

HOLOCAUST MEMORIAL PUBLIC INQUIRY

Proof of Evidence for Susan Denyer

**Expert witness on World Heritage
for the Thorney Island Society/Save Victoria Tower Gardens**

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INTRODUCTION – MY PROFILE

1. My name is Susan Denyer. This proof of evidence has been produced for the Thorney Island Society/Save Victoria Tower Gardens in my capacity as an expert witness.
2. Since 2002, I have worked as Secretary (Secretary-General) (part-time) of ICOMOS-UK (The International Council on Monument and Sites, UK) and in that capacity have been involved in Public Inquiries/Public Hearings for the World Heritage sites of Stonehenge, Avebury and Associated Monuments, New Lanark, the Heart of Neolithic Orkney and The Old and New Towns of Edinburgh. I have also provided advice on the potential impact of proposed development on the Outstanding Universal Value (OUV) of World Heritage sites (WHSs), on management plans for WHSs, and on potential nominations for World Heritage status, all within the UK.
3. Since 2003, I have also worked as World Heritage Adviser for ICOMOS International¹, based in Paris, France, in which capacity I am involved in assessing the state of conservation, including Heritage Impact Assessments (HIAs), of WHSs outside the UK as part of the UNESCO World Heritage State of Conservation process. I have conducted for ICOMOS numerous Reactive and Advisory Missions, at the invitation of States Parties, to assess the state of conservation of WHSs also outside the UK and the potential impact of developments on their OUV. I was involved in initiating and drafting the *ICOMOS Guidance on HIAs for Cultural World Heritage properties, 2011*. [**HIA Guidance CD 4.6**].
4. I hold a Bachelor of Science degree from the University of Bristol and am a Fellow of the Society of Antiquaries. I have written extensively on cultural heritage and particularly on World Heritage matters.

PROPOSAL THAT IS THE SUBJECT OF THE INQUIRY

5. The subject of the Inquiry is a proposal for the installation of a Holocaust Memorial and an underground Learning Centre in Victoria Tower Gardens, Millbank, adjacent to Victoria Tower and within the immediate setting of The Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage Site (Westminster WHS).
6. The proposals also include the erection of a single storey entrance pavilion, re-siting of the Horseferry Playground and refreshments kiosk; repositioning of the Spicer Memorial; as well as new hard and soft landscaping and lighting around the development site.

¹ ICOMOS is one of the three Advisory Bodies to the World Heritage Committee, as set out in Articles 8.3, 13.7 and 14.2 of the World Heritage Convention, 1972 [**The Convention CD 4.18**]; ICOMOS-UK is the National Committee of ICOMOS.

SCOPE OF PROOF OF EVIDENCE

7. The scope of my Proof relates to the potential impact of the proposed development on the Outstanding Universal Value (OUV) of the Westminster WHS.
8. I consider that the proposal, if implemented, would have a significant, negative impact on the OUV of the WHS, amounting to significant harm in terms of the National Planning Policy Framework (NPPF). Although the siting of the proposals has been slightly modified since the first plans were produced, this has not mitigated the impact on OUV and such impact cannot be outweighed by the proposed benefits.

FORMAT OF PROOF OF EVIDENCE

9. This proof sets out a detailed assessment of the potential impact of the proposed developments on the OUV of the WHS.
10. This assessment is based on processes set out in *Managing Significance in Decision-taking in the Historic Environment, Historic England 2015 [CD 4.8]*, *The Setting of Heritage Assets, Historic England, Second Edition 2017, [CD 4.9]* and *ICOMOS Guidance on HIAs for Cultural World Heritage sites 2011 [HIA Guidance CD 4.6]*
11. The assessment will consider and reflect upon the content of the Impact Assessments prepared by the applicant.
11. On the basis of a full understanding the WHS, its OUV, the attributes that convey OUV and the conditions of authenticity and integrity, the assessment will consider the potential impact of the proposed development on the OUV of the WHS, and any proposed or possible mitigations.
12. This overall approach is in line with the *ICOMOS Guidance on HIAs for Cultural World Heritage sites, [HIA Guidance CD 4.6]* which sets out a methodology for how attributes that might be impacted by a proposed development are identified as ‘receptors’, how potential impacts on those receptors are assessed, and finally how an overall cumulative assessment of potential impact on OUV is undertaken.
13. I set out below a critique of the applicant’s Impact Assessments and, where relevant, I offer my own opinion by way of contrast.

RELEVANT PLANNING POLICIES & DOCUMENTS

14. This proof has been prepared within the framework of policies in place to protect the WHS and its OUV. In preparing this paper, I have also had regard to the relevant documents noted below.

Relevant policies:

- **National Planning Policy Framework, NPPF, 2019 [CD 1.1] paragraph 193-194. Section 16** *Substantial harm to or loss of designated heritage assets of the highest significance... [including] grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional and that Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.*
- **Westminster Unitary Development Plan, 2007 [CD 2.2]: DES 16 World Heritage site** *Permission will only be granted for developments that protect and conserve the character, appearance, setting and ecological value of the World Heritage Site.*
- **The London Plan, 2016 [CD 2.1]: 7.10 World Heritage sites B** *Development should not cause adverse impacts on World Heritage Sites or their settings (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans.*
- **Intend to Publish London Plan, 2019 [CD 2.4]: HC2 World Heritage sites:** *Development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value, including the authenticity, integrity and significance of their attributes, and support their management and protection. In particular, they should not compromise the ability to appreciate their Outstanding Universal Value, or the authenticity and integrity of their attributes.*
- **Management Plan for Westminster WHS [Management Plan CD 4.12]** *Objective 1 To safeguard the Outstanding Universal Value for which the Westminster WHS was inscribed which are embodied in the buildings, spaces, monuments, artefacts and archaeological deposits within the site, the setting and views of and from it, its iconic status and the activities which take place within the WHS. The Management Plan should seek to guide, influence and advise those who are managing the organisations involved in the site.*

Relevant documents:

- The Setting of Heritage Assets, Historic England, Second Edition, 2017 [CD 4.9]

- Managing Significance in Decision-taking in the Historic Environment, Historic England 2015[**CD 4.8**]
- The London View Management Framework Supplementary Planning Guidance [**CD 3.14**]
- The World Heritage Convention, 1972, [**The Convention CD 4.18**]
- The Operational Guidelines for the Implementation of the World Heritage Convention, 2019 [**Op. G CD 4.7**]. ;
- ICOMOS Guidance on HIAs for Cultural World Heritage properties, 2011 [**HIA Guidance CD 4.6**];
- Nomination Dossier for The Palace of Westminster and Westminster Abbey including St Margaret’s Church Westminster
- Statement of Outstanding Universal Value for The Palace of Westminster and Westminster Abbey including St Margaret’s Church Westminster World Heritage site [**SoOUV CD 4.19**]

ASSESSING THE PROPOSAL FOR POTENTIAL IMPACT ON THE OUTSTANDING UNIVERSAL VALUE (OUV) OF THE WORLD HERITAGE SITE (WHS)

15. I consider that the proposals would have a highly adverse impact on the OUV of the WHS, amounting to substantial harm within the meaning of the NPPF. Central to my analysis is a full understanding of the OUV of the WHS and in that regard, I refer to the following:
- The World Heritage Convention and OUV
 - The OUV of the Westminster WHS
 - The attributes that convey the OUV of the Westminster WHS
 - Conditions of authenticity and integrity
 - Protection and Management requirements
- and the recommended procedures for assessing impact on OUV.

Understanding the World Heritage Convention, the OUV of the WHS, the attributes that convey OUV, the conditions of authenticity and integrity and requirements for protection and management, and the procedure for Heritage Impact Assessments (HIAs)

World Heritage Convention and OUV

16. The World Heritage Convention 1972 [**The Convention CD 4.18**] aims at the identification, protection, conservation, presentation and transmission to future generations of cultural and natural heritage of Outstanding Universal Value. The Convention was ratified by the United Kingdom on 29th May 1984.
17. Under the World Heritage Convention 1972 for the protection of World’s Cultural & Natural Heritage, sites are inscribed as World Heritage if they are deemed to be of

‘Outstanding Universal Value’ and thus are part of the ‘world heritage of mankind as a whole’ and deserve ‘protection & transmission to future generations’².

18. To be inscribed on the World Heritage List, a property must in the view of the elected UNESCO World Heritage Committee justify OUV, including satisfying one or more cultural criteria, as well as conditions of integrity and authenticity, and have in place adequate protection and management.
19. How a WHS justifies OUV, and the key ‘attributes’ that convey OUV, is set out in a Statement of OUV [**SoOUV CD 4.19**] approved by the UNESCO World Heritage Committee. An SoOUV consists of:
 - *Brief Synthesis*: What the site consists of, why it justifies OUV and the key attributes that convey OUV
 - *Criteria*: How the site has satisfied relevant criteria
 - *Integrity & Authenticity*: How the site satisfies the conditions of integrity and authenticity
 - *Requirements for Protection and Management*: Details of the protection and management that the State Party has committed to put in place for the site

The OUV of the Palace of Westminster and Westminster Abbey including Saint Margaret’s Church World Heritage Site

20. The Palace of Westminster and Westminster Abbey including Saint Margaret’s Church World Heritage Site was nominated by the State Party of the United Kingdom in 1986 and inscribed on the World Heritage List in 1987 by a decision of the elected UNESCO World Heritage Committee.
21. The UNESCO short description³ describes the World Heritage Site as: ‘*Westminster Palace, rebuilt from the year 1840 on the site of important medieval remains, is a fine example of neo-Gothic architecture. **The site** – which also comprises the small medieval Church of Saint Margaret, built in Perpendicular Gothic style, and Westminster Abbey, where all the sovereigns since the 11th century have been crowned – **is of great historic and symbolic significance***’. (Emphasis added)
22. The ICOMOS evaluation⁴ notes that ‘*The reconstruction of a new Westminster Palace by Barry and Pugin beginning in 1835 translates, by aesthetic choices which at that time were very avant-garde, a clear political determination. **The seat of Parliament**, which includes to the south of a central tower, the House of Lords, and to the north, the House of Commons, **illustrates in colossal proportions, the grandeur of the constitutional monarchy and the principle of the bicameral system**. It covers 3.3 hectares of land; its facade, situated along the Thames, is 266 m in length; Victoria Tower, to the south, rises*

