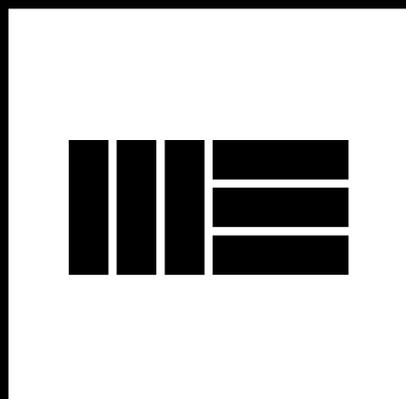
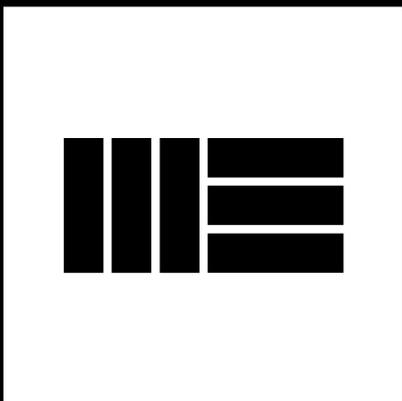


# REBUTTAL EVIDENCE FOR THE UKNHMLC

DR CHRIS MIELE IHBC MRTPI

SEPTEMBER 2020





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# REBUTTAL EVIDENCE

1. I have prepared this rebuttal evidence to address the matters which have been raised by several of the witnesses objecting to the proposals.
2. This Rebuttal Proof is prepared under the same terms as my main Proof of Evidence (PoE) and in line with those duties set out in my signed affirmation there, at my section 15.0.
3. My signature on this documents confirms my adherence to those duties.

## MR ROWAN MOORE FOR SAVE VICTORIA TOWER GARDENS

4. I make the following points in response to Mr Moore's PoE.

### VICTORIA TOWER GARDENS' (VTG) CHARACTER AS A LANDSCAPE

5. I comment first on paragraph 3.2, which describes the character of VTG as generated in part by its natural quality, which Mr Moore fairly acknowledges is an 'illusion', meaning that VTG is the product of engineering. Notwithstanding that, he objects on the grounds that the proposals make the garden 'less natural seeming' (See 4.2.1, page 5, penultimate paragraph – there is no individual paragraph numbering).
6. As to the term 'natural', I note the following.
  - 6.1 The landscape is formed through the operation of heavy engineering in two phases (see my PoE at pages 21 and 22, the Environmental Statement at Section 4.0. Ms Prothero helpfully reproduces historical evidence).
  - 6.2 VTG uses soft landscaping in a regimented way (perimeter planting, greensward laid within a network of regular paths) and includes a playground. The landscape design does not evoke any natural landscape arrangement. I have in my evidence described the layout as 'municipal' and its purpose to provide a seemly setting for the Palace of Westminster and recreation. I do not mean the word 'municipal' in a disparaging way at all.
  - 6.3 I see nothing contradictory in the nature of what is proposed which itself involves more engineering works to form the subterranean parts of the Learning Centre. The whole of the embanked area in central London is the product of engineering operations starting in the 1860s and continuing into the 1920s, and extended now through the new Thames Tideway tunnel, entailing the creation of new public landscapes at the access points along the river.
7. I do not understand the discomfort Mr Moore feels about the juxtaposition of a playground with the proposals. Anyone who has visited the Berlin Memorial will have been moved by the image of people relaxing, playing and having their lunch on the peripheral elements of that work, or of children playing hide and seek on the edges. The juxtaposition is poignant, not least because of the mass killing of children during the Holocaust.

### 'CONTRASTING STYLES OF ARCHITECTURE'

8. At 4.2.2.2 at the third and fourth paragraphs, Mr Moore refers to the contrasting 'styles' of the architecture, creating a 'potentially cacophonous combination of different types of architecture'. By 'types', I assume he is referring to the architecture of the Buxton Memorial, the Palace of Westminster and the different design elements of the proposals. This is in a passage where he criticises the visual interaction as between the proposals and the Buxton Memorial particularly.
9. I do not agree with this critique for these reasons:
  - 9.1 First, from the north, the proposals have a simple clarity of expression and form, and the grassed part of the Learning Centre continues the greensward of the rest of the gardens.
  - 9.2 The experience of the entrance, the Memorial and the Learning Centre from the south takes place in a different context.
  - 9.3 There is nothing incongruent in principle about a design that has two aspects, each relating to a different context and serving a different purpose. Neither is it inappropriate for a memorial structure evoking a tragic event in

modern history to rely on contrast or even to set up a visual 'tension' – here, as between the sensual geometry of the landscape and the angular and more austere forms of the pavilion and the memorial.

