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Review of the Environmental Statement for the United Kingdom Holocaust Memorial and Learning Centre

Final Review Report

Prepared by LUC

August 2019





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Briefing Note on Alternatives

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Introduction

- 1.1 This briefing note has been prepared by LUC in response to the letter from Richard Buxton Solicitors dated 7th August 2019. The letter sets out an objection to the proposed United Kingdom Holocaust Memorial and Learning Centre on the grounds of insufficient information provided within the Environmental Statement (ES) on alternatives under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').

Background

- 1.2 LUC carried a criteria-based approach review, developed by the Institute of Environmental Management and Assessment (IEMA), in May 2019. This required us to review the elements outlined below:

COM3: EIA Regulatory Compliance

B) Does the ES contain a section, or sections, that outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects? and;

COM4: EIA Context and Influence

B) Alternatives, including iterative design

i) Does the ES set out the main alternatives / iterations that were considered at different points during the development of the proposal?

ii) Are the main reasons, environmental or otherwise, for the selection of the proposal over distinct alternatives and design iterations easily identifiable?

iii) Does the ES clearly indicate how the EIA process, environmental effects and consultee responses influenced the iterative design process that led to the proposed development?

- 1.3 The lack of information provided on the assessment of alternatives was picked up as a potential Regulation 25 information request in the Draft Review Report (DRR), dated 9th May 2019.

- 1.4 The Applicant then provided a response, dated July 2019, which LUC reviewed in August 2019 as part of the Final Review Report (FRR). The findings, taken from Chapter 14, Table 14.1, can be seen in **Table 1** below.

Table 1: LUC reassessment conclusions to Applicants Response (August 2019)

Ref	Request Type	Original Request based on Environmental Statement(May 2019)	Applicant Response (July 2019)	Reassessment Conclusion based on Applicant Response (August 2019)
EIA Context and Influence				
ECI4	Clarification	The Applicant is requested to provide figures which show the main alternatives and iterations in the design of the proposed development.	Site selection and the design alternatives are summarised in Chapter 4 of the ES. Appendix A of this document includes a diagram which illustrates the 10 shortlisted schemes. More information on each of the schemes can be found here: https://competitions.malcolmreading.co.uk/holocaustmemorial/	<p>Acceptable</p> <p>It is understood that the design competition consisted of 10 unique designs however the nature of this clarification related solely to figures and main iterations of the final selected design.</p> <p>This, however, has been briefly demonstrated in Section 3.3 of the Design and Access Statement. It would have been useful to make reference to the Design and Access Statement in Chapter 4, Section 4.2 for clarity.</p> <p>No further clarification is sought.</p>
ECI5	Clarification	The Applicant should clarify the sources of information which have been used to inform any Design iterations.	The evolution of the design evolution is set out in Section 3 of the Design and Access Statement (included here as Appendix B).	<p>Acceptable</p> <p>The Applicant has set out the information used to inform design iterations, primarily relating to tree root surveys and arboricultural factors with the following text included in Section 3.3 of the Design and Access Statement:</p> <p><i>"The current proposal has been carried out following the recommendations of the Bartlett Tree Root Survey and Arboricultural Considerations, to ensure minimal impact on the existing tree roots. The design team have gone into greater level of detail to identify potential impacts on the RPA of the trees, and mitigate there where possible through changes in the design. These changes include shifting the Memorial and building 40m to the north. The constraints of the below ground storm drain also sets a limit to the distance of the building perimeter."</i></p> <p>This information clearly demonstrates where environmental information has been obtained and informed design iterations concerning the proposed development.</p>

				No further clarification is sought.
ECI6	Regulation 25	The Applicant has not provided sufficient information on the alternatives to the Proposed Developments design. As such, the Applicant is requested to provide further information on how consultation with key stakeholders, the EIA process and environmental effects have influenced the design.	This has been addressed in response to EC14 and EC15 above.	<p>Acceptable</p> <p>Based on the information provided for ECI4 and ECI5, the Applicant has provided the necessary information to resolve this potential Regulation 25 request.</p> <p>However, the Applicant has not explicitly stated where consultation with key stakeholders has been taken on board.</p> <p>This is considered not to be further information under Regulation 25 and no further clarification is sought.</p>

- 1.5 The information provided by the Applicant on alternatives has been reviewed against the requirements of Schedule 4, paragraph 2 of the EIA Regulations which require the provision of:
- "A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects."*
- 1.6 Taking the examples listed within the EIA Regulations, LUC has detailed the observations made on the information provided by the Applicant.

