

Mr John Stevenson, MP
Chair,
Select Committee on the Holocaust Memorial Bill
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05 February 2024

Dear Mr. Stevenson

HOLOCAUST MEMORIAL BILL – HOUSE OF COMMONS SELECT COMMITTEE HEARINGS

We are writing on behalf of the Promoter in response to your letter of 26 January 2024.

We would like to observe at the outset that several of the questions in your letter appear to be contemplating amendments to the Bill that have not been requested by petitioners during the Committee's proceedings and in relation to which no evidence has been provided to the Committee. Whilst we appreciate the interest of the Committee in these matters, the remit of the Committee is confined to hearing petitioners against the Bill. Furthermore, the quasi-judicial nature of the Committee's role requires it to decide if petitioners have made out their case on the evidence heard and if, in consequence, it is necessary and appropriate to amend the Bill if some other redress (i.e. an Assurance or an Undertaking) is not appropriate or forthcoming from the Promoter.

We have considered your questions and set out our answers below:

The Holocaust Memorial Bill (the Bill)

1. Questions relating to clause 1 of the Bill

- a. Amendments to clause 1. It is the Promoter's position that amendments to clause 1 of any kind cannot be considered by the Committee. Clause 1 is not hybrid. It relates to public policy as it enables the Secretary of State to incur public expenditure for a defined purpose. The fact that the clause is a matter of public policy is evidenced by the fact that it is set out in italics, because it was the subject of a money resolution (as noted in your letter).

Our responses to the rest of the Committee's questions on clause 1 are subject to and should be read in light of the Promoter's position as set out above, i.e. that amendments to clause 1 of any kind cannot be considered by the Committee.

- b. Relevance of current proposals. The Committee should have regard to the Promoter's current proposals for the construction of a Holocaust Memorial and Learning Centre (HMLC) in Victoria Tower Gardens (VTG). Whilst clause 1 is drafted such that the HMLC

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is not the only proposal that public money could be spent on, it is the only HMLC proposed by the Promoter at this time.

- c. Restrictions on clause 1. As set out above, any amendments to the Bill must preserve the ability for the Secretary of State to incur expenditure for the construction of the HMLC in VTG as currently envisaged. To make an amendment to the Bill that prevented this would clearly go against the principle of the Bill, and as such would fall outside of the scope of the Committee to consider.
 - d. Specifying figures in clause 1. The Promoter's position is that it is not within the scope of the Committee to specify particular figures for particular purposes, e.g. to determine the amount of money that may be spent on online learning. This is a matter for ministers in the normal course of making decisions on public spending, as our letter dated 18 January 2024 that you refer to sets out.
 - e. Relevance of money resolution. The money resolution passed by the House of Commons on 28 June 2023 demonstrates that clause 1 is a public policy matter and therefore not for consideration by the Committee.
 - f. Inserting definitions of terms. If it considers it necessary, the Committee could consider an amendment as proposed by the petitioners that would define the word "maintenance", but it is the Promoter's position that this could only be done in clause 2. That said, we would question the need for such an amendment given the widely understood meaning of "maintenance".
 - g. Multiple memorials in VTG. There is nothing that would prevent the Secretary of State from incurring expenditure to build a second HMLC in VTG, so that would be theoretically possible having regard to the drafting of clause 1. However, in practical terms, there is clearly no prospect of two HMLCs being built in VTG, given (in particular) the physical constraints of the location. It is the Promoter's intention that the authority for expenditure should have effect in perpetuity so that the HMLC can be operated once completed and so that, for example, if HMLC were to be damaged for any reason, the Promoter would be able to repair or rebuild it.
2. Questions relating to clause 2 of the Bill
- a. Overall effect of the clauses. Whilst clause 1 is neutral as to the location of HMLC, clause 2 is, by nature of its content, specific to VTG. As set out in our letter to you dated 15 January 2024, the purpose of the Bill is to remove the statutory obstruction created by sections 8(1) and 8(8) of the London County Council (Improvements) Act 1900 (**the 1900 Act**) to the building of the HMLC in VTG. That legal obstruction is specific to VTG, rather than to any other location.
 - b. Effect of section 8 of the 1900 Act. Given the amount of land in VTG that will be needed for both the construction and "operation" of HMLC, the obstruction created by the 1900 Act must be removed during both construction of HMLC and subsequently when the HMLC is operational and open to visitors. Section 8 of the 1900 Act, as it stands, provides a continuing obligation for VTG to be laid out and maintained as a public garden, and therefore currently prevents both the construction and operation of the HMLC.
 - c. Multiple memorials in VTG. As stated at paragraph 2(b) above, the statutory obstruction of section 8 of the 1900 Act must be lifted for the lifetime of HMLC, i.e. during its construction and thereafter when it is present in VTG. There is no plan for any future extension or alterations to HMLC, however, we note that any activity comprising an extension or alteration (or re-erection) of HMLC, all permitted by clause 1, would require a further planning permission.



The Instruction

Before we address the Committee's questions we hope it will be helpful to make some introductory comments about the planning process, as it is clearly relevant to the Committee's interpretation of the Instruction. The planning process is a well-established statutory regime which has evolved continuously since 1947, established to consider a wide range of matters relating to 'town and country planning' - effectively land use. As part of that regime, public inquiries held on behalf of ministers (who have a quasi-judicial decision-making role in relation to planning applications referred to them) are held by independent inspectors who reach their conclusions on the basis of evidence put forward by all participating parties and applying their professional judgement. In this instance, paragraphs 15.3 and 15.4 of the Inspector's Report (included at **Appendix 1** of this letter) demonstrate the sheer breadth of the planning considerations that were fully considered by the Inspector before recommending that planning permission should be granted for HMLC. His conclusions alone took up 67 pages of his Report.

The lawful operation of the planning regime is actively supervised by the courts, as was demonstrated in this very instance of HMLC. Having originally established the planning regime and frequently legislated for it since, it is clearly important that Parliament allows the regime to perform its intended role and this is why it would be inappropriate, as well as unnecessary, for the Committee to seek to 'second guess' or duplicate that role, hence the Instruction given by the House.

In addition, we do not believe that there is anything new for the Committee to consider, in terms of the scope of its role, resulting from Brian Doctor KC's *Petitioners' Note on Scope of the SC's role* dated 01 February 2024 which has been copied to us. At paragraph 16 of that note, Mr. Doctor asserts that '*....if the Promoter's interpretation of the Instruction is correct, then nothing substantive can be considered by the [Select Committee].*' This appears to us to be a wilful misunderstanding of the position and of the hybrid bill process. Whilst the Committee's remit is indeed narrow, owing to the general principles applying to hybrid bill select committees and also the particular nature of the Bill, as we have submitted the Committee is able to consider matters relating to clause 2 and the disapplication of the 1900 Act to the extent they do not encroach on the planning process or go against the principle of the Bill. Mr Doctor also ignores the several other stages the Bill must pass through in the House of Commons, when MPs will be able to propose amendments to the Bill on matters that are not hybrid, therefore particularly amendments to clause 1.

1. 'Territorial' restrictions. It is the Promoter's view that any amendment to the Bill to limit the extent to which the statutory obstruction of section 8 of the 1900 Act is removed would need to include reference to a plan relating to the current proposal for the HMLC. However, we consider that any amendment would also need to include a mechanism to cater for a situation, for example, of the current planning application for the HMLC not being granted planning permission and therefore the scheme for the HMLC having to be changed.
 - a. Relationship with the planning process. The planning process will control what the Promoter may build in VTG. Without planning permission, construction and operation of the HMLC cannot happen, even if the Bill passes. In view of this, it is the Promoter's position that whilst this is within scope for the Committee to consider, it does not need to limit territorially the disapplication of section 8 of the 1900 Act because the Promoter will only ever be able to build within the boundaries stipulated by planning permission as otherwise he will be in breach of that permission and be open to enforcement action. However, if the Committee does decide to make an amendment which limits the territorial extent of the disapplication of section 8, then we consider that it must fit the proposal for which the Promoter is seeking planning permission but with the flexibility for future change if necessary.
 - b. Territorial restriction for the underground building. It is the Promoter's view that, regardless of whether a territorial restriction referred to 'the underground building' or to the Learning Centre by name, such a restriction would be contrary to the principle of the Bill that sets out provision for a Holocaust Memorial *and* Learning Centre.
2. 'Temporal' restrictions. It is the Promoter's view (see above) that the disapplication of the 1900 Act cannot just be effected for a limited period of time; it needs to be brought about in perpetuity.



