

HOUSE OF LORDS

Holocaust Memorial Bill Select Committee

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Special Report of Session 2024–25

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### *Holocaust Memorial Bill Select Committee*

The Holocaust Memorial Bill Select Committee provides individuals and bodies directly and specially affected by the Bill with the opportunity to object to the Bill's specific provisions and to seek its amendment.

### *Membership*

The Members of the Holocaust Memorial Bill Select Committee are :

[Lord Etherton](#) (Chair)

[Lord Jamieson](#)

[Lord Faulkner of Worcester](#)

[Baroness Scott of Needham Market](#)

[Lord Hope of Craighead](#)

### *Declaration of interests*

See Appendix 9.

A full list of Members' interests can be found in the Register of Lords' Interests:

<https://members.parliament.uk/members/lords/interests/register-of-lords-interests>

### *Publications*

All publications of the Committee are available at:

<https://committees.parliament.uk/committee/735/>

### *Parliament Live*

Live coverage of debates and public sessions of the Committee's meetings are available at:

<http://www.parliamentlive.tv>

### *Committee staff*

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The image on the front cover is from the design and access statement produced by Adjaye Associates as part of the planning application and is publicly available on Westminster City Council's website.

## CONTENTS

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	<i>Page</i>
<b>Chapter 1: The Background</b>	<b>3</b>
The origins	3
Planning application	3
Legislative setting of the Holocaust Memorial Bill	5
Proceedings in the House of Commons	5
Proceedings in the House of Lords	6
After the Committee has reported	7
Acknowledgment	7
<b>Chapter 2: Right to be heard</b>	<b>8</b>
Petitioners found to have standing	11
London Historic Parks and Gardens Trust	11
Descendants of Sir Thomas Fowell Buxton and the Treasurer and Trustee of the Thomas Fowell Buxton Society	11
The Thorney Island Society and Residents of Westminster	11
Sir Peter Bottomley and Baroness Bottomley of Nettlestone	12
Viscount Eccles	12
Lord Hamilton of Epsom	12
Lord Strathclyde and his co-petitioners who inhabit a residence in the vicinity of VTG	12
Lord Blencathra	12
Baroness Finlay of Llandaff	12
Baroness Deech and Holocaust survivors	12
Lord Sassoon	13
Lord Carlile of Berriew	13
Petitioners found not to have standing	13
Lord Hodgson of Astley Abbotts	13
Lord Griffiths of Burry Port	13
Lord Russell of Liverpool	13
Jardentome Ltd	13
Lord Inglewood	14
<b>Chapter 3: Principle and Scope</b>	<b>15</b>
<b>Chapter 4: Petitioners' Amendments</b>	<b>18</b>
The Playground and access	18
The Kiosk	20
Siting of structures for a Holocaust memorial and learning centre within VTG	21
Design of the proposed HMLC	22
Proposed Learning Centre and the Parliamentary Education Centre	22
Height, size and bulk of a Holocaust Memorial	22
View of the Palace of Westminster from VTG	23
The setting of the Buxton Memorial and other memorials	23
Closure dates	24
Continuing application of section 8 of the 1900 Act to VTG	24
Security	25
Operating costs and financial sustainability	27

<b>Separate entities for managing the proposed HMLC and the remaining parts of VTG</b>	27
<b>Restoration and Renewal of the Palace of Westminster</b>	27
<b>General</b>	28
<b>Appendix 1: Image of the proposed HMLC</b>	29
<b>Appendix 2: Plan of VTG after construction</b>	30
<b>Appendix 3: Town and Country Planning (Inquiries Procedure) (England) Rules 2000</b>	31
<b>Appendix 4: Petitioners</b>	32
<b>Appendix 5: Brief summary of assurances, recommendations and an undertaking</b>	33
<b>Appendix 6: Plan referenced in Assurance 7</b>	38
<b>Appendix 7: Right to be heard restrictions</b>	39
<b>Appendix 8: Lord Carlile’s proposed amendments related to security</b>	40
<b>Appendix 9: List of members and declarations of interests</b>	41

# Holocaust Memorial Bill

## CHAPTER 1: THE BACKGROUND

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### The origins

1. The Holocaust Memorial Bill concerns the building of a Holocaust memorial and learning centre. The project began with the launch in January 2014 of the Holocaust Commission by the then Prime Minister (the Rt Hon. David Cameron MP). The Commission published a report a year later, *Britain's Promise to Remember*, recommending that there should be a  

“... striking new memorial to serve as the focal point of national commemoration of the Holocaust. It should be prominently located in Central London to make a bold statement about the importance Britain places on preserving the memory of the Holocaust”.
2. The Commission also recommended that the memorial should be co-located with “a world-class Learning Centre” and that an endowment fund should be established to secure the long-term future of Holocaust education.
3. The Prime Minister accepted the Commission’s recommendations and set up the United Kingdom Holocaust Memorial Foundation (“UKHMF”) to take them forward. In January 2016, following a recommendation by the UKHMF, the Prime Minister announced that the memorial would be built in Victoria Tower Gardens (“VTG”). Later that year, it was confirmed that the learning centre would be co-located with the memorial.
4. A design competition was then launched. In October 2017 it was announced that Adjaye Associates, Ron Arad Architects and the landscape architects Gustafson Porter + Bowman had been selected.
5. The selection of VTG as the location for the memorial and learning centre gave rise to controversy. Its critics considered, among other things, that the selection was based on a non-transparent and flawed process and without adequate public consultation. The design of the memorial also proved to be controversial. The controversy on these issues has not gone away. Many of those who appeared before the Committee as petitioners and as witnesses took the opportunity to make their views known. We listened carefully to what they had to say. But, for reasons that will be explained later in this Report, it is not open to us to adjudicate on these issues. This is not a public inquiry, and we have not heard both sides of the argument. Accordingly, the Committee must refrain from expressing a view about them, one way or another.

