



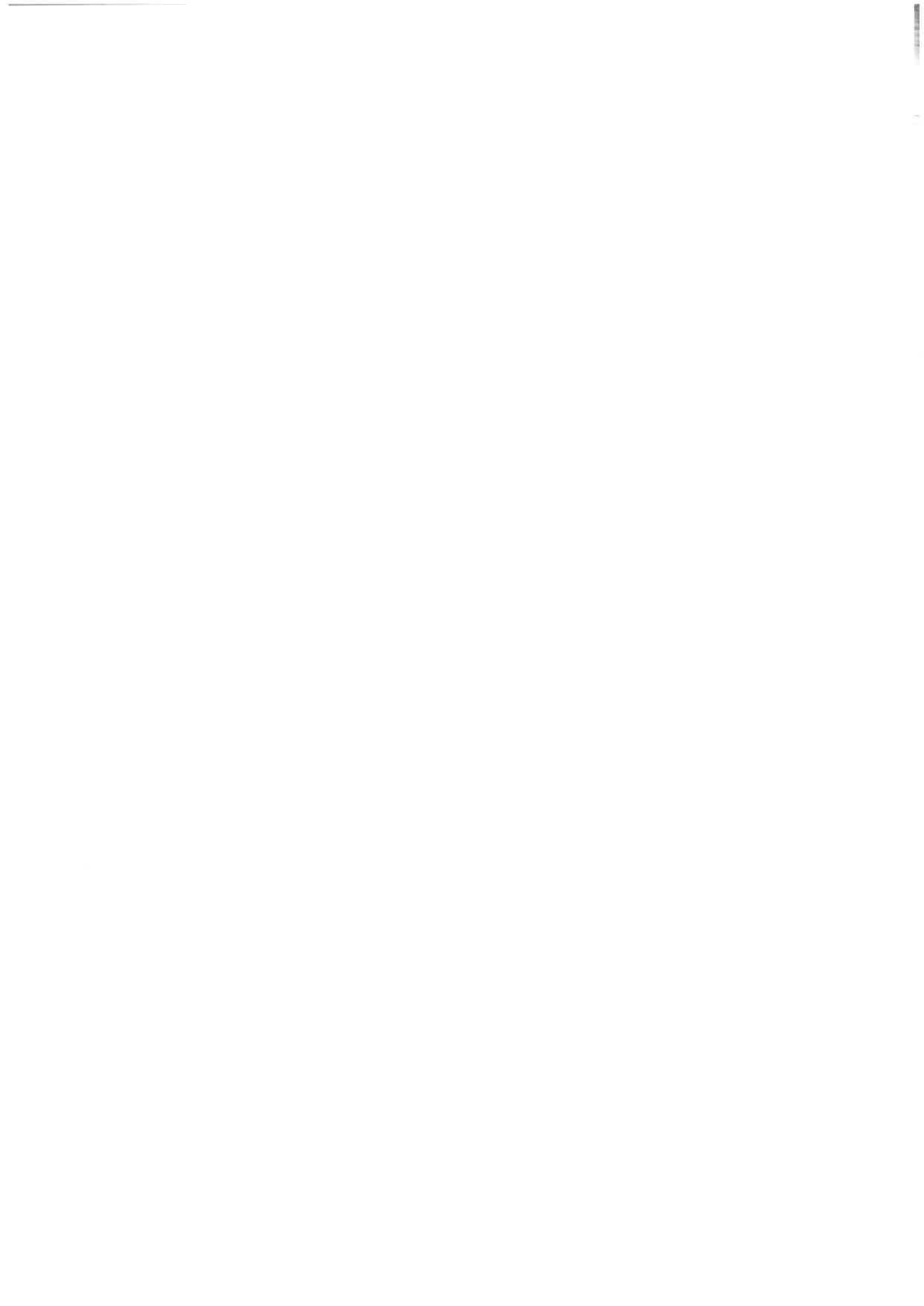
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**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 77  
AND TOWN AND COUNTRY  
PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000  
APPENDICES TO  
STATEMENT of MICHAEL ALAN DUNN BA, MA, Dip UD, IHBC**

**Application by Secretary of State  
for Housing, Communities and Local Government for a  
United Kingdom Holocaust Memorial, at Victoria Tower Gardens,  
Millbank, London SW1P 3YB**

**Local Planning Authority ref: 19/00114/FULL**

**PINS reference APP/X5990/V/19/3240661**



# Appendix 1





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Mr A Bramwell  
Project Director,  
UK Holocaust Memorial Foundation,  
35 Great Smith Street,  
London,  
SW1P 3BQ

Direct Dial: 0207 973 3747  
Our ref: PA00848005

29<sup>th</sup> June 2018

By email: [andy.bramwell@cabinetoffice.gov.uk](mailto:andy.bramwell@cabinetoffice.gov.uk)

Dear Mr Bramwell

**Pre-application Advice  
National Holocaust Memorial, Victoria Tower Gardens, SW1**

Thank you for arranging the meeting with Historic England regarding the proposed UK National Holocaust Memorial at Victoria Tower Gardens, on 6<sup>th</sup> June 2018. It was most helpful to hear the presentations by the architects David Adjaye Associates and Ron Arad Architects, as well as the landscape architects Gustafson Porter + Bowman, and your heritage consultants Montagu Evans.

At this early stage we agreed that heritage will be a key consideration as you look to develop the scheme from a competition concept into a planning application. We welcomed the work that has been started by the design team to address heritage concerns relating to the surrounding assets, which include – but are not limited to – the Westminster World Heritage Site and its component parts, as well as the Grade I listed Burghers of Calais memorial, the Grade II\* Buxton Memorial and the Grade II Emmeline Pankhurst Memorial which are located in the Grade II registered park and garden. Change affecting other monuments will inevitably raise sensitive issues given their commemorative nature and their special interest, and careful consideration to their location and conservation will usefully form part of the ongoing design discussions. It was also helpful to see how you are looking at managing the impact of significant numbers of additional visitors to the Gardens, and we would welcome further discussions on this issue as your proposals develop.

We agreed that additional work is required to respond to several questions that we raised. Firstly, given the likely impact on the Westminster World Heritage Site that any development in this location will have, it is important that a Heritage Impact Assessment (HIA) is carried out. To ensure that this helps inform design decisions this should be done early, and in line with the ICOMOS *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties* (January 2011), which provides useful guidance to effectively evaluate the impact of the proposed development on



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the Outstanding Universal Value of the Palace of Westminster WHS:

[https://www.icomos.org/world\\_heritage/HIA\\_20110201.pdf](https://www.icomos.org/world_heritage/HIA_20110201.pdf).

Alongside this it is important to note that DCMS, as the Government department representing the State Party to the World Heritage Convention, should also be involved in the HIA process. This will help them decide when best to notify the World Heritage Centre about this scheme, which was highlighted in the recent ICOMOS/ICCROM Mission report, which was endorsed by UNESCO at their Committee in 2017, as being of interest to the World Heritage Committee.

We also agreed that it will be necessary to agree view-points to test the visual impact of the Memorial and its associated infrastructure on surrounding heritage assets. We would be happy to make a joint site visit to choose the most appropriate viewpoints. In the interests of consistency and efficiency we recommend that this is undertaken with Westminster City Council's conservation specialists.

In relation to the registered park, the use of Victoria Tower Gardens as a public open space for the recreation and enjoyment of the local community is an important part of the historic designed landscape's significance. Indeed, play provision has been a part of the Gardens since 1923. Historic England recommend that further consideration is given to how the design and associated mitigation or management measures could allow such uses to continue within the Gardens alongside the Memorial, in keeping with the architects' description of their proposed scheme as 'ensuring the park's existing uses can be retained and enhanced rather than replaced' (page 23 of presentation).

Turning now to the archaeology, as this was not discussed at the meeting we recommend that early engagement between your archaeological consultants and Historic England's Greater London Archaeological Advisory Service (GLAAS), who provide archaeological advice to the local planning authority, will be crucial to de-risk the delivery of this scheme. We note that Victoria Tower Gardens lies towards the southern end of the Palace of Westminster and Whitehall Archaeological Priority Area (APA); this is a non-statutory planning policy indicating an area of high archaeological sensitivity. The World Heritage Site and two Scheduled Monuments (the Jewel Tower and the Chapter House and Pyx Chamber in the Abbey Cloisters) are within the APA. It also includes the medieval town of Westminster and pre-medieval use of 'Thorney Island' eyot.

Victoria Tower Gardens was laid out in the early 1880s (later extended southwards). At surface level there may survive remains of Victorian/Edwardian paths, planting beds and other garden features, including temporary uses, notably during the World Wars. The Gardens lie astride the 16th to the 19th century river frontage where river walls, wharves and associated commercial and industrial premises were located. Given the lack of 20th century disturbance this could be one of the best preserved sections of post-medieval riverfront in London with the potential for substantial buried



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remains of masonry and timber. During the medieval period the site lay just to the south of the Abbey and Palace of Westminster along the river bank and foreshore at the mouth of the Tyburn River. A substantial medieval stone-built river wall was found in Black Rod's garden and may extend south into the northwest corner of the gardens. Victoria Tower Gardens is thought to include the site of the Abbey Mill and St. Peter's Wharf as well as having high potential for new discoveries (e.g. sunken boats, wharves and jetties). The site's potential for pre-medieval archaeology is harder to judge as river levels fluctuated. Nevertheless, it is known that the Thames provided a focus for settlement and religious practices including the construction of timber bridges and jetties and the ritual deposition of valuable objects and human remains. Good survival of artefacts and palaeo-environmental deposits is likely due to waterlogging adjacent to the river.

In general terms, the archaeological character of Victoria Tower Gardens is expected to divide longitudinally east-west with the historic riverfront occupying the western half of the site and the eastern part being modern encroachment into the river. The northern-western part of the site in proximity to Westminster Palace is thought to have the highest archaeological potential. There is a clear possibility of encountering a heritage asset of archaeological interest equivalent to a scheduled monument. The NPPF states that the conservation of such assets should be given the same weight as designated heritage assets. The scale and location of proposed groundworks are such that archaeological remains would be at risk of substantial harm. We therefore recommend that further studies are undertaken to inform the planning application. Specifically, a detailed desk-based assessment should be completed and field evaluation (including trial trenching) undertaken. GLAAS wishes to advise on the nature and scope of these studies to ensure that robust evidence is available to inform the planning decision. This information will also be essential to define mitigation measures and manage construction risk.

### Next Steps

As your scheme develops, we would welcome further engagement on these matters, which would form part of our proposed enhanced advisory service.