- 9.4 The angular form of the entrance pavilion complements the rising edge of the vertical fins, as their profiles rise in different directions. This is not a contrast. The one complements the other, because the two are seen together. As a matter of design, the contrast here has the effect of increasing awareness of the materials used for each. One appreciates the bronze fins more because they are seen rising over the solid black form of the pavilion.
  - 9.5 The landscape and courtyard ties the two together on approaching them.
  - 9.6 The contrast also expresses the two functions, which is a recognised aspect of good design.
  - 9.7 I think it is fair for a design to express the idea of a rupture or break. If one accepts the principal of such a memorial (which Westminster City Council do, but others, I know do not), then it is reasonable to expect that memorial to be expressive of the content of the historical event memorialised.
  - 9.8 The second strand of his critique on contrast relates to the physical and visual differences as between the proposals, the Buxton Memorial, the Houses of Parliament and other elements of context.
  - 9.9 There are differences as to detailing and form but that does mean that there is no correspondence or points of congruity amongst these structures, existing and proposed.
  - 9.10 As to the Buxton Memorial, I note Mr Moore and I are close to agreeing that the bronze fins of the memorial 'echo the vertical rhythms of the Palace of Westminster. He does not identify another unifying feature; colour or tonality, and neither does he recognise the metallic detail which is a notable feature of the Buxton Memorial (see page 8, top). Buxton has metal elements to it too.
  - 9.11 Additionally, the vertical fins are consistent with the vertical orientation of Gothic arches, found both on the Buxton Memorial and also on the Houses of Parliament.
10. There is more congruity as between the proposals and these buildings/structures than there is between them and other memorials. The Pankhurst Memorial does not relate to the Burghers of Calais which themselves do not relate formally to Buxton Memorial. These differences add to the richness of the historic environment, just as the proposals will.
  11. Finally, in this section of his proof, Mr Moore observes (see the first paragraph at the top of page 8) that 'the other forms and details [of the proposals] bear no obvious relationship to surrounding buildings'. I do not accept they should because they are not memorials or learning centres but commercial and institutional buildings.
  12. And in any event, the use of stone is congruous with the embankment wall and steps to Lambeth Bridge.
  13. Furthermore, the contextual relationship he appears to approve of in respect of the Vienna Memorial and the Cenotaph (pages 10 and 11), does not set an absolute template for what makes a good memorial. Any one of the witnesses may have a personal preference, but memorials take many different forms.

#### LACK OF CONTENT

14. Under the heading, 'the designs are generic' (see page 9 and the following pages), Mr Moore makes what I can only describe as an ad hominem criticism of the proposals on the basis that they lack thought. In rebuttal, I direct the Inspector and the Minister to ample documentation before this Inquiry, including but not limited to the Proof of Evidence of Mr Stephen Greenberg, which explores potential content. The fact is that thought has demonstrably gone into the project; Mr Moore is entitled to have an opinion about the intended content, but there is evidence explaining the intended content.
15. On a technical planning point, it would be unusual at this stage of any planning process for a new cultural building focusing on learning to have the learning programme. It is for the promoter of the scheme to devise that at the appropriate point, once the principle has been secured. And in any case, there is information describing the intent and content. These criticisms are, then, fallacious.

## WHAT MAKES A 'GOOD' MEMORIAL?

16. Here Mr Moore postulates that an effective memorial does not need a didactic component. He goes further, asserting that the two experiences, the memorial supported by a learning experience, are somehow antithetical because they have different natures and moods.
17. The first observation to make is that this formulation assumes someone experiencing a memorial is command of the facts, and sufficiently so as to have an emotional response to the event. This may be true for a highly, educated person or particularly well informed individual, but not everyone has that knowledge even of an event as momentous as the Holocaust.
18. The book I extract in my appendices (see Appendix 1) here, by Dr Tanovic, makes the simple point that in the 20<sup>th</sup> and 21<sup>st</sup> centuries the role of memorials has had to be reinvented to ensure they do communicate content and explicitly. I invite the Inspector and Minister to consider Mr Moore's comments which overlook this trend.
19. In this respect it is right to reflect on the Vietnam Memorial in Washington, D.C. There is a significant historical gulf as between that event and the Holocaust, and that event, for all its complex historical factors, was a conflict, involving citizens in a single place, engaged in a single action. Its resonance across the American psyche is very, very deep, and the moral aspects to it far from settled culturally. It is a poor comparison. Additionally, the Vietnam Memorial is a list of names of the dead, and so more like a cenotaph or a monument. This is different to the intention of the proposals.
20. The Stumbling Stones in Berlin are certainly very effective, but their context is utterly different and their placement in the capital of Nazi Germany is emphatic. They are not a suitable comparison because they are a form of 'anti-monument', over 70,000 of which are dispersed outside the residences of deported victims of the Holocaust across mainland Europe (not just Berlin). Again, fundamentally this is different from the approach of the proposals.
21. Mr Moore ends this part of his statement by observing that 'distributed and non-architectural forms of remembrance, like the Stumbling Stones, might be more effective'. This is open-ended observation based on a personal preference. Again, staying with the Stumbling Stones, these are dispersed outside the addresses of deportees and are therefore not applicable to UK. As a point of correction, Mr Moore attributed the concept of the Stumbling Stones to the wrong artist. It was Gunter Demnig, not Michael Friedrichs-Friedländer as stated here.
22. Second, and as a matter of fact, he is wrong because there are many memorials accompanied by learning centres which provide essential cultural context.
23. The National Memorial Cemetery at Gettysburg is a good example of this and so is the Statue of Liberty Visitor Centre. In Europe, many learning centres are found in memorial contexts. Volkerschlachtendenkmal, Leipzig (1913); Victory Column, Berlin (1873); Ossuary at Douaumont, Verdun (1932). The displays are inside the monuments. Other sites have visitor centres close by: such as the Thiepval Arch, or Monument to the Missing, on the Somme (1932), or the Vimy Ridge Memorial (1936). There is no conflict between the experiences of learning and aesthetic contemplation.
24. The Holocaust Memorial constitutes a modern form of memorial, in which the visual impact of the monument and the didactic possibility of the museum are combined to create a space of architectural poetry which carries the solemn purpose of helping its audience to remember. Mr Moore's critique is not founded on an appreciation of the ambition behind the proposals and the fact that it belongs to a new generation of memorial sites. One recent scholar of memorials in the 20<sup>th</sup> century, Dr Tanovic (see my Appendix 1) notes that 'didactic components are becoming more prominent in memorials' (page 177).
25. In this part of his statement, Mr Moore glosses over the difference between a 'memorial' and a 'monument'. The ones Mr Moore cites as reflecting his preferences are monuments.
26. Dr Tanovic again (page 9) defines the monument as 'intended primarily as a visual marker and a symbolic tool for communicating social and political ideas'. More modern modes of remembrance have ushered in the 'memorial' – defined by Dr Tanovic (same page) as 'an architectural construct that is defined by its employment of space as an architectural tool... a memorial space is inevitably engaging visitors on several levels, not only on the level of visual perception.' These modes can include educational provision.
27. Finally, on this point, Mr Moore seeks to prove that the proposals do not comprise good design on the basis that he can adduce examples which are good design and follow different principles. This is behind his reference to other memorials on pages 9 to 11.
28. This is, however, a false dichotomy: the fact that anyone can identify a class of well-designed, admired monuments taking one form, does not mean those taking a different form represent poor design.