Design

- 1.7 The Applicant outlined the initial design brief of the competition in both Section 4 of the ES and Section 3.1 of the Design and Access Statement (DAS) which was based on a number of factors including the following environmental factors:
- Not exceeding the height of the existing Buxton Memorial;
 - Not impacting on any existing trees;
 - Improving the landscape quality within the gardens while preserving the character of the existing use as public gardens to enhance the user experience; and
 - Improving views to the river.
- 1.8 Out of the ten (10) submissions, one (1) proposal was chosen following the design brief outlined above. Subsequently, three (3) iterations of the design have been provided in the section 3.2 of the DAS.

Technology

- 1.9 In this type of development a description of the Technology is not applicable as no process/energy generation is being proposed.

Location

- 1.10 The Applicant has provided the methodology behind the site selection which is outlined in section 4 of the ES where the search for suitable sites and how they were assessed are explained. These were mainly on commercial/prominence grounds however they have been assessed.
- 1.11 A description of how the Applicant considered existing site constraints is provided in Section 3.4 of the DAS which includes the potential impacts on Archaeology and Cultural Heritage, visual impact of security barriers, the below ground and sewage services and tree root and tree canopies.
- 1.12 Section 3.6 of the DAS provides further details on how the proposal was moved 40m to the north to minimise the impacts on tree roots following the recommendations of the Bartlett Tree Root Survey that was undertaken.

Size and Scale

- 1.13 A massing and height analysis was provided in Section 3.9 of the DAS where the size and scale of the proposal is discussed in terms of the surrounding area and the Buxton Memorial.

Conclusion

- 1.14 We have reflected again on the Applicant's response and it is our opinion that, while the Applicant has not provided a comprehensive assessment of the alternatives, the Applicant has provided the minimum information necessary to satisfy the requirements of the 2017 EIA Regulations.
- 1.15 However there is an outstanding Regulation 25 information request in relation to alternatives under Built Heritage which is outlined in **Table 2** below.

Table 2: Regulation 25 request relating to Built Heritage

Ref	Request Type	Original Request based on Environmental Statement(May 2019)	Applicant Response (July 2019)	Reassessment Conclusion based on Applicant Response (August 2019)
BH12	Regulation 25	The Applicant is requested to provide a comparison of the impact of this proposal with other iterations of the design and an explanation of specifically what changes were made to it to take account of the effects on the historic environment.	<p>As detailed above, Vol 3 of the ES and relevant supporting documents including the Planning Statement, Statement of Community Involvement and Design and Access Statement provide details of how the design has evolved from international design competition winning concept to the final submitted design.</p> <p>The competition winning design has been developed with specialist heritage, townscape and visual advice and through extensive consultation with key stakeholders and statutory consultees including Westminster City Council, the Greater London Authority (GLA) and Historic England. Detailed design refinements to address heritage receptors have included improvements to the immediate setting of the Buxton Memorial, ensuring that the height of the memorial fins are deferential to that of the Buxton Memorial and enables views of the Palaces of Westminster from the new courtyard, improved landscaping and the creation of new raised landscaped area from which views of the Westminster WHS can be appreciated, and detailed consideration of potential impacts on the mature trees around the perimeter of Victoria Tower Gardens.</p> <p>Subsequent to submission in December 2018, the design of the Proposed Development has been amended and an addendum to the application submitted. Consultation comments received during the post application submission consultation period have been considered and the design amended in response. The full suite of submission documents should be reviewed, which provide relevant details of the updated design.</p>	<p>Not Acceptable</p> <p>The explanation of changes made to the design of the learning centre in relation to the Buxton Memorial is welcomed; however, beyond this the response provides no additional information to that already presented in the ES. Again, asserting that improvements have been made to an asset's setting is not evidence that the regulations have been complied with.</p> <p>It is also not clear how the creation of a raised landscaped area or 'improved landscaping' are changes made specifically to take account of the effects on the historic environment. In order to clearly demonstrate compliance with the regulations, the process of design refinement and the effect of these changes on the historic environment should have been included within the ES BH Chapter.</p> <p>The Applicant's response has not satisfactorily addressed the initial query. Further information under Regulation 25 is sought.</p>