### Planning application

6. In December 2018 the then Secretary of State for Housing, Communities and Local Government applied to Westminster City Council for planning permission. Special handling arrangements were made in the Ministry to create a functional separation, which has been called an “ethical divide”, between the Secretary of State, as the applicant for planning permission, and those responsible for determining the application. In November 2019 the planning application was called in by the then Housing Minister. A planning

inquiry was held in October and November 2020. The Planning Inspector heard evidence over 20 days. His report to the Housing Minister, which ran to 243 pages, recommended that the application be approved and planning permission granted.<sup>1</sup> The Housing Minister agreed and granted planning permission in July 2021.

7. A coloured representation of the greater part of the proposed Holocaust Memorial and Learning Centre (“the proposed HMLC”) is at **Appendix 1**. A plan showing the location of the proposed HMLC and other elements of the final project within VTG when completed is at **Appendix 2**.
8. In September 2021 London Historic Parks and Gardens Trust made an application in the High Court for statutory review of the grant of planning permission. One of the grounds for the ensuing judicial review concerned the Inspector’s failure to address the significance of section 8 of the London County Council (Improvements) Act 1900 (“the 1900 Act”), the relevant provisions of which are as follows:

“(1) The lands lying to the eastward of the new street described in this Act as consisting in part of widenings of Abingdon Street and Millbank Street which is in this section called “the new street” and between the said street and the new embankment wall shall be laid out and maintained in manner herein-after provided for use as a garden open to the public and as an integral part of the existing Victoria Tower Garden subject to such byelaws and regulations as the Commissioners of Works may determine:

...

(8) The Commissioners shall maintain the garden so laid out and the embankment wall and kerb and railings enclosing it: ...”

9. The Hon. Mrs Justice Thornton quashed the decision to grant planning permission.<sup>2</sup> She said (paragraph 76) that:
 

“... section 8(1) of the 1900 Act imposes an enduring obligation to lay out and retain the new garden land for use as a garden and integral part of the existing Victoria Tower Gardens.”
10. She further held that the potential impediment to delivery of the scheme was a material consideration which was not considered by the Minister and should have been. In July 2022, the Court of Appeal refused permission to appeal her judgment.
11. The approval of the Minister having been quashed, the planning application remains to be re-determined. The same handling arrangements and “ethical divide” continue to operate within the Ministry. It will be a matter for the Minister making the re-determination to decide whether to re-open the planning inquiry or to receive written representations. Mr Katkowski KC, lead counsel representing the Secretary of State, who is the Promoter of the Holocaust Memorial Bill and the applicant for planning permission, drew the Committee’s attention to a letter dated 2 October 2024 in which interested

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1 [https://assets.publishing.service.gov.uk/media/6102679e8fa8f50428d10083/Combined\\_DL\\_IR\\_R\\_to\\_C\\_Victoria\\_Tower\\_Gardens.pdf](https://assets.publishing.service.gov.uk/media/6102679e8fa8f50428d10083/Combined_DL_IR_R_to_C_Victoria_Tower_Gardens.pdf)

2 <https://www.judiciary.uk/wp-content/uploads/2022/07/LHPGT-v-Minister-for-Housing-Judgment-080422.pdf>

parties were invited to make written representations to the decision-making Minister about issues relating to the Bill and the implications of the decision of the High Court on the timing of the delivery of the project. The letter also stated that the decision-making Minister would invite further representations before making a re-determination of the grant of planning permission following a re-activation of the planning application under Rule 19 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (the relevant provisions of which are set out at **Appendix 3**).

### Legislative setting of the Holocaust Memorial Bill

12. The purpose of the Holocaust Memorial Bill is, in effect, and as appears from the Explanatory Notes accompanying the Bill, to remedy the finding of the High Court by removing the obstacle in section 8(1) and (8) of the 1900 Act to the building of the proposed HMLC in VTG.
13. The Bill is a hybrid bill. This means that it is a public bill which adversely affects the private interests of certain individuals and organisations. For this reason, while a hybrid bill proceeds for the most part as a public bill, certain private bill procedures also apply, enabling those whose property or interests are directly and specially affected by the bill to petition against it and to have their petitions considered by a select committee. The second reading affirms the “principle” of the bill.

### Proceedings in the House of Commons

14. The Holocaust Memorial Bill was introduced to the House of Commons on 23 February 2023. After second reading, a Select Committee was appointed with an instruction agreed by the House setting out the principle of the Bill. The instruction stated:

“(1) That the Committee treats the principle of the Bill, as determined by the House on the Bill’s second reading, as comprising the matters mentioned in paragraph (2); and those matters shall accordingly not be at issue during proceedings of the Committee.

(2) The matters referred to in paragraph (1) are—

(a) the Secretary of State may incur expenditure for or in connection with (i) a memorial commemorating the victims of the Holocaust, and (ii) a centre for learning relating to the memorial; and

(b) section 8(1) and (8) of the London County Council (Improvements) Act 1900 are not to prevent, restrict or otherwise affect the construction, use, operation, maintenance or improvement of such a memorial and centre for learning at Victoria Tower Gardens in the City of Westminster.

(3) Given paragraph (2) and as the Bill does not remove the need for planning permission and all other necessary consents being obtained in the usual way for the construction, use, operation, maintenance and improvement of the memorial and centre for learning, the Committee shall not hear any petition against the Bill to the extent that the petition relates to—

(a) the question of whether or not there should be a memorial commemorating the victims of the Holocaust or a centre for learning



relating to the memorial, whether at Victoria Tower Gardens or elsewhere; or

(b) whether or not planning permission and all other necessary consents should be given for the memorial and centre for learning, or the terms and conditions on which they should be given.

(4) The Committee shall have power to consider any amendments proposed by the member in charge of the Bill which, if the Bill were a private bill, could not be made except upon petition for additional provision.

(5) Paragraph (4) applies only so far as the amendments proposed by the member in charge of the Bill fall within the principle of the Bill as provided for by paragraphs (1) and (2) above.”