29. There is no one right approach to the design of a memorial, and the way we approach memorials has diversified to reflect our pluralist society and diverse cultural values.

## **MS DENYER FOR THE THORNEY ISLAND SOCIETY/SVTG CAMPAIGN**

30. At paragraph 56, Ms Denyer identifies a deficiency in the ES on the basis that attributes of Outstanding Universal Value (OUV) have not been considered in the ES Heritage Townscape and Visual Impact Assessment (HTVIA).
31. The ES identifies those aspects of OUV which have the potential to be affected by the proposals. This is appropriate under the terms of paragraph 189 of the NPPF, which states that the level of detail should be no more than is sufficient to understand the potential impact of the proposal on their significance.
32. This approach was not questioned by Historic England.
33. The specific allegation about the deficiency of the ES in assessing OUV was raised only by ICOMOS. In response, without any party seeking a similar clarification, we added a section to the ES Addendum that cross referenced as between the first ES and the relevant OUV attributes.
34. In any event, the criticism is a moot point, because the Inspector and Minister have ample information on OUV before them now, at the point of decision, including as set out in my Proof of Evidence at 7.35-7.69.
35. Paragraph 54 of Ms Denyer's evidence alleges that the ES did not assess the contribution of the World Heritage Site's (WHS) setting to its OUV.
36. The contribution of setting to the significance of the WHS is set out at paragraphs 5.17-5.21 of the HTVIA.
37. The concept of setting is enshrined in the statutory duty at Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, and the supporting best practice guidance in the UK, in particular Historic England's best practice guidance GPA3, is in any case a very detailed piece of guidance, applied widely and tested at appeals and call-ins. We had regard to this guidance in our assessment first of the contribution made by setting to the significance of the WHS, and second in considering the effect of the proposals upon that significance. That guidance makes it clear that the method it presents is not the only valid method, and as a matter of practice does not need to be followed mechanically to get an assessment that meets NPPF requirements.
38. Paragraphs 71 and 72 of Ms Denyer's Proof concern the effect of the memorial on the appreciation of the WHS as an entity. She elaborates upon this point at Paragraph 77, which suggests that 'the memorial messages are likely to overwhelm those associated with the Palace'.
39. It is an overstatement to say that the proposals will challenge the dominance of the Palace of Westminster, or its understanding as an entity.
40. The Victoria Tower is 98m tall, and St Stephen's Tower is 96m. The Memorial, by comparison, is 9.8m at its highest point.
41. The views in which the Holocaust Memorial would be visible are limited. The visual impact assessment (and in particular views 2, 3, 4, 6, 7 and 8, which are designated in the London View Management Framework, LVMF) demonstrate the limited effect of the Memorial on important views of the WHS. The strategic views, in which one gains particular appreciation for the whole of the iconic silhouette of the Palace are not impacted materially (a point accepted tacitly by Mr Ayton, for the City Council, who takes no issue with them).
42. Where the two appear in conjunction, in views from the south of the Victoria Tower Gardens, the 'entity' of the Victoria Tower would remain distinct and continue to be prominent in the view, having a dramatic scale and form which can be admired. It is not credible, in my opinion, to assert that the presence of the proposal in one view from the south of the park, a position not identified in any guidance as being of particular importance for assessment purposes, would confuse one's appreciation of the scale of the Palace of Westminster as expressed in Victoria Tower and the associated ranges.
43. Paragraph 80 of Ms Denyer's Proof postulates that there are no benefits to the OUV of the WHS. The heritage benefits of the proposals were assessed at paragraphs 8.17-8.23 of HTVIA. Here the report concluded that the subject matter and purpose of the proposals was a fitting addition to the important landscape context of the WHS, reinforcing its value.
44. In my Proof of Evidence, I note that the proposals add beneficially to the range of symbolic practices which contribute to OUV (see paragraph 7.88).

## MR AYTON FOR THE CITY COUNCIL

45. I make two points in rebutting Mr Ayton's evidence as follows.

### THE DEGREE OF IMPACT ON VTG

46. At paragraphs 78—80 Mr Ayton characterises VTG, asserting that the proposals would 'fundamentally' change its character.
47. I consider the degree of impact (reflected in the emphasised word) is overstated.
48. A 'fundamental change' is, in my understanding, a change so significant as to alter the nature of a thing, such that the end result is that the original is not recognisable anymore.
49. The detail of the landscape proposals and information on the basic areas is presented at Section 6.0 of the PoE prepared by Gustafson, Porter and Bowman and I direct the inspector to this.
50. The northern portion of the VTG, and the larger part, is unaffected. The boundaries of VTG are maintained. The perimeter tree belt is not altered (on the promoters expert evidence anyway). There will be a noticeable change but that the word 'fundamental' suggest a transformation in the essential nature of the landscape, so that it would be unrecognisable.
51. Finally, that change takes place at the narrow end, where the character of the gardens is already more strongly influenced by the playground, the traffic on the adjoining road and the ramp to the bridge (and the traffic on the bridge approaching from the roundabout. See my Proof at paragraphs 6.32 and 6.76).
52. Thus, I consider that there is a change but not a fundamental one of the kind described. The landscape works per se (new pathways and planting) are enhancements/alterations that might be contemplated in any event and are acceptable in terms.

