**Application to build the Holocaust Memorial and Learning Centre in Victoria Tower Gardens (19/00114/FULL) (appeal ref 3240661)**

**Objection by Dorian Gerhold**

[Consolidated on 6 October 2020 to consist of:

* Main submission with Annexes 1 to 4, of 25 September, with two changes: a correction to para 33(iii), and the addition to Annex 4, No. 4, of 5 October;
* Annex 5 (reply to Mr Balls/Lord Pickles and Dr Miele), of 25 September;
* Annex 6 (summary of the history of Victoria Tower Gardens), of 4 October.]

1. My interest in Victoria Tower Gardens (VTG) stems from being a House of Commons Clerk for thirty-three years, including long periods based in Millbank, when I came to admire the simple but inspired planning of VTG. The second reason is that when VTG was chosen for the Memorial and Learning Centre virtually no information was provided about how and why the decision had been made. This lack of transparency prompted me to seek the missing information. Subsequently, being a historian, I have researched the history of VTG and am about to publish a short book about it. I am a Fellow of the Royal Historical Society and of the Society of Antiquaries.

My evidence

2. As other objectors will deal with planning rules and policies in detail, this objection concentrates on examining (i) the reasons advanced for placing the Memorial and Learning Centre next to Parliament, with the aim of determining whether the public benefits claimed from locating them in VTG are real, and (ii) the flawed process by which VTG was chosen.

3. I emphasise that my opposition is to the choice of location for the Holocaust Memorial and Learning Centre and not to the principle of it. I believe that the vision of the Holocaust Commission, resulting from exceptionally extensive consultation, has been distorted and impaired by the selection of an unsuitable site.

Harm and wider planning issues

4. The inquiry will necessarily consider detailed matters such as precise degrees of harm and the relationship of different planning policies, but the mass of detail should not be allowed to obscure wider issues, including the following:

1. The unprecedented nature of this attempt by the Government to build on a long-established public park in central London. I have been unable to identify a similar example in the past century and a half of the Government seeking to build on a substantial part of a central London open space for reasons unconnected with its recreational purpose. Approving the application would set an important precedent.
2. If the local plans for Westminster and London say that open spaces are to be protected, the public have a reasonable expectation that it means open spaces will be protected − not that open spaces will be protected until it is inconvenient to politicians to do so. The courts have said that a development plan has to be considered as a whole, but they have also said that ‘Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.’ (Tesco Stores Ltd v Dundee City Council [2012] UKSC 13 para 19). The present proposal undermines the credibility of the entire system of local plans.
3. NPPF para 97 says that ‘Existing open space ... should not be built on’ unless certain conditions apply (none of which apply in this case). It does not allow for alleged offsetting benefits from building on such a space
4. The benefit of a public open space depends on it being public and open, and therefore building on it necessarily causes harm; in terms of the value of the open space itself (as opposed to more general public benefits) it cannot be offset by alleged enhancements, which is presumably why NPPF para 97 does not provide for such offsetting.
5. If the paths in an open space are out of repair and drainage is poor, the answer is to improve the paths and the drainage, not to build a Memorial and Learning Centre. The claimed ‘enhancements’, though stated to be part of a single scheme, are separable: they could be carried out on their own without the Memorial and Learning Centre and, equally, the Memorial and Learning Centre could be built without them. Therefore they cannot be taken into the balance as offsetting the harm caused by building the Memorial and Learning Centre.
6. The impact of building on an open space cannot be assessed through abstract percentages, as the Government’s 7.6% figure does. Even the Government accepts that 15% of the green space in VTG will be taken (parliamentary answer 270274), and the London Gardens Trust’s figure for usable recreational areas lost is 27%. A glance at the plans shows that the whole of the southern third of this elongated open space will be removed from its existing users, apart from paths along the sides and the playground, which will be cut off from the rest of VTG.

5. Note that the MHCLG misrepresents its own planning rules in stating that its proposal would be in accordance with NPPF para 97 (Planning Statement addendum, para 2.23-27). None of the three conditions in para 97 allowing open space to be built on apply in this case: neither VTG nor any part of it is surplus to requirements; the land taken is not being replaced at all, let alone by equivalent or better provision; and the development is not for alternative sports or recreation provision. The paragraph does not allow building in return for alleged ‘enhancement’. This is a disturbing sign of the MHCLG’s unwillingness to abide by its own planning rules.

6. Before considering the public benefits claimed from placing the Memorial and Learning Centre in VTG, it is necessary to consider one other apparent reason for the choice of site, namely that it is free. According to the UKHMF’s consultation document on sites of September 2015, one of the criteria was the cost of the land, described as ‘an important factor in choosing a site’; the UKHMF ‘will not be considering sites where the owner is seeking to be paid on a valuable alternative use basis such as residential, office or hotel’. The Government’s oft-stated commitment to Holocaust commemoration evidently did not extend to paying a market price for a site. This is likely to have biased the process in favour of a public open space. The government press release of 4 September 2018, launching a public consultation on the designs, said that VTG was not only the most significant location but also the one ‘offering the greatest value’. **The applicant should be asked to explain the extent to which VTG being free (as opposed to the claimed public benefits) determined the choice of location.**

*Public benefits*

7. The NPPF requires that *any* harm to a heritage asset (such as VTG) requires ‘clear and convincing justification’ (para 194). Whatever the degree of harm, ‘great weight’ should be given to the heritage asset’s conservation (para 193). If the harm is less than substantial, the harm ‘should be weighed against the public benefits of the proposal’ (para 196). If the harm is substantial, consent should be refused ‘unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss’, or certain conditions apply (none of which apply in this case) (para 195). The following paragraphs seek to disentangle the numerous arguments put forward by the applicant and to assess whether any of them provide ‘clear and convincing justification’.

8. The stated justifications seem to me to fall into five categories:

1. National and international significance.
2. Prominence of the site.
3. Demonstration of the importance attached to commemorating the Holocaust.
4. To make statements and convey messages about British values, Parliament or democracy.
5. Garden of national conscience.

9. Given these arguments, all of these matters, including the supposed connections between the Holocaust Memorial and Parliament and between the existing memorials and the one now proposed, need to be treated as planning matters.

*(i) National and international significance*

10. The applicant’s first argument is that the national and international significance of the project outweigh any harm. But the inquiry is not about whether there should be a Holocaust Memorial and a Learning Centre but whether they should be on a particular site, namely Victoria Tower Gardens. **The significance of the Memorial and Learning Centre and the public benefits are not relevant unless the applicant can show that the significance and benefits derive substantially or wholly from being on this particular site.**

**11. Furthermore, the public benefits from the Memorial and Learning Centre are significantly reduced by locating them in VTG, because of the limited space.** The Holocaust Commission’s vision was of a physical campus, in which other Holocaust organisations could locate their offices. The UKHMF’s criteria for the site search required at least 5,000 square metres. The current proposal has a mere 3,394 square metres. Future expansion will never be possible because of the trees on two sides and the sewer on the third. The Holocaust Commission’s vision for the Memorial and Learning Centre is unlikely to be fully achieved in VTG.

*(ii) Prominence of the site*

12. Although it was not mentioned at all by David Cameron when he announced the choice of site, the UKHMF and MHCLG have increasingly emphasised the overriding importance of the prominence of VTG, claiming that this reflects what the Holocaust Commission called for. Of the five reasons given in the Planning Statement for choosing VTG, three are simply that it is a prominent and ‘iconic’ site with ‘resonance’ and good transport links. (The ‘resonance of being next to Parliament’ might have been thought to provide a link with Parliament’s role in democracy were the ‘resonance’ not also connected obscurely to ‘the timeless banks of the Thames’.) Prominence, together with the site being free, does indeed seem to have been the main reason for choosing VTG.

13. Prominence could relate to how central a site is within London or to the characteristics of a particular site. As regards centrality, the Holocaust Commission did argue that the Memorial must be prominently located in central London, but for the Commission a wide area of central London was suitable, including land opposite the Tower of London and the Imperial War Museum in Southwark. When it launched its site search the UKHMF had a similar view, as indicated by its map of September 2015 showing the area which was ‘sufficiently central’, including a large area south of the Thames. If the Commission, or in September 2015 the UKHMF, had believed that only a site next to Parliament was suitable, they would presumably have said so, but they did not.

14. As for the particular site, if the most important criterion was prominence, a much better location for the Holocaust Memorial would be in Whitehall, with the Learning Centre in a government building nearby. Whitehall is, after all, the location of the Cenotaph. It must be a feasible location, given the current plans to move civil servants out of London. Apparently the UKHMF did not consider this possibility. **As there is nothing uniquely prominent about VTG, the public benefit claimed in terms of prominence is not specific to VTG and therefore cannot be used to offset against harm.**

15. A related argument is that VTG is an especially or uniquely prestigious site. The reasons for disagreeing with this are the same as regards prominence. Also, VTG was only the second or third choice of location for all of the existing monuments. **VTG is not a uniquely prestigious site.**

16. Independently of these arguments, I believe the applicant would need to show that the prominence of its chosen site would add significantly to the public benefits yielded by the Memorial and Learning Centre in order to justify the harm to a public open space. **If the Holocaust Commission, which consulted very widely, was content with a Memorial and Learning Centre** **at the Imperial War Museum, it is hard to see how the applicant can claim that a site next to Parliament is essential and conveys significant additional public benefits.**

*(iii) Demonstration of the importance attached to commemorating the Holocaust*

17. The arguments in this case are similar to those relating to prominence and prestige. The Holocaust Commission did not argue that the Memorial and Learning Centre needed to be next to Parliament to demonstrate the importance the Government attached to it. Instead, it said that the Memorial should be prominently located in central London to make a bold statement about the importance Britain places on preserving the memory of the Holocaust (page 41). As indicated above, it had a different idea from the applicant as to what constituted being prominently located in central London. The Government has many other ways of showing its commitment, such us by providing the bulk of the capital funding. **Therefore little or no weight should be assigned to the argument about demonstrating importance when assessing the balance of benefit and harm through building the Memorial and Learning Centre in VTG.**

*(iv) To make statements and convey messages about British values, Parliament or democracy.*

18. The original justification was that the location next to Parliament would be ‘a permanent statement of our values as a nation’ (David Cameron, 2016). This risked sounding self-congratulatory and was hard to defend, given the record of Parliament on Jewish refugees in the 1930s and its longer record of religious intolerance, and a variety of new justifications have been put forward subsequently, such as that the Memorial and Learning Centre will be a reminder that Parliament can oppress and will be ‘committing future generations to hold our democracy to account’. The various claims are examined in Annex 1 below and conclusions are set out here. Much of the attempted justification is either banal (they will provide a reminder that political decisions can have far-reaching consequences), meaningless (the memorial to one of humanity’s greatest tragedies should be next to one of humanity’s oldest democracies) or incoherent (they will ‘question the impacts of the Holocaust and subsequent genocides on our own Parliament’).

19. The most important reason why the link with Parliament and democracy is weak is that democracy and genocide are not opposites. Plenty of states have lacked democracy, or lost it, but have not committed genocide, and racial and religious hatred can be (and are) promoted in democracies. The Nazis created a dictatorship, but they came to power following a democratic election. Democracy provides no guarantee against racial or religious hatred, as the values a democracy holds are ultimately determined by the views of the electorate. The Holocaust happened because of racial and religious hatred, not because Germany was undemocratic.

20. Moreover, the main principles which Parliament incorporates are that government should reflect the will of the people and that it should be accountable, not protection from racial or religious hatred, on which the UK Parliament’s historic record is patchy. Locating the Memorial and Learning Centre next to Parliament will muddle up two separate histories. Also, as there was no direct connection between the Holocaust and the UK Parliament, a range of noble causes would have at least as strong a claim for a site next to Parliament.

21. The applicant has also argued that locating the Memorial and Learning Centre next to Parliament will provide reminders to its visitors, for example about the importance of being vigilant when values are threatened. It is surely for the Learning Centre to convey these messages. The applicant shows a curious lack of confidence in the ability of the Learning Centre to do so without having Parliament in the background. What messages people take in when seeing the Houses of Parliament is uncertain, and the applicant has apparently not conducted any research to find out what messages its visitors are really likely to take from the proximity of Parliament. It seems inherently implausible, for example, that the view of Parliament will remind them to be vigilant.

22. Another strand is the argument that the Memorial and Learning Centre will remind parliamentarians of their power to oppress and will hold them to account. This makes the heroic assumption that any parliamentarian who holds intolerant views will be influenced by a nearby memorial, which I suggest is unlikely. Also, too much emphasis on the role of parliamentarians is potentially harmful, because countering racial and religious hatred should be the responsibility of every citizen.

23. For all these reasons, the applicant has not provided ‘clear and convincing justification’ that locating the Memorial and Learning Centre next to Parliament would do anything to increase their impact and effectiveness by making statements or conveying messages about values, Parliament or democracy. The story of the Holocaust is surely powerful enough on its own. **I suggest that the inquiry dismiss the idea that there is a necessary link between Parliament and the Holocaust Memorial and Learning Centre, and draw the conclusion that the claimed public benefits of that link do not exist.**

*(v) Garden of national conscience*

24. The applicant argues that use of VTG is appropriate because the Memorial will be ‘a logical and harmonious addition to the existing memorials’ there, and that VTG will become ‘a commemorative garden of Britain’s national conscience’ (UKHMF exhibition boards; Planning Statement para 4.24). Whether there is a genuine connection between the existing memorials and the one now proposed and whether they will form a coherent commemorative group is therefore a planning matter. The claims are set out and examined in Annex 2 below and conclusions are given here.