² World Heritage Convention 1972 [**CD 4.18**], recitals and Articles 4 and 11

³ <http://whc.unesco.org/en/list/728/>

⁴ <https://whc.unesco.org/en/list/426/documents/> - Advisory Body Evaluation (ICOMOS)

to 98 m; the Clock Tower (Big Ben), to the north, is 96.3 m tall. **The ensemble is constructed in the Gothic Tudor style, so as to show, by a deliberately English historical reference, the national character of the monument**'. And **'The palace is also a vivid symbol of one of the oldest parliamentary institutions in the world.**' (Emphasis added)

23. The SoOUV for the Westminster World Heritage Site was approved retrospectively in 2013. [SoOUV CD 4.19] as the requirement for each World Heritage Site to have a defined SoOUV was only adopted in 2005. It is not a retrospective assessment of OUV, but rather a retrospective statement of the OUV that was defined at the time of inscription.
24. The Brief Synthesis of the SoOUV⁵ sets out why the property has OUV and the key attributes that convey that OUV; it includes: **'The Palace of Westminster, Westminster Abbey and St Margaret's Church lie next to the River Thames in the heart of London. With their intricate silhouettes, they have symbolised monarchy, religion and power since Edward the Confessor built his palace and church on Thorney Island in the 11th century AD. Changing through the centuries together, they represent the journey from a feudal society to a modern democracy and show the intertwined history of church, monarchy and state**'. (Emphasis added)
- And:
- 'The Palace of Westminster, Westminster Abbey, and St Margaret's Church together encapsulate the history of one of the most ancient parliamentary monarchies of present times and the growth of parliamentary and constitutional institutions**'. (Emphasis added)
25. The World Heritage Site was inscribed under three cultural criteria (i), (ii) and (iv) which were justified as follows⁶:
- Criterion (i):** *represent a masterpiece of human creative genius; Westminster Abbey is a unique artistic construction representing a striking sequence of the successive phases of English Gothic art.*
- Criterion (ii):** *exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design; Other than its influence on English architecture during the Middle Ages, the Abbey has played another leading role by influencing the work of Charles Barry and Augustus Welby Pugin in Westminster Palace, in the "Gothic Revival" of the 19th century.*
- Criterion (iv):** *be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;*

⁵ Statement of OUV [CD 4.19]

⁶ Statement of OUV [CD 4.19]

The Abbey, the Palace, and St Margaret's illustrate in a concrete way the specificities of parliamentary monarchy over a period of time as long as nine centuries. Whether one looks at the royal tombs, the Chapter House, the remarkable vastness of Westminster Hall, of the House of Lords, or of the House of Commons, art is everywhere present and harmonious, making a veritable museum of the history of the United Kingdom.

26. In the SoOUV, the Integrity and Authenticity were deemed to have been satisfied as follows⁷:
Integrity

Integrity relates to the intactness of a WHS and its attributes.

The text includes the following: *'The instantly recognisable location and setting of the property in the centre of London, next to the River Thames, are an essential part of the property's importance. This place has been a centre of government and religion since the days of King Edward the Confessor in the 11th century and its historical importance is emphasised by the buildings' size and dominance. Their intricate architectural form can be appreciated against the sky and make a unique contribution to the London skyline'*. (Emphasis added)

And:

'Discussions have begun and are ongoing on how to ensure that the skyline of the property and its overall prominence is sustained, and key views into, within and out of the property are conserved. The main challenge is agreeing on a mechanism to define and give protection to its wider setting. Until agreement can be reached on this, the integrity of the site is under threat'. (Emphasis added)

Authenticity

Authenticity realties to the way a WHS clearly reflects its attributes and thus its OUV.

The text includes the following: *'The power and dominance of state religion, monarchy and the parliamentary system is represented tangibly by the location of the buildings in the heart of London next to the River Thames, by the size of the buildings, their intricate architectural design and embellishment and the high quality materials used.* (Emphasis added)

Attributes of OUV

27. From the above key attributes of OUV can be clearly established. These are further considered in para 43 below.

Protection and management

28. Once a World Heritage Site is inscribed on the World Heritage list⁸, States Parties to the *World Heritage Convention*, have responsibility to:

⁷ Statement of OUV [CD 4.19]

⁸ The World Heritage List is "a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which [the World Heritage Committee] considers as having

- Ensure the identification, nomination, protection, conservation, presentation, and transmission to future generations of the cultural and natural heritage found within their territory, and give help in these tasks to other States Parties that request it;
 - Adopt general policies to give the heritage a function in the life of the community;
 - Integrate heritage protection into comprehensive planning programmes;
 - Establish services for the protection, conservation and presentation of the heritage;
 - Develop scientific and technical studies to identify actions that would counteract the dangers that threaten the heritage;
 - Take appropriate legal, scientific, technical, administrative and financial measures to protect the heritage;
 - Not take any deliberate measures that directly or indirectly damage their heritage or that of another State Party to the Convention⁹;
29. Thus, once a World Heritage Site is inscribed, it becomes the duty of the relevant State Party to ‘do all it can’ ‘to the utmost of its own resources’¹⁰ to sustain the OUV of that site through protecting and sustaining the ‘attributes’ that convey its OUV.
30. The primary responsibility under the Convention lies with the State Party in whose territory the cultural and natural heritage is situated¹¹. However, the Convention is also clear that the OUV of World Heritage Sites means that their protection is also of concern to the international community as a whole. ‘While fully respecting the sovereignty of the States on whose territory the cultural and natural heritage is situated, States Parties to the Convention recognize the collective interest of the international community to cooperate in the protection of this heritage’¹².
31. *The Operational Guidelines for the Implementation of the World Heritage Convention 2017* [Op. G. CD 4.7] aim to facilitate the implementation of the Convention by ‘setting forth the procedure for
- a) the inscription of properties on the World Heritage List and the List of World Heritage in Danger;
 - b) the protection and conservation of World Heritage properties;
 - c) the granting of International Assistance under the World Heritage Fund; and
 - d) the mobilization of national and international support in favour of the Convention.’¹³
32. The *Operational Guidelines* are directed at States Parties to the *World Heritage Convention*; the World Heritage Committee, the UNESCO World Heritage Centre as Secretariat to the World Heritage Committee, the Advisory Bodies to the World Heritage

outstanding universal value in terms of such criteria as it shall have established.”, Article 11.2 of the World Heritage Convention [CD 4.18].

⁹ Operational Guidelines for the Implementation of the World Heritage Convention [Op G CD 4.7] para 15

¹⁰ World Heritage Convention, 1972 [CD 4.18], Article 4

¹¹ Ibid.

¹² Ibid Article 6

¹³ Operational Guidelines [CD 4.7], para 1

Committee; and site managers, stakeholders and partners in the protection of World Heritage sites.

33. Although called ‘Guidelines’ it is expected that they will be adhered to by all relevant parties.
34. For the Westminster WHS, the ***Requirements for on Protection and Management*** in the SoOUV sets out how the UK will fulfil its obligations:

‘The UK Government protects World Heritage properties in England in two ways. Firstly individual buildings, monuments and landscapes are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990, and the 1979 Ancient Monuments and Archaeological Areas Act and secondly through the UK Spatial Planning system under the provisions of the Town and Country Planning Acts. The individual sites within the property are protected as Listed Buildings and Scheduled Ancient Monuments.

Government guidance on protecting the Historic Environment and World Heritage is set out in the National Planning Policy Framework and Circular 07/09¹⁴. Policies to protect, promote, conserve and enhance World Heritage properties, their settings and buffer zones are also found in statutory planning documents. Policies to ensure this can be found in statutory planning documents, which are reviewed and publicly consulted upon on a regular cycle’. (Emphasis added)

And:

‘The Mayor’s London Plan provides a strategic social, economic, transport and environmental framework for London and its future development over the next 20-25 years and is reviewed regularly. It contains policies to protect and enhance the historic environment, including World Heritage properties. Further guidance is set out in London’s World Heritage Sites – Guidance on Setting, and The London View Management Framework Supplementary Planning Guidance provides guidance on the protection of important designated views’. (Emphasis added)

And:

‘The City of Westminster also has policies in its Core Strategy to protect the historic environment generally and the property specifically. Its cross cutting policies provide for management of the historic environment and protection of important views, buildings and spaces with particular reference to the Westminster World Heritage property.

And:

‘The guidance set out in the Mayor’s Supplementary Planning Guidance on London’s World Heritage Sites – Guidance on Setting, together with the London View Management Framework, English Heritage’s Conservation Principles and Seeing the History in the

¹⁴ The National Planning Policy Framework [NPPF CD 1.1] was revised in 2018 and 2019 and the Circular was withdrawn in 2014

View identify methodologies to which could be used to assess impacts on views and on the setting of the World Heritage property and its Outstanding Universal Value. However, there is no single, specific mechanism in place to protect the setting of the property'. (Emphasis added)

The current mechanisms in place to protect the WHS and its setting are as follows:

London Plan 2016 [CD 2.1]: Policy 7.10:

Development should not cause adverse impacts on World Heritage Sites or their settings (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. (Emphasis added)

Intend to Publish London Plan, 2019 [CD 2.4]: Policy HC2 B:

Development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value, including the authenticity, integrity and significance of their attributes, and support their management and protection. In particular, they should not compromise the ability to appreciate their Outstanding Universal Value, or the authenticity and integrity of their attributes. (Emphasis added)

Periodic Reporting

35. Under the Periodic Reporting process¹⁵, States Parties are requested to submit regular reports, usually at between six and eight year intervals, on the legislative and administrative provisions they have adopted and other actions which they have taken for the application of the Convention, including the state of conservation of the World Heritage properties located on their territories.
36. For the Westminster World Heritage Site, Periodic Reports were submitted in 2006 and 2013¹⁶. In these, the State Party reported that the conservation of the World Heritage Site and its protection and management were both seen to be satisfactory.