- a. Section 91 of the Town and Country Planning Act 1990. It is the Promoter's view that it is unnecessary for the Bill to specify the period within which construction must commence because any such provision will either be provided by a future planning condition (as was the case with the planning permission that was quashed by the High Court) or will be covered by the default commencement provisions set out in section 91 of the Town and Country Planning Act 1990. In addition, that Act also allows local planning authorities to serve 'completion notices' on anyone implementing a planning permission to require them to complete the project (and the Committee may wish to note that section 112 of the Levelling-up and Regeneration Act 2023 removes the requirement for the Secretary of State to confirm a completion notice before it takes effect). Any completion requirement that were to be added to the Bill would therefore duplicate planning control. In addition, given there is not currently a fixed programme for construction, and that these matters can in any event be unpredictable, the Promoter does not consider that it is appropriate to impose a time limit within which all construction activities must occur, although the Promoter has offered petitioners Assurances on this issue (in relation to which, please see below).
- b. Section 8 resumption. As we have said above, section 8 of the 1900 Act needs to be disapplied for the entire lifetime of HMLC in VTG, and any amendment to the Bill that precludes this would conflict with the principle of the Bill. So, for the Bill to achieve its principle, there should be no time restriction relating to when the disapplication of section 8(1) and (8) of the 1900 Act would be effective until.

In view of this, it is the Promoter's position that whilst this is also within scope for the Committee to consider, it is neither necessary nor appropriate for the Bill to limit the disapplication of section 8 of the 1900 Act temporally, in essence because of planning controls and, once construction of HMLC is completed, because the continued disapplication of the 1900 Act is required.

3. Special and direct effects. The Promoter considers that the extent to which each of the petitioners the Committee has heard from has (1) a local or private interest that is (2) specially and directly affected by the Bill, is highly relevant to the Committee's deliberations. We refer to our letter to the Chair dated 14 December 2023 when we said, having set out that the Promoter had decided not to challenge any petitioner's right to be heard:

"The Promoter is of the view that a large number of the points made in the petitions concerns matters which are not within the remit of the Committee to consider.....At the Committee hearings, the Promoter's representatives intend to question points made by petitioners which the Promoter considers are not within the remit of the Committee, relating to matters such as the site selection process and decision to locate the HMLC in VTG, the design of HMLC and the inclusion of a learning centre as part of HMLC."

The remit of the Committee is a key consideration but in addition, despite the absence of any challenges to the right to be heard, the essence of the hybrid bill process is still that petitioners must make out a case to the Committee that they (a) have a local or private interest relating to VTG and the disapplication of the 1900 Act proposed by clause 2 of the Bill; (b) that the local or private interest is specially and directly affected by clause 2; and that (c) clause 2 needs amending to protect that interest. The Committee must have this at the forefront of its mind throughout, i.e. the decision not to challenge the right to be heard of petitioners does not then mean that petitioners are able to raise with the Committee any issue they please. Not only must that issue be within the scope of the Committee but it must also come from a petitioner whose local or private interests are specially and directly affected by clause 2 of the Bill.

4. Ministerial statements. We do not consider that the Ministerial statements made during the second reading of the Bill are relevant to the Committee's interpretation of the Instruction, because it is the Instruction itself which determines the matters that the Committee may consider. Statements made by any one Minister giving their own interpretation of the meaning or effect of the proposed Instruction cannot possibly change the meaning and effect of the Instruction as given. In this regard, as Mr Katkowski KC commented at the time, we agree with the interpretation put forward by Keir Mather MP in Committee that the Secretary of State's



statement¹ could be interpreted that: “he meant that it would be a matter for the Committee to consider whether [a given issue] fell into scope.”

Current proposal for the Holocaust Memorial and Learning Centre

Green mound

The public will be able to walk over virtually all of the mound. The Inspector considered and discussed this matter at paragraph 15.199 of his Report: “The smaller areas closer to the fins and adjoining the diagonal footpath would have a gradient 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 façade of the Palace of Westminster, east to 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.”²

Courtyard

In order to access the courtyard, the public would need to obtain a free timed ticket and go through a security screen in the proposed pavilion. Ministers have given a commitment that entrance to the Memorial and Learning Centre will be free in perpetuity.³

Requests for table of amendments suggested by petitioners

In response two tables are included in **Appendix 2** to this letter: one setting out the amendments suggested by petitioners that the Promoter considers are in scope for the Committee to consider (together with the Promoter’s position on the amendments as a whole); and the other setting out all amendments suggested by petitioners considered by the Promoter to be out of scope for the Committee to consider.

Engagement with petitioners

The Promoter met with the following petitioners, or in some cases their representatives, on 31 January 2024:

- Nicholas Brown
- Sir Peter Bottomley MP
- Buxton Family and Thomas Fowell Buxton Society
- London Historic Parks and Gardens Trust
- Baroness Deech
- Thorney Island Society

Lord Blencathra did not respond to the invitation to the meeting and Lord Carlile replied to say that apart from the notice being unrealistically short, the meeting would not be addressing his concerns and seemed to focus on tangential matters, so he gave his apologies and asked us to note his concern that the meeting offered little.

During the meeting the Promoter’s representatives emphasised what you had said in your letter:

¹ After the second reading of the Bill in the House of Commons on 28 June 2023:

“(Peter Bottomley MP) 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?”

“(Michael Gove MP) I think it would be a matter for the Committee.”

² David L Morgan, ‘Report to the Minister of State for Housing’, Report: APP/XF990/V/19/3240661, 29 April 2021, p195 para 15.199.

³ Ministry of Housing, Communities & Local Government, UK Holocaust Memorial Foundation and The Rt Hon Robert Jenrick MP ‘Jenrick announces free admission to the proposed UK Holocaust Memorial’ 28 January 2021’.



“Finally, the Committee understands that the promoter will be engaging with the petitioners over the coming week to explore whether any undertakings or assurances can be agreed. The Committee encourages this engagement, noting that the promoter is limited to agreeing undertakings and assurances that are within scope of the Bill, having regard to the Instruction. The Committee looks forward to hearing whether any progress has been made in this regard at the hearing on Tuesday 6 February”,

and therefore we focussed the meeting on matters that are considered to fall within the Committee’s scope. As we have submitted to the Committee, the Promoter does not consider that most of the issues raised in the petitions *are* matters for your Committee, which is dealing with the Bill’s hybrid aspects rather than public policy issues more widely, including of course matters that are covered by the planning process.

The meeting nevertheless covered a broad range of matters, including:

1. Richard Buxton’s letter dated 26th January and our reply dated 31st January 2024, reproduced in **Appendix 3**; and
2. draft Assurances to the petitioners proposed by the Promoter in advance of the meeting and set out in **Appendix 4**.

Fundamentally the parties were unable to reach a consensus on the scope of the Committee and therefore the discussions were not productive and the Petitioners were not willing to accept or to be accommodated by the Assurances drafted by the Promoter. Nicholas Brown maintained that the matters covered by the draft Assurances should be taken forward as amendments to the Bill, even though he did accept that Assurances were a normal way of dealing with matters in hybrid bill select committees, as was the case most recently with the HS2 bills.

The Promoter maintains his position, as set out above and by Mr Katkowski KC in Committee, that it has not been shown to be necessary or appropriate to amend the Bill in response to points made by petitioners. But having reflected on matters since the meeting, subject to anything arising from hearing the last petitioner on Tuesday 06 February 2024 the Promoter is minded to give the Assurances to the Committee instead, assuming that the Bill is not amended, but in the slightly revised form of the draft Assurances set out in **Appendix 5**. Whilst the Promoter considers that there is no strict need for the Assurances due to the protections that are afforded by the planning process, the Promoter is minded to give them in the belief that they would serve to confirm to the Committee that the Promoter is seeking nothing more than the expeditious, efficient and sensitive construction of the HMLC.