25. Of the three existing monuments, the most problematic is the Burghers of Calais. The evidence that the event happened as Rodin portrays it is a single medieval chronicle, whereas the numerous other contemporary chronicles either ignore it or tell the story in a different way. For them it was a normal surrender, preceded by negotiations. The ritual of emerging from a besieged city wearing nooses was common after sieges from the 11th century to the 16th, the point being that an agreed ritual of humiliation enabled a king to show mercy without losing face. The story as portrayed by Rodin conflated the negotiations and the ritual. So the six citizens did something that was neither unusual nor heroic. (See Jean-Marie Moeglin, *Les bourgeois de Calais: Essai sur un mythe historique* (Paris, 2002).) Also, far from the surrender of Calais leading to ‘freedom from oppression’, the inhabitants of the city were expelled by Edward III. Linking the Holocaust Memorial and Learning Centre to a statue commemorating an event which probably never happened in the manner portrayed would be harmful.

26. The statue of Mrs Pankhurst relates to real events, but they have no connection with the Holocaust. The Holocaust was mass murder, not a campaign for political liberties.

27. The Buxton Memorial relates to the struggle to abolish slavery overseas, but does not commemorate the slaves themselves, and in that it contrasts fundamentally with the proposed Holocaust Memorial.

28. The ‘garden of Britain’s national conscience’ argument fails for the following reasons:

* The existing monuments are a disparate group, one recording a largely mythical event, one relating to political equality for British women and one relating to the struggle to abolish slavery overseas.
* Linking a largely mythical event to the Holocaust is harmful.
* The other two monuments record successful campaigns which should be celebrated, but they can hardly be ‘viewed as a physical representation of the United Kingdom’s conscience and values’ when both the abolition of slavery and votes for women were rejected by Parliament for decade after decade.
* Even the two monuments commemorating real events do not form a coherent story either of British liberties or of the nation’s conscience, and will not do so if a Holocaust Memorial is added.
* The applicant has confused two different things – the nation’s conscience and the story of British liberties.
* Above all, while votes for women and the British fight against slavery were hugely important, they are not comparable to the murder of six million people. The Holocaust was not merely part of a longer story: it stands on its own.

**29. The applicant has failed to substantiate the claim that VTG can become a ‘garden of Britain’s national conscience’. This cannot form part of a ‘clear and convincing justification’ for building on VTG.**

*Conclusion on public benefits*

**30. On the basis of the arguments above, I believe that the applicant has failed to present a ‘clear and convincing case’ that the public benefits derived from locating the Memorial and Learning Centre in VTG would outweigh the harm caused by building there, and still less that the harm is necessary to achieve substantial public benefits.**

*The process by which VTG was selected*

31. The process by which VTG was selected as the site for the Memorial and Learning Centre was deeply flawed and is misrepresented by the applicant’s Planning and Environmental Statements. The evidence for these observations is set out in Annex 3 below and summarised here. Documents referred to (mainly parliamentary answers) are set out in Annex 4.

32. **The flawed process is relevant to the inquiry because it shows that VTG was not selected as part of a rational evidence-based process capable of identifying the best site, and therefore that the claimed public benefits might equally well be achieved on a different site causing less or no harm to heritage assets and open spaces.** The inquiry is necessarily limited to considering the site to which the application relates, but I suggest that a ‘clear and convincing’ justification is harder to make when a site selection process has been mishandled.

33. The misrepresentations in the Planning and Environmental Statements are the following:

1. The statements say that VTG emerged as a possible site in January 2016. This is contradicted by the applicant’s own parliamentary answers, which say that it was first raised as a possible location in ‘the early autumn 2015’; that a member of the UKHMF Board wrote to the Secretary of State for Digital, Culture, Media and Sport about the possible use of VTG on 26 October 2015; and that there was a meeting in Downing Street on 2 December 2015 at which Royal Parks, the DCMS, the MHCLG and the UKHMF discussed the possible use of VTG. The significance of this is that VTG was being discussed as a possible site while the site search process described in the Planning and Environmental Statements was under way, but it never became part of that process.
2. The Statements say that the site search consisted of CBRE identifying 24 sites in January 2016, whereas the applicant’s parliamentary answers say that ‘CBRE was only one element in the search for potential sites’ and that a wide range of other organisations was engaged with separately (albeit apparently identifying no additional sites other than VTG).
3. The Environmental Statement originally said that in January 2016 CBRE’s twenty-four sites were deemed unsuitable and ‘*Later* in January of 2016 the Victoria Tower Gardens was *subsequently* selected by the UKHMF board as the outstanding candidate site’ (emphasis added); the revised Environmental Statement tells the same story without ‘Later’ and ‘subsequently’ (see Annex 4, No. (4)). The applicant’s parliamentary answers show that the rejection of the twenty-four sites and the recommendation to use VTG were made on the same day in the same meeting. Given the inconsistency, it is a fair conclusion that VTG was selected first, because it was prominent and free and had prime ministerial backing, and that this led to the rejection of all other sites.

34. The inquiry may wish to consider what the reason is for the applicant’s failure to give a clear and consistent account of the site-selection process, and what that reveals about the quality of that process.

35. The flaws in the site selection process included the following (described in more detail in Annex 3):

* VTG was under active consideration long before the official site-selection process finished, but was never brought within that process and was therefore never compared coherently with other sites. (The revised Environmental Statement of June 2020 contains a comparison of seven sites, but this is evidently a recent compilation containing information right up to 2020, and therefore has no bearing on the decision made in 2016.)
* A site was chosen which is incapable of meeting the criteria set in September 2015 and the Holocaust Commission’s vision; the change in the criteria has never been acknowledged.
* A back-of-the-envelope decision was made and committed to without good information about the site, the planning issues, visitor numbers, transport implications, impact on VTG’s users, impact on the trees, security or building costs; there was no ‘extremely careful and prolonged review’ (Planning Statement Addendum, para 2.52).
* The decision was extremely rushed: CBRE reported on 11 January, the UKHMF board first considered VTG on 13 January and recommended it immediately, and the Prime Minister announced the selection of VTG on 27 January.
* There was no public consultation on the choice of site, and indeed there was no public indication that VTG was even being considered until the Prime Minister announced a firm decision on 27 January.
* The site was committed to without having worked out how the Learning Centre could be accommodated in VTG; not until 13 July 2016 did the UKHMF board recommend that the Learning Centre be underneath the Memorial.
* The fact that the proposal included not just a memorial but a major building complex in VTG was concealed for as long as possible, even from Royal Parks, and has never been formally announced.

*Other points*

**36. Building on VTG as proposed would be illegal under the Act by which the southern part of it was acquired,** as the Act requires that the land be maintained as ‘a garden open to the public’ (London County Council (Improvements) Act 1900, section 8, still in force). The Government was apparently unaware of this until it was brought to its attention in March 2019 (parliamentary answer 229633). This may not be in strict terms a planning matter, but it provides evidence of an inadequately prepared scheme.

37. The Government’s estimate of the running costs of the Memorial and Learning Centre is £6 million a year (parliamentary answer 227957), and no evidence has been provided about whether that would be sustainable. **Unless the running costs are sustainable, there cannot be ‘substantial public benefit’.**

38. Contrary to the applicant’s idea that VTG lacks an integrated design, it has been planned as a whole twice, in 1913-14 and 1955-56. The simplicity of the current design was intentional, to create ‘a broad leisurely parkland atmosphere of trees and grass’ (National Archives, WORK 16/1940, March 1952).

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*25 September 2020*

**Annex 1**

**Reasons for locating the Holocaust Memorial next to Parliament**

Numerous different reasons have been given for placing the Holocaust Memorial and Learning Centre next to Parliament. This note distinguishes the different reasons and examines whether they form a coherent case for taking over much of a London park for this purpose. All the quotes are from the UK Holocaust Memorial Foundation (UKHMF), its members or government ministers.

**(1) Statement of British values**

Holocaust Memorial will stand beside Parliament as permanent statement of our British values (title of Prime Minister’s press release, 27 Jan 2016)

It will stand beside Parliament as a permanent statement of our values as a nation. (David Cameron, House of Commons, 27 Jan 2016)

By placing the story of the Holocaust next to our Parliament, our country will make a powerful statement about our own democracy and its values, reminding us what can happen when hatred is left unchecked. (Marcus Jones, Commons Written Parliamentary Answer (WPA) 111709, 6 Nov 2017)

(See also Sir Peter Bazalgette, *Observer*, letter, 12 Feb 2017.)

This was David Cameron’s original justification for the location, but since 2017 has been entirely replaced by different arguments. It is easy to see why: Britain’s values did not include generosity towards Jewish refugees in the 1930s, and the reference to ‘British values’ suggests a tone of national self-congratulation which is inappropriate for commemoration of the Holocaust.

A more fundamental problem is that it depends on the false idea that democracy and genocide are clear opposites, as if the Holocaust happened because Germany was undemocratic rather than because of racial and religious hatred. Plenty of states have lacked democracy but have not committed genocide, and racial and religious hatred can be (and are) promoted in democracies. Parliament stands for something important but much narrower than the basic human values violated in the Holocaust, namely that government should reflect the will of the people and that it should be accountable; Parliament and democracy provide no guarantee about racial and religious hatred being countered. Placing two structures embodying different values next to each other will result only in a muddled statement of values.

In the third quote above, the final clause, which is a good statement of what the Memorial should do, does not follow from what comes before.

**(2) Should be beside one of humanity’s oldest parliaments/democracies**

What could be a more powerful statement of our shared commitment to tolerance and free speech, and our determination to fight extremism and intolerance than to locate a Memorial to honour the victims of one of humanity’s greatest tragedies side-by-side with one of humanity’s oldest parliaments? (Ed Balls, *Evening Standard*, 27 Oct 2017)

There is no location more fitting to honour the victims of one of humanity’s greatest tragedies than side-by-side with one of humanity’s oldest democracies. (Ed Balls, UKHMF exhibition boards, Sept 2018)

The Proposed Development will honour the victims of one of history’s greatest tragedies, located beside one of humanity’s oldest democracies. (MHCLG, Planning statement, Dec 2018, para 6.6)

The age of Britain’s democracy is irrelevant to whether the Memorial should be placed beside Parliament. And the argument here is implicitly based on the mistaken idea that democracy necessarily protects peoples against racial and religious hatred. The UKHMF and government ministers themselves put the opposite case in argument 8 below.

The reference to ‘one of humanity’s oldest parliaments’ is even stranger. It ignores the English/UK Parliament’s long history of religious intolerance, which extends back to the Commons’ insistence on the expulsion of the Jews from England in 1290 (J.R. Maddicott, *The origins of the English Parliament 924-1327* (2010), p. 290) and continues through the persecution of Catholics and Dissenters. The attempt to link a great tragedy with an old Parliament makes no sense at all.

**(3) To show that Parliament is a bastion against tyrants**

It is my hope that when the memorial and learning centre is built, visitors will leave there and look towards this building and recognise that it is a bastion against tyrants. (Lord Pickles, House of Lords, 9 May 2019, c.1381)

The UKHMF believed that the location close to Parliament of the Memorial and Learning Centre was an important statement about the importance of democracy as a protector against tyrants. (Heather Wheeler, 29 May 2019, WPA 256929)

[A variant argument] The view from the Memorial to Parliament will remind us all of the role of democracy in standing up whenever our shared values are threatened. (James Brokenshire, *Jewish Chronicle*, 24 Dec 2018)

The English/UK Parliament has been a bastion against tyrants, but not necessarily against racial and religious hatred. And it is not democracy as such that protects from such hatred (and still less a building), but the people whose will is expressed there and the representatives they choose to represent them there. Democracy itself does not ‘stand up’, and if racial and religious hatred are widespread they are likely to be reflected in a democratic Parliament (as in Germany in the early 1930s). Lord Pickles has himself noted elsewhere the ability of parliaments to oppress the people (see argument 8 below).

There is also a technical problem, as it seems from the plans that visitors leaving the Memorial and Learning Centre will be facing away from the Palace of Westminster (this also affects some of the other arguments below).

**(4) Eternal promise to remember**

By putting our National Holocaust Memorial and Education Centre next to our parliament, we make a solemn and eternal promise that Britain will never forget what happened in the Holocaust. (Theresa May, press release, 7 May 2019)

No politician can make an ‘eternal promise’ about anything, and no monument placed next to Parliament can make politicians remember anything if they choose not to.

[A variant argument] I believe there can be no more powerful symbol of our commitment to remembering the men, women and children who were murdered in the Holocaust and in subsequent genocides than by placing the Holocaust Memorial and Learning Centre, in the shadow of our Parliament at the heart of our democracy. (James Brokenshire, PM’s press release, 7 May 2019)

This makes more sense, but still makes an unconvincing link between democracy and the prevention of genocide.

**(5) Reminder of what happens when democracy is subverted**

It will stand in the shadow of parliament to remind us what happens when democracy and society is subverted. (Sir Peter Bazalgette, quoted in the Guardian, 25 Oct 2017)

A Memorial next to the House of Commons reminds us what happens when democracy fails. (Sir John Major, video attached to PM’s press release, 7 May 2019)

This is simply untrue. Many democracies have failed without giving rise to genocide. The Memorial will remind us what happens when racial and religious hatred is unchecked (see argument 6), but not what happens when democracy fails.