This letter concludes our free cycle of Initial Pre-application advice. If further advice is required, we can offer our Extended Pre-application service, which is charged on a cost-recovery basis. Further information on our Pre-application service can be found on our website at [www.HistoricEngland.org.uk/EAS](http://www.HistoricEngland.org.uk/EAS) <<http://www.HistoricEngland.org.uk/EAS>>. If you would like to discuss this option further, please do contact my colleagues Mike Dunn (Principal Inspector Of Historic Buildings and Areas) and Sandy Kidd (Principal Archaeology Advisor GLAAS).



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Yours sincerely,

**David English**  
Historic Places Principal London  
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Direct Dial: 020 7973 3747

cc. John Walker, Director of Planning, Westminster City Council



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# Historic England

Mr David Dorward  
City of Westminster  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Your Ref: 18/06416/EIASCRC

Our Ref: CLO27063

Contact: Sandy Kidd

Direct Dial: 0207 973 3215

Email: [sandy.kidd@HistoricEngland.org.uk](mailto:sandy.kidd@HistoricEngland.org.uk)

23 August 2018

Dear Mr Dorward

## **TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) NATIONAL PLANNING POLICY FRAMEWORK 2018**

### **The Victoria Tower Gardens Millbank London SW1P 3YB**

*Request for scoping opinion for the Installation of a Holocaust Memorial and Learning Centre at Victoria Tower Gardens pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*

### **Recommend Pre-Determination Archaeological Assessment/Evaluation**

Thank you for your consultation received on 06 August 2018.

The Greater London Archaeological Advisory Service (GLAAS) give advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter.

NPPF Section 16 and the London Plan (2011 Policy 7.8) make the conservation of archaeological interest a material planning consideration. NPPF section 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. A field evaluation may also be

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necessary.

I have looked at the information you have supplied and at the Greater London Historic Environment Record. I have recommended below what more information I would need to advise the planning authority on the effects on archaeological interest and their implications for the planning decision.

The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Westminster and Whitehall..

I agree with the baseline assessment of archaeological interest and significant effects. Bearing in mind the potential for harm to buried archaeological remains of national importance it is undoubtedly correct to scope archaeology into consideration within the EIA as proposed.

With regard to 'data gaps' I would emphasise the necessity of pre-determination field evaluation to inform decision-making. We are exploring approaches to this with the applicant's consultant and would expect to see some ground investigations in addition to the desk-based assessment.

In addition to the direct effects of construction the EIA should assess potential impacts of hydrological change to nearby waterlogged archaeological timbers believed to survive between the proposed new facility and the Houses of Parliament. Historic England has recently published guidance on such assessments.

I therefore recommend that the following further studies should be undertaken to inform the preparation of proposals and accompany a planning application:

### **Desk Based Assessment**

Desk-based assessment produces a report to inform planning decisions. It uses existing information to identify the likely effects of the development on the significance of heritage assets, including considering the potential for new discoveries and effects on the setting of nearby assets. An assessment may lead on to further evaluation and/or mitigation measures.

There is a considerable amount of published information on the archaeology of Westminster, including archaeological monographs and papers (e.g. in London Archaeologist). There will also be important historical information for which consultation with specialists (e.g. Tim Tatton-Brown and the Parliamentary archives) will be necessary.

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## Geoarchaeology Coring

Geoarchaeology is the application of earth science principles and techniques to the understanding of the archaeological record. Coring involves boreholes drilled into the buried deposits to record (and sample) their characteristics, extent and depth. It can assist in identifying buried landforms and deposits of archaeological interest, usually by using the results in deposit models. Coring is often undertaken when the deposits of interest are too deep for conventional digging, or when large areas need to be mapped. It is only rarely used in isolation usually forming part of either an archaeological evaluation to inform a planning decision or the excavation of a threatened heritage asset.

It will be necessary to build from existing interpretations of the buried topography in published sources and undertake further archaeologically observed boreholes to model the sub-surface deposits across the site.

## Evaluation

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

Whilst challenging in this public location, archaeological trial trenches will be essential to better understand the depth, character, survival and significance of buried remains.

## Refer to Science Advisor

In preparing a written scheme for this site, the applicant's archaeologist should consult Historic England's Regional Science Advisor.

I will need to agree the work beforehand and it should be carried out by an archaeological practice appointed by the applicant. The report on the work must set out the significance of the site and the impact of the proposed development. I will read the report and then advise you on its implications for the planning application.

NPPF paragraphs 193 - 194 place great weight on conserving designated heritage



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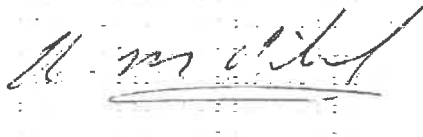


assets, including non-designated heritage assets with an archaeological interest equivalent to scheduled monuments. Non-designated heritage assets may also merit conservation depending upon their significance and the harm caused (NPPF paragraph 197). Conservation can mean design changes to preserve remains where they are. If preservation is not achievable then if planning consent is granted, paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Archaeological consultants can advise on the possible implications of such mitigation requirements for the development programme and costs.

This advice relates solely to archaeological considerations. You should also consult Historic England's Development Management team on statutory matters.

You can find more information on archaeology and planning in Greater London on our website.

Yours sincerely



Archaeology Advisor

Greater London Archaeological Advisory Service

Planning Group: London

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Dr Chris Miele  
Montagu Evans LLP  
5 Bolton Street  
London  
Gardens  
W1J 8BA

Direct Dial: 020 7973 3774

Our ref: PA00848005  
Your ref: Victoria Tower

7 November 2018

Dear Dr Miele

### Pre-application Advice

#### **HOLOCAUST MEMORIAL, VICTORIA TOWER GARDENS, SW1 3JA**

Thank you for arranging the presentation of the proposed UK Holocaust Memorial and Learning Centre to our London Advisory Committee on 25 September. The Committee formally considered the proposals on 27 September, and its members' views have informed the Historic England position as follows. In summary, whilst we broadly support the principle of the project, we are concerned at the increased scale of the proposals and how they relate to this very constrained and sensitive historic site.

We note that the competition-winning design concept by Adjaye Associates, Ron Arad Architects and Gustafson Porter + Bowman (landscape architects) has been significantly developed over the past year, and that the addition of an entrance pavilion has increased the overall size of the memorial and learning centre. In order to understand the justification for the larger entrance pavilion, we would welcome sight of a visitor management strategy. We would also welcome further discussions on how the increasing impact of the proposals on the surrounding historic environment could be mitigated. Given this impact, we encourage you to take this opportunity to reconsider whether a memorial and education centre of this scale could be more appropriately sited at another larger location, for example, at the Imperial War Museum. We would be happy to be engaged in this conversation. If this remains the Government's preferred location, however, then the provision of a large memorial and visitors' centre as proposed means that there will be unavoidable impacts on the heritage of this relatively small site. What follows is a brief summary of some of the most significant impacts. Most of the intervention associated with the memorial and learning centre occurs underground so there are potential impacts on archaeology and existing mature trees. The southern third of the park would be transformed by the



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removal of grass and planting and their replacement with hard landscaping and structure, including the large entrance pavilion. The tops of the bronze fins and raised green roof of this building would be visible at the southern tip of the landscape when viewed from the north and the proposed memorial structures would be visually prominent in views from the south of the gardens and from the west. The landscape would be modified on top of the raised green roof of the learning centre and north of the proposed memorial with new path network linking the listed statues, which will remain in their current position.

In considering the current proposals we have looked at the historic environment in the round, which here means special attention to the impacts on landscape, setting of listed buildings and memorials, and archaeology. We have clear recommendations as to how the identified harm could be reduced which will be considered in turn below. The most obvious impact on significance relates to the loss of open green space to the Grade II registered park and the harm to its character, function and use that will inevitably follow the introduction of the memorial. The provision of a designed landscape south of the Palace of Westminster from 1879 created the modern relationship of that building with its wider setting as a major monument rising above semi-pastoral parkland. It follows that the open space is a key element of the significance of the designed landscape, and any reduction of open space would cause harm. With this in mind, we encourage you to consider how modifications to the design could substantially reduce the footprint of the entrance pavilion.

With regard to the existing mature plane trees that line the perimeter of the park, help frame views towards Victoria Tower and the Palace of Westminster, and contribute strongly to the significance of the Grade II registered landscape, we encourage you to assess the impact on these trees and provide clear and convincing confirmation that the proposals would not harm them.

The increased size of the proposed Holocaust Memorial would also have an impact on the significance of the Grade II\* listed Buxton Memorial by encroaching upon its setting. Whilst we acknowledge that the memorial was moved to its current site during the mid-20th century, it enjoys a prominent position within the landscape of Victoria Tower Gardens, the open setting of which contributes to the significance of Victorian memorial. The proposed Holocaust Memorial would be sited very close to the Buxton Memorial, reducing its prominence and potentially dominating its architecturally exuberant but much smaller design, altogether harming its significance. We therefore encourage you to consider whether a better solution would be to re-site the Buxton Memorial to avoid competition between these two deeply important commemorations, and to allow the Buxton to retain its prominence. We welcome the proposals to conserve the memorial including reviving its function as a working water fountain.



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The proposals have the potential to harm significant archaeological deposits on the site, and we look forward to more detailed evaluations to assess the likely impacts. We encourage you to carefully evaluate the site's archaeological potential while producing a clear strategy to manage and mitigate the risk of major discoveries.

Overall, Historic England supports the principle of the Holocaust Memorial and the public benefits it would bring. Given the historic and deep sensitivity of this particular site, we encourage further consideration of whether less harm would result from an intervention within a larger and less sensitive landscape. However, should Victoria Tower Gardens remain the preferred site for the memorial, we encourage you to consider and prepare a suitable mitigation strategy for harm caused across the site as well as consideration of the recommendations above. We would also urge you to consider the proposals in the context of the Restoration and Renewal of the Palace of Westminster.

### *Significance*

What follows, for context, is a summary of the historic environment significance of the proposed site of the Holocaust Memorial and Learning Centre at the southern end of Victoria Tower Gardens, a Grade II registered landscape laid out as a public open space for recreation and enjoyment in 1879, and extended between 1912-1914 after the river was embanked south of Westminster Palace. A children's play area and the Spicer Memorial were introduced in the 1920s. The garden was simplified in the 1930s to maximise views towards Parliament, and therefore now mostly consists of lawn, which is divided by paths and enclosed by railings, the Thames Embankment and rows of plane trees that line the perimeter paths on the west and east sides. Further changes to the landscape were carried out in 1955 to better integrate the memorials and statues within the garden (namely, Burghers of Calais, by Rodin, Grade I; Emmeline Pankhurst, Grade II and currently under assessment for upgrading to II\*; SS Teulon's Buxton Memorial Fountain, Grade II\*), resulting in its present layout. The playground was refurbished in 2005.

