is the very clear impression I'm getting, and so it follows that you wouldn't have taken any professional planning advice before reaching that decision at the moment of genius meeting. That's right, isn't it?

Pickles I have no way of knowing that one way or the other. I was a new member of the committee and I have no idea what the chairman did.

Lewis Yeah, but what it what it sounds like, is that this was such a meeting of collective excitement, when somebody suddenly spotted Victoria Tower Gardens, somebody said, that's a good idea. But actually, nobody reflected either on paragraph 97 of the NPPF, or indeed the other part of the NPPF, you've touched on it before, relating to substantial harm or less than substantial harm to heritage assets, nobody considered that aspect either.

Pickles Well, if I had been carrying a copy of it with me, in the unlikely event, and had consulted the NPPF I would have been delighted to see that it actually conforms to the NPPF.

Lewis Yes because you've talked about enhancement before, that was your view, so fine, I've noted that and we can move on. Thank you Lord Pickles.

(2d) (at 6.37)

Lewis Indeed. Final question on the moment of genius meeting. I think it follows from what you've said before, that there was no report before your meeting in January 2016 from a professional planner, assessing any of the issues or options before you. Is that correct Lord Pickles?

Pickles 29:43 I cannot recall that happening, but I wouldn't rule it out.

Lewis Well I'm asking whether you're going to rule it in. And if there is Lord Pickles, can you offer to the inquiry to produce any report which may have been before you on that occasion?

Pickles 30:02 Forgive me, I think you're misinterpreting what I said. I've said quite clearly I don't recall such a document, but I couldn't be 100% certain that such a document didn't exist.

Lewis Yeah, that's what – I understood you entirely, that's why I said if it did exist, can you make enquiries and then produce it for this inquiry so we can look at it?

Pickles Yes, I would certainly make enquiries. I'm not sure that it did exist. It was my first meeting, and there was general acclamation because it was such a good idea. But even if there wasn't a consideration, had there been a discussion, as the author of the NPPF I can say with some authority that it would have passed that test.

Lewis Yeah, if it existed, because it's one of the points made, for instance by Sir Peter Bottomley who came before the inquiry in the early stages, and he made the point that even though some detail has

been shared of this, what I'm happy to call this moment of genius meeting, Mr Balls attributed that coinage to Mr Edwards at one point, but the record will reveal that it came from Mr Balls to begin with. It's one of the things, that there's no minute of that meeting, or anything.

Pickles I don't want to get in a squabble between Mr Balls and Mr Edwards about who came up with this phrase but I think it is a very good one.

Balls It was a collective moment of genius.