Consideration of the Westminster WHS by the UNESCO World Heritage Committee

37. The State of Conservation of the WHS has been considered by the World Heritage Committee in 2007, 2008, 2009, 2011, 2012, 2013, 2104, 2107 and 2019 and during that time two joint UNESCO/ICOMOS Reactive Monitoring Missions were undertaken in response to requests by the World Heritage Committee.
38. Nine Committee decisions and extracts from the two mission reports are set out in Appendix 1.
These clearly demonstrate the continuing concern of the World Heritage Committee at the lack of appropriate protection for the setting of the WHS and its repeated requests to

¹⁵ World Heritage Convention 1972 [The Convention] Article 29

¹⁶ <https://whc.unesco.org/en/list/426/documents/> - Periodic Reporting Cycle 1 and Periodic Reporting Cycle 2

the State Party to address these issues through the development of a dynamic visual impact study, the creation of a buffer zone with adequate protection, and improvements to the management system to address conflicts between conservation and development, particularly in the setting of the property.

39. Although the NPPF was published in 2012, which established the policy that *Substantial harm to or loss of designated heritage assets of the highest significance... [including] grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*, the London View Management Framework was adopted in 2012 to protect specific views, the Palace of Westminster was created as a Strategically Important Landmark in 2012 one of only three London, and the London and Westminster Plans have introduced policies to protect WHS, and although the Committee in 2014 took note of “*State Party’s efforts to strengthen the policy and planning framework through guidance documents and enhanced coordination of the relevant planning authorities*”, the 2016 mission nevertheless concluded that: *After examining the situation on the ground, and carrying out discussions with stakeholders from all levels of government, the Mission finds that the World Heritage property is vulnerable to incremental changes, in particular to its setting, and is currently facing threats¹⁷ from the effects of development projects*.
And: ... *’despite the numerous policies that are in place at the national, city-wide, and borough levels, there is a disconnect between the good intentions of the policies and the buildings that are being constructed which negatively impact on the OUV of the property’*.

It also recommended that *‘The State Party should consider revising its planning and policy documents to ensure that the protection of OUV is given the maximum weight possible when balancing the harm to the heritage vs. the potential benefit.’*

40. And in 2017 Committee indicated that concerns still remained when it recommended that *‘planning policies be reconsidered to ensure that balancing between protection of OUV and the other benefits of development projects is more strongly weighted towards the requirement to protect OUV, in accordance with the obligations of the State Party under the World Heritage Convention’*.
41. The most recent decision of the Committee in 2019 *‘Notes the effort of the State Party to update its planning policies, but notes with concern the continuing disconnect between policies and results regarding a heritage-led planning approach for World Heritage properties, ...’*.

Impact of proposed development on WHSs

42. From the above it is clear that:

¹⁷ These threats were not related to the proposed Holocaust Memorial

- a. There is a formal obligation for States Parties to ensure that new development does not impact adversely on OUV;
 - b. Adequate planning tools are in place to deliver the necessary protection (although the World Heritage Committee has noted a disconnect between policies and practices and recommended that planning policies be reconsidered to ensure that balancing between protection of OUV and the other benefits of development projects is more strongly weighted towards the requirement to protect OUV, in accordance with the obligations of the State Party under the World Heritage Convention, and has also pointed out that no buffer zone or local setting has been defined);
 - c. The SoOUV is a key tool that sets out:
 - i. The commitment of the State Party to protect the site and its OUV;
 - ii. The OUV for which the property was inscribed and the key attributes that convey that value, as a baseline for assessing the impact of development on a WHS.
43. A further key tool is the *ICOMOS Guidance on Heritage Impact Assessments for cultural World Heritage properties 2011 [ICOMOS Guidance CD 4.6]*. It offers a methodology for commissioning "HIA's for World Heritage properties in order to evaluate effectively the impact of potential development on OUV". This Guidance is addressed at managers, developers, consultants and decision-makers and is also intended to be relevant to the World Heritage Committee and States Parties.
44. This Guidance stresses the need for potential impacts to be considered on the OUV of the whole World Heritage Site and sets out a methodology to be used:
- 1. First, the key attributes of OUV that might be impacted on by the development should be identified and their value assessed in terms of their contribution to OUV;
 - 2. Secondly, the strength of the potential impact of the proposed development on relevant attributes needs to be assessed; and
 - 3. Finally, the potential impacts on each of the attributes are combined to provide an overall cumulative assessment of potential impact of the proposed development on OUV.
45. For this methodology to be successful, it is essential that at the outset there is a clear understanding of the attributes of OUV, how the proposed development relates to these attributes, and which ones could be impacted.

The Applicant's Impact Assessment

46. The applicant has not undertaken a stand-alone HIA or one that is a discrete part of its Environmental Assessment. Rather it has undertaken an Environmental Impact

Assessment (EIA) which acknowledges that *‘the land (i.e. the development site) is an important element in its (i.e. the WHS’s) setting, supporting its OUV’* and *‘The importance of the site’s location adjacent to the Palace of Westminster World Heritage Site (WHS) makes it crucial to understand the history of the site, its uses and how its relationship to the Palace of Westminster has evolved over time’* The World Heritage site is identified as one of the key receptors for considering impact.

48. The EIA is said to have been *‘informed by the ICOMOS ‘Guidance on Heritage Impact Assessments for Cultural World Heritage Properties’ (2011)’*, and the authors have been *‘mindful of the ICOMOS guidance, which sets out a methodology to ensure WHSs are considered as discrete entities and that the impact of proposals on the range of attributes that make up the Outstanding Universal Value (OUV) of WHSs, both individually and collectively, are assessed in a systematic and coherent way’*. The EIA also states that *‘This OUV is reflected in a range of attributes that must be protected if OUV is to be sustained’* and *‘The [ICOMOS] guidance notes that the assessment of impacts of a proposed development on a World Heritage Site must be clearly tied to its OUV, and that the assessment needs to consider the impact of any proposed change upon these attributes, both individually and collectively’*.
49. Furthermore, the review of the EIA, set out in Environmental Statement Volume 3, Addendum to Built Heritage, Townscape and Visual Impact Assessment (April 2019) [CD 5.2], also asserts that the EIA has been undertaken in line with ICOMOS Guidance and that it sets out a clear statement on effects on OUV.
50. Notwithstanding these reassurances, the EIA has not followed the ICOMOS methodology for HIAs in terms of identifying attributes that convey OUV, and considering impact on those attributes both individually and collectively. Nowhere is a list of attributes set out, nor is it clear how potential impact has been assessed.
51. The value attributed to the WHS is ‘exceptional’ for the whole site. As WHSs have OUV in recognition of their international importance then it is logical that the whole WHS should have ‘exceptional’ value, but in order to understand potential impact that value needs to be linked to clear attributes.
52. The part of the ICOMOS Guidance that has been used in the EIA is Appendix 3A that provides a grading scale for defining the contribution of attributes to OUV value. But this has been wrongly used not for attributes as intended but rather to define the value of heritage assets in general¹⁸.
53. Although the EIA is said to follow the advice in the NPPF that *“level of detail (to describe the significance of heritage assets) should be proportionate to the assets’ importance”* and that *‘Accordingly, there is an emphasis on narrative text throughout ES*

¹⁸ Table 2.1 of ES Vol 3 [CD 5.1]

Vol 3 to describe the receptors and the judgements in regard to the significance of the identified effects', the level of detail cannot be considered to be commensurate with the very high importance of the WHS.

54. A further gap in the EIA is the lack of analysis of how the setting of the WHS (in which the development site is located), might be defined in terms of the way it supports OUV. Although the revised non-technical survey¹⁹ states: *'The importance of the site's location adjacent to the Palace of Westminster World Heritage Site (WHS) makes it crucial to understand ... how its relationship to the Palace of Westminster has evolved over time'*, what has been set out is a history of that relationship rather than an analysis of value and a description of the setting without analysing how it contributes to OUV.
55. Both the HE Guidance and the NPPF are clear in the need for the assessment of significance to include how setting *'contributes to the significance of the heritage asset or to the ability to appreciate that significance'*. And the Operational Guidelines [**Operational Guidelines CD 4.7**] also clearly indicate that location and setting contribute to authenticity and need to be protected for how they support OUV.
56. In terms of assessing impact, the EIA states that *'Owing to the nature of the Proposed Development, the potential impact on heritage receptors will largely be limited to visual effects, with some limited effect on character relating to the change to the land within the Application Site'*. This underlines the fact that attributes of OUV have not been considered in undertaking the EIA, only discrete heritage assets.

We are provided with the conclusion that the development once completed would have a *'Moderate Beneficial effect on the heritage value of the following receptors: - Palace of Westminster, Westminster Abbey and St Margaret's Church World Heritage Site....'* without any understanding of what that means. OUV cannot be improved – so what value receives this beneficial impact?

57. And in relation to the setting, the benefits are set out as resulting from the way *'The high quality of the design of the memorial, the national resonance of its function, and its relationship with the buildings of the WHS would make a positive contribution to the Outstanding Universal Value of the World Heritage Site, as an important, and entirely appropriate, development in its setting'*. In what way the contribution of the memorial to OUV could be seen as positive is not explained, nor why it might be seen as *'appropriate'* to the setting or have a *'relationship with the buildings of the WHS'*. These are all unsupported assertions.
58. Potential negative impacts are not mentioned in the EIA in relation to OUV. Whether and how potential negative impacts were assessed, and either found not to exist or found

¹⁹ Environmental Statement Volume 1 – Revised Non-Technical Summary (April 2019) [**CD 6.27**]

or be outweighed by identified positive benefits, has not been set out in the EIA which is a major gap.

