

DAVID COOPER LLB (Hons) LARTPI

David Cooper is a solicitor of more than 50 years' experience who was a senior partner at Gouldens (now Jones Day) for 29 years and has run his own practice David Cooper & Co since 2002. David is best known for his Town and Country Planning work covering major developments throughout the country including football stadia, airports and significant commercial and residential buildings. David has conducted around 1100 planning enquiries for his clients and has also acted, in relation to heritage buildings in London and the provinces, for SAVE Britain's Heritage, the Covent Garden Residents' Association, the Georgian Society and the Victorian Society.

Notable buildings in respect of which he has advised include Wentworth Woodhouse, the Emirates Stadium, Smithfield Market, Winchester Town Centre, Billingsgate Market, Spitalfields Market, Covent Garden Market, the Supreme Court in Parliament Square, Athlone House, 1 Knightsbridge, No 1 Poultry, Barlaston Hall, the Royal Opera House, Thames Barrier, and the M1-A1 link.

More recently, David has dealt with many planning issues in Westminster and Kensington and Chelsea particularly relating to listed buildings and extensions.

David's latest success has been the iconic win in the Supreme Court in December 2018 of S Franes Ltd v The Cavendish Hotel (London) Ltd, which now makes it far more difficult for the commercial landlord to remove a tenant unless absolutely intent on carrying out development works.

David is known as having a very good relationship with both The Crown Estate and The Grosvenor Estate and does a considerable amount of work for tenants on both the Estates, particularly in Belgravia and St James's.

David also advises on a wide range of regulatory matters, white collar crime and fraud, Inland Revenue investigations, and commercial litigation. He specializes in private mediation in respect of complex litigation ranging from property disputes, to disputes

concerning fine art and articles of substantial worth to financial claims in family matters.

He is a Member of the Law Society Specialist Planning Panel and Legal Associate of the Royal Town Planning Institute and consultant to a number of leading firms of solicitors.

6th October 2020

DAVID COOPER &Co

Holocaust Memorial & Learning Centre Call in: Victoria
Tower Gardens, Millbank, London, SW1P 3YB Call in ref:
APP/X5990/V/19/3240661

Statement supporting the applicant re: Call in Inquiry

My name is David Cooper. I am a practising solicitor. My qualifications are as follows: LLB (Hons), LARTPI. I enclose my CV, where you can see that I have 54 years' experience in Town & Country Planning, including advocacy and over 1,100 Inquiries and Hearings.

I have been giving advice pro bono to Gerald Ronson CBE and Peter Freeman CBE in their capacity as members of the Board of the United Kingdom Holocaust Memorial Foundation. I have also been in touch with representatives from the Ministry of Housing, Communities and Local Government and the advocate for the applicant, Christopher Katkowski QC.

From the outset, I should say that I am Jewish, although I do not practice and none of my direct family were murdered in the Holocaust. I was however brought up in a Jewish community just after the war, when even

the children were made fully aware of the horrors and atrocities that took place in Nazi Germany, with the slaughter of six million Jews.

My first point is that anti-Semitism is, sadly, once again becoming increasingly more prevalent in the United Kingdom and as with all forms of discrimination, all efforts should be made to eradicate it. There is still apparently 5% of the population who do not believe that the Holocaust ever existed. There has been cross party support and the Prime Minister and all his living predecessors have publicly supported the project.

By any objective standard, this memorial is:

1. Well and truly overdue.
2. It is being implemented with a combination of public funds and substantial private donations.
3. A great deal of effort was made to find a suitable site, but it has to be said as the whole concept is of national and international importance, that the heart of Westminster would be infinitely the best site.

As you are aware the Secretary of State, who is no longer involved in the decision making, called the application in. It was called in, prior to Westminster City Council's rejection of the proposal at their planning committee. A National Holocaust Memorial is of the utmost importance not just for the Jews, but for every single individual in the United Kingdom and elsewhere, lest they should forget the atrocities that took place. The purpose of the memorial is to prevent people from forgetting precisely what went on and in consequence, what could be repeated again.

At the council meeting which considered the Westminster approach, after the matter was called in, it was clear to me that the officers had not carried out a proper balancing exercise at all, in accordance with the NPPF and the members slavishly did not look beyond what the officers said, despite what Westminster City Council state in their evidence, I

don't believe that the members carried out any balancing exercise at all, because it was not apparent before they made their unanimous decision. If they did carry out a balancing exercise as they say, then by any objective standard, they got it wholly wrong.