The site is within Westminster Abbey and Parliament Square Conservation Area and just outside the Palace of Westminster and Westminster Abbey including Saint Margaret's Church World Heritage Site. In addition to the listed memorials and statues set out above, there are several major listed buildings nearby, including the Palace of Westminster (with Victoria Lodge and Gates, all Grade I), large early 20th century office buildings along the west side of Millbank (Church Commissioners, Grade II\* and Norwest House, Grade II), and Lambeth Bridge (Grade II). The river embankment was



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extended south of the Palace of Westminster to Lambeth Bridge in 1900 and is listed Grade II.

The site is thought to contain very significant archaeological deposits and is a 'tier 1' Archaeological Priority Area. Prior to the construction of the embankment in the mid-19th century, the area lay astride the 16th-19th century river frontage where river walls, wharves and associated commercial and industrial premises were located. During the medieval period it lay just to the south of the Abbey and Palace of Westminster along the river bank and foreshore at the mouth of the Tyburn River. A substantial medieval stone-built river wall may extend into the NW corner of the gardens where the sites of the Abbey Mill and St. Peter's Wharf are believed to lie. There is high potential for significant new discoveries.

The site's potential for pre-medieval archaeology is harder to judge as river levels fluctuated and at times the site could have been submerged and/or suffered from erosion. Nevertheless, it is known that the Thames provided a focus for settlement and religious practices including the construction of timber bridges and jetties and the ritual deposition of valuable objects and human remains. Good survival is likely due to lack of modern disturbance and waterlogging adjacent to the river. Overall there is clear potential for undesignated archaeology of national significance which has equivalent weight in planning decisions to a scheduled monument.

### *Policy context*

It is also useful to set out the policy context, particularly in a site with so many different historic environment and planning considerations.

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a statutory duty on planning authorities to consider the impact of proposals upon listed buildings and their settings. Section 72 of the same act imposes a statutory duty on planning authorities to ensure that proposals preserve or enhance the character or appearance of conservation areas.

Government guidance on how to carry out the statutory duties in the Act is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of 'sustainable development' where protecting and enhancing the built and historic environment forms part of one of three overarching interdependent objectives (economic, social and environmental).

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at paragraph 193 that when considering the impact



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of a proposed development on a heritage asset (including its setting), local planning authorities should give 'great weight' to preserving the asset's significance. Any harm or loss should require clear and convincing justification and substantial harm or total loss should be exceptional. In the case of Grade II\* or Grade I listed or registered assets or World Heritage Sites, substantial harm or loss should be wholly exceptional (paragraph 194). The policy also applies to non-designated heritage assets of archaeological interest which are demonstrably equivalent significance to scheduled monuments.

Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, paragraph 196 of the NPPF requires that harm to be weighed against the public benefits of the proposals.

If the harm is substantial, or results in a total loss of significance, paragraph 195 states that local authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all four criteria apply:

- a: The nature of the heritage asset prevents all reasonable uses of the site; and
- b: No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c: Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d: The harm or loss is outweighed by the benefit of bringing the site back into use.

Policies in the London Plan for the protection of London's heritage are set out in 7.8-7.12. Between December 2017 and March 2018, the Mayor of London consulted on a new draft London Plan. This included policies on design, heritage and tall buildings. The following draft policies are relevant: Parts C1 (a) (i) relate to visual impacts on important local or strategic views; C1 (d) requires proposals to 'take account of, and avoid harm to, the significance of London's heritage assets and their settings'; C1 (e) provides policy protection for the Outstanding Universal Value of World Heritage Sites' and C1 (f) gives protection against impacts of developments on views from the River Thames.

In March 2012 the GLA adopted 'London's World Heritage Sites - Guidance on Settings' as Supplementary Planning Guidance. The document includes a framework



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for assessing the potential impact of development on the setting and OUV of World Heritage Sites and assets within those sites.

The Mayor's London View Management Framework identifies a number of strategically important London views that require careful management. View 19A (Lambeth Bridge: downstream) encompasses the development site, and recognises how Victoria Tower Gardens forms a visual 'semi-pastoral' setting to the World Heritage Site that needs to be retained.

### Next Steps

We would welcome further discussions with you about potential design changes that would reduce the impact of the proposals on the surrounding heritage in and around Victoria Tower Gardens, which are summarised again below. In particular, and should Victoria Gardens remain the preferred location for the proposed memorial, we would welcome a reduction in the scale and footprint of the entrance pavilion, with an eye to the significance of the registered landscape and views of the historic buildings nearby. Additionally, we encourage you to consider a different design approach to the setting of the Buxton Memorial, which could include the possibility of moving the commemorative structure to an appropriate location within Victoria Tower Gardens away from the proposed Holocaust Memorial, to ensure its own prominence. We would also encourage an assessment of the impact on the historic plane trees and a mitigating measure for any harm to these trees. We would also expect reasonable efforts to have been made to evaluate the site's archaeological potential, and a clear strategy to manage and mitigate the risk of major discoveries. And finally, we would welcome seeing a visitor management strategy as well a suitable mitigation strategy for the site as a whole, to ensure that the multi-layered heritage significance in this site is fully addressed.

I hope this is helpful and we look forward to ongoing discussions.

Yours sincerely

Michael Dunn  
Principal Inspector of Historic Buildings and Areas  
E-mail: michael.dunn@HistoricEngland.org.uk

## HOLOCAUST MEMORIAL, VICTORIA TOWER GARDENS, SW1 3JA Pre-application Advice



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**Information Provided**

Presentation to the LAC Committee on 25 September



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Historic England

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Mr David Dorward  
City of Westminster  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Direct Dial: 020 7973 3774

Our ref: P01021522

1 March 2019

Dear Mr Dorward

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**THE VICTORIA TOWER GARDENS MILLBANK LONDON SW1P 3YB  
Application No. 19/00114/FULL**

Thank you for your letter of 14 January 2019 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

**Historic England Advice**

Historic England has been involved in pre-application negotiations on the development of the proposals for some time, and we provided detailed advice to the applicant in a letter dated 7 November, 2018. I have enclosed this letter, which provides a detailed analysis of the site, its context and the relevant Government policy before setting out in detail the specific elements of the proposals that we believe should be amended to mitigate the harm to the historic environment.

The proposals in the submitted application have not changed substantially from the proposals we considered at pre-application stage, and we are therefore disappointed that the amendments we suggested have not been followed through, and that some significant harm remains. We understand that a revised design for the entrance pavilion is being considered and we will assess this if it is formally submitted.

The proposals would, as before, introduce a series of large structures to a very constrained and sensitive Grade II registered historic garden, and would fundamentally change its character. As set out in our letter from 7 November, the proposals would harm the significance of the registered garden by decreasing the amount of open space and increasing the amount of built structure on what was designed in the late 19th century and early 20th century as a simple, uncluttered public garden. Integral to the significance of the registered garden are the mature plane trees that line much of the perimeter of the park. The extent of underground intervention proposed means we are generally concerned about the protection of the trees. We have considered the

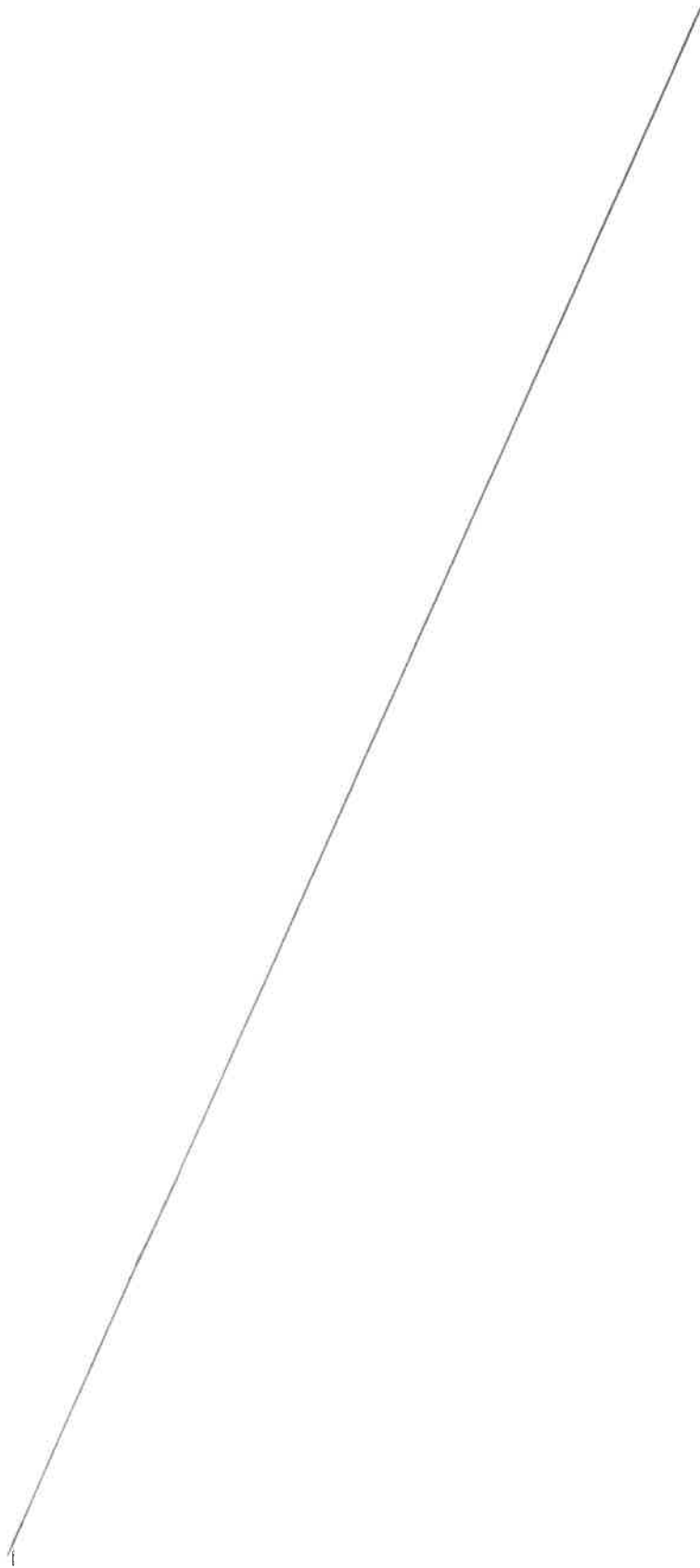


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accompanying reports that set out how these trees and their root systems would be protected during and after construction, and acknowledge that the reports have been produced by suitably qualified arboricultural consultants following industry best practice. However, we are concerned that some elements of the proposals have not been fully assessed in terms of their impact on the trees' root systems. For example, the impacts of the proposed southern vehicle access for construction, the proposed improvements to the play area and the proposed cafe/bike storage/generator building within the playground, do not appear to have been assessed at all. It remains, therefore, that there is not a confident understanding of the potential impact on the trees which form a major part of the historic landscape's significance.