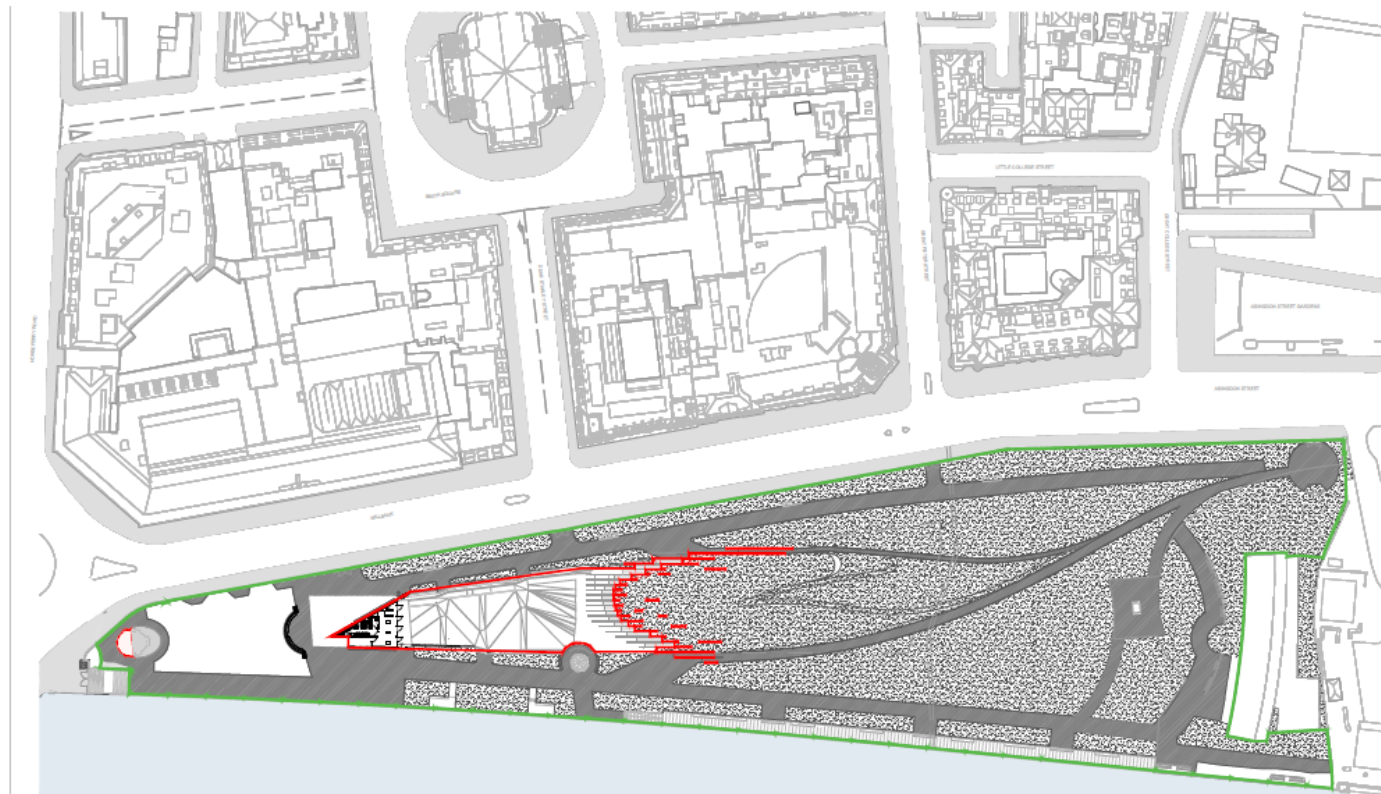
Lewis Yes, I like it too. I like it too but maybe the reasons why I like it are slightly different from why you gentlemen like it, but there we are. Yeah, so if there's a minute you've got or any planning report which was before that meeting, yes please share it with the inquiry.

Pickles Well I have to say in my records I don't have that. But there are others listening to the discussion and if they have it I'm sure they'll supply it.

Lewis Understood. Thank you very much. ...

[*Note by Mr Gerhold : no such document was provided to the inquiry.*]

3. Victoria Tower Gardens: Area (GIA) & Building Area Breakdown... Deposited in House of Lords, committed on 12 April 2023



Green Line
park area = 18,848sqm

criteria:

- inside of boundary wall line
- excludes parliamentary education centre, stairs, existing toilet building
- includes existing green space, paths, playground and kiosk

Red Line

NHM area above ground = 1429sqm (excludes entrance pavilion canopy, includes new boundary)

criteria:

- includes fins, courtyard, security hedge, entrance pavilion & NHM equipment

Areas of Construction relating to the existing park:
From Parliamentary Question (HL6914, tabled on 28 March 2023)

answer from: Baroness Scott of Bybrook

- Area in square metres of Victoria Tower Gardens as a whole that will be occupied by the intended UK Holocaust Memorial and Learning Centre, including (a) the entrance pavilion, (b) courtyard and ramp into the Learning Centre, (c) associated hard standing, (d) service access, (e) new access paths, (f) the parts of the mound not accessible to the public, and (g) areas to be enclosed to ensure the security of the Centre.

TOTAL = 1429 m2 (Source NHM Park Area Diagram rev 2).

