

LONDON HISTORIC PARKS & GARDENS TRUST

STATEMENT

**PREPARED FOR
THE HOUSE OF LORDS
STANDING ORDERS COMMITTEE**

**RELATING TO
THE HOLOCAUST MEMORIAL BILL 2023**

1. The Examiners of Petitions for Private Bills reported on 18 May that certain private business standing orders of both Houses were applicable to the Holocaust Memorial Bill and had not been complied with. The standing orders they listed were:
 - SO 4 – the content of notices to be published
 - SO 4A – the making available of copies of the Bill at specified locations
 - SO 10 – the publication of notices in relevant newspapers
 - SO 11 – the publication of notices in the London Gazette
 - SO 38 – the depositing of copies of the Bill in the Private Bill Office and the Vote Office
 - SO 39 – the depositing of copies of the Bill with Government departments and public bodies
2. LPG presented to the House of Commons Standing Order Committee on 13th June seeking for the orders to be upheld. At that meeting, the House of Commons Standing Order Committee decided to dispense with the standing orders listed on certain conditions.
3. Whilst LPG acknowledges the decision of the House of Commons Standing Order Committee, it respectfully continues to ask the House of Lords Standing Orders Committee to rule that the standing orders listed, should not be dispensed with in respect of the Holocaust Memorial Bill.
4. London Historic Parks & Gardens Trust (trading as London Parks & Gardens; hereafter referred to as LPG) was a memorialist before the Examiners. It is a registered charity that seeks to protect historic parks and gardens. It is affiliated, as a County Gardens Trust, to the Gardens Trust, a statutory consultee for all historic gardens and designed landscaped in England and Wales, which delegates some of its responsibilities to LPG within the Greater London area.
5. LPG supports the aspirations of the Government to deliver the recommendations of the 2015 Holocaust Commission to tackle antisemitism and ensure the lessons of the Holocaust are learned. LPG's involvement reflects the fact that Clause 2 of the Holocaust Memorial Bill seeks to suspend the part of the London County Council Act 1900 (the 1900 Act) that prevents building on Victoria Tower Gardens, a Grade 2 listed public park.

6. The Government has at its disposal resources vastly exceeding those available to bodies such as LPG, and ought to have been able to ascertain in advance that the bill was hybrid and that some private business standing orders would apply. It has at least been negligent in failing to comply with those standing orders. LPG believes that the promoters have therefore failed at least one of the three tests for dispensation:
see <https://erskinemay.parliament.uk/section/6216/proceedings-of-the-standing-orders-committee> .
7. That non-compliance forms part of a pattern, exemplified by the Government's attitude towards the 1900 Act itself. Its unawareness of the 1900 Act when the decision was made to build on Victoria Tower Gardens demonstrated lack of due diligence. When that Act was brought to its attention in 2019, it made the claim that the 1900 Act did not prevent the proposed building works. The High Court subsequently ruled, in 2022, that the proposed works were illegal, and the Government was refused permission to appeal. LPG believes that this pattern of behaviour should be taken into account by the Committee in making its decision.
8. If a promoter of a private bill breached the number of private business standing orders that the government has (not just in regards to complying with time limits, but failing to comply with the Standing Orders at all), LPG suspects that it is unlikely that the Committee would dispense with those standing orders. There is a strong public interest in the Government being held to the same standard and the Committee making clear that the Government must scrupulously observe the requirements laid down by the two Houses. If the Government acts carelessly, it ought not to be allowed to do so with impunity.
9. Rushing through legislation with missing or inaccurate supporting information is not in the public interest and an unwise use of parliamentary time. As presented at the House of Commons Statutory Orders Committee, LPG is concerned that an Environmental Statement has not been included with the Bill when published; and that the briefing notes circulated by the Department on the introduction of the Bill promote inaccurate information. As Evidence, I have included of this innacurate information I have added at Appendix 1 the Pamphlet circulated by the Minister for Housing to MPs on 23rd February and at Appendix 2 LPG and TTIS' response addressing the mistakes, circulated with the assistance of the Father of House on 1st March 2023 which has never been addressed by the promoters of the Bill. Whilst LPG acknowledges that the circulation of misinformation is not a direct breach of the Standing Orders, it adds weight to the benefits of not dispensing with the Statutory Orders at this time, to focus the Government's attention on securing a compromise and addressing inaccuracies at the soonest.
10. If the Committee decides not to dispense with the standing orders and the bill were to be withdrawn, a new bill could be introduced, with the proper procedures followed, if that is what the Government intended. The intervening period could be used to seek a different proposal avoiding the need for a hybrid Bill, thereby saving a great deal of parliamentary time and potentially delivering the ultimate project faster. The government would be given the opportunity to reflect on the Examiners' reasons for their decision as to why the Bill is hybrid, in particular that the interests of local residents are affected differently from other individuals, and the possibility that those local residents and others, such as amenity societies or other representative bodies, may wish to petition against the Bill if and when their attention is drawn to it by the Standing Order advertisements next time. In any event, LPG's view is that a minor delay between withdrawal and reintroduction of the Bill (if that is what the Government decided should happen) would be considerably outweighed by the