Given the significance of the trees as constituent elements of the registered garden and this part of the wider conservation area, their contribution to the setting of the Palace of Westminster and the World Heritage Site, and the harm that would be caused to these designated heritage assets through the decline and/or failure of the trees, Westminster City Council should seek further clarification on the points above, which includes commissioning its own independent review by a suitably qualified arborist and soil scientist, before determining the application.

The submitted proposals would also, as we previously noted in our pre-application advice letter, have a detrimental impact on the significance of the Grade II\* listed Buxton Memorial by encroaching upon its setting and eroding its prominence. We remain of the view that the relationship between the new Holocaust Memorial and the existing Buxton Memorial could be improved by seeking consent to move the latter to a more prominent and open site within the park.

The proposals are likely to have a serious impact on significant and potentially well-preserved archaeological deposits on the site, which is within the Palace of Westminster and Whitehall Archaeological Priority Area (APA). Detailed advice on archaeological issues, including potential impacts due to changes in the hydrology of the site, has been set out in detail in a separate letter from the Greater London Archaeological Advisory Service (GLAAS), dated 19 February, 2019.

Whilst the proposal site is outside of the boundary of the Westminster World Heritage Site, the proposed development could have an impact on the WHS and its Outstanding Universal Values, which are broadly derived from its collection of the nation's most significant governmental and ecclesiastical buildings in a range of Gothic styles that represent the development of the British state and its values over almost a thousand years. We note that the proposed memorial would appear in some views of the WHS from the southern end of the park (View 43 in the Verified Views and Architectural Views document submitted with the application), and that the neo-Gothic architecture of the Palace of Westminster rising up from the landscape would be less legible. We acknowledge that this relationship would be changed in this particular view, causing minor harm, but we also note that the visual relationship will be



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preserved a few metres to the north in a view (View 44 in the Verified Views and Architectural Views document) that equally strongly represents that attribute of OUV relating to the neo-gothic architecture of the Palace of Westminster. In that regard, we believe that the proposals would not significantly harm the OUV of the WHS.

Cumulatively, we believe that the harm caused to the significance of designated heritage assets, including the registered park, listed buildings and conservation area by the new proposals as set out above would be serious, but less than substantial in the language of the NPPF (paragraph 196). However, it is unclear to what extent the proposals would impact on archaeological deposits that may be of national importance, as well as on the historic trees that form such a significant component of the registered landscape. As set out in our detailed letter on the archaeology of the site, we advise further pre-determination work.

We recognise the importance of the Holocaust Memorial and Learning Centre to London and the nation, and the potential public benefits it could bring. We have previously advised that the harm to heritage would be less in a less constrained and historically significant site. However, it is for your authority to weigh the harm identified above against the public benefits of the scheme before you determine the application. Given the proximity of the proposals to the Westminster World Heritage Site, as noted above, we also urge you to ensure that you are satisfied with the submitted documents that relate to the impact of the proposals on the WHS and that they are in accordance with ICOMOS guidance.

### **Recommendation**

Historic England has concerns regarding the application on heritage grounds for the reasons set out above. We consider that the harm to designated heritage assets as outlined in our advice needs to be weighed against the public benefits of the proposals in accordance with paragraph 196 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

This response relates to designated heritage assets only. The Greater London Archaeological Advisory Service has already submitted a separate letter setting out Historic England's advice on archaeological matters as specialist archaeological adviser to the local planning authority.

Yours sincerely

**Michael Dunn**

Principal Inspector of Historic Buildings and Areas



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Historic England

Mr David Dorward  
Planning (South)  
City of Westminster Council

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19 February 2019

Dear Mr Dorward

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
NATIONAL PLANNING POLICY FRAMEWORK 2018**

*Installation of the United Kingdom Holocaust Memorial and Learning Centre including excavation to provide a basement and basement mezzanine for the learning centre (Class D1); erection of a single storey entrance pavilion; re-provision of the Horseferry Playground and refreshments kiosk (Class A1); repositioning of the Spicer Memorial; new hard and soft landscaping and lighting around the site; and all ancillary and associated works.*

**Archaeology: Recommend Pre-Determination Archaeological Evaluation**

Thank you for your consultation dated 14/01/2019. The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. Please note that Historic England's Development Management advice relating to designated heritage assets will follow shortly.

NPPF Section 16 and the London Plan (2011 Policy 7.8) make the conservation of archaeological interest a material planning consideration. NPPF section 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest and that a field evaluation may also be necessary. NPPF section 194 (footnote 63) says that non-designated heritage assets of archaeological interest which are demonstrably of equivalent interest to scheduled monuments are subject to the policies for designated heritage assets.

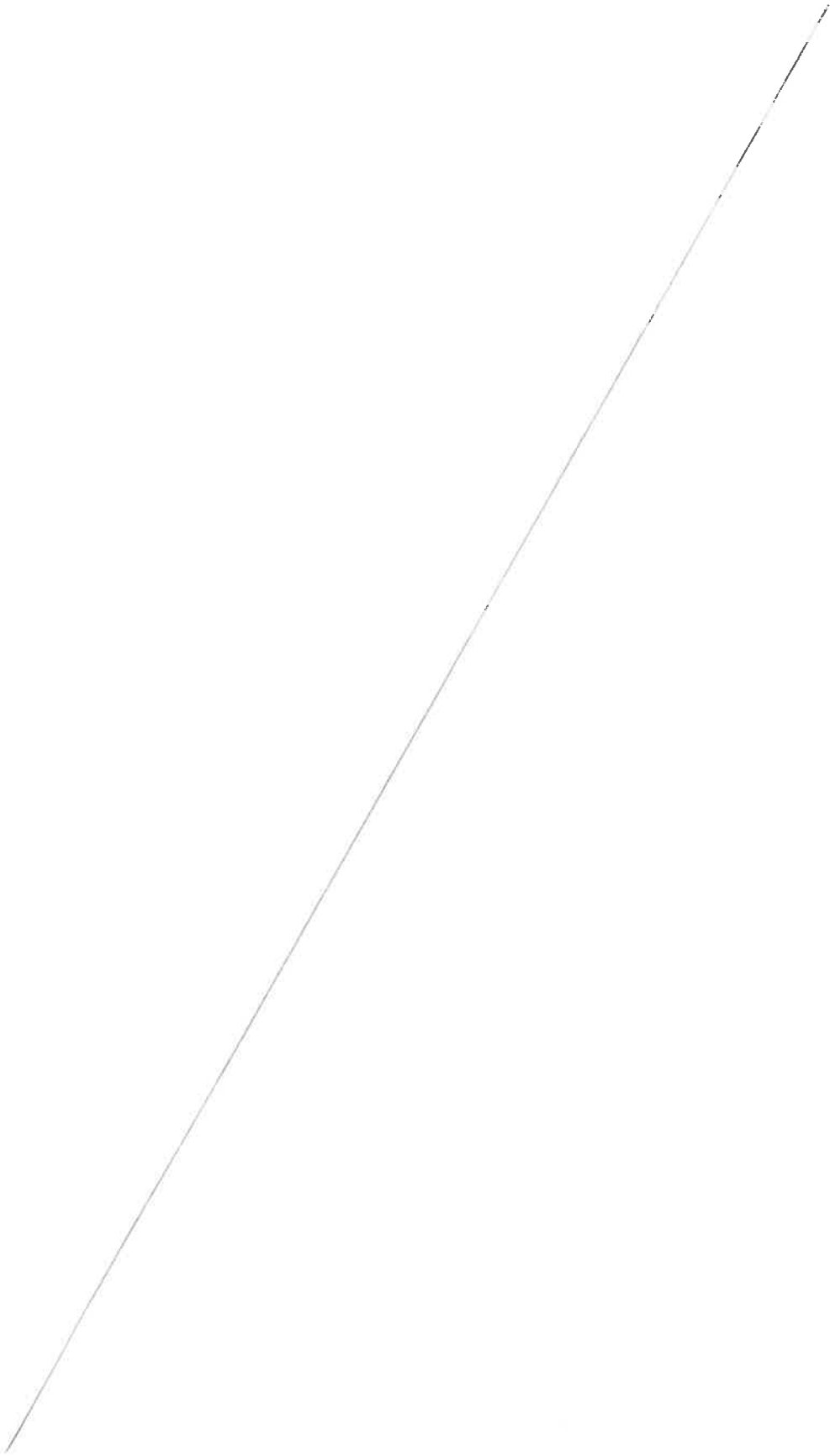
I have looked at this application and the Greater London Historic Environment Record and am providing initial advice but will need further information from field evaluation before I can advise you on the effects on archaeological interest and their implications for the planning decision.



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### **Archaeological and historical interest**

Victoria Tower Gardens lies towards the southern end of the Palace of Westminster and Whitehall Archaeological Priority Area (APA); this is a non-statutory planning policy area indicating high archaeological sensitivity with demonstrable potential for remains equivalent to a scheduled monument. The Palace of Westminster and Westminster Abbey World Heritage Site and two Scheduled Monuments (the Jewel Tower and the Chapter House and Pyx Chamber in the Abbey Cloisters) are within the APA. It also includes the medieval town of Westminster and pre-medieval use of 'Thorney Island' eyot.

Victoria Tower Gardens was laid out in the early 1880s (later extended southwards). At surface level there may survive remains of Victorian/Edwardian paths, planting beds and other garden features, including temporary uses during the World Wars. The evolving use and layout of the garden and its association with Parliament has historical interest.

The Gardens were built astride the 16th to 19th century river frontage where river walls, wharves and associated commercial and industrial premises were located. Given the lack of 20th century disturbance this could be one of the best preserved sections of post-medieval riverfront in London with the potential for substantial buried remains of masonry and timber.

During the medieval period the site lay just to the south of the Abbey and Palace of Westminster along the river bank and foreshore at the mouth of the Tyburn River. The site occupied the river frontage of the Abbey's 'Sanctuary' (an area of protection from the law) which may reflect the greater precinct of the Anglo-Saxon Abbey. A substantial medieval stone-built river wall was found in Black Rod's garden and may extend south into Victoria Tower Gardens. The gardens are thought to cover the site of Westminster Abbey's Mill, St. Peter's Wharf and a Tudor slaughterhouse, as well as having high potential for new discoveries (e.g. sunken boats, wharves and jetties).

The site's potential for pre-medieval archaeology is harder to judge as river and sea levels fluctuated and it was probably wetland at some times and dryland at others. Nevertheless, it is known that the Thames provided a focus for settlement and religious practices including the construction of timber bridges and jetties and the ritual deposition of valuable objects and human remains.

