

## 22/02/22: **High Court battle to protect London parks and provide for a fitting Holocaust memorial**

The London Historic Parks and Gardens Trust's campaign to protect Westminster's Victoria Tower Gardens public park from development reaches the High Court on 22 February. This note, prepared with the 'Save Victoria Tower Gardens' campaign outlines the reasons for, and background to this appeal.

### **BACKGROUND INFORMATION**

#### **PLANNING STATUTORY REVIEW OF PERMISSION FOR UK HOLOCAUST MEMORIAL AND LEARNING CENTRE IN VICTORIA TOWER GARDENS**

On 22 & 23 February 2022 the High Court will hear a claim by London Historic Parks and Gardens Trust (The Trust) against the grant of planning permission for the UK Holocaust Memorial and Learning Centre in Victoria Tower Gardens adjacent to Parliament, SW1A.

In July 2021 the [Housing Minister granted permission](#) for the construction of the UK Holocaust Memorial and Learning Centre in Victoria Tower Gardens. He did so on the recommendation of the Planning Inspector who led a three week planning inquiry in October and November 2020.

**The proposed £100m + Holocaust Memorial and Learning Centre** is a building combining a memorial consisting of 23 bronze fins atop a large grass mound in the middle of VTG, obstructing the iconic view of Parliament, with an underground learning centre dug out eight metres underground under the mound.

The Trust argues that the planning decision is flawed on two grounds, which have been approved by Mrs Justice Lieven:

#### **1) Evaluation of heritage assets.**

The Trust is challenging the evaluation the harm to the Grade II\* Buxton Memorial commemorating those who brought about the 1834 Abolition of Slavery Act.

#### **2) Evaluation of alternative locations.**

On this point, Mrs Justice Lieven indicated that although the Inspector did consider the Imperial War Museum as an alternative location, the way that the Inspector has done so effectively places the burden on the objector to produce a "detailed scheme", which would in practice be almost impossible to do.

Additionally The Trust is hoping that the judge will consider the unlawfulness of building in Victoria Tower Gardens before Parliament repeals the 1900 London County Council (LCC) Act by which the gardens were created.

Westminster City Council, which opposed the plan at the inquiry, supports the Trust's challenge.

### **Campaign Timeline**

**2016:** Prime Minister David Cameron announced Victoria Tower Gardens as the location for the UK Holocaust Memorial after the site was suggested to him by Lord Andrew Feldman [1]. The site had originally *not* been included among the fifty locations selected for consideration by Government advisers [2]

**2017:** Public consultation on 10 shortlisted designs, though not on the suitability of the site. Design competition won by the team led by Sir David Adjaye OBE and Ron Arad.

**2018:** Planning application submitted to Westminster Council on behalf of the Secretary of State for MHCLG (now LUHC), generates massive public opposition.

**2019:** Government pays community engagement company Big Ideas to mobilise public support for the project, via the Westminster Council planning portal. [3]

Westminster Council warns that permission is likely to be refused

Shortly before the Pre-Election Period begins for the 2019 General Election, the Minister for Housing 'calls in' the application [3].

**2020:** Westminster City Council Planning Committee unanimously opposed the application. [4]

**2020:** Three week planning inquiry, led by Inspector David Morgan. London Historic Parks and Gardens Trust were present at the Inquiry, alongside Westminster Council, Save Victoria Tower Gardens and Baroness Ruth Deech providing reasons for objecting to the proposals.

**2021:** Permission recommended by David Morgan and granted by Housing Minister Chris Pincher MP.

### **Detail of the campaign**

London Historic Parks and Gardens Trust, Save Victoria Tower Gardens and The Thorney Island Society are all strong supporters of Holocaust memorialisation and the need for improved Holocaust education. Their principal objection to the current scheme has always been the proposed location and damage to an historic public park.

Among the many concerns raised at the Planning Inquiry were:

- Multiple breaches of planning policies, especially those protecting **green open space**. Although the scheme's proposers consistently refer to a 7% loss of green space, The Trust has provided evidence that the loss will in fact be over 26%.
- Serious risk of breach or surface water **flooding** into an entirely subterranean building. The Environment Agency has imposed stringent conditions aimed at mitigating the risk of breach flooding at the site, which is just a few metres from the Thames river wall [5]. They also observed that as it is entirely underground the proposed building '*does not have a safe means of access and egress in the event of flooding.*' Recent flash flooding in London has demonstrated the vulnerability of underground spaces to unexpected environmental events and also the danger of hard surfacing green sites, as is proposed under the current scheme [6]. The proposals would pave over part of a riverside park at a time when the [water minister has called for an end to paving over driveways](#) to help reduce river flooding and pollution.
- Reduction and overcrowding of VTG as a **local amenity** including, among other things, compromising a vital children's **playground**. The Royal Parks have stated that they fear Victoria Tower Gardens, a rare riverside open space in Central London, will become a civic space. [7]
- **Heritage impacts**, including endangering the World Heritage status of the **Westminster World Heritage Site**. ICOMOS, the body which advises UNESCO on cultural heritage, has strongly opposed the government's plan on the grounds that it would have an adverse impact on the Outstanding Universal Value of this WHS, and would compromise the immediate setting and views [8]. **UNESCO recently stripped Liverpool of its World Heritage status [9], and we understand that construction of the Holocaust Memorial and Learning Centre in this location would put the Westminster WHS at similar risk.**
- The risk to the mature plane **trees** that border the park, from the deep excavation required to construct an underground learning centre [10]. The Planning Inspector concluded that *the effect on trees of amenity value is that a limited mid-section of the western stand of London planes in proximity to the proposal would, in the long-term, be the poorer for its construction. Although this degree of ecological and thus visual impoverishment would, in the context of the group of trees as a whole, be slight, it would nevertheless result in harm to or loss of trees of amenity value.*