**(6) Reminder of what happens when racism is unchecked**

So it’s absolutely right that this new national memorial is situated right next to Parliament, so that we can show what happens when racism and prejudice go unchecked. (Tony Blair, video attached to PM’s press release, 7 May 2019)

This is a non-sequitur. Tony Blair is right about what the Memorial should show, but it has no bearing on whether the Memorial should be next to Parliament.

**(7) Reminder to be vigilant when values are threatened**

Situated next to Parliament, the Memorial will stand as a permanent reminder of the responsibilities of citizens in a democracy to be vigilant and responsive whenever our values are threatened. (UKHMF press release, 4 Dec 2018)

By setting history’s worst example of the disintegration of democratic values against the greatest emblem of Britain’s aspirations for democracy, it will stand as a permanent reminder of the responsibilities of citizens in a democracy to be vigilant and responsive whenever and wherever those values are threatened. (UKHMF, mission statement)

By placing the greatest example of where democratic institutions elsewhere failed to protect its citizens next to our own Parliament, we are making a strong commitment to stand up whenever our shared values are threatened. (Lord Pickles, UKHMF press release, 4 Dec 2018)

The reminder to be vigilant is an important purpose of the Memorial, but it is hard to see how it is furthered by placing the Memorial next to Parliament. If visitors to the Memorial and Learning Centre are to be vigilant when values are threatened, presumably in this case by racial and religious hatred, they will need to do this mainly in their local communities.

For Lord Pickles’ point about the failure of democratic institutions elsewhere, see argument 9 below.

**(8) Reminder that parliaments have the power to oppress; to hold Parliament to account**

[Victoria Tower Gardens] ‘will allow us to achieve our aim of holding Parliament to account. We all need to speak up to Parliament, to remind our elected representatives of their basic responsibility to protect British people of all faiths and backgrounds. (Lord Pickles and Ed Balls, *Evening Standard*, 3 Sept 2018)

The Proposed Development will remind parliament that it has the power to oppress as well as the power to protect and remind all communities in the UK of the cost of indifference to intolerance and bigotry.’ (MHCLG, Planning statement, Dec 2018, para 6.6)

‘The Holocaust Memorial next to Parliament will be a daily and constant reminder to our parliamentarians of what their duties and obligations are to all citizens, and not just some.’ (Ed Balls, *Jewish Chronicle*, 23 Aug 2019)

[A variant argument] Having the Memorial adjacent to Parliament will provide a permanent reminder to political leaders and policy makers of the continued need for vigilance in challenging bigotry, division and hatred wherever and whenever it may occur. (UKHMF etc press release, 1 May 2019)

This is also one of the most frequent observations of those few supporters of the proposal on Westminster Council’s planning website who have given any reason for locating the Memorial and Learning Centre in the Gardens. In the Holocaust Commission report of January 2015, based on extensive consultation, the emphasis was firmly on educating young people about the Holocaust, reflecting the fact that countering racial and religious hatred is the responsibility of every citizen. Here we see something quite different and potentially counter-productive: the idea that countering racial and religious hatred is the responsibility of someone else, namely parliamentarians, rather than of every visitor to the Memorial and every citizen.

There are also two highly doubtful assumptions here: that MPs need to be reminded of the cost of intolerance, and that, if they do, they will be influenced by a nearby Memorial.

Note that the statements quoted here contradict argument 3 above.

**(9) Reminder of the role of Parliaments in legitimising the rise of Nazism in Germany**

The Government recognised that the Memorial and Learning Centre should stand as a reminder of the role of Parliaments in legitimising the rise of Nazism in Germany.’ (UKHMF, exhibition boards, Sept 2018)

After all, it was another parliament in Germany that legitimised the rise of the Nazi party and the laws that served as the first steps towards the Holocaust. (Lord Pickles and Ed Balls, *Evening Standard*, 3 Sept 2018)

‘We will remember that it was a compliant legislature [that] introduced the oppressive Nuremberg laws.’ (Lord Pickles, *The House*, 20 May 2019)

‘It was a parliament in Germany which made decisions to begin the process that culminated in the Holocaust’ (Ed Balls, *Jewish Chronicle*, 23 Aug 2019)

Suggesting that the German parliament was responsible for the rise of the Nazis is absurd. The problem was not that the German parliament ‘legitimised’ the rise of the Nazis (whatever that means), but that a proportion of the German population voted for them in elections. This emphasises that the defence against racial hatred is not democracy as such but a population which opposes it and a political system (whether democratic or not) that enables it to be challenged. The German parliament was largely superseded by presidential powers from 1930, and it approved the Nuremberg laws in 1935 only after its remaining powers had been removed by the Enabling Act of 1933 and all parties except the Nazis had been banned, so it was a parliament in name only.

**(10) Encourage visitors to learn about Parliament’s decisions at the time of the Holocaust**

Victoria Tower Gardens was chosen as the home for the new Memorial and Learning Centre because, in the shadow of Parliament, it will encourage visitors to learn about the challenging decisions our leaders had to make in the lead up to, during and in the aftermath of the Holocaust. (PM’s press release, 7 May 2019)

Most of the important decisions relating to Britain’s reaction to the Holocaust were taken near the site. Consequently no other site came close to Victoria Tower Gardens in symbolism or significance. (Heather Wheeler, 29 May 2019, WPA 256929)

(See also UKHMF exhibition boards Dec 2018)

This is purely a matter of imparting interesting information which is only loosely connected with the main purpose of the Memorial and Learning Centre. They do not need to be next to Parliament for this purpose. In any case, the key decisions were made in Whitehall rather than in the Palace of Westminster.

**(11) To question the impact of the Holocaust on our own Parliament**

‘Under the shadow of Victoria Tower, the Holocaust Memorial and Learning Centre would question the impacts of the Holocaust and subsequent genocides on our own Parliament.’ (MHCLG, Planning statement, Dec 2018, para 4.24)

(See also Jake Berry WPA 203298, 21 Dec 2018)

It is hard to see the relevance of the Holocaust’s impact on the UK Parliament. If what is meant is that the Learning Centre will examine the decisions made by the UK Parliament during the Holocaust and other genocides, it will make no difference whether the Centre is located next to Parliament or somewhere else.

**(12) To remind that political decisions have consequences**

The view of Parliament from the Memorial will serve as a permanent reminder that political decisions have far-reaching consequences. (UKHMF, mission statement; also in MHCLG, Planning statement)

The Government decided to locate the Holocaust Memorial and Learning Centre in Victoria Tower Gardens so that the view of Parliament from the Memorial will serve as a permanent reminder that political decisions have far-reaching consequences. (Michael Ellis, WPA 239878, 10 Apr 2019; see also WPA 229625, 248586)

This is banal. No visitor to the Holocaust Memorial, and no-one with even the most vestigial knowledge of politics or history, could fail to grasp that decisions have consequences. It is impossible to envisage a visitor to the Memorial who would need to see Parliament nearby to understand the point.

**(13) Timeless banks of the Thames**

The resonance of being next to Parliament and on the timeless banks of the Thames is exceptional (Jake Berry, WPA, 203298, 21 Dec 2018; see also MHCLG, Planning Statement, Dec 2018, para 4.24)

No comment needed.

**Conclusions**

(i) None of the reasons proposed demonstrate that locating the Holocaust Memorial and Learning Centre next to Parliament will increase their impact. The promoters show a curious lack of confidence in the power of the Holocaust story on its own to have a deep impact on visitors, without the creation of tenuous links with national values and the role of democracy.

(ii) Many of the arguments rely on an unfounded link between democracy or the lack of it and genocide. Others regard the purpose of the Memorial and Learning Centre as to influence politicians rather than to educate citizens in general and young people in particular.

(iii) The chaotic variety of different and sometimes contradictory arguments is strong evidence that they are simply an attempt to justify a decision taken for other reasons, namely that the Government and UKHMF wanted a site that was both prominent and cheap (other sites were rejected as ‘cost prohibitive’ – MHCLG, Planning statement, paras 4.21, 4.23).

*8 February 2020*

**Annex 2**

**Victoria Tower Gardens as a garden of Britain’s conscience**

It has been argued that the Memorial should be placed in Victoria Tower Gardens because the Gardens already contain monuments to liberty and can therefore become a ‘garden of Britain’s national conscience’.

Its relevance as a commemorative garden of Britain’s national conscience, already containing significant memorial sculptures, marking momentous historic events, with significance for the struggle for human rights, that remain relevant today and will do so in the future. (MHCLG, Planning statement, Dec 2018, para 4.24; see also WPA 203298)

Victoria Tower Gardens is already home to memorials that celebrate the fight against slavery, inequality and injustice. A Holocaust Memorial is a perfect fit to this long established theme providing an exceptionally good reason why it should be located within the Gardens. (MHCLG, Planning statement, Dec 2018, para 6.5)

[The Memorial will] Be a logical and harmonious addition to the existing memorials in the Gardens, and viewed as a physical representation of the United Kingdom’s conscience and values.’ (UKHMF, exhibition boards, Sept 2018)

The overall proposal seeks to complete the commemorative narrative of the existing, historic monuments to freedom and injustice.’ (UKHMF, exhibition boards, Sept 2018)

The two monuments [Buxton and Holocaust] will create a very powerful agency together. They will stand stronger side by side at the heart of democracy to speak truth to power.’ (Sir David Adjaye, quoted on UKHMF exhibition boards, Dec 2018)

There are three monuments currently in the Gardens:

1. The Burghers of Calais. This is claimed to represent freedom from oppression and civic sacrifice. Even if the event depicted actually took place, it has no long-term significance in the story of human rights and liberties or of Parliament. However, the only evidence that it did take place in the manner depicted is a single medieval chronicle (by Jean Le Bel), subsequently copied and embellished by Jean Froissart. None of the many other contemporary chronicles recorded it in the same way. For them it was a normal surrender, preceded by negotiations. The ritual of emerging from a besieged city wearing nooses was common after sieges from the eleventh century to the sixteenth, the point being that the ritual of humiliation enabled a king to show mercy without losing face. Le Bel and Froissart conflated the negotiations prior to the surrender and the ritual, and artists such as Rodin took up the story. So the six leading citizens did something that was neither unusual nor heroic. Not only was there no civic sacrifice, but there was no freedom from oppression, as the inhabitants of Calais were expelled by Edward III. The subject is examined at length by Jean-Marie Moeglin, *Les bourgeois de Calais: Essai sur un mythe historique* (Paris, 2002). It is harmful to attempt to link the Holocaust Memorial to a statue commemorating an event which probably never took place.
2. Emmeline Pankhurst. This is the only one of the three that relates to human rights and liberties within the UK, commemorating the long struggle for female suffrage.
3. The Buxton Memorial. This commemorates the fight against slavery overseas, though not the slaves themselves.

A memorial to six million people murdered hardly forms a series with these. The people who wrote that the Holocaust Memorial ‘seeks to complete the commemorative narrative of the existing, historic monuments to freedom and injustice’ and ‘a logical and harmonious addition to the existing memorials’ must have been unaware of what the existing memorials were.

There is also a muddle over whether the garden would be about national conscience or human rights and liberties, which are different things. A garden of national conscience would presumably concentrate on things for which England or the UK were responsible, such as transatlantic slavery, the Irish famine and the Amritsar massacre. Whatever the UK’s failings during the Holocaust, it was not responsible for it. A garden of human rights and liberties would have a different set of memorials; these might be expected to commemorate in some form Magna Carta, the Petition of Right, the Declaration of Right and many others.

The final quote above forms a special category of meaninglessness. The two monuments have such different messages that it will be impossible to determine what truth they are supposed to be speaking to power.

*8 February 2020*

*Revised 25 September 2020 as regards the Burghers of Calais*

**Annex 3**

**How Victoria Tower Gardens was chosen**

1. Neither the Government nor the UK Holocaust Memorial Foundation (UKHMF) has ever given a clear explanation of how Victoria Tower Gardens (VTG) was chosen. Most of the information below has been gathered with some difficulty through parliamentary questions.[[1]](#endnote-1)

2. The main relevance of this to the inquiry is that VTG was not selected as part of a rational evidence-based process capable of identifying the best site, and therefore that the claimed public benefits might equally well be achieved on a different site causing less or no harm to heritage assets and open spaces. The determined effort by the MHCLG and UKHMF to conceal how the decision was made makes it reasonable to suspect that something needed to be concealed.

**The official process**

3. In January 2015 the Prime Minister’s Holocaust Commission recommended that there be a Holocaust Memorial and a Learning Centre in central London. It listed three possible sites (the Imperial War Museum, Potter’s Field near Tower Bridge and Millbank Tower), but said that they were not the only possible sites. The Memorial was to be part of a physical campus, where other Holocaust-related organisations could be co-located.

4. The UKHMF was established in the same month, and its press release of 7 September 2015 announced that ‘the official search for a site begins’.[[2]](#endnote-2) In its consultation document of September 2015 the UKHMF said that it was already in discussions about the three sites identified by the Commission and one other site. Proposals for sites were to be submitted by 30 October, explaining how they met the UKHMF’s ten criteria. There was to be at least 5,000 and up to 10,000 square metres (the current design has 3,394 square metres, apart from the courtyard). One of the criteria was the cost of the land, described as ‘an important factor in choosing a site’; the UKHMF ‘will not be considering sites where the owner is seeking to be paid on a valuable alternative use basis such as residential, office or hotel’. This is likely to have biased the process in favour of a public open space. The accompanying map indicating where in London would be ‘sufficiently central’ included a broad area of central London, much of it south of the Thames.[[3]](#endnote-3)

5. According to parliamentary written answers, apart from the sites referred to above, almost 50 possible sites were identified between 7 September and 30 October 2015.[[4]](#endnote-4) They were all rejected by the UKHMF on 13 January 2016.[[5]](#endnote-5) The MHCLG has given contradictory accounts of what happened in between, even on basic matters such as whether VTG was among the almost 50 sites. Its Planning Statement says that VTG ‘emerged as a possible site’ in January 2016, so by implication was not among the almost 50 sites.[[6]](#endnote-6) But it has indicated in parliamentary answers both that VTG was among the almost 50 sites[[7]](#endnote-7) and that it was not among the almost 50 sites.[[8]](#endnote-8) The latter seems more likely, given that the MHCLG says all of the almost 50 sites were rejected.