Good survival of structures, artefacts and palaeo-environmental deposits is expected due to lack of twentieth century development and waterlogging adjacent to the river.

### **The planning application and its environmental statement**

Pre-application consultations have resulted in the proposed basement being located in the southern and central parts of the gardens where deep excavation poses a relatively somewhat lower archaeological risk than the northern part where the risk would have been very high. This is welcomed but nonetheless, as acknowledged by the applicant, archaeological survival within the application site is expected to be high.



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The applicant's Environmental Statement (ES) and accompanying desk-based archaeological assessment identify a risk of major adverse impact from the construction of the deep basement which can be mitigated to a negligible impact by archaeological investigation. It also identifies a major or moderate adverse impact from changes to the surrounding hydrology affecting the preservation of palaeo-environmental deposits which is mitigated to a minor adverse impact by the creation of a deposit model. I have concerns about this assessment both in terms of its conclusions and limitations in the information used to reach them.

Paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms but the ability to record is not a factor in deciding whether loss should be permitted. It is therefore not valid for the ES to conclude that mitigation in the form of archaeological investigation would reduce harm from moderate/major adverse to negligible.

The applicant's assessment lacks a geo-archaeological deposit model which was recommended in pre-application discussions and for which there is considerable published contextual information which is not referred to. The published studies should be supplemented by geo-archaeological boreholes within the site itself and the model updated. The geo-archaeological model should then be combined with geo-referenced historic map data to provide a phased interpretation of the site's development through time identifying the likely location of key heritage assets (e.g. mill slaughterhouse etc), land use (e.g. dryland/wetland) and topography (e.g. river channels). Field evaluation trenches/test pits can then be targeted on specific questions - a key issue being whether the site contains an undesignated heritage asset of equivalent significance to a scheduled monument that might be harmed either by construction works or by longer term changes to groundwater conditions. Particular concerns in this respect are whether timber structures of the medieval/post-medieval Abbey Mill or the Tudor slaughterhouse might be harmed or that the substantial medieval river wall found in Black Rod's garden might extend southwards into the site or that important new discoveries such as historic boats might be made. I identified similar issues in detailed comments on the desk-based assessment sent to the applicant's consultant before the application was submitted.

Our review of the submitted information indicates that harm to heritage assets of archaeological interest will arise mainly from three elements of the scheme:

- Removal of 1m of topsoil/subsoil to create a piling mat would remove or truncate shallow features most likely to be related to the gardens or preceding wharfs (the latter depending on the as yet unknown depth of modern overburden);
- Construction of the piled wall and excavation of the basement leading to total loss of all remains within the basement footprint (0.4 hectares);
- Changes to the groundwater conditions to a distance of c 250m beyond the basement possibly leading to medium-long term degradation of waterlogged deposits (including timber structures).

However, the degree of harm in each case is unclear due to lack of information on the depth and nature of deposits but on present evidence the second and third elements pose a clear



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risk of substantial harm to remains of national importance. Because of this, I advise the applicant completes the studies previously recommended to inform the application decision:

### **Geoarchaeology Coring and Deposit Model**

Geoarchaeology is the application of earth science principles and techniques to the understanding of the archaeological record. Coring involves boreholes drilled into the buried deposits to record (and sample) their characteristics, extent and depth. It can assist in identifying buried landforms and deposits of archaeological interest, usually by using the results in deposit models. Coring is often undertaken when the deposits of interest are too deep for conventional digging, or when large areas need to be mapped. It should form part of the archaeological evaluation to inform the planning decision.

There is demonstrable archaeological interest in the complex buried topography of the Tyburn, its confluence with the Thames and its relationship to prehistoric and medieval land use. It will be necessary to build from these existing interpretations in published sources and undertake further archaeologically-observed boreholes to model the sub-surface deposits across the site.

### **Field Evaluation**

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches and in this case areas of high potential that might be affected by groundwater changes should be tested as well as the proposed basement and pile mat footprints. The field evaluation report will be used to inform a planning decision.

I am concerned that the Environmental Statement and the Construction Management Plan appear to envisage archaeological evaluation being undertaken after planning consent has been granted and therefore to confuse the distinction between information needed to make an informed planning decision and any necessary mitigation that might follow.

### **Hydrological impact assessment**

The Environmental Statement identifies a potential risk to waterlogged remains out to a distance of about 250m from the site – this is a sufficiently extensive area to include the scheduled Jewel Tower, the likely sites of the Abbey Mill, the Tudor slaughterhouse, wharfs south of the Palace and the south-eastern corner of the World Heritage Site. Waterlogged timber structural remains are known to survive in this area so a Water Environment Assessment should be carried out following Historic England guidelines at tiers 2/3. This study will need to be informed by the deposit model requested above and may require evaluation test pits/trenches to establish the nature and vulnerability of buried remains in the northern part of the gardens.

### **Recommendations**

The proposals indicate a risk of harm or substantial harm to non-designated heritage assets of archaeological interest equivalent to a scheduled monument. I therefore recommend that you require further information to be submitted to properly understand and assess significant



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archaeological effects. I would need to agree the evaluation work beforehand and it should be carried out by an appropriately qualified and experienced archaeological practice, appointed by the applicant. Once this further information is supplied I will advise you again on determination of the planning application.

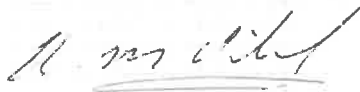
With respect to proposed mitigation I am also concerned that the investigation proposed in the Construction Management Plan does not seem consistent with the Environmental Statement and may not be adequate – once the further information has been supplied the applicant should obtain further advice from a practice with substantial experience of London waterfront archaeology and set out their proposed mitigation methodologies in more detail. We would support public engagement with investigations. We also recommend that the designated garden and monuments are recorded in their present form for their historical, architectural and artistic interest.

If you do not receive more archaeological information before you take a planning decision, I recommend that you cite the applicant's failure to submit sufficient archaeological information as a reason for refusal.

Please do not hesitate to contact me should you require further information.

This response relates solely to archaeological issues. Historic England's advice on built and landscape heritage will follow shortly.

Yours sincerely



Sandy Kidd MA MCIfA MRTPI FSA  
Principal Archaeology Advisor (GLAAS)  
London and South East Region



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Historic England

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City of Westminster  
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Direct Dial: 020 7973 3774

Our ref: P01021522

16 May 2019

Dear Mr Dorward

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**THE VICTORIA TOWER GARDENS MILLBANK LONDON SW1P 3YB  
Application No. 19/00114/FULL**

Thank you for your letter of 30 April, 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

**Historic England Advice**

The amendments relate mainly to changes to the design of the entrance pavilion and memorial courtyard and a modest reduction in the footprint of the learning centre. The previous concept and masterplan are retained.

Whilst we welcome the reduced footprint of the learning centre, and acknowledge that the design changes for the entrance pavilion and memorial courtyard are positive, the amended proposals do not address the many other issues that we raised in our previous advice letter. I enclose a copy of that letter, as the advice within it remains valid for the current amended proposals and reflects Historic England's current position.

**Recommendation**

Historic England has concerns regarding the application on heritage grounds set out in our previous letter dated 1 March, 2019. We believe that the harm to designated heritage assets as outlined in this advice letter needs to be weighed against the public benefits of the proposals in accordance with paragraph 196 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

This response relates to designated heritage assets only. The Greater London



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Historic England

Archaeological Advisory Service responded to the original application setting out Historic England's advice on archaeological matters as specialist archaeological adviser to the local planning authority.

Yours sincerely

**Michael Dunn**

Principal Inspector of Historic Buildings and Areas

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cc



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Historic England

Mr David Dorward  
Planning (South)  
City of Westminster Council

Our ref: CLO28918  
Your ref: 19/00114/FULL

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Email [sandy.kidd@HistoricEngland.org.uk](mailto:sandy.kidd@HistoricEngland.org.uk)

17 May 2019

Dear Mr Dorward

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
NATIONAL PLANNING POLICY FRAMEWORK 2018**

*Installation of the United Kingdom Holocaust Memorial and Learning Centre including excavation to provide a basement and basement mezzanine for the learning centre (Class D1); erection of a single storey entrance pavilion; re-provision of the Horseferry Playground and refreshments kiosk (Class A1); repositioning of the Spicer Memorial; new hard and soft landscaping and lighting around the site; and all ancillary and associated works.  
(Reconsultation following amendments to design including basement footprint)*

**Archaeology**

Thank you for your consultation dated 30/04/2019. The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. Please note that Historic England's Development Management advice relating to designated heritage assets will be provided separately. This response relates solely to archaeological issues.

My previous advice (19/02/19) highlighted the need for further archaeological assessment and field evaluation to inform your planning decision. The applicant's Environmental Statement Addendum (Appendix F) provides a brief update on that process which is now underway in consultation with ourselves.



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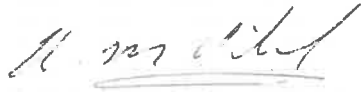
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Although the amended plans show a slightly smaller basement this has not fundamentally changed likely impact and need for the further information requested previously.

Yours sincerely



Sandy Kidd MA MCifA MRTPI FSA  
Principal Archaeology Advisor (GLAAS)  
London and South East Region



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Mr David Dorward  
Planning (South)  
City of Westminster Council

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Your ref: 19/00114/FULL

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12 November 2019

Dear Mr Dorward

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
NATIONAL PLANNING POLICY FRAMEWORK 2019**

*Installation of the United Kingdom Holocaust Memorial and Learning Centre including excavation to provide a basement and basement mezzanine for the learning centre (Class D1); erection of a single storey entrance pavilion; re-provision of the Horseferry Playground and refreshments kiosk (Class A1); repositioning of the Spicer Memorial; new hard and soft landscaping and lighting around the site; and all ancillary and associated works.*

**Updated Archaeology Advice: Recommend condition for archaeological investigation and public interpretation**

I am writing to update my advice letter of 19th February 2019 in response to your consultation dated 31<sup>st</sup> October following the provision of the Revised Archaeological Desk-based Assessment (Appendix F of the Environmental Statement).

The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. We have liaised with the applicant's consultants throughout the scheme design process, including providing paid for pre-application advice, to ensure that appropriate archaeological information is available to reach an informed planning decision.

Historic England's Development Management advice relating to designated heritage assets has been provided separately in Mr Dunn's letter of 1<sup>st</sup> March 2019.

NPPF Section 16 and the Draft London Plan (2017 Policy HC1) recognise the positive contribution of heritage assets of all kinds and make the conservation of archaeological interest a material planning consideration. NPPF paragraph 189 says applicants should



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provide an archaeological assessment if their development could affect a heritage asset of archaeological interest whilst paragraph 194 (footnote 63) says that non-designated heritage assets of archaeological interest which are demonstrably of equivalent interest to scheduled monuments are subject to the policies for designated heritage assets.