Although the project is supported by the leaders of the Board of Deputies of British Jews, it has deeply divided the Jewish community. The former Independent Reviewer of Terrorism Legislation, Lord Carlile, has raised serious concerns about security risks, mindful of the attacks to which similar memorials across the world have been subjected [12]. Others, including Holocaust survivors Anita Wallfisch, Dr Martin Stern and Joanna Millan, many Jewish peers and over 40 Holocaust academics [13] have questioned the educational value of a such a tiny learning centre when the War Museum (IWM), with its comprehensive brand new Holocaust galleries, is less than one mile away. An open letter to the Jewish Chronicle, opposing the current UK Holocaust Memorial scheme, was signed by over 100 Jews, Holocaust survivors and their descendants.

**London Historic Parks and Gardens Trust** is a small charity that exists to champion London's historic parks, gardens, squares and green spaces for the benefit of everyone.

### **Contact points for journalists for the Trust:**

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### **Sources**

[1] Lord Feldman wrote as Conservative Party chairman to lobby for Victoria Tower Gardens to be the site of the memorial (although not the learning centre): [https://www.westminster.gov.uk/sites/default/files/14.4\\_vtg\\_feldman\\_1.pdf](https://www.westminster.gov.uk/sites/default/files/14.4_vtg_feldman_1.pdf)

[2] The Government has admitted the announcement came only two weeks after the Holocaust Memorial Foundation's board first considered Victoria Tower Gardens as a location. <https://questions-statements.parliament.uk/written-questions/detail/2019-06-12/263702>

The site was not one of the 50 locations that the Government had asked the property experts at [CBRE](#) to evaluate. That was because it was too small to meet almost any of the criteria specified: <https://questions-statements.parliament.uk/written-questions/detail/2019-06-27/270267>d for the site which included a lecture theatre and space for events for 500 people: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/459046/National\\_Memorial\\_and\\_Learning\\_Centre.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/459046/National_Memorial_and_Learning_Centre.pdf)

[3] The Government “called in” the planning application before Westminster Council could reject it: <https://www.theplanner.co.uk/news/mcvey-calls-in-holocaust-memorial-having-already-attempted-to-rig-the-public-consultation>

<https://www.thetimes.co.uk/article/consultant-big-ideas-accused-of-rigging-decision-on-holocaust-memorial-site-fpmfkwlv>

[4] Westminster Council’s Planning Committee concluded that the proposal was an inappropriate form of development for the proposed location [https://idoxpa.westminster.gov.uk/online-applications/files/EE9AF5A6638F48F3F37C484CFD600D23/pdf/19\\_00114\\_FULL-SUB\\_COMMITTEE\\_REPORT-6315517.pdf](https://idoxpa.westminster.gov.uk/online-applications/files/EE9AF5A6638F48F3F37C484CFD600D23/pdf/19_00114_FULL-SUB_COMMITTEE_REPORT-6315517.pdf)

[5] The Environment Agency withdrew its objections but imposed stringent conditions [https://idoxpa.westminster.gov.uk/online-applications/files/7B05682BADD2B498BDFF1506A6A51330/pdf/19\\_00114\\_FULL-ENVIRONMENT\\_AGENCY-6245298.pdf](https://idoxpa.westminster.gov.uk/online-applications/files/7B05682BADD2B498BDFF1506A6A51330/pdf/19_00114_FULL-ENVIRONMENT_AGENCY-6245298.pdf)

[6] Flash floods hit London in July 2021 <https://www.bbc.co.uk/news/uk-england-london-57816647>

[7] The Royal Parks says Centre could have: “a significant harmful impact”: see evidence dated 8 February

2019: [https://idoxpa.westminster.gov.uk/online-applications/files/408F1CD4148B9005ABCB802AE77FD53C/pdf/19\\_00114\\_FULL-THE\\_ROYAL\\_PARKS-5827776.pdf](https://idoxpa.westminster.gov.uk/online-applications/files/408F1CD4148B9005ABCB802AE77FD53C/pdf/19_00114_FULL-THE_ROYAL_PARKS-5827776.pdf)

[8] UNESCO’s adviser on World Heritage Sites (ICOMOS) warns of a “*massive visual impact*”: see page 4 of ‘International Council on Monuments & Sites’ evidence, dated 15 February 2019: <https://idoxpa.westminster.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PL0CVYR P27O00> [6] Liverpool loses World Heritage Status

