

HOLOCAUST MEMORIAL BILL

HOUSE OF LORDS SELECT COMMITTEE

PROMOTER'S NOTE ON THE SCOPE OF THE COMMITTEE'S PROCEEDINGS AND PLANNING MATTERS

1. This note has been prepared on behalf of the Secretary of State for Housing, Communities and Local Government, Promoter of the Holocaust Memorial Bill (**the Bill**). It is provided in response to a request made by the Chair of the Select Committee on the Holocaust Memorial Bill (**the Committee**) at its hearing on 13 November 2024 (**the Hearing**) for a concise explanation of the Promoter's position that planning matters do not fall within scope ¹.
2. As the Committee is aware, planning permission has not yet been granted for the proposed Holocaust Memorial and Learning Centre at Victoria Tower Gardens (**HMLC**), as the planning application before the Secretary of State is being redetermined following the High Court's quashing of the planning permission previously given. The Bill does not make any provision for planning permission (or any other consent) to be given for a HMLC, leaving all issues relating to whether planning permission should be granted to the planning process.
3. That redetermination process, which is part of the normal planning process governed by the Town and Country Planning Act 1990, is the proper forum for interrogation and consideration of the full range of planning matters, which can be summarised as essentially:
 - 3.1 whether or not planning permission should be given for the HMLC proposed by the Promoter, which will include a consideration of the scale and location of the HMLC; its design and appearance; and the impacts of the HMLC, including on Victoria Tower Gardens, such as impacts on visual, amenity and heritage interests; and
 - 3.2 if it is determined that planning permission should be given for the HMLC proposed by the Promoter, the conditions the permission should be subject to (such as relating to the time within which construction should commence and controls on construction).
4. These matters were considered in detail by a Planning Inspector, further to a very large volume of evidence from, and submissions made by, both supporters of and objectors to the proposed HMLC in VTG at a public inquiry, as evidenced in the report prepared by that Inspector. It is now for the Minister of State tasked with redetermining the planning application to consider that report and any further information submitted by interested parties during the redetermination process. Whether the reactivated planning process will involve a new inquiry or written representations has yet to be decided by the Minister.
5. The Promoter considers that the full range of planning matters are not matters for the Committee, essentially for two reasons:
 - 5.1 insofar as arguments concerning planning matters, which either have already been made in the planning process and / or in any event can still be made once the planning process is reactivated, are raised by petitioners so as to:
 - 5.1.1 question whether there should be a Holocaust Memorial and Learning Centre, either at all or in Victoria Tower Gardens;
 - 5.1.2 oppose the HMLC proposed by the Promoter;

¹ See, too, the Promoter's previous notes which (in part) also deal with planning matters: (1) *Note on the Principle and Scope of the Bill* (16/10/24), paragraph 7: [PRO-003](#); (2) *Note on right to be heard challenges* (16/10/24), paragraphs 25 and 26: [PRO-004](#); and (3) *Letter to the Chair of the Select Committee*, Appendix 1 (Note on the scope of the Committee's considerations relating to the Bill), paragraph 7: [PRO-006](#).

- 5.1.3 argue that the memorial comprising part of the HMLC proposed by the Promoter should not be co-located with the learning centre comprising the other part of the HMLC proposed by the Promoter; and/or
- 5.1.4 say that the location, size, design and/or appearance of the HMLC proposed by the Promoter should be changed,

they are attacking the principle of the Bill, which is not permitted. Given that the Bill does not grant planning permission for the HMLC proposed by the Promoter, the fundamental question which inevitably arises is what are the petitioners seeking to achieve by addressing the Committee on these matters, which have been and can again be considered via the planning process, and what are they asking the Committee to do in response to their arguments? It appears to the Promoter that the petitioners are deploying planning arguments to attack the public policy and purpose of the Bill, i.e. its principle; and

- 5.2 insofar as arguments are raised by petitioners which relate to the future course of the planning process for the HMLC proposed by the Promoter (e.g. that there must be a new planning inquiry, that there should be a new planning application made to Westminster City Council or that the planning process should not continue unless and until a security review has been completed), **those matters are not relevant to the scope of the Bill** because the Bill does not deal with planning process matters, as they fall to be determined by the Minister of State in the normal way. Accordingly they should not be heard by the Committee as they are beyond the Committee's remit.
- 6. The Promoter would be happy to make further submissions to the Committee on these matters if it would assist.

18 November 2024