6. The MHCLG’s Planning Statement says that the site search was ‘managed by a major firm of independent surveyors’, and that the property consultants CBRE were appointed ‘to carry out a search for a suitable site’.[[9]](#endnote-9) I refer to this as the ‘official process’. The MHCLG has also stated that all the sites were assessed by the UKHMF assisted by CBRE.[[10]](#endnote-10) CBRE began its work on 16 November 2015,[[11]](#endnote-11) and reported to the UKHMF on 11 January 2016,[[12]](#endnote-12) identifying 24 sites.[[13]](#endnote-13) This raises several problems:

1. The 24 sites were all among the almost 50,[[14]](#endnote-14) which are said to have been identified by 30 October, before CBRE began its work; this means either that some of the almost 50 sites were in fact identified later or that CBRE’s work consisted only of assessing sites rather than identifying them and did not add any new ones;
2. The Planning Statement refers only to the CBRE process, but the MHCLG has said that ‘CBRE was only one element in the search for potential sites’,[[15]](#endnote-15) and that a wide range of other organisations was engaged with separately from the CBRE process,[[16]](#endnote-16) supposedly putting forward the remainder of the almost 50 sites,[[17]](#endnote-17) so there was apparently no expert body carrying out a consistent comparison of all the sites considered (though in fact, according to the Planning Statement, the ‘wide range of other organisations’ succeeded only in producing one additional site – VTG );
3. The Planning Statement and parliamentary answers disagree on whether CBRE reported on only 24 sites or the almost 50;[[18]](#endnote-18)
4. CBRE reported to the UKHMF only on 11 January 2016,[[19]](#endnote-19) so any comparisons involving potential sites other than CBRE’s would have had to be made within the next two days, allowing little time.

7. A revised version of the MHCLG’s Environmental Statement, submitted in June 2020, includes an appraisal of seven sites, but this has evidently been compiled for the planning inquiry in response to criticisms: it contains later information extending up to 2020, including information not known in January 2016 about Victoria Tower Gardens (notably that the Learning Centre was to be underground). It therefore tells us nothing about the decision-making process in January 2016. Instead it adds new contradictions. Para 4.4.2 says that ‘Of all the sites identified only Victoria Tower Gardens was available or not subject to redevelopment proposals’. However, the same paragraph says that the Imperial War Museum site was available, and that the problem with the Regents Park site was only that it was ‘cost prohibitive’ (by implication it too was available). No dates are given in this and other paragraphs, and the wording suggests that some of the other sites had been available in January 2016.

8. The significance of this for the inquiry is as follows:

1. The fact that the MHCLG has not given a consistent account of the official search for a site suggests irregularity in the process.
2. The almost 50 sites were apparently never assessed in a consistent way against each other or against the stated criteria.

9. Only some of the almost 50 sites have been publicly identified. Among the three listed in January 2015, that at the Imperial War Museum was available for a peppercorn rent, had the support of the local planning authority and was within the central London area defined by the UKHMF.[[20]](#endnote-20) The MHCLG now claims that the site lacked significance and would have been subsidiary to the wider aims of the Museum, but both of these reasons, if valid, would have been equally obvious in 2015, and did not stop the Holocaust Commission shortlisting the site. (The MHCLG claims in its Planning Statement, incorrectly, that anything south of the Thames was outside the area of search.)[[21]](#endnote-21)

10. CBRE’s three preferred sites were the Royal College of Gynaecologists in Regent’s Park, Knightsbridge Barracks and Middlesex Hospital. Of these, the Royal College of Gynaecologists in Regent’s Park was said to be ‘cost prohibitive’, Knightsbridge Barracks was dependent on the sale and redevelopment of the whole Barracks site, and Middlesex Hospital ‘was not considered to be a sufficiently prominent location’. All the sites were said to suffer from one or more of the following disadvantages: ‘poor visual prominence’, ‘no emotional or political logic’, little or no outdoor space, or ‘cost prohibitive’.[[22]](#endnote-22)

**The unofficial process**

11. Meanwhile, before any decision had been made on the almost 50 sites, a parallel and informal process was taking place, in which the known participants were Sir Peter Bazalgette (Chair of UKHMF), Lord Feldman, Peter Freeman, Gerald Ronson (all members of the UKHMF Board) and David Cameron (Prime Minister).

12. The MHCLG has given two different versions of when VTG was first considered:

1. The MHCLG’s Environmental Statement says that ‘In January 2016 following discussions involving the Government Property Unit, Victoria Tower Gardens ... was identified as a possible site.[[23]](#endnote-23)
2. According to the MHCLG’s parliamentary answers, VTG was first raised as a possible location by the UKHMF in ‘the early autumn 2015’.[[24]](#endnote-24) The Government says it has no record of when the possible use of VTG was first discussed with officials. Royal Parks was aware of the proposal on 25 November 2015, though only as it related to the Memorial (not the Learning Centre).[[25]](#endnote-25) There was a meeting in Downing Street on 2 December 2015 at which Royal Parks, the DCMS, the MHCLG and the UKHMF were represented and at which Royal Parks officials indicated support for locating the Memorial in VTG.[[26]](#endnote-26) UKHMF participation in that meeting was ‘on the authority of the chair of UKHMF and Ministers’.[[27]](#endnote-27)

13. Part of the explanation for the discrepancy may be that the possibility of VTG was first raised and pursued informally by certain members of the UKHMF acting independently and was only later formally considered and recommended by the UKHMF.

14. The ‘early autumn 2015’ reference is apparently to the letter of 26 October 2015 from Lord Feldman of Elstree, a member of the UKHMF, to the Secretary of State for Culture, Media and Sport (the registered owner of VTG). The letter is in the public domain.[[28]](#endnote-28) It was written before the official period for submitting sites had ended, and yet neither then nor later was VTG among the sites considered as part of the official process.

15. Although Lord Feldman was a member of the UKHMF, he wrote as Chairman of the Conservative Party, on Conservative Party stationery, so if the ‘early autumn 2015’ reference is to the Feldman letter the possibility of VTG was not first raised by the UKHMF. Lord Feldman has been described in the *Financial Times* as ‘David Cameron’s oldest political friend’[[29]](#endnote-29) and was made a life peer in 2010. His request was for views on ‘the viability’ of locating the Memorial in VTG. He stated that the Learning Centre could be ‘close by in Millbank where we have been offered a viable location’. He added that ‘The Prime Minister is aware of this proposal, and he suggested that I write to you to seek out your views on this issue’.

16. Lord Feldman received a carefully-worded and non-committal reply from the Secretary of State on 3 November, agreeing that VTG would be ‘an attractive option’ for the Memorial, ‘given that you may have the opportunity to locate the Learning Centre relatively close by’. He supported ‘in principle … the option that Victoria Tower Gardens could be considered as a location’ for the Memorial, but there were ‘a number of factors, which will need to be given thorough consideration before it can be fully endorsed’.[[30]](#endnote-30)

17. The MHCLG now says that in November 2015 (which is not ‘early autumn’; it has refused to provide the exact date),[[31]](#endnote-31) the property sub-committee of the UKHMF was asked to undertake a search of government sites, and eventually put forward VTG to the board on 13 January.[[32]](#endnote-32) The UKHMF’s property sub-committee consisted of Peter Freeman and Gerald Ronson.[[33]](#endnote-33)

18. The Government states that the UKHMF conducted ‘investigations’ into the feasibility of VTG,[[34]](#endnote-34) but these were apparently limited to ‘speaking to a number of key stakeholders, including The Royal Parks, DCMS and Westminster City Council’[[35]](#endnote-35) and came at a very late stage. Royal Parks was informed about the proposal only in December 2015 (according to the Government) or late November (according to its own records), and then only about the Memorial,[[36]](#endnote-36) and its minutes provide no evidence that its Board ever considered the matter. Westminster City Council was not even informed about the proposed use of VTG until January 2016, and again only about the Memorial.[[37]](#endnote-37)

19. The unofficial process is relevant to the inquiry in the following ways:

1. The proposal to use VTG was brought to the Government’s attention before the end of the official period for proposing sites, but never became part of that process, suggesting that from an early stage its promoters intended to bypass the official process and push for VTG regardless of any planning or other issues;
2. As a result, VTG was never compared formally with other sites;
3. VTG was never assessed against the stated criteria (which it does not meet);
4. The applicant’s Planning and Environmental Statements misrepresent the process by which VTG was selected − in particular by stating that VTG only became a possible site in January 2016 and was selected as part of ‘an extensive site search’, when it was in fact part of a separate process.

**The decision**

20. The CBRE reported on 11 January 2016, and on 13 January the results of its search for sites was presented to the UKHMF board. According to the MHCLG’s Environmental Statement:

in January 2016, CBRE identified twenty-four sites which were considered by the UKHMF but none were suitable. *Later* in January of 2016, the Victoria Tower Gardens was *subsequently* selected by the UKHMF board as the outstanding candidate site [emphasis added][[38]](#endnote-38)

In fact, the twenty-four sites were rejected at the UKHMF’s Board meeting on 13 January 2016,[[39]](#endnote-39) and at the same meeting it was agreed to recommend Victoria Tower Gardens as the site;[[40]](#endnote-40) there was no ‘later’ or ‘subsequently’. Without the full minutes of the meeting it is impossible to be certain, but, given the misleading nature of the quotation above, it is a fair conclusion that the sequencing was the other way round: that Victoria Tower Gardens was offered, with prime ministerial backing, and the Board decided on that basis to reject all the other sites. Without the opportunity for further investigation, VTG was immediately recommended to the Government.

21. The five notable aspects of the UKHMF’s recommendation to the Government in January 2016 about using VTG are that:

1. It was made at the same meeting at which VTG was first discussed by the UKHMF board, and only two days after the CBRE reported, ruling out any serious consideration;
2. No systematic comparison was made between Victoria Tower Gardens and the other possible sites, despite the requirement under the 2017 Environmental Impact Assessment Regulations to do so;
3. There were only fourteen days between the UKHMF’s decision and the Prime Minister’s announcement of the proposed site,[[41]](#endnote-41) again allowing no time for serious consideration and suggesting that the decision had in effect been taken earlier;
4. It was a recommendation that both the Memorial and the Learning Centre should be in VTG;[[42]](#endnote-42) and
5. It was made with very little information about the proposed site, even though a firm recommendation was made and was treated subsequently as something which could not be questioned.[[43]](#endnote-43)

22. On 27 January 2016 the then Prime Minister, David Cameron, announced that the Memorial would be in VTG.

23. The Government has refused to say whether the criteria for the site of the Memorial and Learning Centre were changed or relaxed after October 2015,[[44]](#endnote-44) and has referred instead to the reasons given subsequent for selecting VTG (four of which are specific to the site and could not therefore have been criteria for a site search),[[45]](#endnote-45) but it is hard to see how otherwise the UKHMF could have selected VTG, as it is unable to meet the criteria. What seems to have happened between September 2015 and January 2016 is that, with prime ministerial support, prominence of site became the overriding criterion and all other criteria, such as the amount of built space, became dispensable, shifting the entire project away from the vision of the Holocaust Commission. The only unredacted sentence about the choice of location in the UKHMF’s minutes for 13 January 2016 has the official from 10 Downing Street opening the discussion by saying that ‘the original commission was to find a site for a new national memorial that was truly iconic’ (though this was not in fact what the Holocaust Commission had called for).

24. It was only after the decision of 13 January 2016 that the claimed link with Parliament and democracy was mentioned for the first time.

25. There was no public consultation at any stage about the choice of VTG. The Government states that there was wide consultation on possible sites in 2015,[[46]](#endnote-46) but there is no evidence that any person or organisation other than Royal Parks was consulted about the use of VTG. Indeed there was no public indication that VTG was being considered for the Memorial until the Prime Minister’s announcement on 27 January 2016.