15. Ten petitions were deposited (although two later withdrawn) and, following public hearings in which the Promoter and petitioners were able to present their cases, the Committee reported in April 2024. The Committee did not amend the Bill but raised several matters of concern in its Special Report.<sup>3</sup> The remaining public bill stages in the House of Commons took place on 22 May. It was passed with no amendments.

### Proceedings in the House of Lords

16. The Bill was introduced to the House of Lords on 23 May 2024, shortly before the dissolution of Parliament on 30 May. As a result of dissolution, the petitioning period, which began the day after introduction, was extended to 17 July. Eighteen petitions were deposited. The petitioners are set out in **Appendix 4**. Following second reading on 4 September, the Bill was committed to this Select Committee, the House of Lords Select Committee on the Holocaust Memorial Bill, to consider those petitions. Unlike the position in the House of Commons, no instruction to the Committee was passed setting out the principle of the Bill.
17. The Committee considered the petitions in three stages. These were, briefly, as follows:

*Standing:* In contrast to the stance taken by the Promoter in the House of Commons, where the Promoter did not challenge the right of any petitioner to be heard, in this House the standing of the majority of them was challenged. Accordingly, the first task of the Committee was to consider the right to be heard of all those petitioners whose standing was contested by the Promoter. The Committee decided that some petitioners had standing, and some did not. The Committee announced its decisions on 13 November. They are explained in Chapter 2 of this Report.

*Principle and scope:* The Committee then proceeded to consider the principle and scope of the Bill. These are addressed in Chapter 3 of this Report. The Committee announced its provisional findings on principle and scope at a hearing on 19 November. In coming to its view, the Committee took into account the submissions of parties present on 19 November. It also invited submissions on principle and scope from those who were not present that day but appeared later. The Committee did not however amend its provisional findings, and they are explained in Chapter 3 of this Report.

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<sup>3</sup> House of Commons, [First Special Report](#), (Session 2023-24, HC 121)

*Substantive issues raised in petitions:* The Committee finally considered the substantive issues raised in the petitions of those who had standing and what remedies might be appropriate. These are set out in Chapter 4 of this Report. A summary of recommendations by the Committee and assurances and an undertaking given to the Committee by the Promoter in response to requests by the Committee are set out in **Appendix 5** (and associated plan in **Appendix 6**).

18. It is apparent both from the second reading debate as well as the submissions made to the Committee by or on behalf of some of the petitioners that many members of the House are unaware of the constraints on the Committee both as to which petitioners are entitled to be heard by the Committee and as to the arguments petitioners who have standing can advance. Those constraints are addressed in detail in Chapter 2 paragraphs 21 to 38 (right to be heard) and Chapter 3 paragraphs 62 to 73 (limitation on arguments). A very brief summary of those constraints is contained in **Appendix 7**.

#### **After the Committee has reported**

19. Once the Bill has been reported from the Committee, it is re-committed to a Committee of the whole House or a Grand Committee. It will then follow the usual public bill procedure of report and third reading. Some of the restrictions which we have had to accept will no longer apply.

#### **Acknowledgment**

20. The project for the erection of the proposed HMLC in VTG has given rise to strong feelings on both sides, and for many of those who addressed us the proceedings have been unfamiliar and challenging. The Committee would like to thank all those who participated in the Committee's proceedings.

## CHAPTER 2: RIGHT TO BE HEARD

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21. The starting point on the question whether a petitioner has the right to be heard is that, contrary to some of the submissions we heard on behalf of the petitioners, the Committee does not have an unfettered discretion to allow a petitioner to speak to their petition. We reject as plainly unsustainable the proposition advanced by at least one of the petitioners that each opposed private or hybrid bill select committee has a completely free hand as to which petitions it will consider.
22. Generally speaking, a petitioner has a right to be heard if they prove that their property or interests are directly and specially affected by the bill: Erskine May (25th edition, 2019), paragraph 44.5.
23. In addition, the Private Business Standing Orders of the House specify various circumstances in which a petitioner has the right to have their petition considered (Standing Orders 115, 117A, 119 and 120) and other cases where the committee has a discretion to consider a petition (Standing Orders 117 and 118).
24. In the present case the only Standing Orders that are relevant are 117(2) and 118. Standing Order 117(2) provides that where any society, association or other body, sufficiently representing amenity, educational, travel or recreational interests, petitions against a bill, alleging that the interests they represent will be adversely affected to a material extent by the provisions contained in the bill, it shall be competent for the select committee, if they think fit, to permit petitioners to have their petition considered by the committee on such allegations against the bill or any part of it. Standing Order 118 states that it is competent for the select committee, if they think fit, to permit petitioners, being the local authority of any area the whole or part of which is alleged in the petition to be injuriously affected by a bill or any provisions of it, or being any of the inhabitants of such area, to have their petition against the bill or any provisions of it considered by the committee.
25. Standing Order 114 says that the committee shall decide on the rights of the petitioners to have their petitions considered.
26. Proceedings in a select committee on a hybrid bill are, generally speaking, the same as for a select committee on a private bill: Erskine May (25th edition, 2019), paragraph 30.67. It is well established that the only role of the select committee in the case of a hybrid bill is to ensure appropriate protection of “private” interests affected by the bill. The House considers the impact on the public and wider public issues in the usual stages of the legislative process.
27. If the petitioner cannot prove that they have a right to be heard and they do not satisfy one or more of the grounds in the Standing Orders, then they do not have standing to speak in support of their petition.
28. Contrary to the view expressed to us by some of the petitioners, a member of the House of Lords does not have the right either by convention or under the Standing Orders to have their petition considered simply because this is a select committee of the House of Lords. This is in contrast to MPs who are expressly entitled under Standing Order 117A to have their petition against a

bill or any provisions of it considered by the committee if their constituencies are directly affected by the works proposed by the bill.