We are copying this letter to the following petitioners, or in some cases to their representatives:

- Nicholas Brown
- Sir Peter Bottomley MP
- Lord Blencathra
- Lord Carlile
- Buxton Family and Thomas Fowell Buxton Society
- London Historic Parks and Gardens Trust
- Baroness Deech
- Thorney Island Society.

Yours sincerely _____

RJV Owen, Partner of Pinsent Masons LLP
Parliamentary Agent for the Secretary of State for Levelling Up, Housing and Communities



Appendix 1: Extracts from the Inspector's Report dated 29th April 2021

Appendix 2: Tables of amendments proposed by the petitioners: In scope (Table 1) and Out of scope (Table 2).

Appendix 3: Richard Buxton's letter to the Promoter dated 26th January and the Promoter's reply dated 31st January 2024.

Appendix 4: Draft Assurances proposed by the Promoter to petitioners on 29/01/24.

Appendix 5: Draft Assurances the Promoter is minded to give to the Select Committee.

APPENDIX 1

15 Inspector's Conclusions

- 15.1 From the evidence before me at the Inquiry, the written representations, and my inspection of the application site and its surroundings, I have reached the following conclusions. The references in square brackets [] relate specifically to earlier paragraphs in this report, though of course it is best read, and considered, as a whole.

Main Considerations

- 15.2 The matters on which the MoSH particularly wished to be informed are:

- Matters pertaining to policies on conserving and enhancing the historic environment as set out in chapter 16 of the National Planning Policy Framework (the NPPF);
- matters pertaining to policies on flood risk as set out at chapter 14 of the NPPF; and,
- any other matters the Inspector considers relevant.

- 15.3 Mindful of these, I find that the main considerations in this Application are:

- a) The effect of the proposal on designated and non-designated heritage assets, specifically:
 - i. Whether the proposal would result in harm to or loss of trees of amenity value
 - ii. Whether the proposed development would preserve the setting of the BM, a Grade II* listed building;
 - iii. Whether the proposed development would preserve the setting of other designated and non-designated memorials and structures in the vicinity of the site;
 - iv. The effect of the proposed development on the significance of VTG, a Grade II RPG;
 - v. Whether the proposed development would preserve the character or appearance of WAPSCA;
 - vi. Whether the proposed development would preserve the setting of the Palace of Westminster, a Grade I listed building;
 - vii. The effect of the proposed development on the Outstanding Universal Value of the WHS and its setting;
 - viii. Whether the proposed development would preserve the settings of adjacent listed buildings, including Norwest House and Nos 1 & 2 Millbank;
 - ix. Whether the proposed development would conserve the setting of the SSCA;

- b) Whether the proposed development, and the increased visitor activity it would generate, would result in the loss of public open space and the functionality of VTG for recreational purposes;
- c) Whether the proposals would be at unacceptable risk of flooding;
- d) The effect of the proposals on the security of the area and
- e) Other material considerations, including any public benefits the proposals might bring, which include (in light of the presentation of evidence and numerous representations made at the Inquiry) the principle of the proposed development, VTG as a location for the memorial, the consideration of other sites and the timing and content of the proposals and alterations to the layout and access of VTG.

15.4 Other matters raised include:

- Transport (access, parking, servicing and effects of construction);
- Archaeology; and,
- Pedestrian movement through and around the site.

15.5 The main issues above vary from those set out in pre-Inquiry meetings and as in my openings at the start of the Inquiry. Firstly, I have chosen to incorporate the main issue of trees within consideration of heritage matters. Consequentially, as WCC's approach to the calibration of harms to all identified heritage assets is contingent on the effect of the proposals on the wellbeing or loss of trees, it is sensible that this matter is dealt with at the outset of heritage considerations.

15.6 In elemental terms, subject to being satisfied that flood risk can be managed, this application turns on the balance between any identified harm to the significance of the various heritage assets and open space and the public benefits that may or may not flow from the proposals. These benefits are presented as principally (but not exclusively) the provision of a UKHMLC and associated landscape proposals of the highest design quality located at the heart of the City of Westminster adjacent to the Palace of Westminster.

15.7 In national policy terms the heritage balance to be applied is set out in paragraphs 195 and 196 of the NPPF and there is broad consensus amongst the parties, with whom I agree, that there is nothing materially different about this policy test and compliance with the policies of the development plan. In addition, any other harms, principally those associated with the loss of public open space, are assessed also against the policies of the development plan and national policy. Reference is also made, where appropriate to emerging policy. [3.3-3.9, 3.10-3.16, 3.17-3.23, 3.24-3.31, 3.32, 3.33, 3.38-3.41]

Effect on Designated Heritage Assets (DHAs)

15.8 All the relevant DHAs (as defined in the NPPF) affected by the proposals are identified in the main considerations above. All parties set out the significance, status and importance of the affected DHAs in their respective proofs of evidence and in the SoCG and there is little to be

APPENDIX 2

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Table 1

Petitioners' Proposed Amendments - In Scope

In relation to the In Scope matters set out in this table, which amount to either territorial or temporal restrictions to the disapplication of the 1900 Act by clause 2 of the Bill, the Promoter's position is that such amendments to the Bill are neither necessary nor appropriate but the Committee is referred to the draft Assurances set out in **Appendix 5** that the Promoter is minded to give to the Committee, subject to anything arising from hearing the last petitioners.

Petitioner	Location	Proposed amendment
Proposed territorial amendments		
These proposed amendments relate to a proposed territorial restriction on the extent of the disapplication of the 1900 Act and are therefore considered by the Promoter to be within the scope of what the Select Committee may consider.		
Nicholas Brown	Nicholas Brown's Petition – page 2, para (1)	<i>Clause 2 of the Bill is unnecessarily wide. The area of land removed from the protection should be restricted to the much smaller area actually required.</i>
Nicholas Brown	Nicholas Brown's Exhibit to the Committee – page 1	<i>Clause 2: Subject to subsections (2) and (3), 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 specified land.</i> <i>Insertion of a new definition of "specified land" which "means the land shown in the plan".</i>
Buxton Family and Thomas Fowell Buxton Society	Buxton Family and Thomas Fowell Buxton Society Petition – page 11, para 41	<i>Amendments to the Bill could be made (a) to secure a maximum "take" and how that is defined.</i>

Thorney Island Society and Residents of Westminster	Thorney Island Society and Residents of Westminster Petition – page 10, para 13	<i>The total area of VTG occupied by any HMLC, including all areas to which the public visiting only the park will be denied access as a result of its presence, should be no greater than 1,429 square metres.</i>
London Parks & Gardens Trust	London Parks & Gardens Trust Petition – page 8, para 6	<i>Placing a limit of 1429 square metres to include the entrance pavilion, courtyard and ramp into the learning centre, associated hard standing, service access, access paths and the part of the mound not accessible to the public (fins and ha-ha) for the activities described in paragraphs (a) to (c) of clause 1 of the Bill.</i>
London Parks & Gardens Trust	London Parks & Gardens Trust Petition - page 9, para 12	<i>LPG requests that the Bill be amended to place a limit (in terms of location and area) on how much of VTG may be temporarily used for works for the purposes in the Bill and for how long.</i>
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 4.A.	<i>The 1900 Act restrictions in relation to VTG should only be lifted to a limited and defined area of a maximum of 1,429 m2 , as will appear on a plan which the Secretary of State should provide, such area to include all the items referred to in the answer by Baroness Scott of Bybrook on 12 April 2023 in response to a question by Baroness Deech, and the diagrams supplied by her to the House of Lords Library on that day.</i>
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 4.B.	<i>You must please be clear about how long the project as currently planned will take, and again be clear as to how much of the rest of the park will be taken up for that purpose and in what timescale.</i>

Proposed temporal amendments

These proposed amendments relate to a proposed temporal restriction on the extent of the disapplication of the 1900 Act and are therefore considered by the Promoter to be within the scope of what the Select Committee may consider.