### CRITICISMS OF THE ES

53. Later, Mr Ayton criticises the ES relying on comments from Land Use Consultants (LUC), which carried out an independent review of the ES.
54. Whatever the alleged deficiencies (which I do not accept), Westminster City Council did not request further information or a special form of assessment or suggest in any way that the work was deficient. Neither did Historic England. ICOMOS has made a very specific criticism which I have rebutted earlier and so say no more about it.
55. Second, and again relying on LUC, Mr Ayton suggests that the document does not define significance in line with the requirements of the Framework. It is a very detailed and extensive document, containing a great deal of information on the history and significance of many assets.
56. In any event, LUC did not conclude, as Mr Ayton suggests, that there was a 'fundamental' flaw in the ES. If there had been one, and Westminster City Council agreed, they were under a duty to request the formal submission of new information. They did not.
57. LUC concluded, in a response dated October 2019, that all clarifications had been addressed.
58. Mr Ayton furthermore asserts that the ES 'largely fails to consider the impact of the proposals on the heritage significance of the assets', at 192, and following, at 193, cites LUC's assertion that only 'in the rarest of circumstances can new development make heritage assets more significant, or better reveal that significance'. Mr Ayton, in citing that proposition, clearly agrees with it.
59. However, the concept of enhancing cultural value is not presented in any policy or guidance note as some exceptional conservation outcome, but as an equally valid concept where there is scope for it.
60. There are many projects I am involved with where we enhance significance by repair or by restoration of lost features or, equally, by adding something of high quality that overall has a beneficial effect on significance by, for example, providing a secure future use for an asset, and so ensuring its physical conservation.

61. The section 72 (1) requirement is to 'preserve or enhance' the special interest or significance of conservation areas. The statutory language draws no distinction as between them.
62. Here it is apposite to cite English Heritage's (HE's) 2008 Conservation Principles (an extract of which I reproduce in this rebuttal at Appendix 2), which continues to stand, as stated on its website, as a statement of its own approach.
63. Paragraph 25 makes the point:

Our definition of conservation includes the objective of sustaining heritage values. In managing significant places, 'to preserve', even accepting its established legal definition of 'to do no harm', is only one aspect of what is needed to sustain heritage values. The concept of conservation area designation, with its requirement 'to preserve or enhance', also recognises the potential for beneficial change to significant places, to reveal and reinforce value. 'To sustain' embraces both preservation and enhancement to the extent that the values of a place allow. Considered change offers the potential to enhance and add value to places, as well as generating the need to protect their established heritage values. It is the means by which each generation aspires to enrich the historic environment.
64. There is, then, no conflict as between development and the enhancement of heritage interest, and as a matter of practice (as noted above) conservation area regulation seeks preservation or enhancement as equally valid conservation outcomes.
65. Paragraph 198 criticises the HTVIA for concluding a positive effect in the case where there is a change to the setting of the Buxton Memorial and the Palace of Westminster (from Views 15 and 20).
66. I believe Mr Ayton was consulting on the section on visual not heritage impact. The heritage impact does identify a degree of less than substantial harm and I accept that it is clear from this evidence that both experience a degree of harm, albeit in the one case overall I see an enhancement (see 8.34 and 8.43 of the Proof).

#### OTHER MATTERS

67. In drafting this rebuttal I am mindful of the recent High Court Decision, *James Hall and Company Ltd, R (on the application of) v Co-Operative Group Ltd & Anor* [2019] EWHC 2899 (Admin) (01 November 2019).
68. Paragraph 55 of the Judgement states:

“... Paragraph 189 NPPF...provides that in undertaking the heritage asset assessment, as a minimum the relevant HER should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”
69. The assets identified in the HTVIA were subject to consultation and no omissions were identified; however, and for the avoidance of doubt and to avoid any omission, we looked afresh at the Historic Environment Record for a 250m radius of the Site, which yields over 200 results.
70. The resultant data set is not presented in a form which allows it to be easily replicated here, and so I include a screenshot below showing the Victoria Tower Gardens, and entries contained therein and in its immediate vicinity.

You are here: [Home](#) > [More Detailed Search](#) > [Gateway Results](#) > Greater London HER Results

select...

to Gateway results

fine your search

start new search

help and FAQs

Cookies



**Resource Summary Results**
**View Resource Results on a Map (Beta)**



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71. The results identify mainly below ground assets. Those listed buildings identified have been included in the HTVIA. I am not aware of any omission on that count, having consulted the HER.
72. Finally I note that Mr Moggridge, at paragraph 20 of his proof, has raised the issue of potential construction impacts on the Buxton Memorial. I reproduce technical notes addressing this point, appended to this rebuttal at Appendices 3 and 4. The case studies produced at my Appendix 5 demonstrate how the piling rig can be used under restricted heights. Such matters are routinely dealt with through a construction management plan and one would be required to be agreed in due course for this project.