29. In 1988 a report by the Joint Committee on Private Bill Procedure (HL Paper 97, HC 625) said at paragraph 101:

“... it is a fundamental principle of private legislation procedure that only parties specially affected should be entitled to be heard and that the rules of *locus standi* must be upheld. If they are allowed to lapse, more of Members’ time will be taken up in Private Bill Committees. [We] recommend that promoters should be encouraged to police the rules of *locus standi* and that Private Bill Committees should not treat a reasonable but unsuccessful challenge as a point of prejudice”.

30. Counsel for the Promoter advanced in argument the following further limitations on the general conventional right to be heard. He said that the petitioner had to show some adverse impact of the bill on a property interest of the petitioner or something in the bill which, but for the bill, would have entitled the petitioner to bring a private law claim. He quoted, in support, the following passage from a ruling by the House of Lords Select Committee on the High Speed Rail (London-West Midlands) Bill, chaired by Lord Walker of Gestingthorpe, of 13 June 2016 (Session 2016-17, HL Paper 83, Appendix 2, paragraph 8):

“... an individual petitioner’s right to be heard as a right...depends on that petitioner establishing the prospect of direct and material detriment to his or her property interests, either by compulsory acquisition or by interference with his or her property rights which amounts to a common law nuisance, or some other interference which would be actionable if not authorised by Parliament.”

31. He also emphasised the passages in another ruling of the Select Committee on the High Speed Rail (London-West Midlands) Bill of 21 June 2016 in which Lord Walker said (at paragraphs 15 and 16) that depreciated property value constituting non-statutory blight was not and had never been treated as a ground for petition.
32. Counsel for the Promoter also said that there was a limitation on the discretion of a select committee under Standing Order 118 to permit participation by an inhabitant of the area alleged in the petition to be adversely affected by a bill. He contended that individual inhabitants are not normally treated as covered by Standing Order 118. He said that Standing Order 118 is directed at groups of persons who are petitioning as representatives of inhabitants of the area and that, to qualify for the exercise of discretion under Standing Order 118, an individual resident would need to be properly and sufficiently representative of the inhabitants of the area generally. He said that this convention was based on 150 years of established practice and produced various precedents, including 19th century cases.
33. We do not accept the arguments of the Promoter as to the narrow confines of entitlement to be heard and of the exercise of discretion under Standing Order 118 in the present case. We are not bound by precedents in the same way as a court of law. While it is clear that the Select Committee does not have an unlimited and unfettered discretion to hear any petitioner it chooses, the approach of a select committee on standing, that is the right to be heard,

depends upon the particular facts under consideration. This is reflected in the introductory words – “Generally speaking” – in Erskine May’s explanation of an entitlement to be heard quoted above. A great number of the cases to which we were referred as precedents concern the compulsory acquisition of land from the petitioner.

34. We do not accept that we are bound in the present case to apply the very narrow proposition stated by Lord Walker in the High Speed Rail (London-West Midlands) Bill quoted above that, in order for a petitioner to be entitled to have their petition heard by an opposed private or hybrid bill committee, the petitioner must establish a direct and material detriment to their property interest, either by compulsory acquisition or by interference with their property rights which amounts to a common law nuisance, or some other interference which would be actionable if not authorised by Parliament. In that case, as in so many others cited to us by counsel for the Promoter, what was in issue concerned to a large extent the compulsory acquisition of land. Of the 414 (of 821) petitions against that Bill where standing was challenged in the House of Lords, only 17 proceeded to a full hearing. The construction of a railway and property rights were central to the arguments on the right to be heard.
35. The present case, which counsel for the Promoter accepted is unique, concerns the removal of the statutory protection of VTG as a “garden open to the public” under section 8(1) of the 1900 Act and an amenity currently enjoyed. It is about the use of land, not the acquisition of property. The context and the facts of the two bills are strikingly different. For that reason, and because what is in dispute before us in terms of precedent concerns the application of conventions, we consider that we are able to take an approach to standing in respect of the petitions where standing is challenged which is more flexible and liberal than as specified by Lord Walker. In the case of the Holocaust Memorial Bill and entitlement to be heard, the unique subject matter and implications of the Bill affect personal interests. A central issue is what constitutes a sufficiently affected personal interest in the way the Gardens are used to give rise to an entitlement to be heard.
36. So far as concerns the discretionary power under Standing Order 118 to hear a petitioner, as an inhabitant of an injuriously affected area, the Standing Order does not expressly qualify the discretion in any of the respects argued on behalf of the Promoter. Insofar as convention requires an inhabitant to be sufficiently representative of all the inhabitants of the area, we are not aware of any ground for saying that the considerable number of individual petitioners or co-petitioners in the present case who reside near to VTG could not satisfy this requirement.
37. On the other hand, we reject the proposition, advanced by some of the petitioners, that working in the Palace of Westminster or in the vicinity of VTG, whether with or without a view of the Gardens, or with or without enjoyment of the amenity of the Gardens, is sufficient to confer a right to be heard. Further, we do not accept the proposition advanced by one of the petitioners that a person who works in the Palace of Westminster is an “inhabitant” within Standing Order 118.
38. We also reject the proposition, advanced particularly forcefully on behalf of Lord Inglewood, that it is permissible for the Select Committee to hear a petitioner just on the ground that they have expertise and knowledge enabling

them to highlight matters which might not otherwise be considered. To hear a petition on that ground falls neither within the convention on the right to be heard nor within the Standing Orders, so it lies outside our powers. His petition, however, has drawn attention to a gap in the House's procedure, as hearing from petitioners who can demonstrate that they have those qualities could be of significant value in some cases such as this one where there are matters that deserve such attention. We suggest that the introduction of a new or revised Standing Order to confer a discretion to hear them should be considered by the relevant House authorities.

### **Petitioners found to have standing**

39. We decided that the following petitioners have standing.

#### *London Historic Parks and Gardens Trust*

40. This is an amenity society and registered charity which has an interest in preserving VTG as a Grade II Listed Public Park. It took an active part in the application for planning permission for the proposed HMLC. The Promoter has not objected to us considering the Trust's petition. In the exercise of our discretion under Standing Order 117(2) we have considered the Trust's petition.