Nicholas Brown (exhibit to the Committee)	Nicholas Brown's Exhibit to the Committee – page 1	<i>Clause 2: (3) Subsection (1) ceases to have effect if the activities described in paragraphs (a) to (c) of section 1(1) are not commenced by 31 January 2027, and for any part of the specified land which is not constructed upon after 31 December 2028.</i>
Buxton Family and Thomas Fowell Buxton Society	Buxton Family and Thomas Fowell Buxton Society Petition – page 12, para 46	<i>Amendments could be made to the Bill to ensure delivery in an acceptable timescale.</i>
London Parks & Gardens Trust	London Parks & Gardens Trust Petition – page 11, para 24	<i>LPG requests that the Bill be amended to provide that.....the lifting of the restrictions imposed by the 1900 Act should expire after a fixed period.</i>
Thorney Island Society and Residents of Westminster (in their petition)	Thorney Island Society and Residents of Westminster Petition – page 10, para 25	<i>The Bill should be amended to ensure the protection of VTG in two circumstances: 1) That if the HMLC is not commenced by the time the requisite planning consent expires, then Clause 2 of the Bill is to fall away. In other words, the restrictions of the 1900 Act will then apply in all circumstances. 2) That after the completion of the HMLC, in accordance with the requisite planning consent, the removal of restrictions under the 1900 Act will only apply to the completed HMLC and the restrictions in the 1900 Act will continue to apply to any other proposed development in VTG.</i>
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 4.B.	<i>Time for construction – all works must be completed within [2 years] from the start of construction.</i>

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Table 2

Petitioners' Proposed Amendments - Out of Scope

Petitioner	Location	Amendment	Additional comments
Proposed amendments relating to planning matters			
These amendments are considered by the Promoter to be out of scope for the Select Committee to consider because they relate to matters which are for the planning process for HMLC to consider.			
Baroness Deech et al	Baroness Deech et al Petition – page 5, para 8	Proposed amendment to clause 1: <i>In the event that planning permission is to be determined by a Minister whether by redetermination or otherwise no decision may be made until after a further public inquiry has been held</i>	
Baroness Deech et al	Baroness Deech et al Petition – page 5, para 7	<i>In Clause 1(1)(a) of the Bill, and in Clause 2 of the Bill delete the words "over" and "under".</i>	The proposed amendment also goes to the principle of the Bill.
Baroness Deech et al	Baroness Deech et al Petition – page 11, para 29	<i>An amendment limiting the size of any Memorial to no bigger than the Buxton Memorial.</i>	
Baroness Deech et al	Baroness Deech et al Petition – page 12, para 30	<i>There shall be no sales of food and drink within 200 metres of a Memorial in the Gardens</i>	

Thorney Island Society and Residents of Westminster	Thorney Island Society and Residents of Westminster Petition – page 10, para 18	<i>The Bill should be amended so as to require that there be no means of access to the HMLC from the rest of VTG, with the result that visitors will have to approach it directly from Millbank.</i>	
Thorney Island Society and Residents of Westminster	Thorney Island Society and Residents of Westminster Petition – page 10, para 21	<i>The Bill should be amended to provide for separate management of the HMLC and of the rest of VTG.</i>	
Thorney Island Society and Residents of Westminster	Thorney Island Society and Residents of Westminster Petition – page 10, para 24	<i>The Bill should be amended to include a prohibition on work starting on any HMLC in VTG until proposed governance arrangements and a business plan for both its construction and its subsequent management have been approved by both Houses of Parliament.</i>	
London Parks & Gardens Trust	London Parks & Gardens Trust Petition – page 7, para 4	<i>LPG requests that Clause 1(1)(a) be amended by removing the words ‘over or under’, and that Clause 2 be amended by removing the words ‘over, under or otherwise in relation to’.</i>	The proposed amendment also goes to the principle of the Bill.
London Parks & Gardens Trust	London Parks & Gardens Trust Petition	<i>LPG requests that the words ‘extension, alteration and re-erection’ be left out of clause 1(3) of the Bill.</i>	The proposed amendment also goes to the principle of the Bill.

	– page 8, para 7		
London Parks & Gardens Trust	London Parks & Gardens Trust Petition – page 9, para 10	<i>LPG requests that the Bill be amended so as to require the Secretary of State to carry out a public consultation on the question of the optimal site for a proposed memorial and a learning centre before any further planning application is submitted or before the redetermination of any existing planning application.</i>	
London Parks & Gardens Trust	London Parks & Gardens Trust Petition – page 10, para 17	<i>LPG requests that the Bill be amended to provide that:</i> <i>• the body responsible for the running of the HMLC shall not have management responsibilities or any other authority over the parts of VTG not occupied by the HMLC if constructed;</i> <i>• entry to any memorial and learning centre built in VTG shall be from the part of Millbank contiguous to the memorial and learning centre, and the activities described in Clause 1 shall not include the construction of a path providing access to the HMLC from the north end of VTG;</i> <i>• the playground in VTG shall be maintained at its full current size and that it be moved so as to be contiguous with the remaining green space; and</i> <i>• the general public shall at no time be excluded from any part of VTG other than the area occupied by the HMLC by reason of the HMLC and activities connected with it, and in particular shall not at any time be prevented from gaining access to the full length of the existing riverside in VTG for that reason.</i>	
London Parks & Gardens Trust	London Parks & Gardens Trust Petition – page 10, para 19	<i>LPG suggests the Bill is amended with the insertion of the following: “Provided that notwithstanding the disapplication by section 2 of this Act of section 8(1) and (8) of the London County Council (Improvements) Act, the passage of this Act will not have the effect of reducing the level of environmental protection afforded by virtue of those provisions to Victoria Tower Gardens at the time of passing of this Act</i>	The proposed amendment also goes to the principle of the Bill.

London Parks & Gardens Trust	London Parks & Gardens Trust Petition – page 11, para 22	<i>LPG requests that the Bill be amended to provide a greater distance than is currently proposed between any memorial and learning centre and the Buxton Memorial. LPG also requests that the Bill be amended to ensure that all of VTG's trees are protected from damage from construction work with appropriate penalties should the trees' realistic future existence be impaired during the lifetime of the HMLC.</i>	
Richard Buxton	Richard Buxton's Select Committee Exhibits – slide 21	<i>Suggested amendment to Clause 2 "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."</i>	The proposed amendment also goes to the principle of the Bill.
Nicholas Brown	Nicholas Brown's Exhibit to the Committee – page 1	<i>New subsections in clause 2: (2) Subsection (1) only has effect where the activities described in paragraphs (a) to (c) of section 1(1) are the subject of a planning consent by the local planning authority following consultation with the local planning authority on measures to avoid and minimise so far as reasonably practicable the interference with open space and impacts on the landscape.</i>	
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 4.A.	<i>The said area of 1,429 m2 will accordingly include, as specified by Baroness Scott:</i> <i>a) The HMLC Entrance Pavilion.</i> <i>b) The HMLC Courtyard and ramp into the Learning Centre.</i> <i>c) All or any associated hard standing (around the HMLC area).</i> <i>d) All and any service access.</i> <i>e) The new access paths in VTG to the HMLC.</i> <i>f) The parts of the mound which will not be accessible to the public.</i>	