Signed:



Dr Chris Miele IHBC MRTPI  
Senior Partner, Montagu Evans LLP

Dated: 22/09/2020

# APPENDIX 01

EXTRACT FROM

DESIGNING MEMORY,

DR TANOVIC

# Designing Memory

The Architecture of Commemoration  
in Europe, 1914 to the Present

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SABINA TANOVIĆ  
Delft University of Technology



seek to share the memory.<sup>33</sup> For the purposes of this study, the visual is the axes in the definition of a monument as an architectural or sculptural composition, or a combination thereof, dedicated to a person, event or particular act. A monument is intended primarily as a visual marker and a symbolic tool for communicating social and political ideas. This depiction relates to what has been understood as a 'traditional' sculptural monument. Accordingly, as a representation of its political, social and cultural context a memorial has a similar goal and designation, but it differs from a monument in several aspects. Different from a monument, a memorial is an architectural construct that is defined by its employment of space as an architectural tool. A memorial's symbolic function is not necessarily apparent and often requires visitors' engagement to be discovered. In other words, instead of only creating a representation of what is being commemorated, a memorial is a custom-designed experiential space in reference to its topic. In this way, a memorial space is inevitably engaging visitors on several levels, not only on the level of visual perception.

When engaged with the memorial, a visitor is exposed to its designed mnemonic power, participating as audience and performer at the same time. Furthermore, a memorial addresses the facilitation of mourning instead of only representing loss. A useful definition of public memorials is the one used in the field of transitional justice by which public memorials are 'designed to evoke a specific reaction or set of reactions, including public acknowledgment of the event or people represented; personal reflection or mourning; pride, anger, or sadness about something that has happened; or learning or curiosity about periods in the past'.<sup>34</sup> Although this definition is concerned only with the representation of past events, a contemporary memorial is usually involved with present events or, rather, the existence of the past in the present, and in some cases memorials deal with ongoing but also anticipated future events.<sup>35</sup>

<sup>33</sup> Daniel J. Sherman, *The Construction of Memory in Interwar France* (Chicago, IL and London: University of Chicago Press, 1999), p. 14.

<sup>34</sup> Sebastian Brett, Louis Bickford, Liz Ševčenko and Marcela Rios, *Memorialization and Democracy: State Policy and Civic Action* (New York: International Coalition of Sites of Conscience, 2007). The report is based on the international conference of the report's title held on 20–22 June 2007 in Santiago, Chile.

<sup>35</sup> One example of this is a memorial planned for a location in Carlsbad, New Mexico, which is used as a transuranic waste site by New Mexico's Waste Isolation Pilot Plant. In the year 2030, the storage facility will reach its maximum capacity. This provides the rationale for the memorial as a structure that would warn future generations of the lethal toxicity of the site. See Julia Bryan-Wilson, 'Building a marker of nuclear warning', in Robert S. Nelson and Margaret

## 4 | Memorial Museums

*Today, our work is to transmit. That is the spirit of this memorial.  
Transmission: there resides the future of remembering.*

François Hollande<sup>1</sup>

Since the 1970s, the debate about transmitting memory to future generations through evocative architectural forms and metonymic devices has become more and more prominent. Hence, contemporary ways of transmitting memories and histories are versatile and continue to evolve. Memorial designs are increasingly moving towards more interactive, proactive and experimental spaces. As such, memorial design (focused explicitly on the spatial component) meets the museum – an institution for the conservation, documentation and contextualization of historical knowledge on a specific topic. The architectural logic of these museums normally aims to adjust to the topic and the location, to serve as an introduction to the existing site and thereby strengthen the visitor's experience. If the memorial museum is built elsewhere, hence not on an authentic site, the principle is the same, but with more freedom of expression. Arguably, it is a more challenging task. Already some of the earliest examples of this trend, such as the Kragujevac memorial museum, were designed to fortify historical events with their architecture and spatial disposition. As a result, didactic components are becoming more prominent in memorials, while memorial museums, on the other hand, aim towards spatial frameworks that are congruent with their contents and in this way come closer to memorial design. In this context, Pingusson's Memorial to the Deportation in Paris is a project where we can see the impulse towards an aesthetic that derives from moral imperative and historical knowledge, supported by museological content.

By now, memorial museums are established as a specific type of memorial architecture geared towards the transmission of memory to later

<sup>1</sup> The former French president François Hollande in his address at the memorial in Drancy on 21 September 2012. Scott Sayare, 'At Holocaust Center, Hollande confronts past', *The New York Times*, 22 September 2012, [www.nytimes.com/2012/09/22/world/europe/at-drancy-holocaust-center-hollande-confronts-grim-chapter-for-france.html](http://www.nytimes.com/2012/09/22/world/europe/at-drancy-holocaust-center-hollande-confronts-grim-chapter-for-france.html), last accessed 16 February 2018.

# APPENDIX 02

## EXTRACT FROM CONSERVATION PRINCIPLES

# CONSERVATION PRINCIPLES POLICIES AND GUIDANCE

FOR THE SUSTAINABLE MANAGEMENT OF THE HISTORIC ENVIRONMENT



# INTRODUCTION

## Aims

- 18** The historic environment is central to England's cultural heritage and sense of identity, and hence a resource that should be sustained for the benefit of present and future generations. English Heritage's aim in this document is to set out a logical approach to making decisions and offering guidance about all aspects of the historic environment, and for reconciling its protection with the economic and social needs and aspirations of the people who live in it.
- 19** The *Conservation Principles, Policies and Guidance* are primarily intended to help us to ensure consistency of approach in carrying out our role as the Government's statutory advisor on the historic environment in England. Specifically, they make a contribution to addressing the challenges of modernising heritage protection by proposing an integrated approach to making decisions, based on a common process. The *Principles* look forward to the consolidated framework of heritage protection proposed in the White Paper *Heritage Protection for the 21st Century* (March 2007), but their application is not dependent upon it.
- 20** The *Principles* will inform English Heritage's approach to the management of the historic environment as a whole, including the community engagement, learning and access issues addressed under Principle 2. The *Policies and Guidance* will specifically guide our staff in applying the *Principles* to English Heritage's role in the development process, and in managing the historic sites in our care. We hope, of course, that, like all our guidance, the *Principles* will also be read and used by local authorities, property owners, developers, and their advisers. In due course, the *Principles, Policies and Guidance* will be supported by further, more detailed guidance about particular types of proposal or place, and current English Heritage guidance will make specific reference to them as it is updated.