#### *Descendants of Sir Thomas Fowell Buxton and the Treasurer and Trustee of the Thomas Fowell Buxton Society*

41. These petitioners are concerned with the Buxton Memorial, a monument in VTG. The memorial commemorates the work of Thomas Fowell Buxton and others in the abolition of slavery.
42. The Promoter has not objected to us considering this petition. In the exercise of our discretion under Standing Order 117(2) we have considered the petition. The petition is stated to be submitted on behalf of the treasurer and trustee of the Society, and four members of the family of Thomas Fowell Buxton. The treasurer and trustee, Dr John Fannon, represents the Society, in whose favour we have exercised our discretion under Standing Order 117(2). The four members of the Buxton family are entitled to be heard by virtue of the direct and special impact of the Holocaust Memorial Bill on their interest in the Buxton Memorial and their forebear.

#### *The Thorney Island Society and Residents of Westminster*

43. The Society is a local amenity society which is concerned with an area which includes VTG and the Palace of Westminster. One of the Society's purposes is to secure the preservation, protection, development and improvement of features of historic or public interest in the old Westminster village. Twenty individuals are also named as petitioners in the Society's petition. Some live near VTG. Others live further away but within the SW1P and SW1V postcodes.
44. The Promoter has not objected to the standing of the Society to petition against the Bill. In the exercise of our discretion under Standing Order 117(2) we have considered the Society's petition. The Promoter has not expressly opposed the individual co-petitioners. Insofar as it is necessary to comment on their standing separately from the Society, the interests of such of them as live in the vicinity of VTG are directly and specially affected by the Bill.

*Sir Peter Bottomley and Baroness Bottomley of Nettlestone*

45. Sir Peter and Baroness Bottomley have established an entitlement to have their petition considered by virtue of having lived very near VTG for many years and the fact that they have always enjoyed regular use of the amenity of VTG. Their interests are directly and specially affected by the Bill.

*Viscount Eccles*

46. Viscount Eccles has established an entitlement to have his petition considered by virtue of living at, and having a property interest in, a flat very near VTG and enjoying the amenity of the Gardens on a regular and frequent basis over many years. His interests are directly and specially affected by the Bill.

*Lord Hamilton of Epsom*

47. Lord Hamilton has established an entitlement to have his petition considered by virtue of owning and living in a flat very near VTG and enjoying the amenity of the Gardens on a regular and frequent basis. His interests are directly and specially affected by the Bill.

*Lord Strathclyde and his co-petitioners who inhabit a residence in the vicinity of VTG*

48. Lord Strathclyde and those of his co-petitioners who inhabit a residence in the vicinity of VTG have established an entitlement to be heard as local residents who regularly use the amenity of the Gardens. Their interests are directly and specially affected by the Bill.

*Lord Blencathra*

49. Lord Blencathra is a resident in the area. In his oral evidence he said that, if successful, the proposed HMLC might affect the value of his property due to large numbers of buses, car parking and demonstrations. That was a change from his petition in which he said that he did not think that the value of his property would be affected. The Committee, nevertheless, considered that he established his right to have his petition considered as he is a resident in the vicinity of VTG and enjoys the use of the Gardens. His interests are directly and specially affected by the Bill.

*Baroness Finlay of Llandaff*

50. Baroness Finlay established her right to have her petition considered as a resident in the vicinity of VTG who enjoys the use of the Gardens. Her interests are directly and specially affected by the Bill.

*Baroness Deech and Holocaust survivors*

51. Baroness Deech's petition is on her own behalf, as a descendant of Holocaust survivors, and also on behalf of six Holocaust survivors (one of whom was not in a concentration camp but was hidden by foster parents).
52. We consider that in the exceptional, probably unique, circumstances of the present case, Baroness Deech and the others mentioned in her petition are significantly personally affected by the Bill and are entitled to be heard. In reaching this conclusion we are not persuaded by the assertion that Holocaust survivors feel that they may be blamed and will incur public disapproval and criticism for any adverse consequences of the Promoter's plans for

the proposed HMLC in VTG. Rather, we consider that the interests of the petitioners, by virtue of their particular personal experiences of the Holocaust either directly or as members of the families of Holocaust victims or survivors, are specially and directly affected by the proposed HMLC in a way and to an extent that marks them out as a group distinct from other members of the public.

*Lord Sassoon*

53. Lord Sassoon has established a right to have his petition considered on the same grounds as Baroness Deech, namely his family connections with those who were victims of the Holocaust. In his case, there is the added feature of closely related members of his family who helped to save Jews at the time of the Holocaust.

*Lord Carlile of Berriew*

54. Lord Carlile has established a right to have his petition considered on the same grounds as Baroness Deech and Lord Sassoon, namely his family connection with Holocaust survivors and victims.

**Petitioners found not to have standing**

55. We decided that the following do not have standing on the basis of the general principles we have set out above.

*Lord Hodgson of Astley Abbotts*

56. Lord Hodgson is not an inhabitant of the area and said that his use of VTG has been infrequent. He said that his petition is about the increased difficulty of access to the Palace of Westminster for people going to the Palace of Westminster during and after construction of the proposed HMLC. These concerns do not confer an entitlement to be heard and, as he does not claim to be an inhabitant of the area near to VTG, the Standing Orders do not confer on us any discretion to consider his petition.

*Lord Griffiths of Burry Port*

57. Lord Griffiths is not an inhabitant of the area. He based his right to petition on human rights and as a member of the public. These are matters which concern the public at large and not his personal interests. He does not fall within the convention of the right to be heard or within any Standing Order which confers a discretion to hear a petitioner.

*Lord Russell of Liverpool*

58. Lord Russell's petition does not give any indication that he is an inhabitant of the area near to VTG, so there is no Standing Order which confers a discretion to hear him. Working in Parliament is an insufficient ground for entitlement to a right to be heard.

