

## Chris Goddard Written answers to Questions from Dr Dorian Gerhold

### A. Development plans and planning policy

Q1. You say that the proposed use is encouraged within the Core CAZ by London Plan Policy S22, and then add 'and as such, in this location' (para 7.11). How does S22 encourage the proposed use within Victoria Tower Gardens, especially in view of London Plan Policy 7.18?

#### **Answer**

**As I state in my PoE (para 7.11) Policy S22 states that new arts and cultural uses will be acceptable in the Core CAZ. VTG is in the Core CAZ and as such the use is acceptable. This Policy is part of a series of policies which actively support and encourage cultural uses and development which contributes to Westminster's role at the heart of a preeminent world class city. As such, the use is encouraged in the Core CAZ. This support has to be considered in the context of other policies, including London Plan policy 7.18, which I address in my PoE (para 7.16). I concur with the GLA's conclusion that this policy is met.**

2. If a local plan requiring protection of open spaces is consistent with reducing their area while improving their quality (paras 7.21-7.24), is there any barrier at all against other government projects deemed to provide a public benefit but which reduce the public area of an open space?

#### **Answer**

**Every planning application falls to be determined against the Development Plan and other material considerations in the circumstances of each case. I consider the unique circumstances in this case fully support the grant of planning permission for the UKHMLC in this location.**

3. City Plan Policy S35 refers to 'protecting all open spaces'. Which words in Policy S35 support the conclusion that the proposed development is not contrary to that policy (para 7.66)?

#### **Answer**

**Unlike saved policy ENV15 which states in terms that planning permission will not be granted for development on or under public open space, the more recent Policy S35 seeks to protect and enhance Westminster's open space network by, inter alia, securing contributions to improving the quality of local public open spaces. I consider the proposals enhance the quality of VTG.**

4. Does City Plan Policy S27 specifically support the location of the proposed development in Victoria Tower Gardens, or only its location in a somewhat wider central area (para 7.12-7.13)?

#### **Answer**

**The latter.**

5. Which of the three exceptions in NPPF para 97 supports the conclusion in your para 8.8?

**Answer**

**The NPPF should be read as a whole and requires a balanced approach. My conclusion in para 8.8 is not reliant on the exceptions in para 97 of the Framework, but in reaching this conclusion I had regard to the provision of better quality provision of open space (criterion b), and the overall planning balance having regard to the national and international benefits of the UKHMLC. I do not suggest that the Site is surplus to requirements (exemption a). Under exception c) ‘recreational provision’ is not defined in the Framework. However, taking recreation in its broadest sense I consider the provision of the UKHMLC and other enhancements to VTG would outweigh the ‘loss’ of 7.5% of publicly accessible open space and would not materially affect the current use of the Gardens.**

6. In what way is the conclusion in the second half of your para 8.6 relevant to para 96 of the NPPF?

**Answer**

**The NPPF falls to be considered as a whole and requires a balanced approach. Paragraph 96 of the NPPF refers to access to a network of high quality open spaces and opportunities for sport and physical activity. As ball games are prohibited in VTG, its value is primarily as recreational open space rather than for sport. As I note in my PoE (Para 7.20) VTG is not in an area of open space or active play space deficiency. The second half of my Paragraph 8.6 refers to the wider contribution of the UKHMLC to the social and cultural well being of the community and overall enhancement of VTG. I consider enhancing the quality of VTG and encouraging more people to enjoy the current and enhanced facilities in VTG, without any material loss of any of the current functions, accords with the objectives of Paragraph 96.**

#### B. The selection of VTG

7. You say you only became involved in the application when it was called in (para 1.5), and your account of how the site was selected follows closely that in the planning and environmental statements (paras 4.4-4.10). What evidence did you examine to ensure that the planning and environmental statements gave an accurate account?

8. You say that Victoria Tower Gardens emerged as a possible site in January 2016 (para 4.10). Please could you reconcile that with parliamentary answers by the applicant stating that it was under consideration from autumn 2015 and that there were meetings in Downing Street about it in early December (set out in CD 10.25, Annex 4, No. 2).