NPPF paragraphs 185 and 192 and Draft London Plan Policy HC1 emphasise the positive contributions heritage assets can make to sustainable communities and places. We therefore encourage applicants to identify opportunities for public benefit arising from a site's archaeological interest.

### **Archaeological and historical interest**

As previously noted, Victoria Tower Gardens lies towards the southern end of the Palace of Westminster and Whitehall Archaeological Priority Area (APA); this is a non-statutory planning policy area encompassing Westminster's nationally and internationally significant designated heritage assets and recognises the diverse and highly significant archaeological interests in the area ranging from prehistoric to modern times. The archaeological and historical interests are closely intertwined.

The applicant has provided an updated assessment informed by geophysical, borehole and hydrological surveys in order to better understand the effect of the proposed development on archaeological remains beneath Victoria Tower Gardens. In addition to the updated assessment submitted to the Council I also received the final Geoarchaeological evaluation report (dated November 2019) direct from the applicant's archaeological consultant on 11<sup>th</sup> November.

However, it has not been practical to excavate trial trenches due to the great depth of overburden, height of the water table and disturbance this would cause to the public park. I am nonetheless content that the deposit modelling now available is sufficient to allow an informed assessment of archaeological significance and harm.

### **Significance**

Victoria Tower Gardens was first established in the early 1880s (later extended southwards). Historic maps and geophysical survey indicates that just below the modern ground surface there are likely to survive remains of Victorian/Edwardian paths, planting beds and other garden features. These remains reflect the evolving use and layout of the grade II registered garden but being recent they only have limited potential to advance understanding of the designed landscape.

Victoria Tower Gardens was built astride the 17th to 19th century river frontage documented from historic maps, geophysical survey and geoarchaeological investigation. The remains of land reclamation deposits, river walls, wharves and associated commercial and industrial premises are expected to survive beneath 1.2m topsoil imported to create the park. The eastern side of the gardens lay within the river until the modern embankment was built shortly before WW1. Given the lack of 20th century disturbance this could be one of the best preserved sections of post-medieval riverfront in London with the potential for substantial buried remains of masonry and timber – the deposit model indicates 2-3m of post-medieval



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'made ground' under the park topsoil. Documentary evidence indicates commercial wharfs involved in the supply of building materials and equipment as well as services presumably serving the expanding West End as well as Whitehall and Westminster itself. Archaeological investigations of the Roman and medieval City of London have been highly productive but much less work of this nature has been done in Westminster. These remains are therefore judged to be significant but not demonstrably equivalent to a scheduled monument.

The geoarchaeological deposit model shows 2 to 3.5m of mainly riverine or wetland deposits beneath the post-medieval made ground. During the medieval period up until the mid-17<sup>th</sup> century the application site lay just to the south of the Abbey and Palace of Westminster along the river bank and foreshore at the mouth of the Tyburn River. The site occupied the river frontage of the Abbey's 'Sanctuary' (an area of protection from the law) which may reflect the greater precinct of the Anglo-Saxon Abbey. A substantial medieval stone-built river wall found in Black Rod's garden may extend south into the northern part of the gardens which also either cover or lie close to the sites of Westminster Abbey's Mill, St. Peter's Wharf and a slaughterhouse. The small excavation in Black Rod's Garden demonstrated high potential for well-preserved waterlogged new discoveries (e.g. sunken boats, wharves and jetties). Thus the northern part of the gardens has clear potential to contain buried remains of equivalent significance to a scheduled monument. In contrast the southern part of the gardens is not thought to have been developed at this time. Millbank may have been constructed along the site's western edge and the foreshore across the remainder used for river-based activities. Thus whilst there is potential for significant medieval discoveries under the southern part of the gardens the risk of encountering remains equivalent to a scheduled monument is lower than in the northern part.

The site has been shown to have pre-medieval riverine deposits containing significant evidence for past environments, although the potential for pre-medieval structural or artefactual evidence is harder to judge. It is known that the Thames provided a focus for settlement and religious practices including the construction of timber bridges and jetties and the ritual deposition of valuable objects and human remains. The most notable nearby discoveries are of the outstanding Iron Age 'Battersea Shield' and 'Waterloo Bridge Helmet', both now top exhibits in the British Museum. Archaeological finds, palaeoenvironmental analyses and radiocarbon dates indicate that the 2-3.5m of alluvial (riverine) deposits beneath the post-medieval made ground built up over a long time period from the end of the last Ice Age (c 10,000 BC) to the late medieval period. From later prehistoric times at least the site would have been wetland and/or river foreshore with the base of the sequence lying 0.5 to 3.5m below modern sea level. Nevertheless, sea levels have risen since the end of the last Ice Age and highly significant prehistoric remains can be found in such river edge locations. The deep alluvial deposits have been shown to contain peat and other organic remains with high potential for reconstructing the environmental context of the site whilst the geoarchaeological work contributes to wider study of the evolution of the Thames. Thus there is clear potential for significant pre-medieval remains and whilst there is no specific evidence for anything of equivalent significance to a scheduled monument the risk of such a discovery is more than negligible.



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## Harm

Pre-application consultation resulted in the proposed basement being located in the southern and central parts of the gardens where deep excavation poses a relatively somewhat lower archaeological risk than the northern part where the risk would have been very high. This approach to reducing the risk of harm is supported by the updated archaeological assessment.

The submitted information indicates that principal harm to heritage assets of archaeological interest will arise from construction of the piled wall and excavation of the basement leading to total loss of all remains within the basement footprint. There is also potential for harm from removal of surface topsoil/subsoil across the whole site and from changes to groundwater conditions causing medium-long term degradation of waterlogged deposits (including timber structures).

The applicant's Environmental Statement (ES) identifies a risk of major adverse impact from the construction of the deep basement which can be mitigated to a negligible impact by archaeological investigation. I cannot agree with this formulation because paragraph 199 of the NPPF says that the ability to record evidence of our past is not a factor in deciding whether loss should be permitted. It is therefore not valid for the ES to conclude that mitigation in the form of archaeological investigation would reduce harm from moderate/major adverse to negligible. A moderate adverse impact seems the most plausible outcome.

The ES also identified a major or moderate adverse impact from dewatering during construction but I am satisfied that 'Dewatering Note' provided as appendix I in the revised desk-based assessment clarifies that dewatering will not affect the parkland outside the new basement and therefore there should not be any adverse dewatering impact.

The ES does not assess any archaeologically related benefits arising from the scheme but the desk-based assessment does note that it could provide opportunities for public engagement events and outreach programmes. I agree, and if secured and implemented to a good standard I consider they could provide a minor positive benefit.

## Conclusion and Recommendations

The Holocaust Memorial and Learning Centre is designed to deliver great social and cultural benefits by reminding us all of one of the greatest crimes and tragedies of human history. Our advice has always been aimed at helping achieve this outcome in a way that appropriately respects this nation's archaeological heritage.

The construction of a substantial basement in this archaeologically sensitive location will inevitably harm undesignated heritage assets of archaeological interest. The scheme's promoters have now provided sufficient information to assess the likely risk. The known archaeological assets affected are non-designated assets to which paragraph 197 of the NPPF would apply requiring a balanced planning judgment having regard to the scale of harm and significance of the asset. This would include recognising that there is still a low residual risk of harm to as yet undiscovered non-designated heritage assets of archaeological interest



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equivalent to a scheduled monument arising from the sensitivity of the location and the impracticality of digging deep trial trenches there. It would also involve providing for the public interest in a major excavation in a highly public place. I therefore recommend attaching a condition based on that recommended in Historic England's GPA2 to any consent as follows:

*No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. No groundworks shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and*

*A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*

*B. Details of a programme for delivering related positive public benefits*

*C. A method statement for protecting buried remains outside the basement footprint during the construction period*

*D. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI*

#### *Informative*

*The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. It should include a contingency arrangement in case of the unexpected discovery of archaeological remains of national significance. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.*

This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. If the applicant does not agree to this pre-commencement condition please let us know their reasons and any alternatives suggested. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199.

I envisage that the archaeological fieldwork would comprise archaeological excavation of the basement footprint down to the natural gravel. Outside the basement footprint in the construction and landscaping area the significant archaeology begins at a depth of c1.2m and should be preserved in-situ beneath temporary works and permanent landscaping. Public benefits should cater for a variety of audiences and might take the form of a viewing platform with interpretation, media involvement, off-site talks, educational involvement and perhaps permanent site-based interpretation of some kind.



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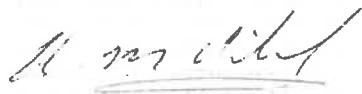
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Please note that this response relates solely to archaeological considerations. Historic England's Development Advice Team has responded separately regarding statutory matters.

Yours sincerely



Sandy Kidd MA MCIFA MRTPI FSA  
Principal Archaeology Advisor (GLAAS)  
London and South East Region