		<i>g) The areas to be enclosed to ensure the security of the HMLC.</i> <i>h) The generator attached to the café, as specified in the diagram supplied as stated above.</i> <i>i) The fins, as they appear on that diagram.</i> <i>j) The reduction in size of the playground compared with the current playground, which appears on the diagram entitled Playground_Area_Adjustment1 submitted by Baroness Scott. We estimate the reduction to be of 371 m2. On this last item, we will need you to explain how the playground area has been reduced in size contrary to the evidence of Sir David Adjaye at the Planning Inquiry, which was to the effect that that there would be no reduction.</i>	
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 4.C.	<i>There have been material changes of circumstances since the original planning application was made, including new and dramatically increased security concerns and constraints, the lack of any realistic objective of completing and opening the project within the life time of all, or almost all, of the survivors, the opening of the Holocaust Galleries at the IWM, the closing of the Jewish Museum for lack of funds, the named responsibility for the design with its associated reputational issues, and the lapse of time. DLUHC should accordingly clarify that there will be a new planning application, and a new planning process and planning inquiry.</i>	
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 4.D.	<i>Buxton Memorial –</i> <i>i. the BM will not be moved; and,</i> <i>ii. no part of the HMLC or its associated features (including structures or fences or hedges) will be built within [5] metres of the BM</i>	
Richard Buxton, on behalf of the petitioners	Letter to the Promoter dated 26 th	<i>Playground size – this should not be reduced</i>	

represented by Brian Doctor KC	January 2024 – para 4.F.	<i>For safeguarding reasons, the playground must be separated from the HMLC entrance surroundings.</i>	
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 4.G.	<i>Vending – there must be no café area or any other sort of food or drink vending anywhere in VTG, as this is inimical to what the memorial is supposed to represent. This might in fact free up the café area for the playground.</i>	
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 4.H.	<i>Governance and security – these are two further important issues on which the Secretary of State should set out his position. For the moment the petitioners whom we represent consider:</i> <i>i. In relation to governance, nothing authorised by the Bill (other than expenditure) should start until the Government has finalised and published a business plan and has established governance arrangements for any memorial and learning centre. There should be a new organisation with voting stakeholders and board members representing the local community, the Jewish community, and the academic community of experts in Holocaust commemoration and memorialisation. This should be approved by both houses of Parliament.</i> <i>ii. As to security, the Secretary of State must surely agree that the situation in this respect has changed dramatically and is of the utmost seriousness, and it needs to be confirmed that no activities authorised by the Bill can begin until the Government has finalised and published a security plan for the memorial and learning centre, and it has been approved by Parliament.</i>	

Proposed amendments that are against the principle of the Bill

These amendments are considered by the Promoter to be out of scope for the Select Committee because they relate to the principle of the Bill and matters of wider public policy that were approved on the Bill's second reading in the House of Commons, resulting in the House passing the Instruction to the Committee.

Thorney Island Society and Residents of Westminster	Thorney Island Society and Residents of Westminster Petition – page 10, para 8	<i>The Bill should be amended to refer only to the construction of a Holocaust Memorial in VTG.</i>	
Thorney Island Society and Residents of Westminster	Thorney Island Society and Residents of Westminster Petition – page 10, para 10	<i>The Bill should be amended to require the Secretary of State to carry out a public consultation on the question of whether the learning centre should be located in a different location from the memorial (if the memorial is to be located in VTG).</i>	
London Parks & Gardens Trust	London Parks & Gardens Trust Petition – page 7, para 3	<i>LPG would prefer Clause 2 to be amended so that the ‘activities’ on the 1900 Act land do not include the construction, use, operation, maintenance or improvement of a learning centre. Alternatively, if the Committee does not accept that proposal, LPG requests that the Bill be amended so as to require the Secretary of State to carry out a public consultation on the question of whether, if the memorial is to be located in VTG, the learning centre should be located in a different part of VTG (such as at the northern end where the current Parliamentary Education Centre is, albeit that permission for it was temporary. It may be under-used and in practice available.). Such consultation should take place before any further planning application is submitted or before the redetermination of any existing planning application.</i>	

Baroness Deech et al	Baroness Deech et al Petition – page 9, para 23	<i>Proposed amendment to Clause 1: The sole purpose of the centre for learning provided for in section 1 of this Act shall be to provide education about the Holocaust of the Nazi period and antisemitism.</i>	
Baroness Deech	Baroness Deech Select Committee Exhibits – Slide 7	<i>I propose an amendment to confine the lifting of the 1900 restriction to a Memorial only.</i>	
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 3	<i>New clause: Any centre for learning relating to any memorial built shall not be built in or at or under VTG.</i>	
Richard Buxton, on behalf of the petitioners represented by Brian Doctor KC	Letter to the Promoter dated 26 th January 2024 – para 4.E.	<i>The subject of any Learning Centre will solely be the [Jewish] Holocaust and not other “genocides”, in accordance with the wording of the Bill. We raise this issue to ensure that Leading Counsel’s statement at the last Select Committee session regarding the strict meaning of the Bill is made clear in the Act and leaves no room for doubt. Many statements by persons and organisations associated with the promoter appear not to be aware of this existing constraint.</i>	
Brian Doctor KC on behalf of his petitioners	Select Committee Transcript 23 rd Jan 2024 – page 10, para 32	<i>We are going to seek to persuade the Select Committee to amend the Bill by inserting a clause, which I have called 1(a), because it will come between 1 and 2, so ‘1(a) Any centre for learning relating to the memorial shall not be built in or at or under the Victoria Tower Gardens’.</i>	

Proposed amendments that are outside the scope of the Bill

These amendments appear to the Promoter to be outside the scope of the Bill.

Baroness Deech et al	Baroness Deech et al Petition – page 10, para 27	<i>The activities described in s.1(1) shall not begin until the government has established the endowment fund for Holocaust Education promised in 2015 in response to the Prime Minister's Commission in order to spread the benefits of the learning centre and of holocaust education around the country.</i>	
Lord Blencathra	Lord Blencathra's Petition – page 9, para 69	<i>I urge the Committee to recommend that Clause 2 should be deleted from the Bill and that Clause 1 be amended to state that the Secretary of State should spend money providing Holocaust education online and through schools to every child in the country at an appropriate age and level and that a “memorial” to the Holocaust should be education so that it is remembered for the evil it was so that it will never happen again. All references to a physical building should be removed.</i>	
Lord Blencathra	Lord Blencathra's Select Committee Exhibits – Slide 16	<i>That is why I will seek to amend the Bill to increase funding to £50 million per annum for on-line education about the Holocaust.</i>	

APPENDIX 3

Mr Robert Owen
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26 January 2024

Dear Mr Owen

Holocaust Memorial Bill – House of Commons Select Committee

1. I write on behalf of the four petitioners whom Brian Doctor KC and we as solicitors represent. This is an open letter and is copied to the Select Committee.
2. We dispute the contention of your Counsel that our group has not responded positively to the offers of discussion from your client. This letter serves to set out our group's contentions as a basis for discussion between ourselves and the Secretary of State.
3. As you are aware, our primary position is to avoid any learning centre being built in VTG (precise form and place in the Bill to be settled by the Parliamentary Draftsman: note the words below are not precisely the same as already advanced, but to similar effect, the principle being that which is in issue)

[New clause] Any centre for learning relating to any memorial built shall not be built in or at or under VTG

4. That said, if we cannot persuade either the Select Committee or the Secretary of State to accept our amendment, the Petitioners have proposed to the Select Committee additional or alternative amendments covering those raised in the Petitions. We have collated these issues as set out below with a view to engaging with the Secretary of State in an effort to reach agreement which would enable the Petitioners to withdraw their Petitions if suitable undertakings or assurances can be devised to achieve them. In the absence of agreement, we will be urging the Select Committee to make amendments to the Bill to like effect, alternatively to require the Secretary of State to give undertakings in the areas we cover, alternatively to ask the House to do so.

A. Size

The 1900 Act restrictions in relation to VTG should only be lifted to a limited and defined area of a maximum of 1,429 m², as will appear on a plan which the

Secretary of State should provide, such area to include all the items referred to in the answer by Baroness Scott of Bybrook on 12 April 2023 in response to a question by Baroness Deech, and the diagrams supplied by her to the House of Lords Library on that day.

The said area of 1,429 m² will accordingly include, as specified by Baroness Scott:

- a) The HMLC Entrance Pavilion.
- b) The HMLC Courtyard and ramp into the Learning Centre.
- c) All or any associated hard standing (around the HMLC area).
- d) All and any service access.
- e) The new access paths in VTG to the HMLC.
- f) The parts of the mound which will not be accessible to the public.
- g) The areas to be enclosed to ensure the security of the HMLC.
- h) The generator attached to the café, as specified in the diagram supplied as stated above.
- i) The fins, as they appear on that diagram.
- j) The reduction in size of the playground compared with the current playground, which appears on the diagram entitled `Playground_Area_Adjustment1` submitted by Baroness Scott. We estimate the reduction to be of 371 m². On this last item, we will need you to explain how the playground area has been reduced in size contrary to the evidence of Sir David Adjaye at the Planning Inquiry, which was to the effect that that there would be no reduction.