9. You say that the area of the site search was bounded by the Thames to the south (para 4.6). The published criteria of September 2015 included a map of the sufficiently central area of London, including a large area south of the Thames (CD 14.06). When were the published criteria changed, and on whose authority?

10. You state that Victoria Tower Gardens is the most suitable site for the Holocaust Memorial and Learning Centre, and that that is a fundamentally important material consideration (para 10.12). Can you provide evidence of a comprehensive and coherent comparison of sites underpinning the conclusion that it was the most suitable site made before Victoria Tower Gardens was recommended in January 2016?

**Answer to questions 7, 8, 9 and 10**

**I had no involvement in this Application prior to late 2019 and have no first hand knowledge of these matters. The background information and chronology in Section 4 my Proof of Evidence is taken from the DP9 Planning Statement which I understand was, in turn, based information provided by the Foundation to my colleagues at the time of the application. Given this background information has no bearing on my planning assessment of this Application, I had no cause to challenge this account and even if it was relevant, I have seen no evidence subsequently to suggest the account is incorrect. The background and chronology has been confirmed by the Joint Chairs who were involved throughout this process, and have given evidence and answered questions on these matters. In relation to question 10, this misquotes paragraph 10.12 of my evidence. This highlights the clear and pressing need for a UKHMLC and compelling reasons why VTG is an appropriate and on the evidence available the most suitable site on which to meet this need. This is on the basis that there is no other proposal or site before this Inquiry.**

C. Area of green space taken

11. Please reconcile the statement that only about 7% of the current open grassed area of VTG would be lost with the Government's assessment that 15% of the green space would be lost (para 7.21; see CD 10.25, Annex 4, No. 1).

**Answer**

**This is a question more appropriately put to Mr O Shea. However, the 7.5% is taken from the SoCG and has been agreed with WCC. As I understand the position, this relates to publicly accessible space.**

12. Why does the reduction of 15% in the green space (on the Government's figures) not constitute 'material loss in the utility of the available space' for existing users (para 5.13)?

**Answer**

**Again this is a question for the landscape witness. However, as I note in my PoE (5.13) the landscape evidence demonstrates that the loss of a small proportion of open space is offset by the material improvements to the quality and utility of the enhanced VTG, which I consider addresses the provisions of London Plan Policy 7.18 (as agreed by GLA) and City Plan Policy S35.**

D. History of VTG

13. The size of VTG has been virtually unchanged since 1914, so what is meant by 'consistent with the ongoing evolution of this area' (para 7.21)?

14. Have there been any changes to the landscape of Victoria Tower Gardens since 1957 which could be regarded as significant (paras 3.3-3.4, 3.10-3.13)?

#### **Answer to questions 13 and 14**

**These questions are more appropriately directed to the Applicants heritage and landscape witnesses. However, my reference to the ongoing evolution of the VTG refers to its history, as noted in my PoE (paras 3.3-3.4, 3.10-3.13) since the 1870's, including expanding VTG in 1914, works in 1957 including locating the Buxton Memorial, planning permission (not implemented) for a new paved area around the Buxton memorial, reworking the children's play area and extension of the toilets in 2014, and the erection of a new education centre in 2014. I do not regard the changes since 1957, including the education centre, as particularly significant in the context of the continued evolution of VTG since the 1870s.**

#### E. Government support

15. You refer to the Government's stated commitment to deliver the UKHMLC in this location as a material consideration (paras 8.1-8.2), but the Government, through the Secretary of State, is the applicant. In what way is the fact that the applicant supports the application a material consideration?

#### **Answer**

**The Applicant is the Secretary of State, and as such he would be expected to support the Application and has done so as stated in my PoE (para 4.19) which deals with the background to this Application. Paras 8.1-8.2 of my PoE refer to the clear cross party support and commitment of successive governments to develop the UKHMLC in VTG, as demonstrated by the support of the current Prime Minister and by every living past Prime Minister, which I regard as an important material consideration in this case.**

Chris Goddard  
DP9

10 November 2020