My Assessment of the Impact of the Proposed Project

The Attributes of the Palace

59. The OUV of a WHS relates to its physical fabric but can also relate to associations reflected by that fabric.
60. OUV is a value and in order to understand how any development might impact on that value, it is essential to understand how that value is conveyed by attributes, both individually and collectively.
61. The attributes of the Westminster WHS relate to both its historic and symbolic significance and thus to both its structures and what they stand for – that is their associations.
62. The attributes of OUV that Palace of Westminster contributes to the overall WHS can be set out as follows:
 - Tudor Gothic architectural style that recalls that of the neighbouring Abbey;
 - The design of Palace as a single entity to accommodate both Houses of Parliament;
 - Allusions to the past history of the site such as the design of the square Victoria Tower as the royal entrance to the Palace (it is still officially a Royal residence) that was intended by the architect to be the most memorable element and in 1858, when complete, it was the tallest secular building in the world;
 - Size, siting and colossal proportions, including two towers over 90 metres tall, and its long linear façade along the River Thames gave it visibility and status as the single most important state building;
 - As a ‘vivid symbol of one of the oldest parliamentary institutions in the world’;
 - Reflection, together with the Abbey and St Margaret’s church, of the ‘intertwined history of church, monarchy and state’.
63. The Palace must have the ability to convey these meanings. Its authenticity reflects the clarity with which its contributions to OUV are delivered.
64. Each of these attributes needs to be considered in terms of potential impact from the proposed Memorial.

Setting of the WHS

65. Consideration also needs to be given to how the setting of the WHS supports the attributes of OUV.
66. No buffer zone has been submitted for the WHS that could define its immediate setting, although a buffer zone has been recommended in UNESCO/ICOMOS Mission Reports and by the World Heritage Committee. Notwithstanding the lack of a defined and approved buffer zone, there is still an obligation to protect the immediate setting of a WHS. The State Party has indicated that there is no need for a buffer zone as adequate planning tools are in place to protect the immediate setting²⁰. While such tools exist, what does not is clarity on the scope of the immediate setting, how this supports OUV and what should be protected.
67. For the purposes of the EIA, that part of the setting of the WHS adjacent to the development site should have been defined. Having considered the attributes, it is clear that the immediate setting encompasses those areas which provide opportunities to appreciate the scale, siting, height of the tower, status and symbolism of the Palace as well as its integrity as piece of architecture.

Impact of the proposed development on OUV

68. Having set out the attributes that could be impacted on by the proposed development and the setting that supports those attributes, it is possible to consider how the proposed development impacts on OUV.
69. First and foremost, the development will not impact directly on the fabric of the Palace, or on its form and design.
70. It will though impact adversely on some of its attributes through disrupting its setting and thus the way the WHS conveys its meaning.
71. The Palace was designed to be dominant on the landscape through its form, size and siting. The dignity of its architecture reflected its central role in the governance of the State, while the Victoria Tower has added symbolism as the royal entrance to the Palace. The setting of the Palace should allow an understanding of the building as an entity, of its functions and of the dignity and symbolism with which it is endowed.
72. If the Palace is compromised by structures around it that significantly impair its ability to rise above its surroundings as intended, then part of its symbolism will be lost. And if the Sovereign's entrance in Victoria Tower ceases to have the dominance that was intended by the height of its entrance, then again its symbolism would be belittled.

²⁰ In its 2016 State of Conservation report to the UNESCO World Heritage Committee. See <https://whc.unesco.org/en/list/426/documents/> 2016 State of Conservation Report by the State Party, the State Party reported that: 'The State Party believes that the current planning framework is adequate to manage development in the setting of the property and that the updating of local plans described above further strengthens the framework'.

73. A certain amount of space around the Palace is of crucial importance to allow it to be seen as a colossal structure that dominates its surroundings through its length, height and its long facade alongside the river, and to be understood as the centre of government, through a degree of separation from other buildings and other activities.
74. To the east of the Palace there is the river, to the north and west roads and Parliament Square, while to the south the area was laid out as gardens soon after completion of the Palace. Thus, all around the Palace there is space to appreciate its form. Some of that space might be compromised by traffic but that can in the future be addressed. And beyond that space are other parts of the WHS or other buildings and structures that do not compete for attention or diminish the Palace's dominance.
75. Turning in particular to the area to the south, Victoria Tower Gardens (VTG). This now has its own values as an entity and these will be considered by others. From the point of view of the WHS, the VTG was laid out as a public space and one from which the dramatic form and height of the Victoria tower could be well appreciated. As set out in the WHS Management Plan [CD 4.12], *'this area provides 'open space from which the World Heritage Site can be appreciated and enjoyed by large numbers of the public. The attractive and iconic views of the World Heritage Site from the south, which are affected by the proposal, are of particular importance'*. The VTG is part of the space that is needed to view and understand the purpose and symbolism of the Palace.
76. At the moment the VTG's function as a public park is compatible with its role as part of the setting of the Palace. Inserting a memorial into the Park, with the express intention of creating a highly visible national monument with limited access, will overwhelm that current function. It will also mean that the VTG will only offer a very much reduced and restricted space from where the Victoria Tower can be contemplated and understood, most of which will be inside the restricted pay zone. Thus, if the Memorial is constructed within the VTG, the space in the gardens that allows for detailed and medium distance views of Victoria Tower will be highly compromised.
77. The memorial will also be competing with the Palace in terms of symbolism as well as visibility. The design of the memorial is deliberately eye-catching to attract attention: it is not a recessive structure but one that aims to evoke messages associated with the genocide. As such, the VTG will become a zone of competing symbols and the memorial messages are likely to overwhelm those associated with the Palace. Thus, the symbolism of the Palace, and particularly the Victoria Tower, will be highly compromised.
78. The anticipated one million visitors will add to the existing traffic and parking problems. The setting of the west side of the Palace already suffers from traffic and urgently needs pedestrianisation to strengthen links with other part of the WHS. The current relaxed approach to traffic cannot be seen as an acceptable rationale for increasing the load. The

increased traffic and footfalls in a small area immediately adjacent to the Palace will damage the dignity of the Palace as a national and international symbol.

79. In summary the proposed memorial will interfere with and demean the setting of the Palace as ‘vivid symbol of one of the oldest parliamentary institutions in the world’; will restrict views of the Victoria Tower intended to be a dominant element of its design, and weaken overall appreciation of the form and siting of the Palace.
80. No positive benefits of the proposed development can be identified in relation to OUV. I note in any event my fellow witness Michael Lowndes has various observations on the nature of the benefits claimed. And it should be noted that for WHSs, however great the benefits, these cannot be seen to outweigh damage to OUV which States Parties have an obligation to protect. This has been underlined by the World Heritage Committee in Decision 41 COM 7B.55 for Westminster WHS at its session in 2017: *Recommends therefore, that planning polices be reconsidered to ensure that balancing between protection of OUV and the other benefits of development projects is more strongly weighted towards the requirement to protect OUV, in accordance with the obligations of the State Party under the World Heritage Convention*’ (Appendix 1).
82. The World Heritage Committee in decision 43 COM 7B.94 at its session in 2019 (Appendix 1) has similarly expressed the views that the proposed Memorial would have a highly negative impact on OUV: *‘While strongly supporting the concept of a Holocaust Memorial and Learning Centre in London, expresses concerns that the proposed monument and its underground rooms located in Victoria Tower Gardens, as currently presented, would have an unacceptable adverse impact on the Outstanding Universal Value (OUV) of the property and therefore further requests the State Party to pursue alternative locations and/or designs’.*
83. And ICOMOS in its 2019 Technical Review²¹ submitted to the State Party, in response to documentation on the planning application being submitted by the State Party to the UNESCO World Heritage Centre in line with para 172 of the Operational Guidelines, [Op.G. CD 4.7] drew similar conclusions:
- *As a masterpiece of artistic construction, there is a need for the ensemble of buildings that make up the property to be seen in a dignified setting with sufficient space to view their silhouette: the proposed memorial would not enhance the setting and, as an iconic building, would be seen as competing with the Palace of Westminster, not supporting it;*

²¹ Appendix 2 This was a review of the application submitted in January 2019; the recommendations of the review have not been addressed by the slight modifications undertaken in May 2019 and its conclusions remains valid. This was the second Technical Review submitted by ICOMOS. The first, which is not in the public domain, was based on the tender documentation and its conclusions are referred to in the second review. It drew similar conclusions and requested that its recommendations should be taken into consideration as the project evolved; this did not happen.

- *The proposed memorial would have an adverse visual impact on the setting of the property as perceived from the west end of Lambeth Bridge (see photo A in annexe). While crossing the bridge, the grass of Victoria Gardens is seen through the trunks of the trees, which are a vital part of the setting of the property. Then, as the west end of the bridge is reached, there appears a full height view of the south end of the Palace, first Victoria Tower, followed while moving westwards by other steeples, and the Elizabeth Tower (also known as Big Ben). The central part of this unfolding sequence is shown in photo B (in annexe). It is evident from the visualisation of the “Memorial Entrance” that this view would be compromised, increasingly so as observers move westwards;*
- *The view of the property from across the River Thames would also be compromised, in terms of cutting off the parkland setting adjacent to the western side of Palace of Westminster; furthermore, the approach to the Palace from the west would also be disturbed as the new constructions would obscure the end of the Palace of Westminster as it is approached along the road;*
- *The design excellence is not at issue; it is the location and effect on the existing visual qualities of the precinct and the World heritage property that are problematic and inappropriate.*
- *As for the concept of “balancing” harm and benefit, the project documentation contains rather subjective statements: “8.6 If a different view is formed in this case, we consider that the national and international significance of the United Kingdom Holocaust Memorial and Learning Centre would constitute material considerations which would more than outweigh any alleged harm, and would be overwhelmingly in favour of the grant of planning permission.” This concept of “balancing” might be acceptable in other situations, but is not appropriate for a World Heritage property in a context where the State Party is obliged to conserve attributes that contribute to the Outstanding Universal Value of the property.*
- *While ICOMOS strongly supports the idea of a Holocaust Memorial and Learning Centre in London, it considers that the proposed monument and its underground rooms located in Victoria Tower Gardens, as set out in the submitted application, would have an adverse impact on the Outstanding Universal Value of the Palace of Westminster and Westminster Abbey including St Margaret’s Church World Heritage property, and would compromise an important part of its immediate setting and key views.*
- *It is therefore advised that the Holocaust Memorial and Learning Centre be relocated. It is further advised that, even if the project is not relocated, it should not proceed according to the current visually intrusive design*