B. Time for construction – all works must be completed within [2 years] from the start of construction.

- i. Longer periods have been mentioned at the SC hearings: you must please be clear about how long the project as currently planned will take, and again be clear as to how much of the rest of the park will be taken up for that purpose and in what timescale.
- ii. The Secretary of State should please explain how the construction of the HMLC and its impact on the park during construction will interact with Houses of Parliament R&R.

C. Planning application –

There have been material changes of circumstances since the original planning application was made, including new and dramatically increased security concerns and constraints, the lack of any realistic objective of completing and opening the project within the life time of all, or almost all, of the survivors, the opening of the Holocaust Galleries at the IWM, the closing of the Jewish Museum for lack of funds, the named responsibility for the design with its associated reputational issues, and the lapse of time. DLUHC should accordingly clarify that there will be a new planning application, and a new planning process and planning inquiry.

D. Buxton Memorial –

- i. the BM will not be moved; and,
- ii. no part of the HMLC or its associated features (including structures or fences or hedges) will be built within [5] metres of the BM.

E. Learning centre content – The subject of any Learning Centre will solely be the [Jewish] Holocaust and not other “genocides”, in accordance with the wording of the Bill.

We raise this issue to ensure that Leading Counsel’s statement at the last Select Committee session regarding the strict meaning of the Bill is made clear in the Act and leaves no room for doubt. Many statements by persons and organisations associated with the promoter appear not to be aware of this existing constraint.¹

F. Playground size –

- i. this should not be reduced; and,
- ii. for safeguarding reasons, the playground must be separated from the HMLC entrance surroundings.

G. Vending – there must be no café area or any other sort of food or drink vending anywhere in VTG, as this is inimical to what the memorial is supposed to represent. This might in fact free up the café area for the playground.

H. Governance and security – these are two further important issues on which the Secretary of State should set out his position. For the moment the petitioners whom we represent consider:

- i. In relation to governance, nothing authorised by the Bill (other than expenditure) should start until the Government has finalised and published a business plan and has established governance arrangements for any memorial and learning centre. There should be a new organisation with voting stakeholders and board members representing the local community, the Jewish community, and the academic community of experts in Holocaust commemoration and memorialisation. This should be approved by both houses of Parliament.
- ii. As to security, the Secretary of State must surely agree that the situation in this respect has changed dramatically and is of the utmost seriousness, and it needs to be confirmed that no activities authorised by the Bill can begin until the Government has finalised and published a security plan for the memorial and

¹ See, for example, Greenberg’s evidence to the planning inquiry (2020), pp. 15, 21; the written answer to one of Baroness Deech’s questions (2021), and the Department’s response to Mr Gerhold’s FOI appeal relating to the UKHMF minutes and papers (2023), para 20.

learning centre, and it has been approved by Parliament.

5. We are ready to meet with the Secretary of State and his representatives at any time to discuss these proposed amendments. We trust that the above is a useful agenda for discussion. **Please suggest a meeting area and time next week** (you probably can offer better facilities than we can).

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Buxton', with a stylized flourish at the end.

RICHARD BUXTON

cc. Private Bills Office

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30 January 2024

Dear Mr. Buxton

HOLOCAUST MEMORIAL BILL - HOUSE OF COMMONS SELECT COMMITTEE

1. I am writing in response to your letter dated 26 January 2024, sent on behalf of the four petitioners represented by your firm and Brian Doctor KC.
2. In relation to discussions with petitioners generally, I refer to my 29th January 2024 letter to the Committee (attached) and welcome your engagement for the first time on the issue of commitments that the Secretary of State (**the Promoter**) has been suggesting since October 2023. However, I also refer you to what the Committee's Chair said in his 26th January 2024 letter to the Promoter:

"Finally, the Committee understands that the promoter will be engaging with the petitioners over the coming week to explore whether any undertakings or assurances can be agreed. The Committee encourages this engagement, noting that the promoter is limited to agreeing undertakings and assurances that are within scope of the Bill, having regard to the Instruction. The Committee looks forward to hearing whether any progress has been made in this regard at the hearing on Tuesday 6 February."

We are therefore focussing on matters that fall within the Committee's scope. As you are aware, the Promoter does not consider that the majority of the issues you have raised in your petition are matters for the Committee, which is dealing with the Bill's hybrid aspects rather than public policy issues more widely including matters that are covered by the planning process.

Primary position

3. You state that it is your primary position that you wish to avoid a learning centre being built in Victoria Tower Gardens (**VTG**) and, consequently, propose a new clause is added to the Holocaust Memorial Bill (**the Bill**) along the lines of:

'[New clause] Any centre for learning relating to any memorial built shall not be built in or at or under VTG.'

4. It is clear that this amendment, or any such amendment to a similar effect, falls outside of the scope of the Select Committee to consider. The inclusion of a clause that prevented any centre for learning to be built on VTG would be contrary to the principle that clearly underlies clause 2, i.e. the construction of the Holocaust Memorial and Learning Centre (**HMLC**) in VTG. The scope of the Committee's proceedings was outlined in the House's Instruction to the Committee, which

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is clear that the Committee shall not hear any petition against the Bill to the extent that the petition relates to 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 VTG or elsewhere. It follows from this that the Committee cannot consider an amendment that would preclude the construction of a learning centre in VTG.

Additional or alternative amendments

5. Your letter then sets out a series of matters relating to the Bill on which you and your fellow petitioners seek either undertakings or assurances from the Promoter. I have set out the Promoter's views on each of these points below.

A. Size

6. It is the Promoter's position that territorial restrictions to the disapplication of section 8(1) and (8) of the London County Council (Improvements) Act 1900 (**the 1900 Act**) by clause 2 do fall within the scope of the Select Committee to consider. However, the Promoter considers that any such limitation on the disapplication of these sections of the 1900 Act must include reference to a plan showing the area over which sections 8(1) and (8) of the 1900 Act will and will not be disapplied. The need for any limitations to this effect to include a reference to a plan is evidenced by the disagreement between the Promoter's representatives and your witnesses at Select Committee regarding the exact area that will be occupied by the HMLC.
7. Whilst the Promoter is open to discussing an assurance regarding a possible territorial restriction on the siting of permanent buildings and structures in VTG, and has provided you with a draft of such an assurance and a related plan, the Promoter considers that detailed conditions for how the designated area will be occupied by different component parts of the HMLC are matters for the planning process for the HMLC. It would therefore not be appropriate for these matters to be dealt with by the Bill, whether by assurances or otherwise.
8. If planning permission is granted for the HMLC, this will set out conditions for its construction, operation and ongoing maintenance. The operation of the disapplication of the 1900 Act by the Bill will necessarily be limited to development that is permitted in any planning permission for the HMLC, meaning that the Promoter will not have the ability to take advantage of any wider disapplication of the 1900 Act over VTG. It is worth noting that any future development in VTG would of course also have to be permitted by the grant of planning permission.

B. Time for construction

9. The Promoter has given its evidence to the Committee on these matters and it is not appropriate through this correspondence to cover the same ground. As you are well aware, the planning process will deal with when construction must be started by, either through a specific condition or by default with reference to the Town and Country Planning Act 1990.
10. The Promoter has, however, offered and provided a draft assurance in relation to construction duration.
11. The Promoter is also of the view that the interaction between construction of the HMLC and the Houses of Parliament Restoration and Renewal project is a matter to be dealt with by the planning process.

C. Planning application

12. It falls firmly outside the scope of the Select Committee, and indeed the Promoter, to consider the question of whether a new planning application and planning process is required for the HMLC. The decision as to whether or not a new planning inquiry is required is for the designated minister at the Department for Levelling Up, Housing and Communities, who is responsible for re-determination of the planning application for HMLC, a process which as you know is entirely separate from the Bill. These matters therefore cannot and should not be addressed through any undertaking, assurance or amendment.