## Terms and concepts

- 21** The practice of recognising, formally protecting and conserving particular aspects of the historic environment has developed along parallel paths, trodden by different professional disciplines. The lack of a common, 'high level' terminology has been a barrier to articulating common principles, and using them to develop a more integrated approach. We have therefore deliberately avoided the specialised terminology of current law and public policy relating to heritage designations, such as 'listed building' and 'scheduled monument'. We use the word 'place' as a proxy for any part of the historic environment, including under the ground or sea, that people (not least practitioners) perceive as having a distinct identity, although recognising that there is no ideal term to cover everything from a shipwreck to a landscape.

- 22 The term 'place' goes beyond physical form, to involve all the characteristics that can contribute to a 'sense of place'. It embraces the idea that places, of any size from a bollard to a building, an historic area, a town, or a region, need to be understood and managed at different levels for different purposes; and that a particular geographical location can form part of several overlapping 'places' defined by different characteristics. Similarly, we have stretched the concept of 'fabric', commonly used to describe the material from which a building is constructed, to include all the material substance of places, including geology, archaeological deposits, structures and buildings, and the flora growing in and upon them. 'Designation' embraces any formal recognition of heritage value, including registration, listing, scheduling and inscription.
- 23 Our approach anticipates the proposed consolidation of national cultural heritage protection and, more importantly, avoids the suggestion that the *Principles* are concerned only with places that meet the particular thresholds of significance necessary for formal international, national or local designation. Beyond heritage designations, in the wider framework of environmental management and spatial planning, an understanding of the heritage values a place may have for its owners, the local community and wider communities of interest should be seen as the basis for making sound decisions about its future.
- 24 Sustainable management of a place begins with understanding and defining how, why, and to what extent it has cultural and natural heritage values: in sum, its significance. Communicating that significance to everyone concerned with a place, particularly those whose actions may affect it, is then essential if all are to act in awareness of its heritage values. Only through understanding the significance of a place is it possible to assess how the qualities that people value are vulnerable to harm or loss. That understanding should then provide the basis for developing and implementing management strategies (including maintenance, cyclical renewal and repair) that will best sustain the heritage values of the place in its setting. Every conservation decision should be based on an understanding of its likely impact on the significance of the fabric and other aspects of the place concerned.

- 25 Our definition of conservation includes the objective of sustaining heritage values. In managing significant places, 'to preserve', even accepting its established legal definition of 'to do no harm', is only one aspect of what is needed to sustain heritage values. The concept of conservation area designation, with its requirement 'to preserve or enhance', also recognises the potential for beneficial change to significant places, to reveal and reinforce value. 'To sustain' embraces both preservation and enhancement to the extent that the values of a place allow. Considered change offers the potential to enhance and add value to places, as well as generating the need to protect their established heritage values. It is the means by which each generation aspires to enrich the historic environment.

## Relationship to other policy documents

- 26 Planning Policy Statement 1 *Delivering Sustainable Development* (2005) includes the explicit objective of 'protecting and enhancing the natural and historic environment'.<sup>1</sup> In these *Principles, Policies and Guidance*, we provide detailed guidance on sustaining the historic environment within the framework of established government policy. In particular, the document distils from Planning Policy Guidance note (PPG) 15 *Planning and the Historic Environment* (1994) and PPG16 *Archaeology and Planning* (1990) those general principles which are applicable to the historic environment as a whole. It also provides a structure within which other current English Heritage policy and guidance should be applied. The *Policies and Guidance* will be updated to refer to and reflect new heritage legislation and government policy as they emerge, and in the light of experience in use.
- 27 At the international level,<sup>2</sup> the *Principles* reflect many of the presumptions of the *World Heritage Convention*, with its call to give all natural and cultural heritage a function in the life of communities. The *Principles* are consistent with the *Granada Convention* on the protection of the architectural heritage, and the *Valletta Convention* on the protection of the archaeological heritage, both ratified by the United Kingdom. The *European Landscape Convention*, also ratified by the United Kingdom, has been influential, not least for its definition of a landscape as 'an area, as perceived by people...', and its references to the need to consider sustaining cultural values in managing all landscapes, as well as the importance of public engagement in that process.

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<sup>1</sup> See paragraphs 5, 17-18

<sup>2</sup> *Convention concerning the Protection of the World Cultural and Natural Heritage* (UNESCO, 1972)  
*Convention for the Protection of the Architectural Heritage of Europe* (Granada: Council of Europe, 1985, ETS 121)  
*European convention on the Protection of the Archaeological Heritage* (Valletta: Council of Europe, 1992, ETS 143)  
*European Landscape Convention* (Florence: Council of Europe, 2000, ETS 176)

## Correlation with current and proposed legislation

- 28** The White Paper *Heritage Protection for the 21st Century* (March 2007) proposed a single national *Register of historic buildings and sites of special architectural, historic or archaeological interest*, which will include all those places currently on the statutory list of buildings of special architectural or historic interest and the schedule of monuments, the non-statutory registers of historic parks and gardens and of battlefields, and World Heritage Sites (although the latter are designated internationally). 'Historic asset' is the proposed shorthand for registered places, although marine 'historic assets' will remain outside this system. Conservation areas will continue to be designated at local level, alongside non-statutory local designations, and much of the archaeological resource will continue to be managed by policy, rather than designation.
- 29** In the proposed new national system of cultural heritage protection, 'reasons for designation' will set out why each 'historic asset' is above the threshold for designation for its 'architectural, historic or archaeological interest'. Grounds for designation will necessarily be confined to specific values under these headings, directly related to published selection criteria. The statutory basis of designation will, however, be sufficiently broad to embrace the range of values which the *Principles* identify as desirable to take into account in the management of significant places.