[9] Liverpool stripped of World Heritage status <https://news.sky.com/story/liverpool-stripped-of-unesco-world-heritage-status-as-anger-breeds-over-incomprehensible-move-12360530>

[10] Planning Inspector’s report [Combined\\_DL\\_IR\\_R\\_to\\_C\\_Victoria\\_Tower\\_Gardens.pdf](https://www.londongardenstrust.org/Combined_DL_IR_R_to_C_Victoria_Tower_Gardens.pdf) ([londongardenstrust.org](https://www.londongardenstrust.org))

[11] Trudy Gold and Baroness Deech oppose the plan <https://www.theguardian.com/world/2020/feb/20/a-more-fitting-memorial-to-the-holocaust>

and [https://www.westminster.gov.uk/sites/default/files/cd\\_5.26\\_baroness\\_deech\\_statement\\_of\\_case\\_with\\_appendices.pdf](https://www.westminster.gov.uk/sites/default/files/cd_5.26_baroness_deech_statement_of_case_with_appendices.pdf)

[12] The former Government adviser on terrorism legislation Lord Carlile of Berriew QC described it as a “trophy site” for terrorists: see document “CD 8.43 Proof of Evidence of Lord Carlile” on “Inquiry documents” tab at: <https://www.westminster.gov.uk/holocaust-memorial-inquiry-documents>

[13] Jewish commentators and many Holocaust educators oppose site:

- Eight Jewish Peers wrote a letter to The Times objecting to the location: [Eight Jewish peers: Shoah memorial 'evokes neither Holocaust nor Jewish history' | Jewish News \(timesofisrael.com\)](https://www.timesofisrael.com/eight-jewish-peers-shoah-memorial-evokes-neither-holocaust-nor-jewish-history/)

- David Aaronovitch in The Times criticised the design and location : <https://www.thetimes.co.uk/article/david-aaronovitch-the-westminster-holocaust-memorial-doesnt-hit-me-in-my-heart-97765wdc5>

- Geoffrey Alderman in the Spectator said: ‘Britain doesn’t need another holocaust memorial’: <https://blogs.spectator.co.uk/2019/05/britain-doesnt-need-another-holocaust-memorial/>

- Baroness Ruth Deech “constant conflation of opposition to this memorial with antisemitism is politicising the project” <https://www.thetimes.co.uk/article/times-letters-prison-places-redesign-and-rehabilitation-bblqvjj2>

- Tanya Gold in the Telegraph said: ‘The Westminster Holocaust Memorial is the wrong memorial in the wrong place’ : <https://www.telegraph.co.uk/women/life/westminster-holocaust-memorial-wrong-memorial-wrong-place/>

- Rabbi Aaron Goldstein writes in Jewish News “I believe the money would be better spent... educating future generations of Britons.” <https://jewishnews.timesofisrael.com/progressively-speaking-why-do-we-need-a-permanent-shoah-in-westminster/>

- Melanie Phillips in the Jewish Chronicle criticised the purpose and aesthetic of the proposed Learning Centre : <https://www.thejc.com/comment/columnists/this-giant-toast-rack-wont-help-us-fight-hate-1.486125>

Former Archbishop of Canterbury Rowan Williams described the proposed building as a fig-leaf : <https://www.thetimes.co.uk/edition/news/holocaust-memorial-is-fig-leaf-in-antisemitism-debate-says-williams-d87hdgscr>

Holocaust survivor Anita Lasker-Wallfisch told Rowan Moore that the proposal would be ‘an unbelievable amount of stupid money’ <https://www.theguardian.com/artanddesign/2020/dec/27/holocaust-survivor-anita-lasker-wallfisch-uk-holocaust-memorial-learning-centre>

A group of 42 Holocaust academics said that siting the Government’s proposed learning centre next to Parliament risks creating a “celebratory

narrative” of Britain’s response to the Holocaust:

[https://www.westminster.gov.uk/sites/default/files/10.36\\_westminster\\_inquiry-final-appx5990v193240661.pdf](https://www.westminster.gov.uk/sites/default/files/10.36_westminster_inquiry-final-appx5990v193240661.pdf)

[13] New Holocaust galleries at the Imperial War Museum

<https://www.museumsassociation.org/museums-journal/news/2021/05/second-world-war-and-holocaust-galleries-to-open-at-iwm-in-october/#>

[14] As at February 2021 £12.9m had already been spent on the Holocaust Memorial and education programme [https://questions-statements.parliament.uk/written-questions/detail/2021-02-](https://questions-statements.parliament.uk/written-questions/detail/2021-02-03/hl12937)

[03/hl12937](https://questions-statements.parliament.uk/written-questions/detail/2021-02-03/hl12937) Invitations to tender have been

published [https://ted.europa.eu/udl?uri=TED:NOTICE:376006-](https://ted.europa.eu/udl?uri=TED:NOTICE:376006-2020:TEXT:EN:HTML)

[2020:TEXT:EN:HTML](https://ted.europa.eu/udl?uri=TED:NOTICE:376006-2020:TEXT:EN:HTML) and <https://ted.europa.eu/udl?uri=TED:NOTICE:114779-2020:TEXT:EN:HTML>