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# Appendix 2







# VICTORIA TOWER GARDENS

## Overview

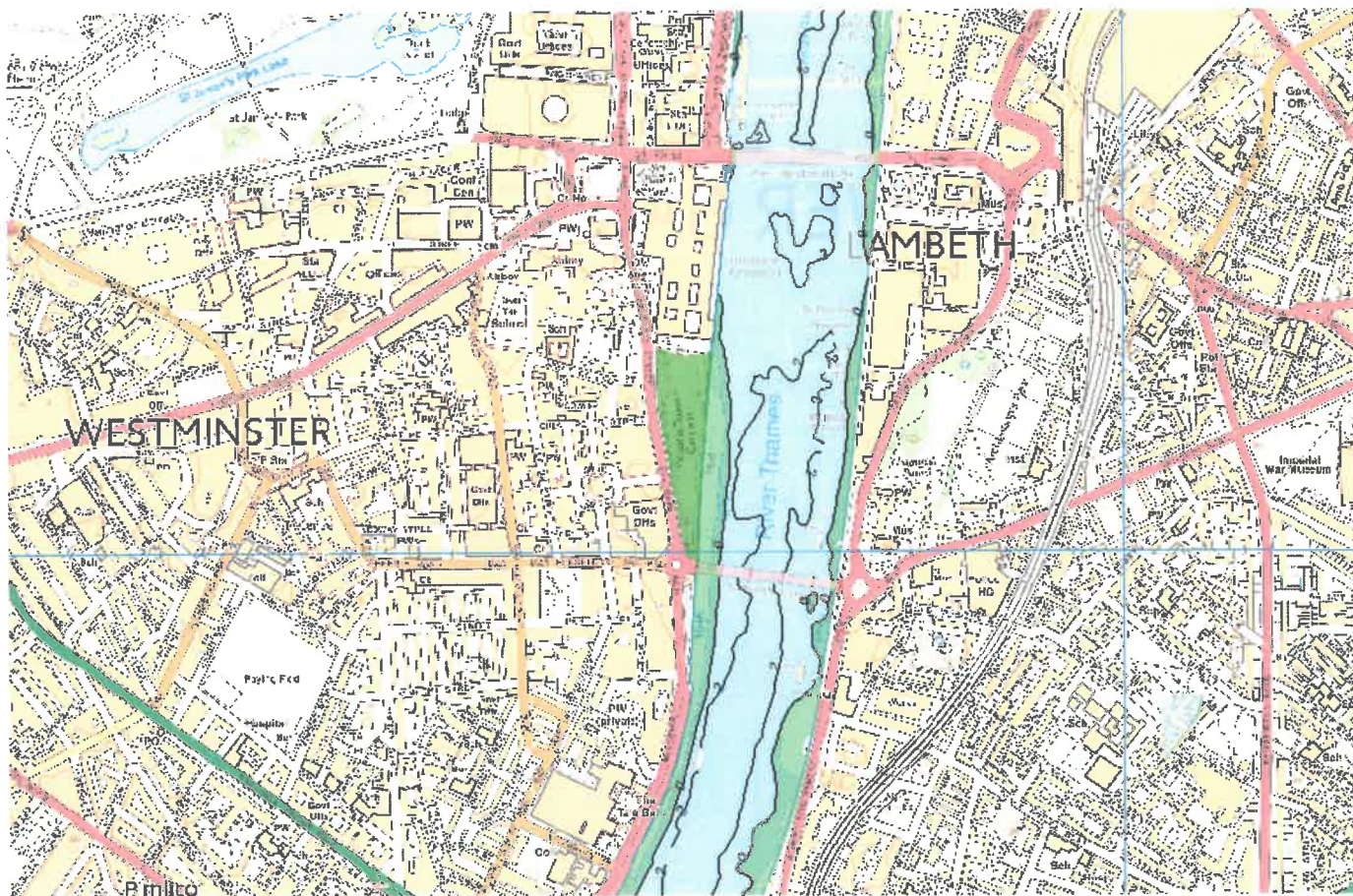
Heritage Category:  
Park and Garden

Grade:  
II

List Entry Number:  
1000845

Date first listed:  
01-Oct-1987

## Map



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## Location

The building or site itself may lie within the boundary of more than one authority.

County:

Greater London Authority

District:

City of Westminster (London Borough)

Parish:

Non Civil Parish

National Grid Reference:

TQ 30258 79170

## Details

Public garden laid out in 1879 and extended in 1914, with the layout revised in 1955-6.

### HISTORIC DEVELOPMENT

The Houses of Parliament were built by Charles Barry (1795-1860) and Augustus Welby Pugin (1812-52) between 1837 and 1858, and in 1867 an Act was passed allowing land to be obtained to construct an embankment to the south. The OS 1st edition map (surveyed 1872) shows the new Houses of Parliament with the Victoria Tower in the south-west corner and a small area of ground to the south which had been embanked to provide a vehicular entrance to the south side of the buildings. The remaining ground to the south had not been embanked and was occupied by wharves, a cement works, an oil factory, and flour mills. In 1879 a gift of £1000 from the Rt Hon W H Smith was supplemented by £1400, voted by Parliament, towards 'enclosing and laying out for the use of the public the ground to the south of the Houses of Parliament which has recently been embanked' (Works file 11/63). A design for the garden dated November 1879 (Works file 11/63) shows a simple formal design of four grass lawns around a central circular lawn, all divided by paths. There were shrubberies with a grass verge around the south, west, and north sides, and a row of trees along the embanked east side. The gardens occupied the square northern end of the present gardens. This scheme is shown on the OS 2nd edition map (revised 1894-6), with regularly placed trees on the grass plats. These trees (plane, lime, Pyrus, elm, and thorn) were shown on early C20 plans (Works file 16/826), symmetrically positioned on each lawn. The land to the south of the gardens was still unembanked and occupied by wharves.

In 1909 there were proposals under the London County Council (Improvements) Act 1900 to extend the embankment and continue the gardens along the line of it. The plans were approved in 1912, the gardens laid out in 1913, and opened in 1914. The northern end of the gardens were redesigned at the same time with the circular feature positioned further south and the Burghers of Calais statuary group by Auguste Rodin positioned near the north-west corner. The revised layout is shown in the 3rd edition OS map (revised 1914).

In the 1920s the southern end of the gardens was redesigned as a children's play area (Works file 16/1214) and was partially altered by the building of the new Lambeth Bridge, completed in 1932. In 1933 the gardens were simplified in order to give clear views to the Houses of Parliament and trees (remaining from the 1870s scheme) and some of the shrubberies (from the 1890s scheme) were removed. The north lawn was also kept clear of people, the middle lawn was open but ball games were forbidden except in the summer holiday, and the south lawn was for children (Works file 16/1510).

The gardens were altered to their present appearance in the 1950s. In 1952 there were proposals for resiting the statues and for the incorporation of the Buxton Memorial Fountain from Parliament Square. A scheme for altering the gardens was finally agreed in 1955 and carried out in 1956, with the resiting of the Burghers of Calais and the Pankhurst statue, the installation of the Buxton Memorial Fountain, the planting of new shrubberies at the northern and southern ends of the gardens, the removal of the circular feature, and alterations to some of the paths and entrances (all references Works file 16/1940-1). The shrubbery at the northern end was designed to mask a new boiler house in Black Rod Garden and a fence which was realigned around it.

### DESCRIPTION

LOCATION, AREA, BOUNDARIES, LANDFORM, SETTING Victoria Tower Gardens, c 2.5ha, lie within the London Borough of Westminster, immediately south of the Houses of Parliament (listed grade I), and c 150m south-east of Westminster Abbey (listed grade I). The gardens are bounded by Abingdon Street and Millbank to the west, the Thames to the east, Lambeth Bridge to the south, and Black Rod Garden with the Houses of Parliament to the north. The entrance to Black Rod Garden from Abingdon Street lies immediately north of the gardens (outside the area here registered), and is marked by a small octagonal lodge with iron gates (Barry and Pugin c 1850-60, listed grade I). The approximately triangular gardens are laid out on level ground with excellent views looking north to Victoria Tower (on the south-west corner of the Houses of Parliament) and east over the River Thames. The boundaries to the west and north are marked by iron railings, to the south by the retaining wall of Lambeth Bridge, and to the east by the granite embankment wall (northern section 1870s, southern section 1913, listed grade II).

**ENTRANCES AND APPROACHES** The gardens are entered from four gateways along the west side. The northernmost entrance leads from Abingdon Street and was made in 1955-6, replacing the original late C19 entrance, which was aligned on Great College Street. The middle two entrances, aligned on Wood Street and Great Stanley Street on the far side of Millbank, were made when the gardens were extended in 1914. The southernmost entrance on the west side was formed in the 1930s, and replaced the 1914 entrance which was c 20m to the south. A fifth entrance is from Lambeth Bridge to the south and was formed when Lambeth Bridge was rebuilt in 1929-32. The gate is on the bridge, beside an obelisk, and to the north of the gate a flight of steps leads down to the gardens.

**GARDENS AND PLEASURE GROUNDS** Just inside the northernmost entrance to the gardens there is a circular area of asphalt with a bronze statue of Mrs Emmeline Pankhurst (A G Walker, listed grade II) on the eastern edge, facing west and backed by a shrubbery. The statue was commissioned in 1929 and was unveiled in 1930, and was positioned on the western edge of a circular shrubbery in the centre of the gardens, facing west along the line of Wood Street. It was moved to its present position in 1956 as part of the revised layout of the gardens (all references Works file 20/188). The shrubbery which backs the statue is on a slight bank, and runs east from this point along the northern boundary of the gardens, masking a fence and boiler house which were installed in 1955-6.

A shrubbery runs along the northern end of the west boundary (between the two northern entrances) but the central area of the gardens is laid out as open lawn, kept clear of planting to preserve the views. The areas of lawn are divided at the northern end by arching paths, which cross just east of the centre, with the northern branches leading to the north-west and north-east corners of the gardens, and the southern arms joining onto straight paths which run south along the west and east boundaries. At the point where the paths cross, c 60m south-east of the northern entrance, there is a large bronze statuary group of six figures by Auguste Rodin (1840-1917), known as the Burghers of Calais (first version 1895, listed grade I). The group was donated by the National Arts Collection Fund and erected in the gardens in 1914. Because of the outbreak of the First World War and anxiety of offending the French Allies, the statuary group was not formally unveiled but the tarpaulin was removed informally in 1915. It was sited approximately on the present position of the Pankhurst statue, on the west end of a path which ran west/east across the north end of the garden. This path was removed and the Burghers of Calais were resited as part of the alterations to the gardens in 1955-6. The original position had been chosen by Rodin, who had also requested that the piece was placed on a high plinth (the versions in Calais and Copenhagen had been placed on lower plinths). Objections to the high plinth were made from the start on the basis that it was difficult to view the piece properly and the piece was therefore placed on a lower pedestal when it was resited in 1955-6 (all references Works file 20/124 and 20/243).

The open lawns in the centre of the gardens are lined by rows of planes along the perimeter paths on the west and east sides. The east path, which forms a terrace walk along the embankment wall, has a row of benches set on high pedestals looking out over the river. A path crosses the gardens from west to east, aligned on the entrance opposite Dean Stanley Street. At the east end of this path, dominating the southern end of the gardens, is the Buxton Memorial Fountain (S S Teulon 1865, listed grade II) c 200m south-east of the northernmost entrance. The octagonal gothic fountain has a limestone and granite pavilion which supports a pyramidal spire roof decorated with enamelled metal. The fountain was erected in Parliament Square (qv) in 1865/6 but was removed in 1950, following the Parliament Square Improvements Act 1949. It was finally resited in Victoria Tower Gardens in 1955-6 (Works file 20/266 and 20/301-2).

A path runs west/east from the southernmost entrance across to the terrace walk, with a shrubbery (planted in 1955-6) on the south side dividing a children's playground from the rest of the gardens. The southern end of the playground is terminated by a curving screen wall incorporating a seat, three wall drinking fountains, and carved animals at each end of the wall (all references Works file 16/1214). The wall and seat were part of a scheme laid out in 1923 to the designs of Philip Tilden. The playground now has play features on asphalt, surrounded by the 1920s paving. The centre of the 1920s scheme was taken up by a sandpit, which was extended in 1927, and filled in with asphalt in the late C20. The area to the south and east of the playground was altered in 1932 following the building of Lambeth Bridge (Works file 16/1216). To the south of the curving fountain wall is a works area with shrub planting surrounding rose beds and storage within the wall of Lambeth Bridge. The southern end of the eastern perimeter path terminates at the flight of steps up to Lambeth Bridge.