**Adequacy of information**

26. The information which was missing in January 2016 or very broad brush included the following:

1. The site itself.The site was not examined for possible problems until WYG Environment Planning & Transport Limited began a ‘non-intrusive’ survey in late March 2016. They reported in June 2016.[[47]](#endnote-47)
2. Planning issues.The analysis of planning issues commissioned by UKHMF was not submitted until June 2016. A heritage assessment was made in March 2016.[[48]](#endnote-48) None of the early papers on the use of VTG refer to the Royal Parks’ policy on memorials or to that of Westminster City Council.
3. Due diligence. Little attempt appears to have been made to investigate the history of VTG and any restrictions there might be on building on it. The Government and UKHMF were apparently unaware that the London County Council (Improvements) Act 1900, section 8 (1) imposed a statutory requirement that the southern part of the Gardens be maintained as ‘a garden open to the public and as an integral part of the existing Victoria Tower Garden’ until this was brought to their attention in March 2019; on being asked when the Act was first brought to the Government’s attention, the Government’s reply was only that the planning documents of December 2018 mentioned the Act in relation to the enlargement of VTG.[[49]](#endnote-49)
4. Visitor numbers.The only assessment made of visitor numbers before the decision was taken was that ‘Parliament Square attracts several million visitors a year and that the Memorial would attract a subset of those visitors’.[[50]](#endnote-50)
5. Transport. No study of the transport implications of the VTG site was carried out before the decision was made, even though good transport links, including a place for coaches to set down passengers safely, was one of the criteria of 2015. Instead it was simply assumed that ‘a significant proportion’ of visitors would be in Westminster anyway and so would arrive on foot.[[51]](#endnote-51)
6. Impact on users of the park.There appears to have been no consideration of the value of VTG to its many users. On 13 September 2016 a Royal Parks official, Andrew Scattergood, had to point out that ‘the document’ (evidently the design brief) lacked any reference to VTG being a well-used public amenity space, and that a key challenge would be to maintain the space as a park for play and enjoyment.[[52]](#endnote-52)
7. Impact on the trees. No account was taken at first of the threat the underground Learning Centre posed to VTG’s trees, and the proposed Centre had to be moved northwards once the trees had been investigated. Even now there is inadequate information.
8. Security.It is not clear that any assessment was made before the decision was taken of the security implications of locating the Memorial so close to the Palace of Westminster.[[53]](#endnote-53) One of the criteria of 2015 was ‘Infrastructure to fulfil all security considerations around the site’.
9. Funding.No estimate appears to have been made of the cost of building the Learning Centre in VTG, even though cost was described as an ‘important factor’ in the criteria of 2015.[[54]](#endnote-54) Nor was any estimate made of the ongoing cost of maintaining the site, and whether the project is financially sustainable remains unclear today.[[55]](#endnote-55)

**The decision on the Learning Centre**

27. The Holocaust Commission recommended in January 2015 that the Memorial and Learning Centre should be co-located, and the UKHMF consistently gave the same advice.[[56]](#endnote-56) Lord Feldman’s ‘viable location’ for the Learning Centre close to Victoria Tower Gardens was part of the Millbank Tower site,[[57]](#endnote-57) but in November 2015 that site was ruled out by the UKHMF as a feasible location for the Learning Centre.[[58]](#endnote-58) Consequently, as no other site seems to have been available close to the Gardens, from November 2015 placing the Memorial there necessarily meant that the Learning Centre would have to be placed there too, and that is what the UKHMF recommended in January 2016.[[59]](#endnote-59)

28. Despite this, David Cameron told the House of Commons on 27 January 2016 only that the Memorial was to be in VTG, and the accompanying press notice also referred only to the Memorial being there, though buried within it was the sentence ‘Plans for an associated world-class learning centre to challenge prejudice in all its forms, will also be announced in the coming months.’[[60]](#endnote-60) Some of the media comment added that the Learning Centre would be ‘beside’ the Memorial.[[61]](#endnote-61) Given the UKHMF’s recommendation of co-location, and that by January 2016 no nearby site outside VTG was available, it is hard to put a favourable construction on the Prime Minister’s failure to mention the Learning Centre. All subsequent planning and design work has assumed that both Memorial and Learning Centre would be in VTG.

29. Remarkably, the Government and the UKHMF seem to have committed themselves to building both the Memorial and the Learning Centre in Victoria Tower Gardens without having worked out how it could be done. It was not until 13 July 2016 that the UKHMF recommended to the Government that the Learning Centre should be underneath the Memorial.[[62]](#endnote-62)

30. Royal Parks, which was apparently unaware of the intended co-location, was certainly deceived about the true intention. On being consulted in December 2015 its officials indicated support for the Memorial being in VTG.[[63]](#endnote-63) It was not consulted about locating the Learning Centre there as well until May 2016.[[64]](#endnote-64) The Chairman of Royal Parks pointed out to the Chairman of the UKHMF in April 2017 that when it was first consulted, the proposal was for the Memorial alone; ‘Only later did it emerge that you were seeking to build the education centre there too’.[[65]](#endnote-65)

31. The Government has subsequently stated that it took the decision to co-locate the Memorial with the Learning Centre in September 2016, prior to the launch of the design competition ‘subject to technical, financial, planning or other constraints’.[[66]](#endnote-66) Even then the Government was denying that a decision had been made. A ministerial briefing pack after the competition was announced stated that the design brief only ‘suggests’ that the learning centre be in VTG.[[67]](#endnote-67) The then Prime Minister referred on 15 September to the ‘possible accompanying learning centre’. Even as late as 1 November 2016, the Chairman of UKHMF, Sir Peter Bazalgette, wrote to Royal Parks claiming that no decision had been made, prompting the response that ‘you advise that no decision has been made by the Government to use the Gardens as the site for the proposed learning centre notwithstanding the launch of an international design competition for proposals bespoke to the Gardens’.[[68]](#endnote-68) There is no reason to believe that any constraint whatever have persuaded the Government either to build a Memorial separate from the Learning Centre or to reconsider the choice of VTG. On 14 September 2016 entrants to the design competition were asked to produce designs for a co-located Memorial and Learning Centre in VTG, and to do so in two separate parts, one for the Memorial and one for the below-ground Learning Centre, the latter ‘to be taken forward subject to technical, financial, planning or other constraints’,[[69]](#endnote-69) but the design brief also stated that the two parts ‘are to be considered holistically’.[[70]](#endnote-70) In practice, many of the designs, including the winning one, did not attempt to separate them.

32. The Government has since claimed that the technical assessment of the shortlisted designs showed that the ‘constraints’ on using VTG could be overcome,[[71]](#endnote-71) and that the decision to co-locate the Learning Centre with the Memorial in VTG was announced on 24 October 2017 in the press release about the result of the architectural competition,[[72]](#endnote-72) but the press release contained no announcement as such and no statement about how any constraints had been overcome. There has never been an explicit announcement that the Government has decided to build the Learning Centre in VTG.

33. Evidently the promoters knew a decision to build on a large part of a London park could not withstand close scrutiny, and that they needed to present the *fait accompli* of a chosen design before the public became aware of what was planned.

34. These matters are relevant to the inquiry for the following reasons:

1. The proposal to use VTG was not properly examined before the decision was made and announced. There was no ‘extremely careful and prolonged review’.[[73]](#endnote-73) The Government and the UKHMF became publicly committed to it on the basis of inadequate information and have found it too difficult to reconsider;
2. The reasons given subsequently for selecting Victoria Tower Gardens were largely thought up after the choice had already been made. Consequently the alleged reasons and the claimed public benefit need to be subject to exceptionally careful scrutiny.

*25 September 2020*

**Annex 4**

**Documents referred to in the main paper**

Underlining has been added where appropriate. All the questions were asked by Sir Edward Leigh MP.

**(1) Percentage of green space to be taken (para 5)**

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, what will be the proportion reduction in the lawn area of Victoria Tower Gardens as a result of the proposed construction of the Holocaust Memorial and Learning Centre. (270274)

**Answer, 04 Jul 2019: Mrs Heather Wheeler**: The Holocaust Memorial will require seven and a half percent of Victoria Tower Gardens. Around eighty five percent green space being retained, with improved drainage and planting. Existing paths will be replaced with water permeable ones to increase the health of vegetation, including trees.

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 4 July 2019 to Question 270274 on the National Holocaust Memorial Centre and Learning Service, if he will define the green space referred to in the calculation that around 85 per cent of the green space in Victoria Tower Gardens will be retained after the construction of the Holocaust Memorial and Learning Centre. (280916)

**Answer, 31 Jul 2019: Luke Hall**: The green space refers to all soft landscaping, including grass, planting and trees.

**(2) When VTG was first considered as a possible site for the Memorial (para 34(i))**

**Question:** To ask the Secretary of State for Communities and Local Government, on what date Victoria Tower Gardens was first considered by the Government as a possible site for the Holocaust Memorial; and by whom that proposal was made. (106178)

**Answer, 16 Oct 2017: Mr Marcus Jones**: During the course of 2015 the UK Holocaust Memorial Foundation - as the cross-party body responsible for advising on the delivery of the Holocaust Commission recommendations - was tasked with conducting a full search of all possibilities to find the most iconic location for the Memorial and Learning Centre. Victoria Tower Gardens was one of almost 50 sites identified and considered and was first raised as a possible location by the UK Holocaust Memorial Foundation in the early autumn 2015.

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, if he will place in the Library, a copy of the letter from Lord Feldman of October 2015 proposing that the Holocaust Memorial be located in Victoria Tower Gardens, and a copy of his Department’s response of November 2015. (122640)

**Answer, 23 Jan 2018: Mrs Heather Wheeler**: A copy of the letter of 26 October 2015 from Lord Andrew Feldman to the then Secretary of State for Culture, Media and Sport, the Rt Hon John Whittingdale, proposing that that the Holocaust Memorial be located in Victoria Tower Gardens has been placed in the Library of the House together with the Rt Hon John Whittingdale's reply.

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 22 November 2017 to Question 111729, on what dates Royal Parks expressed its support for locating in Victoria Tower Gardens (a) the Holocaust Memorial and (b) the Learning Centre; and if he will place in the Library copies of the communications from Royal Parks indicating that support. (122636)

**Answer, 23 Jan 2018: Mrs Heather Wheeler**: The Royal Parks first expressed their support for locating the Holocaust Memorial in Victoria Tower Gardens at a meeting on 2 December 2015. The Parks’ support for the memorial in Victoria Tower Gardens was repeated in letters dated 15 March 2017, 7 April 2017 and 15 September 2017. Concerns were raised in these letters about the proposed learning centre. These letters have now been placed in the Library of the House.

[See also:

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, what meetings were held in Downing Street on 2 December 2015 relating to the Holocaust Memorial and Learning Centre and involving members of the UK Holocaust Memorial Foundation; and who attended those meetings. (263706)

**Answer, 21 Jun 2019: Mrs Heather Wheeler**: I refer my Rt Hon Friend to the answer to Question UIN 122636 answered on 23 January 2018. The meeting included representatives from the Royal Parks, DCMS, MHCLG and UKHMF.]

In January 2016 following discussions involving the Government Property Unit, Victoria Tower Gardens (Millbank, Westminster, London SW1P 3JA) was identified as a possible site. (Environmental Statement [June 2020 version], para 4.2.8)

**(3) Role of the CBRE and other organisations in the site selection (para 34(ii))**

CBRE was appointed from the firms approached to carry out a detailed thorough site search ... In January 2016 twenty-four sites were identified by CBRE and considered by the UKHMF. (Environmental Statement [June 2020 version], paras 4.2.4-5)

[No organisations or sites other than the twenty-four are mentioned]

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 19 June to Question 263706, for what reasons Victoria Tower Gardens was not included in the site selection process for the Holocaust Memorial and Learning Centre conducted by the UK Holocaust Memorial Foundation and the CBRE between September 2015 and 11 January 2016. (270267)

**Answer, 04 Jul 2019: Mrs Heather Wheeler**: CBRE was only one element in the search for potential sites.

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 4 July 2019 to Question 270267 on the National Holocaust Memorial Centre and Learning Service, if he will list the elements in the search for potential sites for the Holocaust Memorial and Learning Centre other than that conducted by the CBRE; and for what reason separate searches were undertaken for potential sites. (280917)

**Answer, 31 Jul 2019: Luke Hall**: Other efforts to identify a suitable location included publishing the search criteria, consulting the Government Property Unit and engaging with a wide range of organisations such as the Royal Parks, Holocaust commemorative and educational organisations, property owners and developers, property agents, London Borough authorities, universities, museums and cultural centres. Separate searches were undertake to ensure a wide range of options were considered.

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 14 March 2019 to Question 229625, whether the almost 50 possible sites identified for the Holocaust Memorial and Learning Centre between 7 September and 30 October 2015 included the 24 sites referred to in the planning statement for the Holocaust Memorial and Learning Centre as having been identified by the CBRE in January 2016; and what reason underlay the difference in numbers. (263703)

**Answer, 19 Jun 2019: Mrs Heather Wheeler**: CBRE identified 24 sites in January 2016, the balance of sites were identified by the Government Property Unit and other third parties.

4.2.5 In January 2016 twenty-four sites were identified by CBRE and considered by the UKHMF. However, a number of the sites identified in the site selection search were cost prohibitive; had poor visual importance; no emotional or political logic; and little or no outdoor space to provide a prominent memorial.

4.26. [Lists the CBRE’s three preferred sites]

4.2.7 It was determined that none of the above referenced shortlisted sites were suitable mainly for reasons of availability and viability [cross-references].

4.2.8 In January 2016 following discussions involving the Government Property Unit, Victoria Tower Gardens (Millbank, Westminster, London SW1P 3JA) was identified as a possible site. After careful consideration Victoria Tower Gardens was selected by the UKHMF Board as the outstanding candidate site ... (Environmental Statement [June 2020 version]).

[i.e. no indication of any other sites being considered apart from the CBRE’s twenty-four and Victoria Tower Gardens]

**(4) Whether Victoria Tower Gardens was selected after the other sites had been deemed unsuitable (para 34(iii))**

... In January 2016, CBRE identified twenty-four sites which were considered by the UKHMF but none were suitable. Later in January of 2016, the Victoria Tower Gardens was subsequently selected by the UKHMF board as the outstanding candidate site ... (Environmental Statement [December 2018 and April 2019 versions], summary, para 4)

... in January 2016, CBRE identified twenty-four sites. However, a number of the sites identified in the site selection search were cost prohibitive; had poor visual importance; no emotional or political logic; and little or no outdoor space to provide a prominent memorial. The three preferred sites identified by CBRE were [list of sites]. However, it was determined that none of the above shortlisted sites were suitable mainly for reasons of availability and viability. In January 2016 following discussions involving the Government Property Unit, Victoria Tower Gardens was identified as a possible site. (Environmental Statement [June 2020 version], summary, para 4.)