D. Buxton Memorial

13. It is not intended that the Buxton Memorial will be moved for the construction of the HMLC. However, the interface of the Buxton Memorial and HMLC is a matter to be considered as part of the planning process for HMLC, and therefore is not a matter for the Select Committee to consider. Therefore, no assurances or undertakings will be given on this.

E. Learning centre content

14. Clause 1(a) of the Bill clearly stipulates that the HMLC will be 'a memorial commemorating the victims of the Holocaust, and a centre for learning relating to that memorial'. It is clear from this the provision that the content of the learning centre will relate to *the* Holocaust.
15. Consideration of learning centre content in further detail is a matter for the planning process and therefore falls outside the purview of the Committee. The Promoter will therefore not be providing any undertaking or assurances in relation to the learning centre content.

F. Playground size

16. The reduction of the playground size during the construction of the HMLC was a matter that was considered by the Inspector who led the public inquiry on the planning application for HMLC. Paragraph 15.201 of the Inspector's Report states that: "*The remodelling of the playground would result in a modest loss to its area overall*".¹ It is the Promoter's position that the interface between the HMLC and the playground is a matter that should properly be addressed as part of any planning permission for HMLC, and therefore no undertaking or assurance on this will be given.

G. Vending

17. The Promoter is not prepared to provide an undertaking or assurance in relation to whether there will be a café or any other food or drink vending in VTG as part of HMLC, as it is the Promoter's position that this is also a matter for the planning process.

H. Governance and security

18. It is the Promoter's position that matters of governance and security are beyond the Committee's scope. Governance is a matter of public policy rather than one for the Committee, and security issues have of course been extensively considered through the planning process, are covered in the Inspector's report and are matters you are free to raise in connection with re-determination of the planning application.

Yours sincerely

RJV Owen, Partner of Pinsent Masons LLP
Parliamentary Agent for the Secretary of State for Levelling Up, Housing and Communities

¹ David L Morgan, 'Report to the Minister of State for Housing', Report: APP/XF990/V/19/3240661, 29 April 2021, p195 para 15.201.

APPENDIX 4

HOLOCAUST MEMORIAL BILL

HOUSE OF COMMONS SELECT COMMITTEE

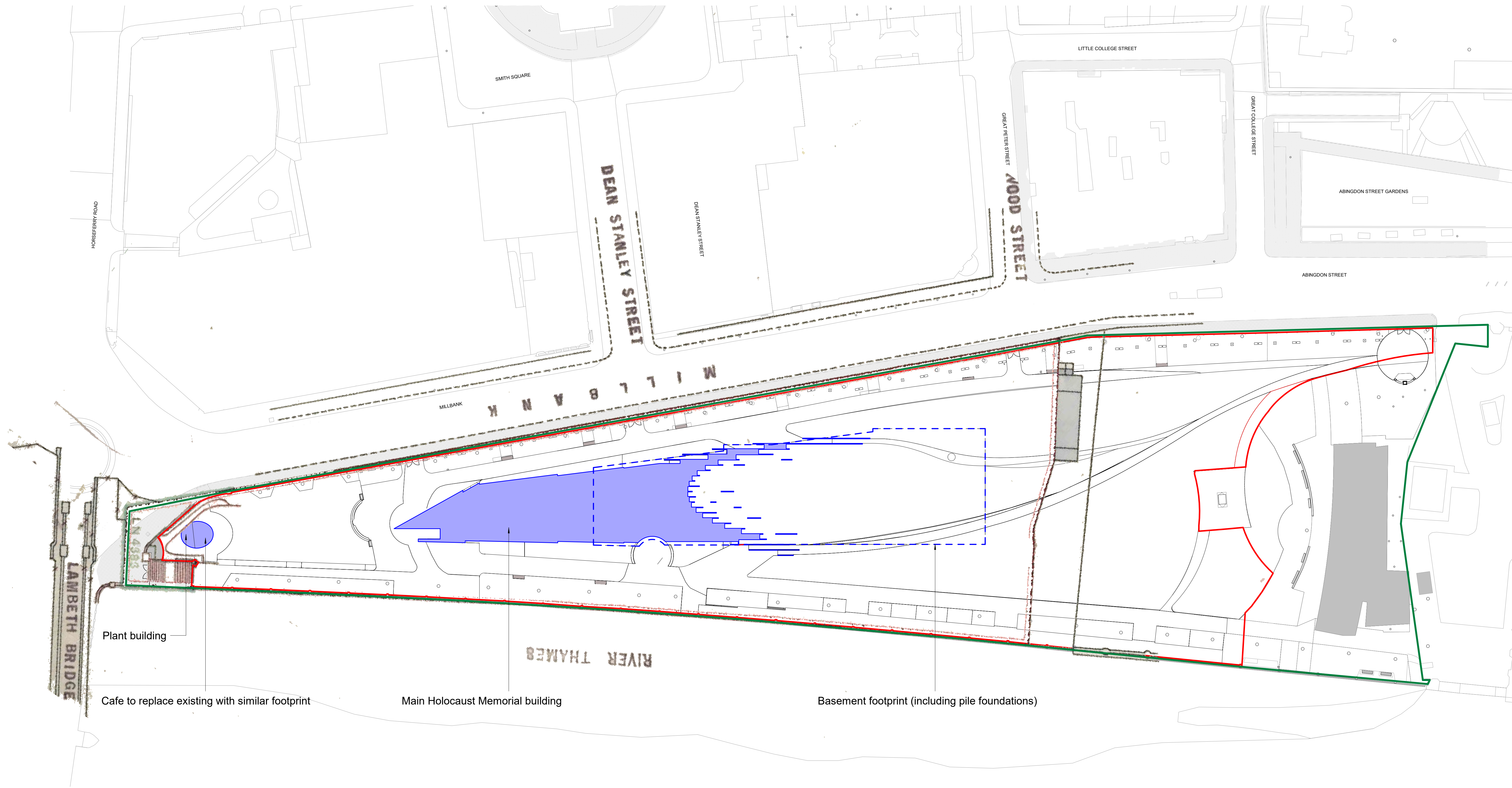
ASSURANCE BY THE PROMOTER TO PETITIONERS RELATING TO CONSTRUCTION AND THE TERRITORIAL EXTENT OF THE MEMORIAL AND LEARNING CENTRE

The Promoter has noted the concerns raised by various petitioners on the scope of Clause 2 of the Bill and the resulting impacts on the public's use of Victoria Tower Gardens during and after construction of a Holocaust Memorial and Learning Centre, should planning permission be granted for it. Having regard to these concerns, the Promoter gives the following assurances to the petitioners:

1. The Promoter will ensure, as far as reasonably practicable and health and safety considerations allow but excepting factors beyond the Promoter's control (such as adverse weather conditions), that:
 - (a) restrictions on access by the public to Victoria Tower Gardens during the construction of a Holocaust Memorial and Learning Centre will be kept to a minimum and that, in particular, the Promoter will keep a footpath along the river Thames open during the construction period whenever reasonably practicable; and
 - (b) construction will be carried out in a timely and efficient manner.
2. The Promoter will require any contractor appointed to construct a Holocaust Memorial and Learning Centre to adhere to the assurances given in paragraph 1.
3. The measures given in paragraph 1 are intended to supplement any actions required to be taken under conditions attached to any planning permission rather than to replace them. Should there be any conflict between these assurances and the requirements of any planning condition, the requirements of the planning condition would take precedence.
4. Although Clause 2 of the Bill applies to the whole of Victoria Tower Gardens, the Promoter will only site the permanent buildings and other structures comprising a Holocaust Memorial and Learning Centre and its ancillary facilities (the permanent elements) in, on, under and over land:
 - (a) coloured blue and/or edged in blue on the attached plan (which reflects the siting of the permanent elements proposed by the current planning application awaiting re-determination); or
 - (b) that is permitted by a planning permission for any other (i.e. modified or replacement) scheme for a Holocaust Memorial and Learning Centre for the siting of the permanent elements.