*Jardentome Ltd*

59. Jardentome Ltd owns a property near to VTG. Employees and others who work there have had regular and frequent enjoyment of the Gardens. There is nothing in the petition and we heard no evidence that any part of the property is a residence. As in the case of parliamentarians who work in the Palace of Westminster, irrespective of whether or not they have a view of



VTG from their office windows or they have enjoyed the amenity of VTG, working in the vicinity of VTG together with enjoyment of VTG is an insufficient ground for an entitlement to be heard. Nor is there any Standing Order which confers on us a discretion to hear the petition.

*Lord Inglewood*

60. Lord Inglewood claims that his petition should be considered in the Committee's general discretion, as "a master of its own procedure", because of his special interest, different from the public generally, as a former Government Minister with responsibility for architectural heritage and conservation, as a Fellow of the Society of Antiquaries and as President of Historic Buildings and Places (previously the Ancient Monuments Society). He claims a special expertise in relation to the impact of the Holocaust Memorial Bill and the proposed memorial on the significance, setting and views of the many historic buildings and structures in the vicinity on both the north and south sides of the River Thames. He also relies on the fact that he works in the Palace of Westminster and No. 1 Millbank, in offices overlooking VTG, and VTG is important to him, his staff and his visitors as a resource which is available for, among other things, calm reflection, discussion, debriefing after meetings and a place for visitors to wait. Lord Inglewood put in evidence a letter from Historic Buildings and Places in support of his petition, including the amendments to the Bill which he seeks.
61. As we have stated above, the Committee does not accept that it has a completely free hand as to which petitions it considers or that it has a discretion to entertain a petition solely because the petitioner has special knowledge which may assist the Committee. Lord Inglewood is not a society, association or other body within Standing Order 117(2). The petition is in Lord Inglewood's name. It is not a petition of Historic Buildings and Places. He is not an inhabitant of a residence in the vicinity of VTG within Standing Order 118. Accordingly, there is no Standing Order which confers on the Committee a discretion to consider his petition. Further, as we have also said, working in Parliament, whether with or without a view of VTG, and whether or not VTG has been enjoyed as an amenity, is insufficient to found a right to be heard.

### CHAPTER 3: PRINCIPLE AND SCOPE

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62. In the second reading debate several members of the House appeared to view the role of the Select Committee as extending to a wide review of the merits of the proposed HMLC for which the Secretary of State, as Promoter, has been seeking planning permission.
63. This is a fundamental misunderstanding of the function of the Select Committee. The function is not to conduct a roving investigation into general merits: 1948 report by the House of Commons Select Committee on Hybrid Bills (Procedure in Committee) (Session 1947-48, HC 191, paragraph 19). Rather, it is to protect private interests, but subject to a number of constraints. As mentioned earlier, objections based on public policy are reserved for subsequent stages of the legislative process – committee, report and third reading.
64. The Committee has no power, in the absence of express authority from the House, to hear any evidence other than that tendered by any party entitled to be heard: Standing Order 124. It cannot, therefore, call expert or other evidence on its own initiative.
65. It is a long-standing convention that the Committee cannot consider any amendments that are destructive of the “principle” of the Bill: High Speed Rail (London-West Midlands) Bill (Session 2016-17, HL Paper 83, paragraph 20).
66. For the principle of the Bill reference must be made to clauses 1 and 2, which are as follows so far as relevant.

#### **1 Expenditure relating to a Holocaust Memorial and Learning Centre**

- (1) The Secretary of State may incur expenditure for or in connection with—
  - (a) the construction on, over or under any land of—
    - (i) a memorial commemorating the victims of the Holocaust, and
    - (ii) a centre for learning relating to the memorial,
  - (b) the carrying out of any work ancillary to, or associated with, anything falling within paragraph (a), and
  - (c) the use, operation, maintenance or improvement of the memorial and the centre for learning.
- (2) ...
- (3) For the purposes of subsection (1)(a), “construction” includes erection, extension, alteration and re-erection.

#### **2 Removal of restrictions in relation to certain land**

Section 8(1) and (8) of the London County Council (Improvements) Act 1900 does not prevent, restrict or otherwise affect the carrying out of any of the activities described in paragraphs (a) to (c) of section 1(1) on, over, under or otherwise in relation to the land described in section 8(1) of that Act.

67. Clause 3 provides that the Act extends to England and Wales. Whereas clause 1 has no geographical restriction other than England and Wales (“any land”), clause 2 is specifically directed at VTG as it removes from VTG the requirement in section 8(1) and (8) of the 1900 Act that VTG is to be maintained for use as a garden open to the public. That requirement is removed to the extent necessary for the carrying out of any of the activities described in paragraphs (a) to (c) of clause 1(1) of the Bill on, over, under or otherwise in relation to VTG. Expressed in more colloquial terms, the principle of clause 2 is that section 8 of the 1900 Act is not to stand in the way of or obstruct the building and subsequent operation of a Holocaust memorial and learning centre in VTG.
68. Mr Brian Doctor KC, counsel for four of the petitioners, relying on the word “a” in the long title (“a Holocaust Memorial and Learning Centre”) and in clause 1(1)(a)(i) and (ii) (“a memorial”, “a centre for learning”), maintained that the proposed HMLC for which the Secretary of State had applied for planning permission was irrelevant to the principle of the Bill as it is not mentioned at all in the Bill. This seems to us to be overly legalistic and unrealistic. We bear in mind that we are not a court of law but a committee of the House of Lords guided by convention. Paragraphs 7 and 8 of the Explanatory Notes accompanying the Bill as well as the opening speech of Lord Khan of Burnley, Under-Secretary of State in the Ministry of Housing, Communities and Local Government, at second reading, indicate that one of the main purposes of the Bill is to remove the obstacle of the 1900 Act to the construction and operation of the Government’s project.
69. Those paragraphs of the Explanatory Notes are as follows.
- “7. An application for planning consent was made by the then Secretary of State for Housing, Communities and Local Government in December 2018 for a Holocaust Memorial and accompanying underground Learning Centre. Following a public inquiry in 2020, planning consent was granted in July 2021. Subsequently in a statutory review of the planning decision the High Court concluded that certain sections of the London County Council (Improvements) Act 1900 (‘the 1900 Act’) which extended the existing Victoria Tower Gardens southwards and required the Commissioner of Works to maintain the land as a ‘garden open to the public’ were an obstacle to constructing the Holocaust Memorial and Learning Centre in the Gardens. The High Court quashed the decision to grant planning consent.
8. The Government intends to disapply the relevant sections of the 1900 Act so that they do not constitute an obstacle to construction and operation of the Holocaust Memorial and Learning Centre.”
70. As to the suggestion that, on the revival of the current planning application, a very different project might be put forward by the Government, this again seems unrealistic. A significant change in the project would require a new planning application, whereas it is the existing planning application which the Government intends to pursue. The fact that the Government attaches much importance to securing completion of this project while some of the Holocaust survivors are still alive suggests that it will not wish to encounter the delay which would result if significant changes were to be made.