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 14 March 2019 to Question 229625, on what date the UK Holocaust Memorial Foundation decided that none of the almost 50 possible sites identified for the Holocaust Memorial and Learning Centre between 7 September and 30 October 2015 met the criteria. (263700)

**Answer, 19 Jun 2019: Mrs Heather Wheeler**: 13 January 2016.

[Note: answer 280918 says that ‘All 24 sites reported were amongst the almost 50 possible sites previously identified.’]

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, on what date the board of the UK Holocaust Memorial Foundation first discussed the possible use of Victoria Tower Gardens for the Holocaust Memorial and Learning Centre. (263702)

**Answer, 19 Jun 2019: Mrs Heather Wheeler**: 13 January 2016.

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answers of 7 March 2019 to Question 229626 and 10 April 2019 to Question 239872, on what date in January 2016 the Government received from the UK Holocaust Memorial Foundation its recommendation that the Holocaust Memorial and the Holocaust Learning Centre should be located in Victoria Tower Gardens. (248582)

**Answer, 08 May 2019: Mrs Heather Wheeler**: 13 January 2016.

**(5) Government’s unawareness of the provisions of the 1900 Act (para 37)**

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, on what date (a) the Government and (b) the UK Holocaust Memorial Foundation were first informed about the potential application of section 8 (1) of the London County Council (Improvements) Act 1900 to the proposed location of the Holocaust Learning Centre. (229633)

**Answer, 14 March 2019: Mrs Heather Wheeler**: The Environmental Statement (Volume 3) submitted with the planning documents in December 2018 identifies that proposals for enlarging Victoria Tower Gardens were adopted under the London County Council (Improvements) Act 1900.

**(6) Running costs (para 38)**

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, what estimate he has made of (a) the annual running costs of the Holocaust Memorial and Learning Centre and (b) how much of that cost will be covered by visitor entrance fees and other income. (227957)

**Answer, 12 Mar 2019: Mrs Heather Wheeler**: We are considering various operating models to cover the running costs which are estimated at up to £6 million per annum, and will put in place a sustainable long-term plan. While the entrance to the learning centre will be ticketed to avoid queues, no decision has yet been taken on charging policy.

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 4 July 2019 to Question 270269 on the National Holocaust Memorial Centre and Learning Service, which operating models the United Kingdom Holocaust Memorial Foundation is considering to cover the running costs of the Holocaust Memorial and Learning Centre. (280914)

**Answer, 31 Jul 2019: Luke Hall**: A range of operating models are being considered.

**Question:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 31 July to Question 280914 on National Holocaust Memorial Centre and Learning Service, if he will publish the operating models the United Kingdom Holocaust Memorial Foundation is considering to cover the running costs of the Holocaust Memorial and Learning Centre. (293460)

**Answer, 08 Oct 2019: Jake Berry**: The Foundation has yet to complete its consideration of options.

**Annex 5**

**Justifications advanced for building on a public open space**

**Reply by Dorian Gerhold to Ed Balls and Lord Pickles and Chris Miele**

1. Ed Balls and Lord Pickleshave responded in Annex G of their proof of evidence to my Annex 2 (also included in Ruth Deech’s proof of evidence) dealing with the claimed link between the Holocaust Memorial and Parliament and democracy. I refer here to their Annex G as ‘the response’. As they refer back to paras 49-51 in their main proof I also comment on that here. Chris Miele has responded in his Appendix 4.0 to various parts of my evidence, but with a particular focus on my Annex 3 on the monuments in VTG. I deal with each in turn. Paragraph references are to the two papers by Ed Balls/Lord Pickles and Chris Miele unless indicated otherwise.

2. The link with Parliament and democracy has for years been put forward as one of the main reasons why the Memorial and Learning Centre must be in VTG next to Parliament. It is also one of the five reasons given in the Planning and Environmental Statements for choosing that location, together with the ‘garden of national conscience’ idea. That being so, I would have expected a more substantive defence of that link, engaging fully with the arguments, than is evident in Annex G.

**(A) Ed Balls and Lord Pickles**

Democracy and genocide (para 13)

3. The response continues to imply that democracy and genocide are opposites. My statement that many democracies have failed without giving rise to genocide (as opposed to killing of political opponents) is factually correct. Past examples have included Spain, Greece, Czechoslovakia, Iran and many Latin American countries. Also, the world is full of non-democratic governments which have not committed genocide.

4. The converse of this is indeed that a state could in principle maintain a democracy while committing genocide (the response inappropriately expands this to ‘successful democracy’), though I did not say that any state had actually done so. The risk is that a democracy dominated by one ethnic group will take actions harmful to other ethnic groups, especially minorities. Current examples include India and its Muslims, Turkey and its Kurds, and Brazil and its Amazonian Indians; past examples include the United States and its black and Indian populations. Also, while Burma is not a democracy, its elected leader has failed to speak out against the genocide against the Rohingya. Although the Nazis ruled as a dictatorship, they came to power as the result of a democratic election, and if racial and religious hatred are widespread they are likely to be reflected in a democratic parliament. The Holocaust Commission pointed out that pupils needed to learn that the Nazi movement had widespread popular support.

5. Genocide is of course an appalling failure of any system of government, whether democratic or not.

6. The logic of my position is not, as the response suggests, that there is no connection at all between democracy and genocide. It would be hard to commit genocide in a democracy with a free press and open debate, and with the values and principles that make democracy work such as tolerance, willingness to compromise, adherence to rules and checks and balances (though not quite so hard in a so-called ‘illiberal democracy’). My point is that they are not opposites, with genocide beginning whenever democracy ends. That being so, the supposed contrast between Parliament and democracy on the one hand and the genocide commemorated by the Holocaust Memorial on the other hand is misconceived, and the symbolism and messaging therefore do not work in the way the applicant claims.

7. The UKHMF mission statement in para 5 refers to the Holocaust as a violation or disintegration of ‘democratic values. The values violated were not ‘democratic values’ but were much more basic human values. Even most non-democratic states do not violate these.

Idea that location next to Parliament will convey messages (para 10; para 51 in the proof)

8. Para 51 in the proof claims that locating the Memorial alongside the Palace of Westminster will encourage visitors to reflect on a range of matters, such as the contrast between the high ideals of government through parliamentary democracy against the tyranny demonstrated by the Holocaust, and that national governments were key players in the events of the Holocaust. These are all things that the UKHMF wishes visitors to think about, and rightly so, but they are points which need to be conveyed through the Learning Centre; it is surely unlikely that many visitors will think of these points simply as a result of seeing the Palace of Westminster nearby. If these messages are so important, the applicant should have carried out some research on what thoughts people actually have on seeing the Palace of Westminster.

9. Similarly, it is not clear how visitors to the Memorial and Learning Centre are expected to understand, simply as a result of seeing the Palace of Westminster nearby, that the UKHMF’s point is that Parliament should protect against racial and religious hatred but does not necessarily do so (para 10). As soon as it is conceded (as the response does) that Parliament does not necessarily protect against hatred, the link with between the Holocaust Memorial and Parliament becomes tenuous.

Prominence of the Memorial and Learning Centre (paras 49-51 in the proof)

10. Paras 49-51 in the proof conflate the views of the Holocaust Commission and the UKHMF. The Commission did argue that the Memorial must be prominently located in central London, but for the Commission a wide area of central London was suitable, including land opposite the Tower of London and the Imperial War Museum in Southwark. The UKHMF at first had a similar view, as indicated by its map of September 2015 showing the ‘sufficiently central’ area, including a large area south of the Thames, but by January 2016 only a site adjoining the Palace of Westminster was sufficiently prominent for it. This was a major departure from the Commission’s view. The claim that no other site could meet the apparently overriding requirement for prominence suggests that the site search was inadequate; there are more prominent sites, such as Whitehall.

Impact of the Memorial on parliamentarians (paras 16-18)

11. I did not argue that holding Parliament to account implies that no one else holds responsibility for countering racial hatred. My point was that the shift of the Memorial and Learning Centre’s emphasis towards reminding politicians of their power to oppress creates the risk that visitors will see countering racial hatred it as the responsibility of politicians rather than of themselves. It is also a shift of emphasis away from the Holocaust Commission’s view of the purpose of the Memorial and Learning Centre.

12. Any MPs who do need to be reminded of the cost of intolerance are unlikely to be influenced by a Memorial which, even if it is in VTG, they can easily avoid. Consequently they will not be influenced by it. Would it have made any difference if there had been a memorial promoting tolerance next to the Reichstag in the 1930s?

Garden of national conscience (paras 24-25)

13. Although the ‘garden of national conscience’ idea is one of the five reasons given in the Planning and Environmental Statements for choosing VTG, and therefore must be regarded as one of the applicant’s most important arguments, these paras do not engage at all with my point about the differences between the existing memorials. They merely rely on the views of Westminster City Council, and misrepresent them. All that the Council says is that (i) VTG is home to existing memorials with various themes, and (ii) VTG ‘is a suitable place in principle for a memorial to the Holocaust, provided that it was of modest size and caused much less harm than the current proposal is considered to do’. The Council does not say that VTG is suitable for the Holocaust Memorial because of the existing memorials, and indeed it believes that the dominance of the Holocaust Memorial and Learning Centre would undermine the significance of the existing memorials to VTG (sub-committee report, pp. 33, 83). The onus is on the applicant to prove its point about VTG being a garden of national conscience, as part of its ‘clear and convincing justification’ for building on VTG. A monument commemorating a largely mythical event, one commemorating a campaign for voting rights in the UK and one commemorating the campaign to free slaves overseas will not form a ‘commemorative narrative’ with the Holocaust Memorial.

14. Other points

* Paras 3- 6. The statements in paras 3-5 do not show, as claimed, that the Memorial meets key objectives by being in VTG. The Commission’s words in paragraph 3 required only that the Memorial ‘should be prominently located in Central London’ (see above).
* Paras 7-8. The inappropriate ‘tone of national self-congratulation’ referred to David Cameron’s original reference to ‘our British values’, and was based on the fact that this was the only reason he gave for locating the Memorial in VTG. The UKHMF may indeed avoid such a tone in its Learning Centre. But references to ‘our national values’ need some care when Mr Balls and Lord Pickles are at pains to explain that the Memorial and Learning Centre will acknowledge where Britain fell short. The values about which a permanent statement is to be made are an aspiration rather than those which were actually demonstrated during the Holocaust. Exactly how location next to Parliament makes a statement about values remains unclear, except on the basis of treating democracy and genocide as opposites, which I contest.

Similar care is needed when Mr Balls and Lord Pickles state that the Memorial will make ‘a strong statement of our national values by demonstrating the importance we attach to commemorating the victims of the Holocaust and seeking to learn its lessons’. Who is ‘we’ here? One of the major reasons for creating the Memorial and Learning Centre is that, unfortunately, not everyone does attach this importance or seek to learn the lessons.

* Paras 9-10. These paragraphs do not engage at all with the point made, which is that the age of Britain’s democracy is irrelevant to whether the Memorial should be placed beside Parliament. The Learning Centre has the opportunity to explore the history of anti-semitism and intolerance in the UK wherever it is located.
* Para 11. The response rewrites what I said, which was that Parliament has been a bastion against tyranny, but not necessarily against racial and religious hatred. And my argument was not that democracy or the popular will cannot be equated with the parliamentary building; the point made was that it was not democracy as such that protects from hatred, but the people whose will is expressed there and the representatives they choose.

The Palace of Westminster is indeed an internationally recognised symbol of parliamentary democracy, but that is not a convincing reason why the Memorial must at all costs be next to it. Symbolism and ‘abstract truths’ have a role, but need to have a basis in reality, which is not the case here.

* Para 12. It is rather more than technically true that no politician can make an ‘eternal promise’ about anything. The suggestion that such a promise can be made by a politician is absurd.

The relevance to the Holocaust of the Palace of Westminster dating from the eleventh century and Westminster Abbey from the tenth century is obscure. Buildings and institutions have a better chance of surviving across the centuries than ideas and ‘eternal promises’, but even so neither of these now resemble at all either physically or functionally their tenth and eleventh century predecessors. Westminster Abbey, for example, was dissolved in 1540.

* Para 14. What I actually argued was that the Memorial’s role in showing what happens when racism and prejudice go unchecked has no bearing on whether the Memorial should be next to Parliament. This point is not answered.
* Para 15. What I actually argued was that it is hard to see how the reminder to be vigilant will be furthered by placing the Memorial next to Parliament. The response does not explain why the applicant thinks it would.

[ Note that section 8 in the paper commented on by the UKHMF is divided into sections 8 and 9 in the version submitted as evidence by me, affecting subsequent numbering.]