Pinsent Masons LLP

29 January 2024



1 Location Plan
1:500

- Boundary of Victoria Tower Gardens based on HM Land Registry titles
- Planning application red line
- Basement footprint
- New above ground Holocaust Memorial buildings



DRAFT

4-All works to be done in accordance with technical Building Regulations, and material manufacturer's requirements.

5-Annotations and materials legend see page 00100.

6-Based on the principle-based solutions to the project represented in the architect's drawings, the contractor must draw up technical design shop drawings and / or a work execution project for which the relevant subcontractor undertakes full responsibility for all works to be done on behalf of the contractor. Shop drawings must indicate all constructional information required by the technological, Building Regulations and material manufacturer. These drawings must be accepted by the author of the project, the client's representative and the construction supervisor.

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Revision	Date	Description	Rev.
Status	D2 - ISSUED FOR TENDER		
Client	United Kingdom Holocaust Memorial Foundation		
Project	National Holocaust Memorial		
Drawing Title	Unnamed		
Drawing No.	UKHM-03-504		
Scale	As Indicated @ A0	Drawn By	Author
Date	06.11.20	Checked By	Checker

APPENDIX 5

HOLOCAUST MEMORIAL BILL

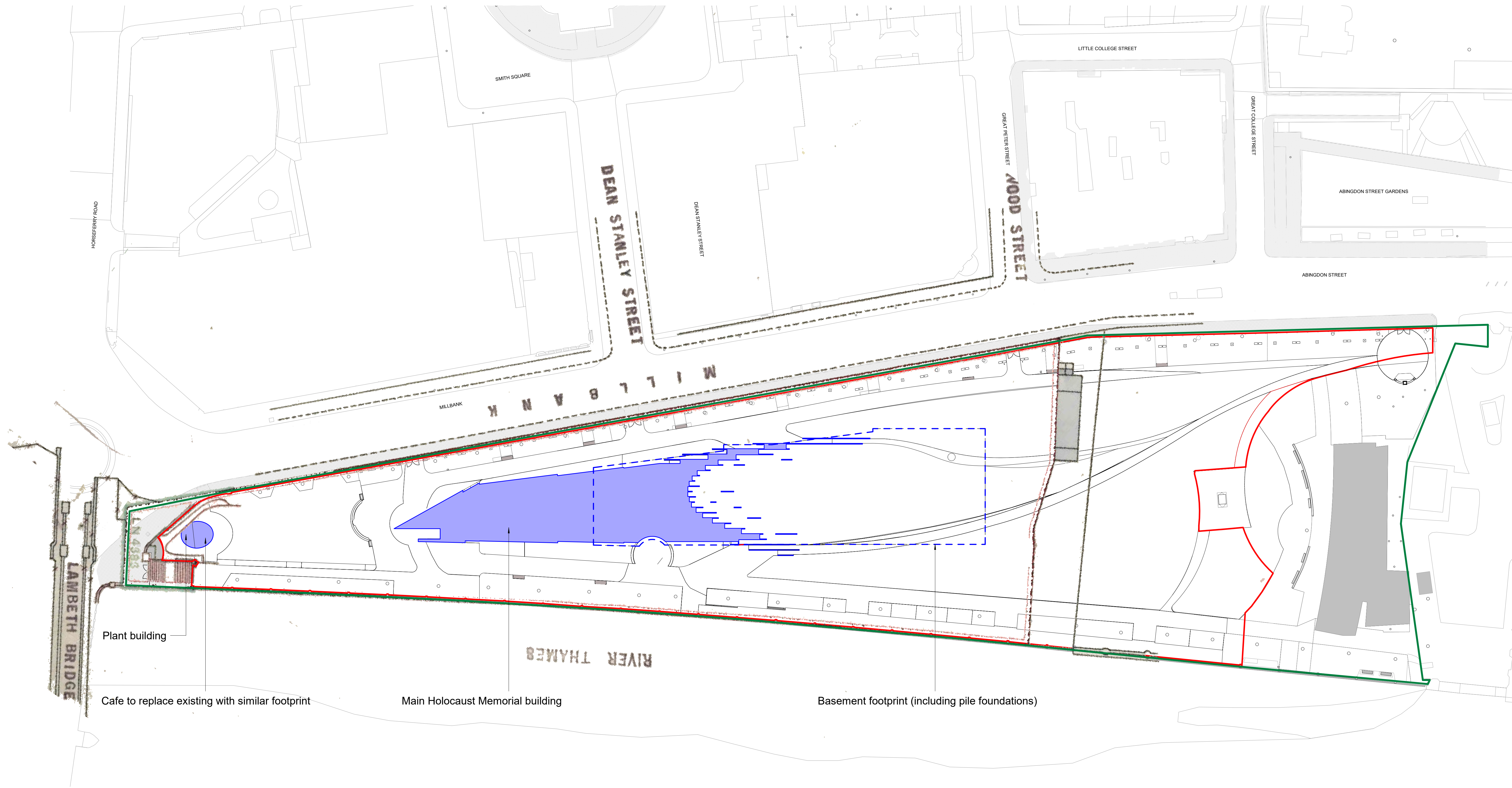
HOUSE OF COMMONS SELECT COMMITTEE

[DRAFT] ASSURANCES BY THE PROMOTER TO THE SELECT COMMITTEE RELATING TO CONSTRUCTION AND THE TERRITORIAL EXTENT OF THE MEMORIAL AND LEARNING CENTRE

The Promoter has noted the concerns raised by various petitioners on the scope of clause 2 of the Bill and the resulting impacts on the public's use of Victoria Tower Gardens during and after construction of a Holocaust Memorial and Learning Centre, should planning permission be granted for it. Having regard to these concerns, the Promoter gives the following assurances to the Select Committee:

1. The Promoter will ensure, as far as reasonably practicable and health and safety considerations allow but excepting factors beyond the Promoter's control (such as adverse weather conditions), that:
 - (a) restrictions on access by the public to Victoria Tower Gardens during the construction of a Holocaust Memorial and Learning Centre will be kept to a minimum and that, in particular, the Promoter will keep a footpath along the river Thames open during the construction period whenever reasonably practicable; and
 - (b) construction will be carried out in a timely and efficient manner and to a target programme of no longer than 3 years and 6 months.
2. The Promoter will require any contractor appointed to construct a Holocaust Memorial and Learning Centre to adhere to the assurances given in paragraph 1.
3. The measures given in paragraph 1 are intended to supplement any actions required to be taken under conditions attached to any planning permission rather than to replace them. Should there be any conflict between these assurances and the requirements of any planning condition, the requirements of the planning condition would take precedence.
4. Although clause 2 of the Bill applies to the whole of Victoria Tower Gardens, the Promoter will only site the permanent buildings and other structures comprising a Holocaust Memorial and Learning Centre and its ancillary facilities ("the permanent elements") in, on, under and over land:
 - (a) coloured blue and/or edged in blue on the attached plan (which is in accordance with the siting of the permanent elements proposed by the current planning application awaiting re-determination); or
 - (b) that is permitted by a planning permission for any other (i.e. modified or replacement) scheme for a Holocaust Memorial and Learning Centre for the siting of the permanent elements.

05 February 2024



1 Location Plan
1:500

- Boundary of Victoria Tower Gardens based on HM Land Registry titles
- Planning application red line
- Basement footprint
- New above ground Holocaust Memorial buildings

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4-All works to be done in accordance with technical Building Regulations, and material manufacturer's requirements.

5-Annotations and materials legend see page 00100.

6-Based on the principle-based solutions to the project represented in the architect's drawings, the contractor must draw up technical design shop drawings and / or a work execution project for which the relevant subcontractor undertakes full responsibility for all works to be done on behalf of the contractor. Shop drawings must indicate all constructional information required by the technological, Building Regulations and material manufacturer. These drawings must be accepted by the author of the project, the client's representative and the construction supervisor.

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Revision	Date	Description	Rev.
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