Many believe that the site needs to be prominent, it needs to be next to the buildings that control our democracy, i.e. Parliament, both the House of Commons and the House of Lords. Many other sites were looked at and none were found to be suitable. Most countries have prominent Holocaust memorials which are well published and unashamedly promoted by their respective governments. We on the other hand, have been very slow implementing this. In 60 years of living in the City of Westminster and regularly using Hyde Park, I was unaware that there was a holocaust memorial hidden in a dell in Hyde Park. Which proves the point that it has to be highly visible and prominent and next to the seat of power of Parliament.

The Holocaust Memorial and Learning Centre is dedicated to the 6 million Jewish men, women and children murdered in the Holocaust. It is also a permanent piece of remembrance for other victims of Nazi persecution: the Roma, the LGBT community, those with disabilities and political prisoners. The memorial should stand as a reminder of the horrors of the past including subsequent genocides in Cambodia, Bosnia, Rwanda and will encourage reflection on their implications for British government and society. The view of Parliament from the memorial, will serve as a permanent reminder, that political decisions have far reaching consequences and that the responsibility of citizens in a democracy, is to be vigilant and responsive whenever and wherever those values are threatened. The memorial will allow visitors to learn more about the Holocaust in all its complexities. It will be an innovative combination of memorial, exhibition and a place of learning for people of all ages and backgrounds.

As far as the objections are concerned:

1. 93% of the park's green space will be retained and enhanced.

2. Drainage and pathways will be improved, tree roots better irrigated and there will be disabled access to the seating alongside the Thames.
3. The creation of softly sloping landscape provides visitors with a new vantage point to the Houses of Parliament and the River Thames. It will provide relaxed sitting areas and acts as a new element in the park.
4. The play park will be retained and enhanced.
5. A new café area will replace the existing kiosk. Covered seating areas will be included as a breakout space for parents and children.
6. The memorial courtyard will include a garden within a garden.
7. There will be active engagement with the local community and local schools to develop joint projects.

The original proposals have been revised, to address various specific objections that have been made. Changes have been made to the layout and perimeter of the memorial courtyard, including reduction in height of the entrance pavilion. The Learning Centre basement footprint has been reduced.

It should be noted that Victoria Tower Gardens is already well known for its existing memorials to fighting oppression, celebration of emancipation. It is home to Rodin's *The Burghers of Calais*, the statue of Emmeline Pankhurst, the Buxton Memorial to the abolition of slavery and so there is an established tradition at this location; which is paramount as a reminder to those that work in the Houses of Parliament that they have a responsibility to protect the rights of all citizens at all times .

All security issues have been resolved. There is no overwhelming argument or security concerns about it being sited close to the Houses of Parliament. The support for the project is enormous, five former prime ministers and the mayor of London. This will remind people that anti-Semitism never goes out of fashion and anti-Semitism is a light sleeper. The phrases have never been so relevant as 5% of UK adults do not believe that the Holocaust took place at all and fewer than 50%

understand the word anti-Semitism. Recorded anti – Semitic incidents have reached a record level in the UK, hate crimes against Jews have more than doubled in the year. Anti – Semitic incidents in UK Universities have increased and European knowledge of the Holocaust and attitudes towards Jews is similarly of concern.

Conclusion

It is not for me to go into the detail of the contrasting harm and benefits, as this will be adequately done by the advocates of the applicant. This application needs to be granted and it needs to be granted quickly, as the problem is getting older and worse, as time goes on.

STATEMENT OF TRUTH

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Additional Note

As a preamble I have read all the proofs of evidence and been involved for a very long time in this whole issue. I have deliberately only giving you in this statement my feelings and conclusion, as it is up to the advocates to test the evidence and for you to come to a recommendation.

I want to remind everyone that Westminster City Council never made a decision on this matter, because by the time it came to committee it had already been called in and therefore it was a fait accompli.

Finally, I want to come to the fallback position. If this proposal is turned down, it follows that as night follows the day, that any other site will be objected to by various different societies and residents. The result of all this will be, either another Inquiry, a massive further delay or the memorial never happening at all. This doesn't have to be the world's best site (which it probably is in any event, in my opinion) for all the reasons giving; but when the purported harm is balanced against the benefits, the scales swings in favour of the benefits, it has to do no more.

The last point on want to make is about security. It is perfectly obvious that any site dealing with the holocaust memorial might provoke extremist activity wherever it was located. There is a much better opportunity of dealing with it in the middle of Westminster, than there is in some remote area, where I am sure those who don't like the memorial would like to place it. Very lastly, of course the memorial will not remove all anti-Semitism. That will only be done by deep education over the long period of time, as with every other form of racism. It is a major start and is in the right direction to help to eradicate these monstrous behaviours.