* Para 19. This paragraph does not engage at all with the points made in the paper. Much depends on how one defines a parliament. If a body which has no powers or independence, from which all MPs except those from the government party have been excluded and which meets only about twice a year for largely ceremonial purposes can be described as a parliament, then a parliament did legitimise Nazi laws, notably the Nuremberg laws; otherwise not.
* Para 20. The response does not explain why encouraging visitors to learn about the UK Parliament’s decisions at the time of the Holocaust is a priority, nor why it will make any difference in this respect that the Memorial and Learning Centre are next to Parliament.
* Para 21. Ditto as regards examining the impact of the Holocaust on the UK Parliament.
* Para 22. It is odd that the UKHMF thinks that the Learning Centre cannot get such a basic point across without having Parliament in the background. The Learning Centre will have failed if that is the case.
* Para 23. I said that no comment was needed about ‘the timeless banks of the Thames’ because the statement was bizarre. The statement I commented on referred to the resonance of being on the banks of the Thames, not to its value in giving prominence to the Memorial. There is no obvious connection between the Holocaust and the Thames.

**(B) Chris Miele**

The monuments in VTG

15. The reason for writing my Annex 3 was that the applicant had put forward as one of the five reasons for choosing VTG the idea that the existing monuments there make it a commemoration of Britain’s national conscience, of which the Holocaust Memorial would form part. The implication was that this was a public benefit capable of offsetting harm (cf para 3). I did not argue that the juxtaposition itself caused harm to the other monuments (para 4) or that the Holocaust Memorial was ‘incompatible’ with them (para 7.81 of the proof), though others have. My point was that the claimed link with the existing memorials was an unconvincing part of the justification for locating the Holocaust Memorial in VTG.

16. If the link is simply that the existing memorials have ‘a moral or expressly ethical dimension’ (para 32), ‘explore issues of morality, politics and legislation’ (para 48) or ‘invite the viewer to ponder on reform, mercy, power and the role of governments’ (para 62) then almost all monuments or statues can be linked. As I have argued in my main submission and Annex 3, only tenuous links can be constructed between the existing memorials and the Holocaust Memorial, and they are certainly not sufficient to form part of a justification for building on a public open space.

17. Para 63 makes my point for me: all the other events which are or could be commemorated in the Gardens ‘are overwhelmed by the crushingly huge event of the Holocaust’. It stands on its own.

18. The *Burghers of Calais* is a particularly interesting case. The applicant claims that it represents freedom from oppression, and Dr Miele says that it ‘depicts common people in a situation of peril, undertaking an act of bravery with dignity which in turn led to clemency’, and ‘therefore celebrates courage and virtue, and latterly, unintentionally, diplomacy’ (para 23). In fact the only evidence that it took place in the manner depicted is a single medieval chronicle (by Jean Le Bel), subsequently copied and embellished by Jean Froissart. None of the many other contemporary chronicles recorded it in the same way. For them it was a normal surrender, preceded by negotiations. The ritual of emerging from a besieged city wearing nooses was common after sieges from the eleventh century to the sixteenth, the point being that the ritual of humiliation enabled a king to show mercy without losing face. Le Bel and Froissart conflated the negotiations prior to the surrender and the ritual, and artists such as Rodin took up the story. So the six leading citizens (not ‘common people’) did something that was neither unusual nor heroic. The subject is examined at length by Jean-Marie Moeglin, *Les bourgeois de Calais: Essai sur un mythe historique* (Paris, 2002). The story as portrayed by Rodin’s statue may still carry messages about courage, virtue and clemency (para 19), and about political responsibility, political power and mercy (para 59) (many of which were sadly not reflected in the events of the Holocaust), but it is a bad idea to link the Holocaust Memorial to a statue commemorating an event which probably never took place.

19. The Holocaust Commission recommended that the Learning Centre should recognise and restore the humanity of the victims of the Holocaust. Contrast that with the Buxton Memorial, which rightly commemorates British campaigners against the slave trade, but says nothing about the slaves themselves. That is why I disagree that it forms a series with or ‘complements’ the Holocaust Memorial, even though it does obviously commemorate the overcoming of inhumane treatment based on race (para 10). It has an entirely different purpose from the Holocaust Memorial. One of the criticisms made by recent Black Lives Matter campaigners is that the British commemorate the campaign to abolish slavery but forget about the country’s role in slavery itself.

20. I certainly do regard the Pankhurst Memorial as relating to human rights and liberties (para 60), but the Holocaust was a violation of the most fundamental human rights, not a campaign for political liberties.

21. General points on the Memorial and Learning Centre

* Para 2. I have criticised the proposed *location* of the Holocaust Memorial and Learning Centre; I have not criticised the Memorial and Learning Centre themselves.

[Dr Miele’s observations in paras 41 to 49 relates to a superseded version of my main submission.]

* Para 43. I do accept that there are public benefits from the Holocaust Memorial and Learning Centre. What I disagree with is that these benefits depend on it being located in VTG.
* Para 45. I did not describe the Memorial as ‘banal ... meaningless ... utterly incoherent’; these were my descriptions of some of the arguments put forward to justify the location. Dr Miele should have read my paper more carefully.
* Para 45. My paper (Annex 3) gave examples of Parliament’s long record of intolerance. There are many reasons to celebrate Britain’s history and values, but as regards its actions during the Holocaust the record is mixed; see the Holocaust Commission report pages 22-23.
* Para 46: Dr Miele and I simply disagree on whether this is sufficient justification for building on an open space.
* Paras 47, 49. I disagree that there is no more prestigious location in central London than VTG. There are more prestigious locations, such as Whitehall. Any justification for building on VTG based on the location being uniquely prestigious fails for that reason. As Dr Miele himself makes clear, VTG was not the first choice for any of the monuments currently there.
* Para 51. The argument that democracy and genocide are not opposites is important, and Dr Miele does not address it.
* Para 51. Of course Nazi Germany was a dictatorship, but the Nazis came to power as a result of elections.
* Paras 51-2, 55. The Memorial and Learning Centre do not need to be beside the Palace of Westminster to get people to think about political power and the consequences of it going wrong. There seems to be very little faith in the ability of the Learning Centre to convey appropriate messages.
* Para 53. I hope that visitors will be inspired to exercise their vigilance in local communities, but they are less likely to do so if too much emphasis is placed on the responsibility of parliamentarians.
* Para 54. I continue to regard the idea that a monument can hold Parliament to account as absurd.
* Para 56. The difference between Parliament and Government is actually rather important.

22. Detailed points on the monuments

* Paras 18, 21. Rodin’s sculpture may have an international character, but it does not record an incident of Franco-British reconciliation, as Edward III expelled the inhabitants of Calais; they did not experience ‘freedom from oppression’.
* Para 19. Rodin’s statue, which records an English victory over the French, was so far from carrying a political message of Anglo-French friendship that it could not be unveiled publicly in 1914 (with the German army advancing towards Calais) for fear of offending the French. Eventually the cover over it was quietly removed in 1915 (TNA, WORK 20/124).
* Para 21. The location of Rodin’s statue close to Parliament was not particularly valued. It would have stood outside the Wallace Collection if the Collection had been willing to take it. Rodin’s interest was in having a Gothic background, not a parliamentary one. (See TNA, WORK 20/65).
* Paragraph 6.132 of the proof is wrong in claiming that I ‘stated that the proposals overpower this listed sculpture by Rodin’.

*25 September 2020*

**Annex 6**

**Summary of the history of Victoria Tower Gardens**

1. Observations about the history of Victoria Tower Gardens are scattered through the proofs of evidence submitted, with some inconsistencies. This note summarises the history of the Gardens on the basis of documentary evidence.

2. When the Palace of Westminster was built, partly on land newly acquired and cleared of wharves and houses under an Act of 1837,[[74]](#endnote-74) it abutted almost directly on the remaining wharves. The Lord Great Chamberlain was worried about the fire risk to the Palace from the wharves, ‘full of huge piles of straw, firewood and timber’, and the security risk.[[75]](#endnote-75) His arguments as regards fire were directly reflected in the report of the Thames Embankment and Approaches Commission, which in 1863 recommended clearance as far as what is now Great Peter Street and a new open space on most of that land, extending as far as Great College Street.[[76]](#endnote-76) The land was purchased by the Crown under the Houses of Parliament Act 1867 (see the map on page 5).[[77]](#endnote-77) By 1877 a new river wall had been built there in line with the Terrace wall of the Palace of Westminster.[[78]](#endnote-78)

3. As its main purpose was to remove the fire risk,[[79]](#endnote-79) the 1867 Act made no provision about how the land obtained was to be used, and there was a long-running disagreement between those who wanted to build on the southern part of it and those who wanted the whole area turned into a public open space.[[80]](#endnote-80) The deadlock was broken in favour of the latter by W.H. Smith, who in 1879 donated £1,000 towards ‘laying out the ground for the use of the inhabitants, and children especially, of Westminster’. The remaining £1,400 required was voted by Parliament.[[81]](#endnote-81) The First Commissioner of Works noted in 1900 that the Government was pledged to maintain Victoria Tower Gardens as a recreation ground by agreement with Smith.[[82]](#endnote-82) The open space was laid out in 1880-81, and the first set of rules for the Gardens is dated 22 June 1881.[[83]](#endnote-83) The Gardens (already plural in the 1881 rules)[[84]](#endnote-84) was given a formal layout around a circular shrubbery.[[85]](#endnote-85) The surviving features of the layout are the plane trees to west and east. Part of the original Gardens is now within Black Rod’s Garden.

4. In 1900 London County Council (the LCC) put forward a plan to widen and rebuild Millbank on a new alignment, extend the embankment, create a public open space between Millbank and the new river wall, and replan and rebuild the whole area around Smith Square, at a cost of £586,000.[[86]](#endnote-86) The widening of Millbank involved taking a small part of the existing garden, in the south-west corner. The First Commissioner of Works had responsibility for the existing garden and, because of the undertakings made to W.H. Smith, he was willing to give up that part only on condition that it was written into the Bill that the land between the relocated Millbank and the river was to be kept as a garden. He also insisted that that land, once obtained by the LCC, was to be handed over to the Commissioners so that the new and old parts of the Gardens could be managed as a whole.[[87]](#endnote-87) Consequently the Act provided that that the land between the relocated Millbank and the new embankment wall should 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’.[[88]](#endnote-88) It also provided for its transfer from the LCC to the Commissioners and for the Commissioners to maintain the garden.[[89]](#endnote-89)

5. The Government contributed the small part of the existing Gardens and five houses in Abingdon Street, which it reckoned were equivalent to a contribution of £100,000.[[90]](#endnote-90) Westminster Vestry agreed to contribute £100,000 towards the scheme on condition that the land acquired between the widened Millbank and the Thames was converted into a public garden, and its commitment was honoured by the newly-created Westminster Council in 1900 (by which time maintaining the new land as a public garden had been provided for in the Act).[[91]](#endnote-91)

6. Two proposed layouts were considered for the enlarged Gardens in 1912-13. One would have retained the earlier part of the Gardens as it was, but this was rejected in July 1913, and instead the Gardens was replanned as a whole, with a less formal layout.[[92]](#endnote-92) The most important surviving feature is again the plane trees to east and west, together with much of the arrangement of paths. The circular shrubbery (relocated further south), several flowerbeds and individual trees broke up the lawns. Until 1926, neither children nor anyone else were allowed to walk or play on the lawns.[[93]](#endnote-93)

7. The new land was transferred to the Commissioners in May 1913.[[94]](#endnote-94) The enlarged Victoria Tower Gardens was opened to the public on 30 June 1914.[[95]](#endnote-95) The only subsequent changes to the area covered by the Gardens have been a small loss of land at the south end when Lambeth Bridge was rebuilt in 1929-32,[[96]](#endnote-96) the addition of an area south of Lambeth Bridge in 1933 (which has been a separate open space run by Westminster City Council since 1990)[[97]](#endnote-97) and several transfers of land from Victoria Tower Gardens to Black Rod’s Garden.

8. In 1918 Henry Gage Spicer, a paper merchant, offered up to £750 to install a drinking fountain, ‘having seen so many children use the garden’. The architect Philip Tilden was asked to design it. His curving wall is often described as the Spicer Memorial, but it was not intended as a memorial; it was simply the vehicle for the three fountains. It was Tilden who proposed a sandpit. Spicer agreed to pay for the sandpit too, and later for enlarging it.[[98]](#endnote-98) The curving wall was originally at the south side of the playground, in order to close the vista looking south, but was moved in 2013-15 to the north side.[[99]](#endnote-99) The original sandpit was closed as a health hazard in 1987, but a new one was provided in 2013-15.[[100]](#endnote-100) From 1926 there was a gradual opening up of the lawns to allow children to play there at certain times of year, and the removal of most of the flowerbeds in 1933 seems to have been to facilitate this, rather than reflecting any intention to simplify the Gardens’ layout.[[101]](#endnote-101)

9. The Gardens was again replanned as a whole in 1952-55, with two main aims: to improve the presentation of the *Burghers of Calais* and, as one official put it, to increase the ‘broad leisurely parkland atmosphere of trees and grass’. The new plan was largely implemented in 1956. It included the removal of the central shrubbery and the remaining trees in the lawns, the creation of a shrubbery at the north end to hide the Palace of Westminster’s new boiler house, new locations for the two existing statues, the addition of the Buxton Memorial and changes to the paths.[[102]](#endnote-102) Subsequent calls for flowerbeds were rejected.[[103]](#endnote-103) The Gardens remains today essentially as redesigned in 1955.