public interest in ensuring that, in particular, the publicity requirements of the Standing Orders are complied with at the time of re-introduction and demonstrating that, like any other organisation or person, the Government must take Parliament's rules seriously and abide by them, which it has not done in this case.

11. The Director of LPG presents this statement on behalf of its Board of Trustees and its members and supporters, without the benefit of a Parliamentary Agent or other professional advice at this stage. LPG's resources are limited. LPG has seen statements in draft from others who submitted memorials to the Examiners and concur with what they say. She will be present should the Committee wish to question the contents of this statement.

Signed on behalf of the London Historic Parks & Gardens Trust

Helen Monger, Director, 15 June 2023

APPENDIX 1
DLUHC BRIEFING



UK Holocaust Memorial and Learning Centre



The Government, with cross-party support, propose to construct a new national Memorial to commemorate the 6 million Jewish men, women and children who were murdered in the Holocaust, together with all other victims of Nazi persecution. The Memorial will be accompanied by a Learning Centre in which the history of the Holocaust will be told from British perspectives.

Locating the Memorial in Victoria Tower Gardens, in the heart of Westminster, will give the Holocaust the prominence it deserves. Proximity to the Houses of Parliament will underline the importance of ensuring that lessons from the Holocaust are not forgotten as we take decisions today.

The Holocaust Memorial Bill will remove a statutory obstacle preventing construction of the UK Holocaust Memorial and Learning Centre in Victoria Tower Gardens. Construction of the Memorial and Learning Centre would begin as soon as possible following Royal Assent and subject to the outcome of the planning process, with the aim of opening in 2027.

Design of the Memorial

The UK Memorial and Learning Centre, including the associated landscape improvements to Victoria Tower Gardens, have been designed by Adjaye Associates, Ron Arad Architects and Gustafson Porter + Bowman. An entrance pavilion and courtyard at the southern end of Victoria Tower Gardens will provide the immediate setting for Ron Arad's memorial consisting of 23 bronze fins.



Visitors will pass between the fins and descend via one of eight staircases or a glass lift to reach the Threshold space and from there enter the underground Learning Centre.



Victoria Tower Gardens

Landscape improvements to Victoria Tower Gardens will ensure that this important and well-used green space is more attractive and accessible than ever before.



All the mature London Plane trees will be protected; additional planting and improved drainage of the grassed area will increase the overall attractiveness of the gardens.

Alongside the river embankment wall new raised boardwalks will be constructed, helping to make seating more accessible and making it easier for everyone to enjoy views of the Thames.



New pathways will link existing memorials and monuments within the gardens and additional seating will enhance the visitor experience. The new development will take only around 7.5% of



the current area of the gardens and the playground will be improved: the objective is to make sure that all current uses

can continue after the Memorial is constructed.

Learning Centre



Jewish refugee children, who are members of the first Kindertransport from Germany, arrive in Harwich, 2 Dec 1938
United States Holocaust Memorial Museum, courtesy of [Museum of Jewish Heritage](#)

Within the Learning Centre, a powerful audio-visual exhibition will set out the events of the Holocaust from unique British perspectives. The exhibition, which is being developed with input from leading academics, will aim to give an honest account of how British people and the British Government responded to the growth of antisemitism, the demands of Europe's Jews for refuge, and the reality of persecution.

The Learning Centre will address the history of subsequent genocides, presenting difficult questions about why the lessons of the Holocaust appear not to have been learned.



German military band marching past Lloyd's Bank on The Quay, Peter Port, Guernsey, c.1940-1945
IWM HU 25666



A sign posted by the British army at the entrance to the Bergen-Belsen concentration camp, May 1945
United States Holocaust Memorial Museum, courtesy of [Museum of Jewish Heritage](#)

Visitors

We expect up to around half a million visitors each year will enter the UK Holocaust Memorial and Learning Centre. Entry to the Memorial and Learning Centre will be free, with timed pre-booked ticketing to manage the flow of visitors and to avoid queues developing.