## REFERENCES

B Cherry and N Pevsner, *The Buildings of England: London 1 The Cities of London and Westminster* (3rd edn 1973), p 598 B  
Weinreb and C Hibbert, *The London Encyclopaedia* (1988)

Maps OS 25" to 1 mile: 1st edition surveyed 1872, published 1879 2nd edition revised 1894-6, published 1897 3rd edition revised

1914, published 1916

Archival items Victoria Tower Gardens files: Works 11/63; 16/826; 16/1214; 16/1510; 16/1940-1; 20/124; 20/188; 20/243; 20/266 (PRO)

Date written: June 2002 Register Inspector: CB Edited: August 2003

## Legacy

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1841

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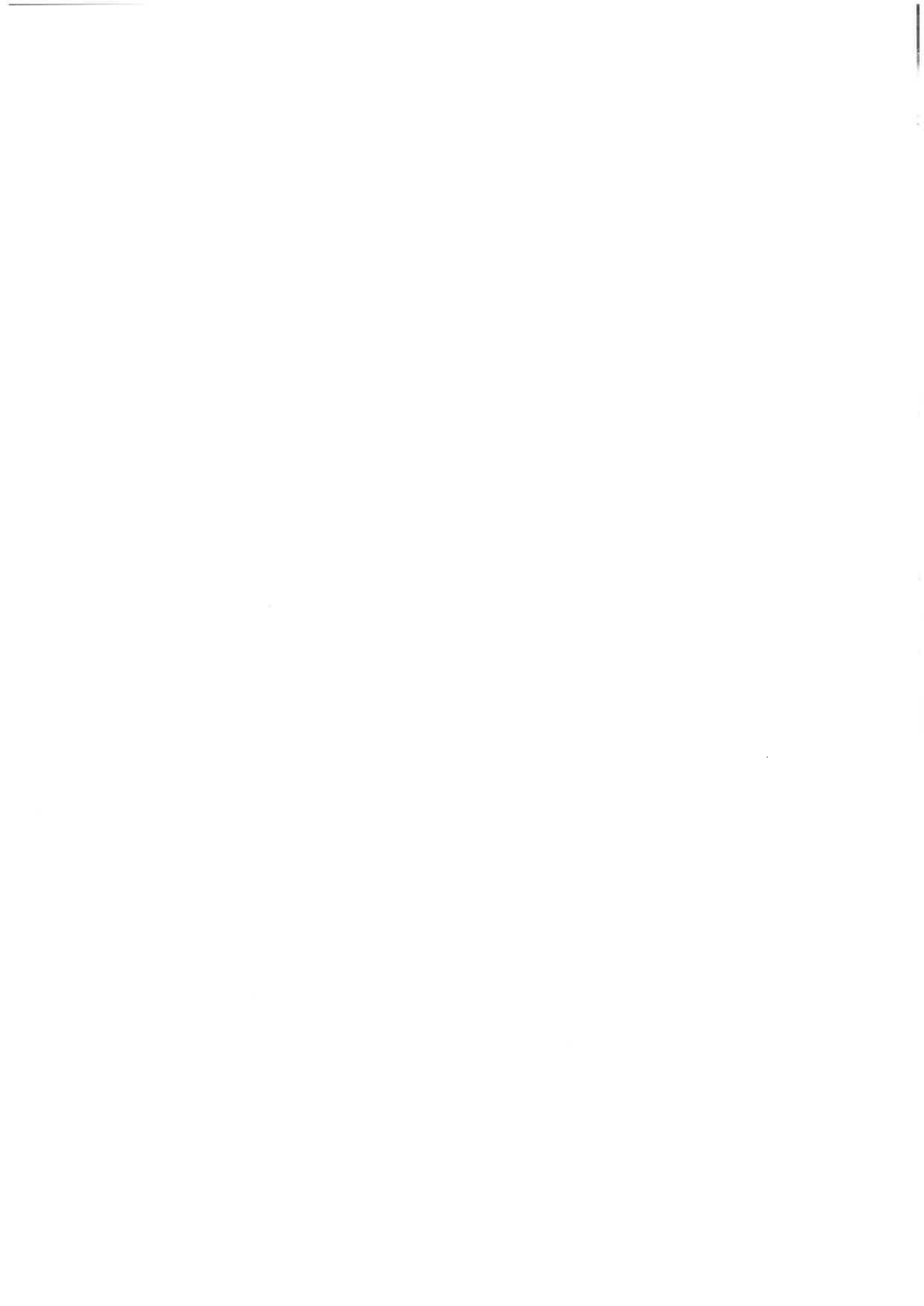
Parks and Gardens

## Legal

This garden or other land is registered under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic Parks and Gardens by Historic England for its special historic interest.

End of official listing

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# BUXTON MEMORIAL FOUNTAIN, VICTORIA TOWER GARDENS

## Overview

Heritage Category:  
Listed Building

Grade:  
II\*

List Entry Number:  
1066151

Date first listed:  
05-Feb-1970

Date of most recent amendment:  
21-Dec-2007

Statutory Address:  
BUXTON MEMORIAL FOUNTAIN, VICTORIA TOWER GARDENS, MILLBANK

## Map



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## Location

Statutory Address:  
 BUXTON MEMORIAL FOUNTAIN, VICTORIA TOWER GARDENS, MILLBANK

The building or site itself may lie within the boundary of more than one authority.

County:  
 Greater London Authority

District:  
 City of Westminster (London Borough)



National Grid Reference:  
TQ 30271 79131

## Details

1900/101/68

MILLBANK VICTORIA TOWER GARDENS Buxton Memorial Fountain, (Formerly listed as: VICTORIA TOWER GARDENS SW1, BUXTON MEMORIAL FOUNTAIN) (Formerly listed as: MILLBANK SW1, BUXTON MEMORIAL FOUNTAIN) 05-FEB-70

II\* Drinking fountain, erected 1865-6. Designed by Samuel Sanders Teulon, with what appears to have been a considerable creative contribution from Charles Buxton.

Limestone and granite, with an enamelled roof, made by Skidmore, and mosaic decoration. Elaborate and delicate Gothic pavilion with rich use of polychrome materials. Octagonal with pointed arched shafted openings and pyramidal spire-roof of brightly enamelled iron with finial. Inside, four granite drinking basins arranged around a central shaft. Eight metal figures of British rulers, by T. Earp, which once stood at eaves level, were stolen, some in 1960, the rest in 1971. These were recast in 1980, but have since disappeared.

The fountain is no longer working. It was restored by the Royal Parks in 2007.

The original plaques were subsequently removed, and two plaques have been added to the monument in the twentieth century. On the west side a plaque gives an incorrect date for the erection of the fountain: 'Erected in 1835 / by Charles Buxton M.P. / in commemoration of / the emancipation of slaves 1834 / and in memory of his father / Sir T. Fowell Buxton / and those associated with him / Wilberforce, Clarkson, Macaulay, Brougham / Dr Lushington and others'. A plaque on the east side of the fountain reads, 'This plaque / commemorates the / 150th anniversary of / The Anti-Slavery Society / 1839-1989'.

The fountain was originally sited in Parliament Square, but was removed in 1949, and placed in Victoria Tower Gardens in 1957.

**HISTORY:** The Buxton Memorial Fountain was erected by Charles Buxton to celebrate the Slavery Abolition Act of 1833, and the achievement of his father, Thomas Fowell Buxton, and his associates, in bringing it about. The Act, which came into force in 1834, made the ownership of slaves throughout the British colonies illegal. Following the abolition of the slave trade in 1807, the men commemorated by this fountain strove to secure the full emancipation of slaves. To this end, the Anti-Slavery Society was formed in 1823, principally by Buxton, Wilberforce, Clarkson and Macaulay.

Wilberforce had been foremost in driving the 1807 Act through Parliament, Clarkson having gathered much of the evidence on which the campaign was built. Buxton, named by Wilberforce as his successor in the fight against slavery, was especially active the second part of the campaign, culminating in the Act of 1833, and in promoting the interests of former slaves in subsequent years. He once observed of himself and his achievements that, 'with ordinary talents and extraordinary perseverance, all things are attainable.' Zachary Macaulay, a prominent campaigner, was for several years governor of Sierra Leone, the colony for emancipated slaves from the United States and Nova Scotia founded in 1787. Henry Brougham, a promoter of abolition, was Lord Chancellor when the 1833 Act was passed. Stephen Lushington, lawyer and MP, was a particularly close associate of Thomas Fowell Buxton's in the anti-slavery movement.

Charles Buxton was the third son of Thomas Fowell Buxton. He served as a Liberal MP for fourteen years, as well as being a partner in the brewing firm of Truman, Hanbury, Buxton & Co, of which his father had been director. He was an amateur architect, and is believed to have contributed to the design of this fountain.

The fountain was erected in Parliament Square in 1865-6, possibly in connection with the abolition of slavery in America at that date. It is thought that Charles Buxton took over the project from the Metropolitan Drinking Fountain Association, which, since its inception in 1859, had wished to build 'a costly and handsome fountain in Palace Yard'. By 1949 the fanciful Gothic design of the fountain had few admirers, and it was removed when the Government redeveloped Parliament Square in preparation for the

Festival of Britain. Speaking in the House of Lords, Viscount Simon defended 'a memorial erected in the symbolic heart of the Empire to record one of the greatest Parliamentary events in our history'. In 1957 the fountain was re-erected in Victoria Tower Gardens, where it joined Rodin's sculpture of The Burghers of Calais and a statue of the suffragette, Emmeline Pankhurst (both listed).

SOURCES: J. Oldfield, 'Chords of Freedom', (2007), pp. 57-9; S. Bradley and N. Pevsner, The Buildings of England, London 6: Westminster (2003); Dictionary of National Biography; The Times, 14 December 1949

REASONS FOR DESIGNATION The Buxton Memorial Fountain is designated at Grade II\* for the following principal reasons: \* An unusual and exuberant example of the work of S. S. Teulon, in association with Charles Buxton \* A notable landmark in an important setting, next to the Thames, and alongside the Palace of Westminster; the colourful Gothic pavillion makes a light-hearted companion to the giant of Victorian Gothic architecture \* Lavish and imaginative use of materials, especially in its enamelled roof \* The fountain is of particular historic interest having been erected to celebrate the Slavery Abolition Act of 1833. The significance of the monument is enhanced by its location; it commemorates one of Parliaments most momentous Acts, and its principal dedicatee is the parliamentarian responsible for ensuring the passage of that Act. This monument was upgraded from II to II\* in 2007, the bicentenary year of the 1807 Abolition Act.

## Legacy

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Legacy System number:

207428

Legacy System:

LBS

## Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

End of official listing

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Date: 21 May 2001

Reference: IOE01/03836/18

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