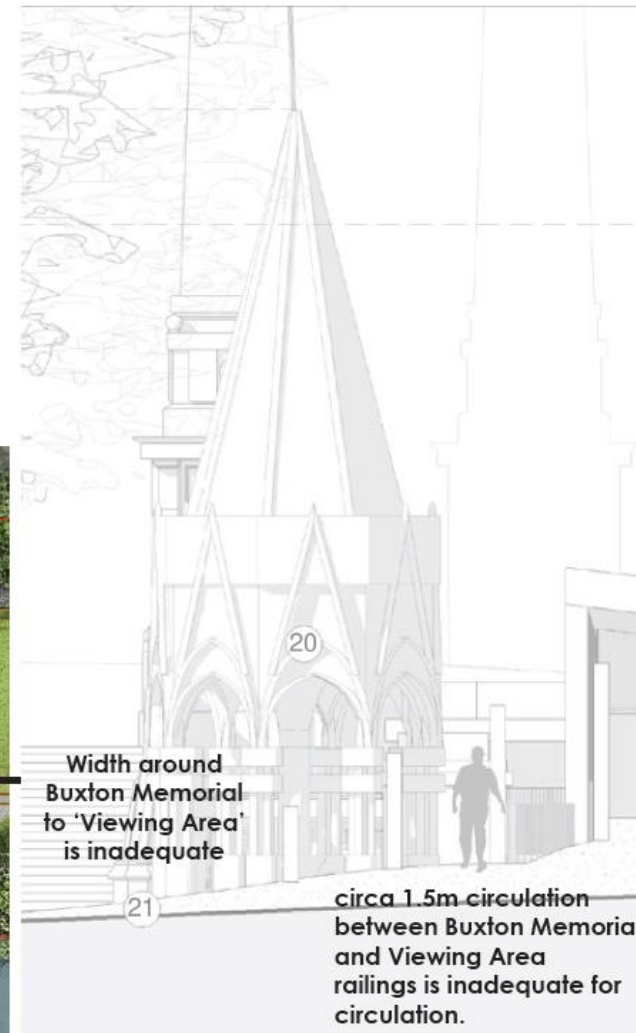
Proportion of Victoria Tower Gardens = 7.58%

Park Area
green line - 100%
red line - 7.58%

Area (GIA) & Building Area Breakdown...
Deposited in House of Lords, committed on 12 April 2023

Paper reference DEP2023-0560
<https://depositedpapers.parliament.uk/depositedpaper/2285463/files>

9. Victoria Tower Gardens: Limitations of circulation as proposed



Limitations of Space around Buxton Memorial

- Buxton Memorial now becomes the 'Buxton Seating Area'
- 2m between seats and monument - = lack of adequate space
- 1.5m between 'Viewing Area' railings & Buxton Monument, = lack of adequate space
- 3m pinchpoint at end of Entrance Building









Suggested amendment to Clause 2 (NB para 37 of our petition):

“Provided always that any such activities shall not cause any degree of harm either actual or to the setting of any other memorial in Victoria Tower Gardens.”

Holocaust Memorial Select Committee, 23 January 2024

Slides of John Fannon

For Thomas Fowell Buxton Society

THE FORGOTTEN ANTISLAVERY MOVEMENT IN THE UK

*Modern Britain has forgotten that their forebears,
once they had made aware of the evils of slavery,
they continually petitioned Parliament
until slavery was abolished*

Website: <https://thomasfowellbuxton.org.uk>

The Buxton Memorial Fountain



Dedicated to Thomas Fowell Buxton, William Wilberforce, Thomas Clarkson, Thomas Babington Macaulay, Henry Brougham and Stephen Lushington

All were involved in the abolition of Slavery in the British Empire, but there were so many more who dedicated their lives and often their fortunes to the struggle.

Apart from Wilberforce, most are forgotten.

The Thomas Fowell Buxton Society

- Buxton was MP for Weymouth 1818 – 1837
- His achievements are commemorated in
 - Georgetown, Sierra Leone,
 - Buxton villages in Guyana and Ontario Canada
 - Mico University in Jamaica
 - A plaque in the Lady Chapel in Norwich Cathedral
- But he had been forgotten in Weymouth!
- In 2011 a small group in Weymouth called a public meeting and as a result, the Thomas Fowell Buxton Society was formed.