71. Nevertheless, in view of the debate between counsel that took place before us, we shall in the alternative consider each proposed amendment without reference to the current project.
72. In the House of Commons the Select Committee was given an instruction on the Bill following second reading which specified matters that could not be investigated by the Committee. Those included matters that had been or could be addressed in the planning process. No instructions have been given in the House of Lords to this Committee.
73. The Committee cannot make an amendment that is outside the scope of the Bill. The scope of a bill is described by Erskine May (25th edition, 2019), paragraph 28.81, as the reasonable limits of its collective purposes, as defined by its existing clauses and schedules. Erskine May also states that when, as is the case here, a bill has one or two purposes, “only amendments relating to those purposes, or touching on matters closely connected with them, fall within the scope of the bill”.
74. We heard considerable argument as to whether or not the Committee could and should consider amendments relating to planning matters. Mr Katkowski maintained that all planning matters are out of scope because they are addressed by an independent body at a different stage to the removal of the obstacles to the construction and operation of the project addressed in the Bill. Mr McCracken KC, counsel for Lord Inglewood, argued that all such matters are in scope as they relate to limitations on the lifting of the protection of section 8 of the 1900 Act. Rather than express a general view here, we will consider planning, if and so far as necessary, in relation to each proposed amendment to the Bill.
75. In addition to all the above constraints, the Committee has an overriding discretion not to accept an amendment to the Bill even if it is not destructive of the principle of the Bill and not outside the scope of the Bill.

## **CHAPTER 4: PETITIONERS' AMENDMENTS**

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76. Having heard the submissions of Mr Katkowski, Mr Doctor and Lord Carlile on scope and principle, we reached the provisional view that it would be contrary to the principle of the Bill, even without regard for the Government's currently intended project, for any petitioner to argue that there should not be a Holocaust memorial and learning centre in VTG, that a Holocaust memorial should not be co-located with a learning centre in VTG and that any learning centre should not be underground. Our view was provisional only to the extent that any other unrepresented petitioner would be entitled to argue that our provisional view was incorrect. Most petitioners revised their request for amendments to take account of those limitations. In the event, other than the further submission of Lord Carlile mentioned in the next paragraph, no petitioner challenged our provisional view.
77. Lord Carlile subsequently submitted that clause 1 of the Bill is nothing more than an expression of intention or hope and therefore brings within scope the three areas which the Committee provisionally considered would be destructive of the principle of the Bill. He relied particularly on the Cabinet Manual 2011 paragraphs 3.2-3.32. Mr Katkowski responded with reference to another doctrine applicable to public expenditure, the "Baldwin Concordat". We do not consider it is necessary to set out and analyse here the opposing arguments in detail. It is sufficient to say that we are not persuaded by Lord Carlile's argument.
78. Aside from the three matters mentioned in paragraph 76 above, we were asked by petitioners to make various other amendments to the Bill or to secure from the Promoter undertakings or assurances to the same effect or, at the least, to raise them or their subject matter in this Report. Breach of undertakings (see Standing Order 130) and assurances to the Committee would have parliamentary and practical consequences.
79. The issues raised were as follows.

### **The Playground and access**

80. It was contended that the size of the children's playground should not be reduced, that it should not be moved closer to the road, that the access to the playground should not be affected and that the playground should not be located near to any Holocaust memorial and learning centre. If regard is had to the Government's currently intended project but the location and size of the playground were to stay the same, it seems that the consequence would be to move the proposed HMLC northwards and so leave even less of the open space of the Gardens. This would be destructive of the principle of the Bill. If the current project is not taken into account, we do not have the technical expertise, evidence or resources to be able to say to what extent, and in what way, this would have an impact on the construction of a Holocaust memorial and learning centre.
81. We agree, however, with some of the petitioners that the current proposals for use of, and access to, the playground and indeed VTG generally by those who wish to enjoy the Gardens, rather than visit the proposed HMLC, are unclear and inadequate. The position has to be judged before and after construction.