SUMMARY AND CONCLUSIONS

84. I am Susan Denyer and an expert on the implementation of the World Heritage Convention.
85. The proposed Holocaust Memorial and Learning Centre sited in the VTG adjacent to Victoria Tower, designed to be the tallest and most visible part of the Palace of Westminster, would impact on the immediate setting of the Westminster WHS in ways that I consider would have a highly adverse impact on its OUV, amounting to substantial harm within the meaning of the NPPF.
86. A key to understanding this impact is an analysis of why the WHS is deemed to have OUV and the attributes that convey that value, the obligations of the World Heritage Convention, the planning mechanisms that can deliver those obligations, and how they are implemented.
87. To this end I have highlighted in some detail from the official documents associated with the World Heritage site, including the SoOUV²² and the ICOMOS evaluation, what constitutes the OUV of the World Heritage site and how this value is transmitted through a range of attributes, both tangible and intangible.
88. What emerges from this is a clear articulation of the Palace's contribution as a building to the overall WHS its very clear symbolism, the way these two are inextricably linked, and how the Palace needs to be seen and understood.
89. The Palace is '*great historic and symbolic significance*' and a '*vivid symbol of one of the oldest parliamentary institutions in the world*'. '*The instantly recognisable location and setting of the property in the centre of London, next to the River Thames, are an essential part of the property's importance*'. That symbolism was part of the building's design – not something it has acquired later. The power and dominance of the parliamentary system it houses is reflected '*tangibly by the location of the buildings in the heart of London next to the River Thames*', and by its colossal size. The square Victoria tower was further distinguished as the royal entrance to the Palace and for its exceptional height at the time of construction. All of these aspects and associations are part of the attributes that convey OUV. The Palace must have the ability to convey its meanings: its authenticity reflects the clarity with which its attributes are understood as contributions to the OUV of the overall WHS.
90. The World Heritage Convention brings an obligation to protect WHSs so that they and their value are transmitted to future generations. Although there is no specific legal

²² CD 4.19

protection in place for WHS, as I have indicated there now exists a range of policies and guidance documents that are clearly designed to ensure the OUV of WHS are sustained. These include requirements to ensure that *‘Substantial harm to or loss of designated heritage assets of the highest significance... [including] grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional’*²³; that *‘Permission will only be granted for developments that protect and conserve the character, appearance, setting and ecological value of the World Heritage Site’*²⁴; that *‘Development should not cause adverse impacts on World Heritage Sites or their settings (including any buffer zone). In particular, it should not compromise a viewer’s ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance’*²⁵; and that *‘Development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value, including the authenticity, integrity and significance of their attributes, In particular, they should not compromise the ability to appreciate their Outstanding Universal Value, or the authenticity and integrity of their attributes’*.

91. There is therefore in place a clear framework that can be used to protect WHS and their settings.
92. For considering the impacts of development on a WHS, the ICOMOS Guidance²⁶ provides a clear methodology for considering the potential impact of development on a WHS. This is based on an analysis of which attributes of OUV might be impacted by the development and of the degree of that impact both individually and cumulatively.
93. Although the applicant states that this guidance has been followed, I would like to note that the way the structure has been used has led to significant gaps in the way the analysis has been carried out.
94. There has been no clear definition of attributes of OUV or precise identification of those that could be impacted and the evidence used is mainly visual. Such a visual analysis is not adequate to assess fully impact on OUV in terms of historical, cultural, and political associations. Nowhere in the analysis undertaken by the applicant is there any clear definition of the immediate setting of the Palace in relation to how that supports its contribution to OUV.
95. Had a full analysis been undertaken, it would have become very clear that the Palace was designed to be dominant on the landscape, that the dignity of its architecture reflected its central role in the governance of the State, and that its setting was crucial to allow a full understanding of the symbolism with which it is endowed.

²³ National Planning Policy Framework, NPPF, 2019 [CD 1.1]

²⁴ Westminster Unitary Development Plan, 2007 [CD 2.2]

²⁵ The London Plan, 2016 [CD 2.1]

²⁶ CD 4.6

96. If the Palace is compromised by structures around it that significantly impair its ability to rise above its surroundings as intended, then part of its symbolism will be lost. And if the Sovereign's entrance in Victoria Tower ceases to have the dominance that was intended by the height of its entrance, then again, its symbolism would be belittled.
97. I consider that the proposed development of a the Holocaust Memorial and Learning Centre in Victoria Park Garden would have a highly detrimental impact on the setting of the Westminster WHS immediately adjacent to Victoria Tower, which in turn would harm appreciation of the overall symbolism of the Tower, a significant element of the Palace, and impact adversely the dominance of the overall Palace in the landscape, both key attributes that contribute substantially to OUV.
98. This conclusion is fully in alignment with the with the recommendations of the UNESCO World Heritage Committee and ICOMOS, an Advisory Body to the Committee, both of whom have commented specifically on this proposed development.
99. The Committee is clear in decision 43 COM 7B.94 at its session in 2019²⁷ that *'the proposed monument and its underground rooms located in Victoria Tower Gardens, as currently presented, would have an unacceptable adverse impact on the Outstanding Universal Value (OUV) of the property'*.
100. And ICOMOS in its 2019 Technical Review²⁸ was clear that *'the proposed memorial would not enhance the setting and, as an iconic building, would be seen as competing with the Palace of Westminster, not supporting it'; 'the proposed memorial would have an adverse visual impact on the setting of the property as perceived from the west end of Lambeth Bridge'; that 'the approach to the Palace from the west would also be disturbed as the new constructions would obscure the end of the Palace of Westminster as it is approached along the road; and 'the location and effect on the existing visual qualities of the precinct and the World heritage property that are problematic and inappropriate'*.
101. ICOMOS also clearly sets out that for World Heritage sites the *'concept of "balancing" [harm against benefits] might be acceptable in other situations, but is not appropriate for a World Heritage property in a context where the State Party is obliged to conserve attributes that contribute to the Outstanding Universal Value of the property'*.
102. Further discussion is needed on alternative sites as the current location for the memorial is inappropriate, as has been demonstrated. Quite apart from the unacceptable impact that a Memorial and Learning Centre would have on the OUV of the WHS, the proposed location is not large enough to encompass both a memorial and a learning centre. To be effective, memorials need to have space around them to foster reflection and allow quiet contemplation, while a Learning Centre has a very different remit to gather people together to build understanding: the two should be separated.

²⁷ Appendix 1

²⁸ Appendix 2.

103. In my view, the proposal would have a highly significant negative impact on the OUV of the WHS amounting to ‘substantial harm’ to a designated asset within the meaning of the NPPF and should be supported.

8th September 2020

APPENDIX 1

UNESCO WORLD HERITAGE COMMITTEE DECISIONS 2007-2019

AND

EXTRACTS FROM UNESCO/ICOMOS REACTIVE MONITORING MISSION REPORTS FOR THE WESTMINSTER WHS

1. The decisions and the full texts of the Mission Reports are accessible on the UNESCO World Heritage site website at: <https://whc.unesco.org/en/list/426/documents/>. For some text, emphasis has been added.
2. **2007 Committee Decision 31 COM 7B.91**

The World Heritage Committee,

1. Having examined Document WHC-07/31.COM/7B,
2. Recalling Decision **30 COM 7B.74**, adopted at its 30th session (Vilnius, 2006),
3. Expresses its appreciation for the actions taken by the State Party in response to the Committee's earlier requests, and takes note that a London View Management Framework will come into effect on 13 July 2007, while recognizing that the visual impact study requested by the Committee has not yet been finalized;
4. Encourages the State Party to adopt the policies set out in the Heritage Protection White Paper and urges the State Party to vigorously apply the concept of clustering of tall buildings so that they do not impact adversely on the Outstanding Universal Value of London World Heritage sites and by updating the site boundaries and buffer zones ;
5. **Requests the State Party to prepare and present to the World Heritage Committee a dynamic visual impact study for the World Heritage property in order to facilitate thorough and rapid assessment of future planning applications;**
6. Also urges the State Party to review and adjust three proposed development schemes on the South Bank of the River Thames so as to ensure the visual integrity of the World Heritage property;
7. Acknowledges that the State Party has finalized the Management Plan for the Westminster World Heritage property;
8. Requests, given the recent submission of the Management Plan and of the London View Management Framework, that the World Heritage Centre and ICOMOS review these documents to assess their effectiveness in ensuring the proper protection of the site's settings and vistas and report to the Committee at its 32nd session;
9. Takes note that the State Party has demonstrated its commitment to comply with the requests of the Committee (Decision **30 COM 7B.74**) to protect the World Heritage property and its setting and related vistas;

10. Also requests the State Party to submit a progress report to the World Heritage Centre by **1 February 2008** for consideration by the World Heritage Committee at its 32nd session in 2008.

3. 2008 Committee Decision 32 COM 7B.113

The World Heritage Committee,

1. Having examined Document *WHC-08/32.COM/7B*,
2. Recalling Decision **31 COM 7B.91**, adopted at its 31st session (Christchurch, 2007),
3. Notes the actions of the State Party in response to the World Heritage Committee's requests in developing a management plan;
4. **Thanks the State Party for aiming to develop general methodologies for assessing the impact of development on views from and to World Heritage properties which may become a basis for further discussion on criteria for visual impact assessments;**
5. Also notes progress with implementing proposals associated with the "Heritage Protection White Paper" and its subsequent "Heritage Protection Bill";
6. **Regrets that the following issues still need to be addressed:**
 - a) **buffer zone with adequate protection,**
 - b) **specific skyline study of the property, its setting and views, to allow rapid in-depth assessments of the impact of development proposals in the immediate vicinity of the property,**
 - c) **lack of clarity on the management system set out in the management plan for addressing conflicts between conservation and development, particularly in the setting of the property;**
7. **Takes note that the State Party has demonstrated its commitment to comply with the requests of the World Heritage Committee (Decision 31 COM 7B.91) to protect the property, its setting and related vistas.**
8. Requests the State Party to submit to the World Heritage Centre, by **1 February 2009**, a progress report on the above issues, for examination by the World Heritage Committee at its 33rd session in 2009.