The Thomas Fowell Buxton Society

- The Society decided immediately that we should build a monument in Weymouth to celebrate Buxton's achievements
- The monument was designed by Peter Loizou a student of Weymouth College Masonry Department. Masonry students in the college carved the 144 stones making up the monument.
- To erect the monument, over £50,000 was raised by donations, sponsorship, dinners and auctions, piano recitals
- Weymouth Council offered 50-year free lease of the land at Bingleaves Green, on which the monument stands

THE BUXTON MONUMENT, BINCLEAVES GREEN, WEYMOUTH, DORSET



2017 Dedication of the Monument

- A Heritage Lottery Grant allowed the erection of an explanatory information board at the side of the Buxton Monument.
- Dedication carried out by the Bishop of Sherborne, assisted by the Lord Lieutenant of Dorset and the High Sheriff.
- A commemorative book '[Monumental Endeavour](#)' was produced
- Laminated Posters, badges, flyers produced
- Displays in Weymouth Library and also at Poole
- The Society won a special award given by Weymouth Civic Society

2018 – the Bicentenary of Buxton's Election to Parliament

- The Society arranged for a display to be set up on the glass wall in Portcullis House, Westminster, showing Thomas Fowell Buxton's achievements.
- The Society held a Public Meeting there under the sponsorship of Sir Charles Walker OBE, MP. This meeting was attended by members of the Commons and Lords and about 60 members of the general public.
- The meeting included a Society presentation on *The Parliamentary Achievements of Thomas Fowell Buxton*.
- In Weymouth a local service of thanksgiving at St Mary's Church Weymouth was arranged and a presentation on *Georgian Elections in Weymouth*.

2023 – another Bicentenary Celebration

- In 1823 Buxton formally took up the leadership of the Antislavery group in Parliament as Wilberforce's designated successor
- In the Commons, he was supported by
 - William Smith, MP for Sudbury; Henry Brougham, MP for Winchelsea
 - Stephen Lushington, MP for Great Yarmouth; Thomas Denham, MP for Wareham, later Nottingham; Sir James Mackintosh, MP for Knaresborough
 - Daniel O'Connell, MP for County Clare; Thomas Babington Macauley, MP for Calne
- In the Lords by
 - Charles William Wentworth Fitzwilliam, Lord Harbord, 3rd Baron Suffield and Prince William Frederick, Duke of Gloucester and Edinburgh

Other Society Activities

- An [Annual Memorial Service](#) at Buxton's statue in Westminster Abbey with a picnic on VTG near the Buxton Memorial Fountain.
- Presentations to local groups; newsletters; responding to requests received via the society's website; articles in magazines e.g. the Dorset Year Book.
- Primary School Pack '[Thomas Fowell Buxton and Slavery](#)' in association with Fairtrade Fortnight,
- A second book recently published – '[Invincible Determination](#)'
- Raising awareness of [Modern Slavery](#), through our newsletters. There are estimated to be 12,000 slaves in the UK today.
- Raising money for 'Home Leone' a charity to build houses for those dwelling in the slums of Freetown, Sierra Leone

What have we learned from our Society?

- Wilberforce, Buxton et al are acknowledged as the leaders in Parliament, though only Wilberforce is acknowledged by the general public. (Hopefully this is changing)
- Wilberforce and Buxton were supported by colleagues in Parliament and the Antislavery society outside Parliament
- The Antislavery society was supported by the British People. Thousands of antislavery groups around the country organised petitions in Parliament. It is the first time that a groundswell of public opinion changed Parliament.
- Once the British People realised the extent and the horror of the slave trade and slavery, they reacted.

And what of the Holocaust Memorial?

- In recent years Britain's past has been presented as an evil empire.
- But slavery has been endemic in human society since time immemorial.
- Britain was the first country to stop its trade in slaves, abolish slavery within its own dominions, and later strive for abolition world-wide
- The Holocaust Memorial will overshadow one of the few memorials to the struggle against slavery and the British People should be proud of their heritage.
- The Holocaust Memorial in no way can be considered as somehow 'complementing' the Buxton Memorial fountain.
- Both Memorials need the appropriate amount of space for their presentation