### **Equalities impact assessment**

Public bodies are legally required to ensure that their plans, policies and activities do not unfairly discriminate against a group protected by equalities legislation. It is the responsibility of those public bodies for whom we provide advice to ensure that that they have conducted any relevant Equalities Impact Assessment that may be required when implementing the advice of English Heritage.

# APPENDIX 03

WSP BUXTON

RESPONSE



## Technical Note

<b>DATE:</b>	18 September 2020	<b>CONFIDENTIALITY:</b>	Confidential
<b>SUBJECT:</b>	UKHM WSP Structures Comments		
<b>PROJECT:</b>	UKHM	<b>AUTHOR:</b>	Diego Padilla Philipps

1. In relation to the Proof of Evidence by Hal Moggridge, paragraph 20, we should note that the movement presented in the report is not due to the pile installation; it is due to the basement excavation. Also, piles are not driven; they are bored. The movement due to the installation of bored piles will be much smaller.
2. Nevertheless, excavation values are provided to inform the movement that needs to be addressed, depending on the particular limits of the affected structures. Such values will inform the contractor's construction methodology, the selection of basement props, and the detailed construction methodology around the Buxton memorial.
3. We should also mention that a detailed monitoring strategy shall be in place to ensure that the allowable movement is not exceeded. Furthermore, a temporary support strategy should be in place to maintain the stability of the structure during construction. Such considerations will be key elements to consider during the selection of the contractor.
4. Competent contractors have experience building adjacent to and below buildings across London. We have direct experience working with 7 new basements under Claridge's, 4 basements next to The Berkeley, and 2 basements next and under the Admiralty Arch. Such processes include sophisticated methods to monitor the movement of all adjacent buildings. In some cases, also the movement of underground train tunnels subject to very strict thresholds of horizontality and track radius of curvature.
5. We should emphasise that similar caution and diligence should be applied on this project.

### Diego Padilla Philipps

BSc, MSc, MIStructE, CEng  
Associate Director, Building Structures  
Net Zero Lead for Property & Buildings UK

Lead Structural Engineer for the UKHM project

I joined WSP in 20014. My experience varies from tall building design to complex basements, from office refurbishments to luxury hotels. I was the lead engineer for the design and delivery of 22 Bishopsgate. I am currently delivering the new basement extension under the Admiralty Arch in London and the design of a 70 storey tower in Tel Aviv. In Shoreditch, I designed Principal Tower, a 50 storey building with a basement located only 50mm away from two existing victorian masonry tunnels containing live railway tracks.

I also run WSP's Design Studio including projects such as Tetra Hotel and one of the UK Pavilion finalist for Dubai 2020 Expo. I am also providing a structural solution to prop the famous Allerton Oak in Liverpool, a 1000 years old tree at risk of collapse. Furthermore, I am the UK Net Zero champion, leading WSP's efforts towards creating zero carbon buildings and addressing the climate emergency.

# **APPENDIX 04**

## **TURNER & TOWNSEND**

### **BUXTON RESPONSE**

## Technical Note from Turner & Townsend in response to Para. 20

The building period is expected to be approximately 2 years and 8 months.

Works, site set up and sequencing will be prepared to keep as much of the park open to the public as possible.

Site access routes will be implemented to minimise construction traffic impacts to tree roots, branches and trees generally. Our proposed arrangements include provision of a turning area for delivery vehicles. Specific tree root protection measures will be put in place to minimise the impact of any construction traffic or construction activity which cannot be avoided in the immediate area, and tree health will be monitored throughout.

Where required along the western boundary or elsewhere, a light weight, low height secant piling rig(s) will be utilised. Use of these low height rigs is well documented, an example being the specialist Franki 'Martello' Piling rig (see attached project examples). Use of such rigs should not require 'branch lopping' to accommodate either the rig itself, or for the reinforcement cages required for the piles. The reinforcement cages can be pre-fabricated in short sections and joined together thus limiting the vertical height required.

The site is limited for space and for storage and it is envisaged site accommodation will be located to the north end of our site area. The contractor(s) will need to work with the space available, stacking site accommodation as necessary, which is not uncommon for central London sites, and indeed the situation for this project is less restrictive than many central city sites.

Construction deliveries will be restricted to the western boundary of the site. Any construction traffic to the eastern (river) boundary will be kept to a minimum.

The secant piles have been carefully aligned to pass around the Buxton Memorial.

Further detailed work will be carried out, following the tender process and subsequent appointment of construction company, with both the piling specialist and principal contractor, however, the protection and monitoring of the Buxton Memorial during the piling and other works has been considered during the design stage and a support and monitoring regime has been proposed by the structural engineer.

# APPENDIX 05

## CASE STUDIES



# KEY FACTS

### PROJECT TITLE

Victoria & Albert Museum,  
London

### TYPE OF PILING

Secant & Contiguous

### DIAMETER

750mm

### DEPTH

26m



### THE CHALLENGE

The V&A Museum new exhibition hall required a section of the new secant wall to be constructed at 600mm diameter and to 20m depth, in 5.0m of headroom.

The ground conditions required deep casings to be installed, and the V&A Museum also had a requirement to maintain low levels of vibration due to precious works of art being held within adjacent rooms.