4. 2009 Committee Decision 33 COM 7B.128

The World Heritage Committee,

1. Having examined Document *WHC-09/33.COM/7B*,
2. Recalling Decision **32 COM 7B.113**, adopted at its 32nd session (Quebec City, 2008),
3. Notes that work was at an advanced stage on the visual impact study as requested, that "Seeing the History in View: a method for Assessing Heritage Significance within Views" is expected to be published in 2009, and that the Westminster World Heritage property Dynamic Visual Impact Study Steering Group selected five views considered to best encapsulate the Outstanding Universal Value of the property for assessment using the draft methodology set out in "Seeing the History in the View", and acknowledges that any reference to a "Skyline Study" be omitted from future Decisions;
4. Requests the State Party to ensure that:

- a) The original intentions of the suggested "Skyline Study" are incorporated in other related work being progressed as part of the London Views Management Framework,
 - b) The review of the supplementary planning guidance, and the London Views Management Framework, fully takes into account the relevant recommendations of the November 2006 joint World Heritage Centre / ICOMOS mission,
 - c) **In considering the establishment of a buffer zone in the light of discussions following on from the emerging Dynamic Visual Impact Study, further analysis of the five selected views, and as part of the broader spatial planning process, the World Heritage Centre be informed of the outcome, and the agreed and protected buffer zone be submitted for approval by the World Heritage Committee as soon as possible,**
 - d) The World Heritage Centre receive copies of relevant documents as they emerge, including "Seeing the History in the View: a method for Assessing Heritage Significance within Views" due in 2009, "Metropolitan Views" draft supplementary planning guidance to be revised in 2009, as well as the revised "London Plan" to be published for public consultation in autumn 2009;
5. Also requests the State Party to submit to the World Heritage Centre by **1 February 2011**, a progress report on the issues above, for examination by the World Heritage Committee at its 35th session in 2011.

5. 2011 Committee Decision 35 COM 7B.115

The World Heritage Committee,

1. Having examined Document WHC-11/35.COM/7B,
2. Recalling Decision **33 COM 7B.128**, adopted at its 33rd session (Seville, 2009),
3. Notes the intention of the State Party to address issues related to the protection of the visual integrity of the property;
4. **Notes with regret that specific measures to protect the immediate and wider settings and have not yet been sufficiently developed;**
5. **Notes with concern that the State Party acknowledges that major developments currently being considered could have a potential impact on the property;**
6. **Requests the State Party to evaluate the impact of proposed changes to the visual setting of the property on its Outstanding Universal Value, and to develop and apply effective mechanisms for the protection of the setting as a matter of urgency;**
7. **Also requests the State Party to refrain from approving any new development project until an adequate protection of the setting of the property is in place;**
8. **Further requests the State Party to invite a joint World Heritage Centre/ICOMOS reactive monitoring mission to the property to review and discuss with national and local authorities the overall situation of the property with regard to the state of conservation of the site in its urban context, how current and proposed construction projects in its neighbourhood may affect the Outstanding Universal Value of the property, and how appropriate protection for its setting may be put in place, for examination by the World Heritage Committee at its 36th session in 2012;**

9. Requests furthermore the State Party to submit to the World Heritage Centre, by **1 February 2012**, a report on the state of conservation of the property and in particular on how protection could be strengthened for its setting and related vistas, for examination by the World Heritage Committee at its 36th session in 2012.

6. **2011 Report of the joint World Heritage Centre/ICOMOS reactive monitoring mission**

The Report included the following in its Conclusions:

- The UK's national policies focus on achieving sustainable development, in which heritage assets are considered to be catalysts for the regeneration of areas. In other words, the conservation of heritage, including World Heritage, is regarded as a contribution to a process of sustainable development, not an end in itself. This explains why flexibility and the interpretation of guidance, as opposed to straightforward prescription of protection and conservation measures, is held in such high esteem in the English context. However, flexibility and the interpretation of guidelines require rigour and transparency in how policies are being applied and implemented, with a series of checks and balances.
- In the mission's view the system of spatial planning with national policies, prioritized for the capital city by the Mayor in the London Plan, which then forms the basis for the elaboration of local development plans by the London Boroughs that manage urban areas with their assets – some of cultural-historic significance and designated, others not–, facilitated through a broad set of planning and management guidance on properties, their setting and views, among others, could (depending on the outcome of on-going consultations and a clearer definition of setting) provide for a comprehensive and effective system of management, as required under the 1972 World Heritage Convention.
- However, the proof of its effectiveness is in how it works across all of the stakeholders involved.

7. **2012 Committee Decision 36 COM 7B.92**

The World Heritage Committee,

1. Having examined Document WHC-12/36.COM/7B.Add,
2. Recalling Decision **35 COM 7B.115**, adopted at its 35th session (UNESCO, 2011),
3. Acknowledges the information provided by the State Party on the protection of the visual integrity of the property and in respect to major developments in the area;
4. **Notes the results of the December 2011 joint World Heritage Centre/ICOMOS reactive monitoring mission to the property and encourages the State Party to implement its recommendations, in particular:**
 - a) **Further define the immediate and wider setting of the property in relation to its Outstanding Universal Value and embed these in the policies of all the relevant planning authorities,**

- b) **Define specific measures, based on the definition of the immediate and the wider setting of the property, and ensure that adequate mechanisms are in place to protect the property and minimize its vulnerability to potential threats to its Outstanding Universal Value;**
- 5. Requests the State Party, in accordance to Paragraph 172 of the *Operational Guidelines*, to submit to the World Heritage Centre, for review by the Advisory Bodies, the proposed development project at Elizabeth House and any other major proposals, before any irreversible commitment is made;
- 6. Also requests the State Party to submit to the World Heritage Centre, by **1 February 2014**, a report on the state of conservation of the property and on the implementation of the above, for examination by the World Heritage Committee at its 38th session in 2014.

8. 2013 Committee Decision 37 COM 7B.90

The World Heritage Committee,

- 1. Having examined Document WHC-13/37.COM/7B.Add,
- 2. Recalling Decision **36 COM 7B.92** , adopted at its 36th session (Saint-Petersburg, 2012),
- 3. Expresses its concern about the proposed developments at Elizabeth House, Nine Elms Regeneration Development and Vauxhall Island Site and their potential adverse impact on the setting and views of the property and urges the State Party to ensure that these proposals are not approved in their current form and that they be revised in line with the concerns raised by English Heritage;
- 4. **Requests the State Party to strengthen its policy and planning frameworks to ensure the adequate protection of the setting of the property by defining the immediate and wider setting and view cones of the property in relation to its Outstanding Universal Value and by identifying adequate mechanisms within the respective policies of all relevant planning authorities to ensure that new constructions do not impact on views and other attributes of the property;**
- 5. Also urges the State Party to refrain from approving any large-scale development projects in the vicinity of the property until an adequate protection of its immediate and wider setting is in place;
- 6. Also requests the State Party to submit to the World Heritage Centre, by **1 February 2014** , an updated report on the state of conservation of the property and on the implementation of the above, for examination by the World Heritage Committee at its 38th session in 2014 .

9. 2014: Committee Decision 38 COM 7B.36

The World Heritage Committee,

- 1. Having examined Document WHC-14/38.COM/7B.Add,
- 2. Recalling Decisions **36 COM 7B.92** and **37 COM 7B.90**, adopted at its 36th (Saint-Petersburg, 2012) and 37th (Phnom Penh, 2013) sessions respectively,

3. Also recalling the results of the joint World Heritage Centre/ICOMOS reactive monitoring mission of December 2011,
4. **Takes note of the State Party's efforts to strengthen the policy and planning framework through guidance documents and enhanced coordination of the relevant planning authorities;**
5. Notes with concern that the State Party has not taken action to revise the development schemes of Nine Elms Regeneration Development Market Towers, Vauxhall Cross and Vauxhall Island Site, and urges the State Party to ensure that the proposals are not implemented in their current form but revised in line with the concerns raised by English Heritage;
6. While noting that formal consent has yet to be granted for the Elizabeth House development scheme, also notes with serious concern that there are no legal obstacles for granting final permission for the development scheme, and reiterates its request to the State Party to ensure that the proposal is not approved in its current form and that it be revised in line with the concerns raised by expert bodies, including English Heritage;
7. **Requests the State Party to ensure that, in line with Paragraph 172 of the *Operational Guidelines*, any larger-scale projects which may be proposed in the future in the immediate and wider setting of the World Heritage property be submitted to the World Heritage Centre as soon as possible, and that adequate time be allowed for thorough review of each project by the Advisory Bodies before any decision is taken;**
8. Further requests the State Party to submit to the World Heritage Centre, by **1 February 2015**, an updated report, including a 1-page executive summary, on the state of conservation of the property, for examination by the World Heritage Committee at its 39th session in 2015.

10. **2015: Committee Decision 39 COM 7B.87**

The World Heritage Committee,

1. Having examined Document WHC-15/39.COM/7B,
2. Recalling Decisions **37 COM 7B.90** and **38 COM 7B.36**, adopted at its 37th (Phnom Penh, 2013) and 38th (Doha, 2014) sessions respectively,
3. **Takes note of the State Party's efforts to strengthen the policy and planning framework through guidance documents, but notes nevertheless that there still appears to be an inadequate urban planning framework to manage development in the setting of the property, with the result that development that has been approved contrary to the advice of English Heritage is beginning to have a cumulative negative impact;**
4. Deeply regrets that the State Party did not comply with the requests made in Decision **38 COM 7B.36** to ensure that the Nine Elms Regeneration Development Market Towers, Vauxhall Cross and Vauxhall Island Site projects be revised, and notes with concern that they are currently under construction, without the project having been reconsidered after concerns had been raised by English Heritage;

5. Also notes with serious concern that no reconsideration has been made on the Elizabeth House development scheme concerning its design and size and requests the State Party to keep the World Heritage Centre informed on the development of the project;
6. **Further notes that the lack of an urban planning framework brings the need to appraise individual projects and also requests** the State Party to ensure that, in line with Paragraph 172 of the *Operational Guidelines*, any larger-scale projects which may be proposed in the future in the immediate and wider setting of the World Heritage property be submitted to the World Heritage Centre as soon as possible, before any decision is taken;
7. **Also takes notes that major conservation works are planned for the Palace of Westminster and further requests** the State Party to submit, to the World Heritage Centre for review, details as soon as these are available, based on the outcomes of a Heritage Impact Assessment (HIA) in conformity with ICOMOS Guidelines on HIAs for World Heritage cultural properties;
8. Requests furthermore the State Party to finalize the review of the Management Plan for the property as soon as possible;
9. **Requests moreover the State Party to invite a joint ICOMOS/ICCROM Reactive Monitoring mission to evaluate the extent of impacts on the Outstanding Universal Value of the property resulting from the implementation of the above-mentioned projects and other current planning applications, and to identify potential courses of action to address ways of strengthening the protection of the property, including through improved planning frameworks and management structures;**
10. Finally requests the State Party to submit to the World Heritage Centre, by **1 December 2016**, an updated report, including a 1-page executive summary, on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 41st session in 2017.