10. Victoria Tower Gardens is not a royal park, but has always been under the same management as the royal parks. It was managed by the Royal Parks Agency from 1993 to 2017, and since 2017 has been run by a charity, The Royal Parks.[[104]](#endnote-104) In 1955 the funding for its maintenance was transferred from the Houses of Parliament vote to the Royal Parks vote.[[105]](#endnote-105)

The monuments

11. The National Art Collections Fund decided in 1911 to acquire Rodin’s *Burghers of Calais*, and needed somewhere to put it. The statue was first offered to the Wallace Collection, which for legal reasons was unable to take it. The Office of Works then agreed to accommodate it in Victoria Tower Gardens. It was placed there on a large plinth where the statue of Mrs Pankhurst now stands in 1914, and was uncovered without ceremony in 1915.[[106]](#endnote-106) It was moved in 1956 to almost its present position, on a small plinth, and by 4 metres to its present position in 2004.[[107]](#endnote-107)

12. A statue of Emmeline Pankhurst was commissioned shortly after her death in 1928, and its supporters at first hoped to place it either in Downing Street or near the statue of Cromwell next to Westminster Hall, in order to be close to what they regarded as their main battleground. They soon added Victoria Tower Gardens to this list, and the statue was eventually placed next to the circular shrubbery, facing towards Great Peter Street.[[108]](#endnote-108) Stanley Baldwin unveiled it in 1930. In 1955 it was intended to remove the circular shrubbery, which would have left the statue isolated, so the Office of Works proposed to move it to the site now occupied by the Buxton Memorial. The Suffragette Fellowship objected strongly to it being moved at all, and especially to a site further from the Palace of Westminster. It was instead moved to its present site.[[109]](#endnote-109) Two low wings were added in 1959, one commemorating Christabel Pankhurst.[[110]](#endnote-110)

13. The Buxton Memorial drinking fountain was built on the north side of Parliament Square in 1865. It commemorates the campaign to abolish slavery in British-ruled lands, and more particularly the role of Sir Thomas Fowell Buxton; other campaigners are also listed on the plaque. It was taken down in 1950 when Parliament Square was given its present layout, but an amendment to the Act providing for its removal required that it be re-erected on a site to be approved by both Houses of Parliament. It was re-erected on its present site in the Gardens in 1957.[[111]](#endnote-111)

*4 October 2020*

*Victoria Tower Gardens on the Ordnance Survey map of 1949-50. Red lines indicate the three areas acquired by the Crown or London County Council under Acts of 1837, 1867 and 1900 (in the 1900 case marking only the land acquired east of Millbank); the green line indicates today’s Victoria Tower Gardens. Key: A – Black Rod’s Garden; B − site of Parliament Stairs; C − Old Palace Yard; D − Jewel Tower; E − Abingdon Street; F – Millbank; G − St John’s Smith Square.*



1. An FOI request to the Ministry of Housing, Communities and Local Government (MHCLG) for basic information such as dates took more than seven months to receive a response, from 8 March to 12 October 2017. At the time of writing the withholding of the minutes of the UKHMF board relating to the choice of site is awaiting a tribunal hearing. [↑](#endnote-ref-1)
2. https://www.gov.uk/government/news/holocaust-memorial-foundation-takes-forward-prime-ministers-pledge-to-survivors [↑](#endnote-ref-2)
3. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/459046/National\_Memorial\_and\_Learning\_Centre.pdf [↑](#endnote-ref-3)
4. PWA 229625. [↑](#endnote-ref-4)
5. PWA 229625, 263700. [↑](#endnote-ref-5)
6. MHCLG, Planning Statement, para 4.24. [↑](#endnote-ref-6)
7. PWA 106178, 111709. [↑](#endnote-ref-7)
8. PWA 229625. [↑](#endnote-ref-8)
9. MHCLG, Planning Statement, para 4.20, and Addendum, para 2.55. [↑](#endnote-ref-9)
10. PWA 239867. [↑](#endnote-ref-10)
11. PWA 263701. [↑](#endnote-ref-11)
12. PWA 263704. [↑](#endnote-ref-12)
13. MHCLG, Planning Statement, para 4.20-23. [↑](#endnote-ref-13)
14. PWA 280918. [↑](#endnote-ref-14)
15. PWA 270267. [↑](#endnote-ref-15)
16. PWA 280917. [↑](#endnote-ref-16)
17. PWA 263703. [↑](#endnote-ref-17)
18. MHCLG, Planning Statement, para 4.20-23; PWA 263703. [↑](#endnote-ref-18)
19. PWA 263704. [↑](#endnote-ref-19)
20. Letter from the Chief Executive of Southwark Council to the UKHMF, 28 Oct 2015. [↑](#endnote-ref-20)
21. MHCLG, Planning Statement, para 4.20. [↑](#endnote-ref-21)
22. Ibid, paras 4.21-23. [↑](#endnote-ref-22)
23. Para 4.2.8. [↑](#endnote-ref-23)
24. PWA 106178. [↑](#endnote-ref-24)
25. Royal Parks’ FOI response to Dorian Gerhold, 11 April 2017. [↑](#endnote-ref-25)
26. Ibid; PWA 122636, 263706. [↑](#endnote-ref-26)
27. PWA 270268. [↑](#endnote-ref-27)
28. House of Commons Library, Deposited Papers, 23 Jan 2018, DEP2018-0043 (relates to DCLG, written answer 122640). [↑](#endnote-ref-28)
29. Article by George Parker on David Cameron, 8 March 2012. [↑](#endnote-ref-29)
30. See note 28 above. [↑](#endnote-ref-30)
31. PWA 280922. [↑](#endnote-ref-31)
32. PWA 274442. [↑](#endnote-ref-32)
33. PWA 293453. [↑](#endnote-ref-33)
34. PWA 229626. [↑](#endnote-ref-34)
35. PWA 239870. [↑](#endnote-ref-35)
36. PWA 106181; Royal Parks’ FOI response to Dorian Gerhold, 11 April 2017. [↑](#endnote-ref-36)
37. PWA 106184. [↑](#endnote-ref-37)
38. MHCLG, Environmental Statement, summary. [↑](#endnote-ref-38)
39. PWA 263700. This answer relates to the almost fifty sites, but these included the twenty-four. [↑](#endnote-ref-39)
40. PWA 248582. [↑](#endnote-ref-40)
41. PWA 248582. [↑](#endnote-ref-41)
42. PWA 239872, 248582. [↑](#endnote-ref-42)
43. House of Commons Official Report, 9 Feb 2017, c.752 (5.14 pm). [↑](#endnote-ref-43)
44. PWA 239868, 239869, 248583, 248584. [↑](#endnote-ref-44)
45. PWA 239869, 203298. [↑](#endnote-ref-45)
46. PWA 106036. [↑](#endnote-ref-46)
47. Royal Parks’ FOI response to Dorian Gerhold, 11 April 2017. [↑](#endnote-ref-47)
48. Ibid. [↑](#endnote-ref-48)
49. PWA 229633. [↑](#endnote-ref-49)
50. PWA 106183. [↑](#endnote-ref-50)
51. PWA 111707. [↑](#endnote-ref-51)
52. Royal Parks’ FOI response to Dorian Gerhold, 11 April 2017. [↑](#endnote-ref-52)
53. See PWA 106191, 106192. [↑](#endnote-ref-53)
54. See PWA 106189. [↑](#endnote-ref-54)
55. See PWA 280914. [↑](#endnote-ref-55)
56. PWA 229629. [↑](#endnote-ref-56)
57. PWA 203298. [↑](#endnote-ref-57)
58. PWA 229626. [↑](#endnote-ref-58)
59. PWA 239872, 248582. [↑](#endnote-ref-59)
60. House of Commons Official Report, 27 January 2016; Downing Street press release 27 January 2016. See also PWA 248580. [↑](#endnote-ref-60)
61. *Daily Telegraph*, 27 January 2016; <https://www.bbc.co.uk/news/uk-england-london-35421006> [↑](#endnote-ref-61)
62. UKHMF, redacted minutes, 13 July 2016. [↑](#endnote-ref-62)
63. Royal Parks’ FOI response to Dorian Gerhold, 11 April 2017. [↑](#endnote-ref-63)
64. PWA 106181. [↑](#endnote-ref-64)
65. See note 28 above. [↑](#endnote-ref-65)
66. PWA 111730. [↑](#endnote-ref-66)
67. Royal Parks’ FOI response to Dorian Gerhold, 11 April 2017. [↑](#endnote-ref-67)
68. Ibid. The name of the sender is blacked out, but at the end he says he reserves ‘all my rights in relation to any eventual decision to proceed with the siting of a learning centre in the Gardens’. [↑](#endnote-ref-68)
69. PWA 203301. [↑](#endnote-ref-69)
70. UK Holocaust Memorial, International Design Competition, Expression of Interest, p. 24. See also p. 6. [↑](#endnote-ref-70)
71. PWA 229630. [↑](#endnote-ref-71)
72. PWA 203301 [↑](#endnote-ref-72)
73. MHCLG, Planning Statement Addendum, para 2.52. [↑](#endnote-ref-73)
74. 1 & 2 Vict, c. 7; Parliamentary Archives, HL/PO/PB/3/plan220. [↑](#endnote-ref-74)
75. The National Archives (hereafter TNA), WORK 11/2/3 and 4. [↑](#endnote-ref-75)
76. Copy in TNA, WORK 16/2865, p. 6. [↑](#endnote-ref-76)
77. 30 & 31 Vict, c. 40; Parliamentary Archives, HL/PO/PB/3/plan1867/H7. [↑](#endnote-ref-77)
78. London Metropolitan Archives (hereafter LMA), LCC/CL/IMP/01/048, deposited plan for Millbank Improvement. [↑](#endnote-ref-78)
79. TNA, WORK 11/2/4, No. 9. See also ibid, No. 66, for observations on the purpose. [↑](#endnote-ref-79)
80. TNA, WORK 11/2/3 and 4; TNA, WORK 29/126.. [↑](#endnote-ref-80)
81. TNA, WORK 11/63. [↑](#endnote-ref-81)
82. LMA, LCC/CL/IMP/01/048, letter on behalf of the First Commissioner, 23 Feb 1900. [↑](#endnote-ref-82)
83. TNA, WORK 6/447. [↑](#endnote-ref-83)
84. The Gardens are plural in the 1881 and subsequent rules, but singular in the 1900 Act. [↑](#endnote-ref-84)
85. See 1893 OS map; TNA, WORK 16/826, plan of Scheme II, 1912. [↑](#endnote-ref-85)
86. LMA, LCC/CL/PARL/01/009; LMA, LCC/CL/IMP/01/048. [↑](#endnote-ref-86)
87. LMA, LCC/CL/IMP/01/048, letters on behalf of the First Commissioner, 14 Dec 1899 and 23 Feb 1900. [↑](#endnote-ref-87)
88. 63 & 64 Vict, c. 269, s. 8(1). [↑](#endnote-ref-88)
89. Ibid, s. 8(4) and (8). [↑](#endnote-ref-89)
90. LMA, LCC/CL/IMP/01/048, Lords committee on the bill, 18 July 1900, p. 11. [↑](#endnote-ref-90)
91. Westminster City Archives, E5146, p. 113; Westminster City Archives, City of Westminster, minutes of proceedings 1900-01, p. 24. [↑](#endnote-ref-91)
92. TNA, WORK 16/826; 1914 OS map. [↑](#endnote-ref-92)
93. TNA, WORK 16/1214. [↑](#endnote-ref-93)
94. TNA, WORK 16/826, note of 24 Mar 1915; London County Council, Minutes of Proceedings, Jan-June 1914, p. 122. [↑](#endnote-ref-94)
95. TNA, WORK 16/826. [↑](#endnote-ref-95)
96. TNA, WORK 16/1216. [↑](#endnote-ref-96)
97. TNA, WORK 16/2865; TNA, WORK 99/248. [↑](#endnote-ref-97)
98. TNA, WORK 16/1214. [↑](#endnote-ref-98)
99. Ibid, plans; Royal Parks press release, 19 Aug 2015. [↑](#endnote-ref-99)
100. TNA, WORK 99/248; <https://www.hortweek.com/revamp-sees-new-playground-replace-tarmac-thames-side-park/parks-and-gardens/article/1184307> [accessed 17 Feb 2020]; Royal Parks press release, 19 Aug 2015. [↑](#endnote-ref-100)
101. TNA, WORK 16/1214; TNA, WORK 16/1510. [↑](#endnote-ref-101)
102. TNA, WORK 16/1940 and 1941; TNA, HLG 126/290. [↑](#endnote-ref-102)
103. TNA, WORK 16/1941. [↑](#endnote-ref-103)
104. TNA catalogue, administrative background for series WORK 99; <https://www.royalparks.org.uk/media-centre/press-releases/hrh-the-prince-of-wales-launches-new-royal-parks-charity> [accessed 3 Oct 2020]. [↑](#endnote-ref-104)
105. TNA, HLG 126/290, letter of 23 May 1955. [↑](#endnote-ref-105)
106. TNA, WORK 20/65; TNA, WORK 20/124. [↑](#endnote-ref-106)
107. TNA, WORK 16/1940; Westminster City Council, planning application 03/08580, 6 Nov 2003. [↑](#endnote-ref-107)
108. TNA, WORK 20/188. [↑](#endnote-ref-108)
109. TNA, WORK 16/1940. [↑](#endnote-ref-109)
110. TNA, WORK 16/1941; Westminster City Council, planning application 18/05778, Heritage Statement I, para 3.9; <https://www.londonremembers.com/subjects/sylvia-pankhurst> [accessed 29 Aug 2020]. [↑](#endnote-ref-110)
111. Stuart James Burch, *On stage at the theatre of state: the monuments and memorials in Parliament Square, London*, DPhil, Nottingham Trent, 2003, pp. 139-43; TNA, WORK 16/1941. [↑](#endnote-ref-111)