Visitors are expected to arrive via existing public transport to Westminster, with some organised pre-booked education groups arriving by coach. The marginal increase in coach traffic will be managed by providing a dedicated coach bay on Millbank with a maximum permitted waiting time. This will allow passengers to board and alight coaches whilst minimising disruption to traffic and existing users of the footway.

Security

The UK Holocaust Memorial and Learning Centre will have entry security arrangements similar to the many other public buildings in Westminster. We are working with security experts, Government agencies, and the Metropolitan Police to develop the necessary level of security measures. Victoria Tower Gardens will continue to be freely accessible to all.

Risk of Flooding

A detailed Flood Risk Assessment prepared as part of the planning application concluded that Victoria Tower Gardens is heavily protected by the Thames River flood defences, significantly reducing the risk of flooding on site. The UK Holocaust Memorial and Learning Centre will include rainwater attenuation measures and improvements to the surface water drainage within Victoria Tower Gardens to mitigate flood risk. The chance of the Memorial and Learning Centre flooding is extremely remote, but early warning and evacuation arrangements will be put in place to prepare for such an unlikely event.

Planning Consent

A planning application was submitted to Westminster City Council in December 2018. In November 2019 the application was called in for determination by Ministers, and special handling arrangements were put in place to ensure a functional separation between the Minister and advisers responsible for making the application and those persons responsible for making the decision. Following a public inquiry chaired by an independent inspector, the designated Minister decided in July 2021 to grant planning consent.

In April 2022, following a statutory challenge, the High Court quashed the decision to grant planning consent. The Court found that section 8 of the London County Council (Improvements) Act 1900 was an obstacle to construction of the Memorial. With the Holocaust Memorial Bill, we are seeking

Parliament's agreement that the 1900 Act should not prohibit construction of the UK Holocaust Memorial and Learning Centre. Subject to approval of the Bill, and to obtaining planning consent when the designated Minister re-takes the decision, we aim to open in 2027.

Construction

The construction phase of the UK Holocaust Memorial and Learning Centre is expected to last around 3 years. We aim to make phased closures and re-openings of different sections of the park to ensure that as much as possible of Victoria Tower Gardens is kept open throughout the construction phase.

Cost

Estimated overall project costs of £102.9 million (plus contingency) for construction and £6 -8 million per annum for operations were published in the NAO's report of July 2022.

Charitable donations of £25m towards construction costs are expected, with charitable donations also contributing to annual running costs.

Programme Management

The Secretary of State for Levelling Up, Housing and Communities, Rt Hon Michael Gove MP, is responsible for delivering the Holocaust Memorial programme. The UK Holocaust Memorial Foundation, jointly chaired by Rt Hon Ed Balls and Rt Hon Lord Pickles, provide advice to the Government across all aspects of the programme.



Contact us

If you have any questions, please contact:
ukholocaustmemorialcorrespondence@levellingup.gov.uk

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Appendix 2

LPG / TTIS Response

VICTORIA TOWER GARDENS AND THE HOLOCAUST MEMORIAL AND LEARNING CENTRE

RESPONSE to DLUHC –

Felicity Buchan's PAMPHLET (and covering letter) of 23/2/23

Pamphlet Para 1 **'Commemorate'**

The Memorial would also 'commemorate' post-Nazi genocides, not just all the Nazi mass murders. The Learning Centre (LC) should not be expected to simply 'tell history', or to do so from merely a British perspective. As Sir Richard Evans has pointed out, the proposed mixed objectives would be impossible to do well, especially within the small space of the proposed LC - only ~ 1,300 sq m, as compared with the 5,000 sq m recommended by the Holocaust Memorial Foundation in 2015. Many other Holocaust historians are also concerned about the major constraints on the content of the LC.

Para 2 **'Prominence' and 'such prominence' (covering letter)**

This was a key requirement of the Holocaust Memorial Commission of 2015. The proposed VTG site is not prominent as it is hidden for much of the year by trees and shrubs. There are several more prominent sites than the proposed one, including ones closer to Parliament, that should have been considered and were not – for instance College Green, Parliament Square and Whitehall, as well as even the site of the Parliamentary Education Centre at the north end of VTG.

Para 5 **'All the mature London Plane trees will be protected' and 'additional planting will increase the overall attractiveness'**

This is factually incorrect. At the 2019 Public Inquiry, it was common ground that twenty of the plane trees would have roots cut by the excavations and thus suffer long-term damage. Any plane tree damage would severely impact the attractiveness of the Gardens and outweigh the very minor benefits of the proposed new landscaping or planting. The Planning Inspector concluded that there would indeed be harm to trees which would lead to the 'visual impoverishment' of the Gardens.