11. 2017 Report of the joint ICOMOS/ICCROM Reactive Monitoring mission

The Mission's general findings included:

- *'After examining the situation on the ground, and carrying out discussions with stakeholders from all levels of government, the Mission finds that the World Heritage property is vulnerable to incremental changes, in particular to its setting, and is currently facing threats from the effects of development projects'. And: ... 'despite the numerous policies that are in place at the national, city-wide, and borough levels, there is a disconnect between the good intentions of the policies and the buildings that are being constructed which negatively impact on the OUV of the property'.*
- *And: 'The Mission team notes that if the concerns expressed in chapter 3 of this document are not addressed effectively, and if the process for consent for development projects is not modified to take a stronger consideration of the Outstanding Universal Value of the property, it will likely lead to a continued deterioration of the setting of the property, and may lead to the need to consider placing the property on the World Heritage List in Danger'.*

The Mission set out 23 Recommendations including:

- *Recommendation 3:*
The State Party should consider revising its planning and policy documents to ensure that the protection of OUV is given the maximum weight possible when balancing the harm to the heritage vs. the potential benefit. These policies should continue to emphasize sustainable development approaches to development at World Heritage properties and their settings. But, as a first principle, these developments should have as a centrepiece, a requirement for protection of OUV. This is a fundamental concept of the World Heritage Convention.

- *Recommendation 12:*
The State Party needs to use a more robust method of carrying out Heritage Impact Assessments on any developments, which may have an impact on the OUV of the property. These HIA need to have the strong input and advice of Historic England and should become the basis for any decision-making for approval of development projects.

- *Recommendation 17:*
The Holocaust Foundation may wish to consider setting up a mechanism whereby the Jury of the design competition for the memorial is able to get advice from the World Heritage Centre and/or Advisory Bodies before a final decision is taken. In any event, the selected design and related developments should be submitted to the World Heritage Centre, in conformity with Paragraph 172 of the Operational Guidelines.

- *Recommendation 18:*
The State Party may wish to reconsider the establishment of a buffer zone around the World Heritage property. While not able to deal with issues related to the larger setting, a buffer zone could be a useful tool to inform future development and design of any new elements in the vicinity of the World Heritage property.

12. 2017 Committee Decision 41 COM 7B.55

The World Heritage Committee,

1. Having examined Document WHC/17/41.COM/7B.Add.2,
2. Recalling Decision **38 COM 7B.36** and **39 COM 7B.87**, adopted at its 38th (Doha, 2014) and 39th (Bonn, 2015) sessions respectively,
3. **Takes note of the State Party's efforts to strengthen the policy and planning framework through guidance documents, but notes nevertheless that there is still an inadequate urban planning framework to manage development in the setting of the property, with the result that developments, which have been approved contrary to the advice of English Heritage, are causing cumulative negative impact on the OUV of the property;**
4. Strongly regrets that the State Party did not comply with the requests made in Decision **38 COM 7B.36** to ensure that the proposal of the Nine Elms Regeneration Development

Market Towers, Vauxhall Cross and Vauxhall Island Site project be revised and reconsidered, following concerns raised by English Heritage (now Historic England), and notes with concern that these projects have been built, and therefore, requests that the advice of Historic England, be given a stronger weight in determining when to call in an application for development within the property or within its setting.

5. Also notes with concern that once a local planning authority has made a planning decision, it is not possible to challenge it, unless the State Secretary calls it in, and also notes that the State Party considers the World Heritage Committee's timeline to be incompatible with applicable statutory planning timeframes and requirements.
6. **Further notes that the lack of an urban planning framework creates a need to assess individual projects and requests the State Party to ensure that, in line with Paragraph 172 of the *Operational Guidelines*, any large-scale projects which may be proposed in the future in the immediate and wider setting of the property be submitted to the World Heritage Centre, for review by the Advisory Bodies, before any decision is taken or approval is issued;**
7. **Recommends therefore, that planning policies be reconsidered to ensure that balancing between protection of OUV and the other benefits of development projects is more strongly weighted towards the requirement to protect OUV, in accordance with the obligations of the State Party under the *World Heritage Convention*, and underlines the need to link the strategic city development vision with heritage-led regulatory planning documents in order to provide clear legal guidelines to manage all World Heritage properties in London in a consistent manner.**
8. Also takes notes that major conservation works are planned as part of a Restoration and Renewal project for the Palace of Westminster and also requests the State Party to submit details, including Heritage Impact Assessments (HIAs) prepared in conformity with the ICOMOS Guidelines on HIAs for World Heritage cultural properties, to the World Heritage Centre for review by the Advisory Bodies, as soon as these are available and before any decision is taken or approval is issued;
9. Further requests the State Party to finalize the review of the Management Plan for the property as soon as possible and to submit an electronic and three printed copies to the World Heritage Centre for review by the Advisory Bodies;
10. **Taking note of the 23 recommendations of the 2017 Reactive Monitoring mission, to identify potential courses of action to address ways of strengthening protection, including planning frameworks and management structures and limit the impacts development projects and other current planning applications on the OUV of the property, and requests furthermore the State Party to expedite their implementation;**
11. Finally requests the State Party to submit to the World Heritage Centre, by **1 December 2018**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 43rd session in 2019.

13. **2019 Committee Decision 43 COM 7B.94**

The World Heritage Committee,

1. Having examined Document [WHC/19/43.COM/7B.Add](#),
2. Recalling Decision **38 COM 7B.36**, **39 COM 7B.87** and **41 COM 7B.55**, adopted at its 38th (Doha, 2014), 39th (Bonn, 2015) and 41st (Krakow, 2017) sessions respectively,
3. **Notes the effort of the State Party to update its planning policies, but notes with concern the continuing disconnect between policies and results regarding a heritage-led planning approach for World Heritage properties;**
4. **Requests the State Party to provide as soon as possible a clear timeframe for the review of the London Plan, and to submit to the World Heritage Centre the final draft of the London Plan and the relevant parts of the borough local plans, for review by the Advisory Bodies prior to their adoption;**
5. Also requests the State Party to provide a detailed timeframe for the review of the Management Plan of the property, including the detailed conservation plan for the Palace of Westminster and the Conservation Management Plan for Westminster Abbey, and reiterates its request to finalize the review process as soon as possible and submit it to the World Heritage Centre, for review by the Advisory Bodies, prior to its adoption;
6. Also notes that major conservation works are planned as part of a Restoration and Renewal project for the Palace of Westminster and also reiterates its request to the State Party to submit details, including Heritage Impact Assessments (HIAs) prepared in conformity with the ICOMOS Guidelines on HIAs for World Heritage cultural properties, to the World Heritage Centre, for review by the Advisory Bodies, as soon as these are available and before any decision is taken or approval is issued;
7. **While strongly supporting the concept of a Holocaust Memorial and Learning Centre in London, expresses concerns that the proposed monument and its underground rooms located in Victoria Tower Gardens, as currently presented, would have an unacceptable adverse impact on the Outstanding Universal Value (OUV) of the property and therefore further requests the State Party to pursue alternative locations and/or designs;**
8. Further reiterates its request expressed in Decision **41 COM 7B.55** for the State Party to expedite the implementation of the 23 recommendations of the 2017 Reactive Monitoring mission;
9. Acknowledges the creation of an independent charity, World Heritage UK, nevertheless, strongly advises the creation of a joint committee to help coordinate the Management of the World Heritage properties in London; similarly, urges the State Party to create an advisory committee with a strong influence on decision making, which will contribute to the management of all World Heritage properties in the United Kingdom;
10. Strongly recommends that the State Party reinforce the role of the national heritage advisor, Historic England, in all levels of decision-making, and especially when determining if a project application should be called in by the Secretary of State, and notify the World Heritage Centre, in conformity with Paragraph 172 of the *Operational Guidelines*, of projects in the immediate and wider setting of the World Heritage property that may have a negative impact on OUV;

11. Finally requests the State Party to submit to the World Heritage Centre, by **1 December 2020**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 45th session in 2021.

APPENDIX 2

ICOMOS TECHNICAL REVIEW 2019²⁹

Technical Reviews provide the advice of ICOMOS to the State Party on potential projects and are usually undertaken at an early stage in the development of projects before any commitments have been made.

ICOMOS Technical Review

Property	Palace of Westminster and Westminster Abbey including Saint Margaret's Church State Party United Kingdom of Great Britain and Northern Ireland Property ID 426bis
Date of inscription	1987
Criteria	(i)(ii)(iv)
Project	Proposed Holocaust Memorial and Learning Centre, Victoria Park

Background

ICOMOS previously provided a Technical Review on the proposal to construct a Holocaust Memorial and Learning Centre in Victoria Tower Gardens, in the immediate setting of the World Heritage property, in March 2018, following the submission of a tender brief for the project.

The Advisory Body was informed that the Technical Review was transmitted to the project team to be considered as the plans developed.