### THE MARTELLO SOLUTION

The V&A Museum new exhibition hall required the construction of a secant wall and bearing piles to form the box for new exhibition space. The piles had to achieve an installation verticality tolerance of 1:200. In all, 85no. piles were completed within the restricted access area.

With the 5m of headroom available and the tight working restrictions the MP4000 rigs were ideally suited to work within the Western Range. In Particular, the MP4003 rig has a zero tail swing, and could manoeuvre safely in this environment to install the 600mm male / female secant wall. The rig was also able to easily install the 10m of casing required to seal the granular strata within these constraints.

The vibrations produced were within tolerance and were not exceeded at any point during the construction even with the 10m of casing necessary.

The strict verticality tolerances were achieved and the programme completed on time to allow the top down excavation to commence.

Large diameter piles for walls or load bearing foundations can be installed with the MP4003 with its zero tail swing in very tight conditions and low headroom.

### RELATED LINKS

#### Restricted Access

<http://www.martellopiling.com/services/restricted-access-piling>

#### Piling Mastermind

<http://www.martellopiling.com/piling-mastermind>



# KEY FACTS

### PROJECT TITLE

Westfield Stratford, London

### TYPE OF PILING

Rotary/Bentonite

### DIAMETER

750mm

### DEPTH

21m



### THE CHALLENGE

Westfield Group required the installation of 12no rotary bored piles to support the development of a brand new 12-storey commercial building. Access to site was restricted due to a maximum headroom of just 2.2m and once into site, the works were required to be completed within just 4.1m of headroom.

### THE MARTELLO SOLUTION

Due to the low headroom and restricted entry to the site, Martello utilised one of their MP4000 Series Rotary Bored Piling rigs. The MP4003 rig has a zero tail swing, which allowed it to safely manoeuvre in this environment and install the 600mm male / female secant wall using 10m of casing that was required to seal the granular strata.

Due to the wet ground conditions, the piles were bored under bentonite drilling fluid, to support the unstable ground and enable the ease of placing reinforcement. Careful consideration and management of the bentonite was crucial to the delivery of the project to prevent leakages on site.

### RELATED LINKS

[Unrestricted Access Piling](#)

<http://martellopiling.com/services/restricted-access-piling>

[Piling Mastermind](#)

<http://martellopiling.com/piling-mastermind>



**KEY FACTS**

PROJECT TITLE

Acton Diveunder, London

TYPE OF PILING

Secant Wall

DIAMETER

600/750mm

DEPTH

12-14m



**THE CHALLENGE**

The works had to be undertaken within limited access constraints to complete a 750mm diameter secant wall which would later, following the excavation, form a permanent retaining wall of the Acton Dive Under route.

Works required the construction of the secant wall in a 4.5m of headroom under Noel Road Bridge and elsewhere in 7m of headroom working under the OLE (Overhead Line Electrification) gantries.

**THE MARTELLO SOLUTION**

Acton Dive Under is part of the Crossrail surface programme being delivered by Network Rail.

Martello were contracted by Bam Nuttall to undertake two phases of work. The first being works under Noel Road Bridge and an OLE gantry. The second one being a return visit to complete the secant wall under another OLE gantry. All works at Acton Dive Under were taken in and around the goods yard and Great Western Relief lines.

Martello's low headroom capability allowed for the construction of a secant wall in 4.5m of headroom under Noel Road Bridge.

Martello were able to complete the works in a more efficient manner, reducing costs, as the majority of the works were able to be undertaken during normal working hours and within the confines of the existing structures, saving money and reducing the overall construction programme, without compromising safety.

**RELATED LINKS**

**Restricted Access**

<http://www.martellopiling.com/services/restricted-access-piling>

**Piling Mastermind**

<http://www.martellopiling.com/piling-mastermind>



# KEY FACTS

PROJECT TITLE

Ingatestone Underpass

TYPE OF PILING

Secant pile wing wall

DIAMETER

750/900mm

DEPTH

18.5m



### THE CHALLENGE

The project required the construction of an underpass on a busy railway line from London to Liverpool – normally requiring the construction to take place during limited night time possessions thereby extending the overall project programme. The original scheme was a sheet pile wall solution which could only have been done during night time possessions.

Martello were able to offer a bored pile solution.

### THE MARTELLO SOLUTION

With the bored pile solution offered by Martello, the work was done during the day time, eliminating the necessity for possessions and thus reducing the programme and cost.

The rig (MP4003) operated in a 4.5m height configuration and this was outside the collapse radius of the rig to the railway line thereby providing surety to the safety of the rail operations.

Martello constructed the secant piled wing walls for a jacked box bridge structure, and the use of a high strength C50/60 concrete enabled J Murphy & Sons to start excavation immediately after the completion of the piles

The low rig height and short reinforcement cages significantly lessened the risk of any accidental electrical incidences, but as an additional safety feature, the return conductor of the OLE (Overhead Line Equipment) was isolated during the works.

The piled solution was able to benefit the client’s programme and the piling works were completed one week ahead of schedule.

### RELATED LINKS

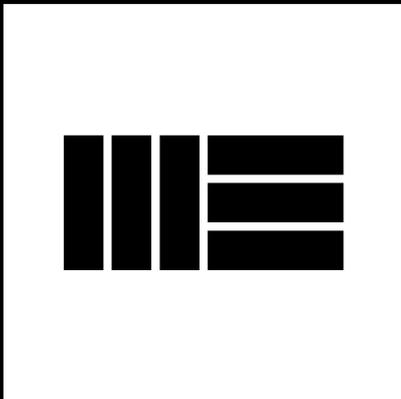
#### Restricted Access Piling

<http://martellopiling.com/services/restricted-access-piling>

#### Design Management

<http://martellopiling.com/services/design-management>

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WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.