Para 6 **The Gardens**

'Our proposals will see improvements to landscaping and accessibility of the gardens'

&

'ensure that ... [the] green space is more attractive and accessible than ever before'

(covering letter)

The area of grass would not be more accessible because it would be drastically reduced and some of it would be turned into a slope, which makes it less accessible eg. wheelchair users. The reduced area of grass would get much more pedestrian traffic than it does now and would wear out quickly – MPs should consider what the lawn in Parliament Square now looks like today, even though it has the benefit of full sunlight!

Para 9

'Take about 7.5% of the current open space' (covering letter) and '7.5% of the gardens' (pamphlet)

The 7.5% figure is an understatement and the reference to current open space is wrong: the area referred to is the enclosed memorial space only, which would be 13.33% of the open space area of the Gardens. The Planning Inspector accepted that 7.5% was an understatement, but did not offer another percentage. The Government later provided a figure of 15% of the green space lost in a Parliamentary Question. The actual percentage of the open space area lost, presented at the planning inquiry by the London Historic Parks & Gardens Trust, would be 16.87% of the total park (which includes for instance shrubberies) and 29.5% of the park's current open space.

'The playground will be improved'

The playground would in fact be reduced in size by 25% and shifted even closer to busy polluting roads. The playground would be separated from the rest of the Gardens (by the Memorial) and unusable when there are large numbers of visitors to the Memorial because it is right beside the entrance and exit to the Learning Centre. The playground and the adjacent café would also be swamped by Memorial visitors passing through it to use the café.

'Make sure that all current uses can continue after the Memorial is constructed'

Current uses of the Gardens would all be severely affected by the presence of a large building and of security guards and an estimated 2-3 million more visitors a year. The inappropriateness of asking park visitors to relax right on top of a Holocaust Memorial has been ignored.

Para 11 **Learning Centre**

A 'powerful audio-visual exhibition' would be no substitute for the content of the Holocaust galleries in the IWM, less than a mile away. Which would schools choose to visit?

Para 12 **Visitors**

'0.5 million'

The Gardens would be changed by the presence of not 0.5 million HMLC visitors, but 1 million HMLC visitors according to all previous DLUHC documents. DLUHC also projects 1.5 million additional visitors to the Gardens because of the Memorial, making well over three times as many visitors as at present. And Memorial visitors would all be expected to walk right across the middle of the Gardens' open space to the Memorial entrance just metres from the playground.

Para 14 **Security**

Security experts have expressed concern that a Memorial in this location would be a magnet for terrorists, the design making it highly vulnerable. The only way to reduce the risk would be to control access to the Gardens, thus further reducing their worth to the many who use them now. Security would always be present at entrances to the park at peak times and on the mound on top of the Memorial, reducing the amenity value of the Gardens.

Para 15 **Risk of Flooding**

This part of Westminster has suffered from serious flooding in the past. The basement Learning Centre could fill with surface water very quickly if there was the sort of local flash flooding that is predicted to increase in the future, or a sudden river wall breach flood.

Para 16 **Planning Consent**

There is no mention of the fact that the Westminster City Council Planning Committee voted unanimously *on a cross-party basis* to reject the current proposal in February 2020.

Para 18 **Construction**

‘phased ... to ensure that as much as possible of VTG is kept open’

The drawings produced in the *Construction Logistics & Environmental Management Plan* show that only a pitifully small amount of the gardens would remain useable during construction: the area around the Burghers of Calais, the footpath beside the river and, also later on, the shrunken playground at the south end of the gardens.

Para 19 **Cost**

Many critics are concerned that no provision is being made at all for Holocaust education activities via an endowment fund, as was emphasized at length by the 2015 Holocaust Commission.

The capital cost is high and very significantly understated here. The National Audit Office’s criticisms of June 2022 have not been addressed. The capital costs have escalated from £89m (plus contingency of £13m) in 2019 to £102.9m (plus an undisclosed increased contingency) in March 2022. That figure was calculated before any significant inflationary increases or any allowance for a three-year delay compared with the original estimates till projected opening in 2027. Construction inflation has been higher than normal inflation. The capital cost would therefore be likely to exceed £125m. No increases to operating costs of as much as £6-8m have been disclosed since 2019.

SAVE VICTORIA TOWER GARDENS & LONDON HISTORIC PARKS & GARDENS TRUST

27 February 2023