On 30 January 2019, ICOMOS received further information from the State Party, via the World Heritage Centre, regarding the proposed Holocaust Memorial and Learning Centre, for which a full planning application has now been submitted. The complete documentation of the application is therefore now accessible. The present Technical Review is based on analysis of each of the elements of the application, especially of those that concern possible impacts on the cultural heritage assets and the attributes which contribute to the Outstanding Universal Value of the World Heritage property, which is located in the immediate neighbourhood of the planned project. ICOMOS recognises the architectural value and the professional level of the submitted documentation but is unable to identify changes that demonstrate that its previous observations have been substantively taken into account.

Analysis

²⁹ Accessed from the Westminster City Council website: [file:///D:/Holocaust%20Memorial/19_00114_FULL-INTERNATIONAL_COUNCIL_ON_MONUMENTS_SITES_ICOMOS_TECHNICAL_REVIEW-5995632%20\(1\).pdf](file:///D:/Holocaust%20Memorial/19_00114_FULL-INTERNATIONAL_COUNCIL_ON_MONUMENTS_SITES_ICOMOS_TECHNICAL_REVIEW-5995632%20(1).pdf)

As the proposal remains broadly unchanged, ICOMOS' view of the proposal remains essentially the same as that expressed in its earlier March 2018 Technical Review. Additional comments to supplement its previous remarks are provided below, following the same sequence.

- 1. As a masterpiece of artistic construction, there is a need for the ensemble of buildings that make up the property to be seen in a dignified setting with sufficient space to view their silhouette: the proposed memorial would not enhance the setting and, as an iconic building, would be seen as competing with the Palace of Westminster, not supporting it;**

This evaluation remains valid.

ICOMOS considers that some of the arguments and supporting statements in the documentation are contradictory or unconvincing. For example, the documentation highlights the strong architectural character of the Memorial, but at the same time includes commentary which diminishes its visual impact on its environment.

To better appreciate the message of the Memorial, ICOMOS advises that a different location should be chosen.

The underground part of the complex, comprising the Learning Centre, is not entirely underground. According to the plans for the centre, this would create an artificial relief on the park.

The United Kingdom Holocaust Memorial and Learning Centre Planning Statement described the gardens as follows:

“6.41 Victoria Tower Gardens forms an area of open space to the south of the Palace of Westminster, which makes an important contribution to the setting and appreciation of the WHS, and to the Grade I listed Palace itself. It is a well-used, publicly accessible open space, frequented by visitors to the area, office workers and nearby residents. Its character is affected by the activities found in the area and by the road traffic to the west and south.

However, the character of the park is going to be altered, as implied in the documentation:

“6.42 The open character of the northern portion of the Gardens would be preserved, and the new softly sloping landscape creates an attractive feature when viewed from the WWHS, and from which visitors to the Gardens will be able to appreciate the form of Victoria Tower from a new, elevated perspective, creating an interesting new viewing position.”

As located and designed, the Learning Centre would give rise to a negative visual impact on the property's integrity, and an adverse effect on the undisturbed appearance of the World Heritage property.

2. **The proposed memorial would have an adverse visual impact on the setting of the property as perceived from the west end of Lambeth Bridge (see photo A in annexe). While crossing the bridge, the grass of Victoria Gardens is seen through the trunks of the trees, which are a vital part of the setting of the property. Then, as the west end of the bridge is reached, there appears a full height view of the south end of the Palace, first Victoria Tower, followed while moving westwards by other steeples, and the Elizabeth Tower (also known as Big Ben). The central part of this unfolding sequence is shown in photo B (in annexe). It is evident from the visualisation of the “Memorial Entrance” that this view would be compromised, increasingly so as observers move westwards;**

In the documentation, it is remarked that the planned artificial hill will provide a new / better view of the World Heritage property. ICOMOS is unconvinced by this statement, because this intervention will significantly reduce the viewing distance to the World Heritage property and thereby change the traditional sight of Parliament. Existing limits in size, scope and proportions of the changes should be respected.

3. **The view of the property from across the River Thames would also be compromised, in terms of cutting off the parkland setting adjacent to the western side of Palace of Westminster; furthermore, the approach to the Palace from the west would also be disturbed as the new constructions would obscure the end of the Palace of Westminster as it is approached along the road;**

The mentioned “high architectural quality” (in the submitted documentation) of the planned Memorial in itself, separately from the context of its historic environment, is not enough to diminish the negative impact outlined in this point. The design excellence is not at issue; it is the location and effect on the existing visual qualities of the precinct and the World heritage property that are problematic and inappropriate.

4. **The impact of the proposal upon the mature plane trees along the river and the road would be highly negative. The roots of these trees, upon which their life depends, stretch across the open ground of Victoria Tower Gardens, well beyond their canopy visible above ground. The riverside trees are especially vulnerable because they cannot have substantial roots reaching out into the river. In assessing this project, it is therefore essential to accept that, if the underground hall and sunken entrance courtyard are built, it is likely that the trees alongside them would die.**

This evaluation remains valid.

The proposal presents a direct threat to the living components of the gardens. If the trees do not survive, the proposed Memorial would have an even greater significant visual impact on the World Heritage property. Although the Victoria Tower Gardens are not a part of the World Heritage property or its buffer zone, this historic urban garden has its own merits, as historic site (a protected cultural heritage property). The planned insertion of a significant new construction would also adversely affect the integrity of Victoria Tower Gardens, in addition to creating adverse visual impact on the integrity of the adjacent World Heritage property.

5. **The necessary excavations would involve the loss of underground archaeological resources. The area was part of Thorney Island in the Anglo-Saxon period – thus accounting for the position of Westminster Abbey. In the medieval and post-medieval period, the whole riverfront was occupied by wharfs, yards and simple warehouses. When the park was created, the land was extended over the foreshore.**

The high risk of adverse impact on archaeological resources remains. This matter does not seem to have been actively addressed through any reconsideration or revision.

6. **The construction of the monument would change what is currently a civic park with public spaces into a zone of limited access.**

In the submitted documentation, there are repeated statements that the “green area” character of the Victoria Tower Gardens is not going to be changed considerably:

“6.46 The intrinsic character of Victoria Tower Gardens is that of a green space within an urban setting, which accrues greater significance from its unique position adjacent to the WWHS. Its special interest lies in its position relative to the Palaces of Westminster. It provides a green setting, with mature trees, which contribute to the appreciate [sic] of the building’s Gothic and picturesque qualities.”

And:

“6.53 The character of this part of the Conservation Area will not change and whilst the Proposed Development will be a noticeable addition to the space, and to some views, it would not fundamentally change the character of the Conservation Area as a whole. Its appearance and its meaningful purpose would therefore make a positive contribution to the Conservation Area.”

Thanks to the accurately executed visual documentation submitted, ICOMOS has evaluated this statement and disagrees with this assessment and conclusion. The essence of a park is in contradiction with a construction site, particularly in this case when the park’s elongated-narrow shape makes the situation even more delicate.

It is true that Victoria Tower Gardens already contain several important historic memorials, but these are of a very different scale from the scale of the planned complex. Statues, or the smaller size “architecture-like” shape of the Buxton memorial, do not transform surface conditions, as the current proposal does.

7. **The anticipated one million visitors would create difficult traffic and parking problems and could compromise the further pedestrianisation of the area that is urgently needed to strengthen the integrity of the property as a single entity.**

ICOMOS underlines the remaining unsolved contradiction between the carrying capacity of the Victoria Tower Gardens as a public garden, and the size of the proposed new Memorial and learning facility. It is clear that the purpose of the above-ground part of the

Memorial is to attract attention and express its message with dignity - from this point of view, the proposed mass can be considered as small even though it already breaks the spatial framework. This contradiction results in an outcome which is not respectful of the existing qualities of the space.

8. A significant increase in visitors could also increase security concerns, possibly bringing mitigation measures that could add to those already in place and to their highly adverse visual impacts

This concern remains valid.

In connection with the previous points, and with reference to previous comments from ICOMOS in its Technical Reviews and mission reports, the lack of designated, official buffer zone for the World Heritage property in question seems to contribute to the issues with the current proposal. Victoria Tower Gardens are an important part of the setting of the property. If the property had a buffer zone, it is probable that Victoria Tower Gardens would be included and less likely that the National Holocaust Memorial and Learning Centre would have been proposed in the current location.

ICOMOS recognises that in this phase of the process, now that the full planning application has been submitted, it will be difficult to revise the location of the National Holocaust Memorial and Learning Centre. However, that difficulty is not a sufficient justification in circumstances where the project, as designed and located, would have an adverse impact on the Outstanding Universal Value of the property, by compromising an important part of its immediate setting and key views.

As for the concept of “balancing” harm and benefit, the project documentation contains rather subjective statements:

“8.6 If a different view is formed in this case, we consider that the national and international significance of the United Kingdom Holocaust Memorial and Learning Centre would constitute material considerations which would more than outweigh any alleged harm, and would be overwhelmingly in favour of the grant of planning permission.”

This concept of “balancing” might be acceptable in other situations, but is not appropriate for a World Heritage property in a context where the State Party is obliged to conserve attributes that contribute to the Outstanding Universal Value of the property.

ICOMOS notes that the existing regulations specifically seek to protect the property and its setting:

“Strategic Policy S25 within the City Plan states that “recognising Westminster’s wider historic environment, its extensive heritage assets will be conserved, including its listed buildings, conservation areas...their settings, and its archaeological heritage.” Any change should not detract from the existing qualities of the environment.”

These provisions and the principles therein should be applied in this case.

Conclusions

As there have been no significant modifications to the plans previously reviewed by ICOMOS, the Advisory Body's conclusions have not changed.

While ICOMOS strongly supports the idea of a Holocaust Memorial and Learning Centre in London, it considers that the proposed monument and its underground rooms located in Victoria Tower Gardens, as set out in the submitted application, would have an adverse impact on the Outstanding Universal Value of the Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage property, and would compromise an important part of its immediate setting and key views.

It is therefore advised that the Holocaust Memorial and Learning Centre be relocated.

It is further advised that, even if the project is not relocated, it should not proceed according to the current visually intrusive design. ICOMOS remains at the disposal of the State Party for further clarification on the above or assistance as required.

ICOMOS, Charenton-le Pont May 2019