82. The playground is popular with local residents, who have young children and grandchildren. We sought an assurance that during construction interference with the playground is kept to a minimum. The Promoter has responded with an **assurance** (Assurance 1) to the Committee that, during construction of the proposed HMLC, closures of and other interference with the children's playground at the south end of VTG will be kept to a minimum by the Promoter and its contractors adopting the following measures:
- (a) throughout the construction of the proposed HMLC the playground will be kept open at all times when it is practicable and safe to do so;
  - (b) during the construction phase, reasonable care will be taken to avoid any mud or dust reaching the playground from the construction site and for most of that phase the main construction work will take place behind hoardings;
  - (c) whenever the playground is open during the construction phase, level access will be maintained from the gate at the northern end of VTG (via the riverside path) as well as access via the steps at the south of VTG on the western end of Lambeth Bridge; and
  - (d) during the construction phase the Promoter will require contractors to share with users of VTG and the local community information about the progress of construction, with planned closures of the playground notified to them in advance.
83. Although it is the Promoter's intention that step-free access will be maintained from the gate at the northern end of VTG (via the riverside path), this is a very lengthy route for those coming from the south. In relation to this point the Promoter has given to the Committee an **assurance** (Assurance 2) that both during and after construction of the proposed HMLC:
- (a) although closure of the southern gate from Millbank into VTG will be required at some points during the construction stage for the proposed HMLC, the Promoter will seek to maintain safe access through that gate for as much time during construction as possible; and
  - (b) after the construction period the Promoter has no intention of closing any of the existing gates providing access to VTG. Visitors to the playground will therefore be able to enter VTG at the step-free southern gate from Millbank, directly into the playground.
84. So far as concerns the use of VTG generally for normal recreational use during the construction period, the Promoter has given to the Committee an **assurance** (Assurance 3) that during construction of the proposed HMLC the Promoter will ensure, so far as reasonably practicable and health and safety considerations allow, but excepting factors beyond the Promoter's control (such as adverse weather conditions), that restrictions on access by the public to VTG will be kept to a minimum and that, in particular, the Promoter will keep a footpath along the River Thames of at least 1.5 metres in width open whenever reasonably practicable and where The Royal Parks (responsible for managing VTG) are content. The Promoter will require any contractor appointed to construct the proposed HMLC to adhere to this assurance.

85. It is also a matter of concern that, after construction of the currently proposed project, those wishing to gain access to, and use, the playground will have to mingle with very large numbers of people visiting and exiting from the proposed HMLC (estimated in the current planning application to be as many as 10,000 each day). The same is true of those who wish to use VTG for ordinary recreational purposes but cannot navigate steps and so will have to mingle with very large numbers of people visiting the proposed HMLC at the northern entry point, especially if visitors to the proposed HMLC are required to queue on any of the paths. We are particularly concerned that insufficient attention has been devoted to the issue of young children in the playground being in close proximity to adults visiting the proposed HMLC, whether exiting from HMLC or using the public toilets and the proposed kiosk. In response to our concerns, the Promoter has given to the Committee the following **assurances**. The first **assurance** (Assurance 4) is that a review will be carried out with the design team of the arrangements proposed for the southern end of VTG, with a view to ensuring an appropriate separation of the playground from other visitors to VTG, including visitors to the proposed HMLC. Measures to be considered during that review will include:
- (a) very clear delineation of the boundaries of the playground, using the Spicer Memorial, hedges and other planting to make the playground space clearly separate from the area around the proposed HMLC;
  - (b) ensuring that visitors to the proposed HMLC have no need to pass through the playground; and
  - (c) ensuring that visitors to VTG, whether visiting the proposed HMLC or not, have no need to pass through the playground in order to access either the public toilets or the refreshment kiosk.

The second **assurance** (Assurance 5) is that, after the construction period, there is no intention of the proposed HMLC requiring closure of any of the existing gates providing access to VTG, and so visitors to the playground will be able to enter VTG at the step-free southern gate from Millbank, directly into the playground; and similarly, visitors to VTG who are not intending to use the playground or to visit the proposed HMLC will be free to enter via any of the gates from Millbank, as now.

86. We were informed by the Promoter's Parliamentary Agents that security checks will take place only on visitors wishing to access the entrance pavilion at the proposed HMLC, and that there is no intention to restrict access to other areas of VTG or to carry out security checks on users of VTG who are not intending to visit the proposed HMLC. On this issue, the Promoter has given to the Committee an **assurance** (Assurance 6) that the Promoter has no intention to request or arrange for security checks to be carried out on visitors to VTG who do not intend to enter the proposed HMLC, and that it has no intention to request or arrange for access by members of the public to other areas of VTG to be restricted on security grounds.

### **The Kiosk**

87. The plans for the proposed HMLC show a kiosk at the southern end of VTG, near to the children's playground. There is currently a kiosk further north which, we were informed, was previously operated under a franchise issued by The Royal Parks for many years, was closed in the autumn of 2019,

reopened for the summer season in 2021, and closed again in September 2021. It has remained closed since then. Some petitioners said that there should be no food and drink sales anywhere in VTG if a memorial is sited there, not only because the sale of snacks would be deeply disrespectful in the vicinity of a memorial to people who starved to death, but also because of litter and crowding. Those are not only matters of public policy, outside our remit but, by extending the restriction to the whole of VTG, lie outside the scope of the Bill.

88. Our principal concern about the proposed new kiosk is rather different: the congregation of very large numbers of visitors to the proposed HMLC at the proposed new kiosk immediately adjacent to the playground. This raises child safety issues. Unless there is some overriding necessity for the proposed new kiosk, we **recommend** (Recommendation 1) that the Secretary of State should remove it from the present plans.

### **Siting of structures for a Holocaust memorial and learning centre within VTG**

89. On this issue the Promoter was willing to give the following **assurance** (Assurance 7) to the Committee:
- (1) Although clause 2 of the Bill applies to the whole of VTG, the Promoter will only site the permanent buildings and other permanent structures comprising a Holocaust memorial and learning centre and its ancillary facilities (the permanent elements) on, under and over the land (a) permitted by any planning permission that is granted by the Secretary of State shown coloured blue and edged in blue on the plan in Appendix 6; or (b) permitted by any planning permission for an extended, altered, modified or replacement scheme for a Holocaust memorial and learning centre.
  - (2) In paragraph (1)(b), “planning permission” means a planning permission granted under the Town and Country Planning Act 1990, a planning permission changed in accordance with section 96A of that Act (power to make non-material changes to planning permission), or a planning permission modified by a further planning permission granted under section 73 or 73A of that Act (in relation to which certain consultation and publicity obligations on the local planning authority arise).
  - (3) The Promoter will require any contractor appointed to construct a Holocaust memorial and learning centre to adhere to the assurance given in paragraph (1).
90. The Committee appreciates that paragraph 1(b) is capable of negating the assurance in (1)(a) but, in the absence of any willingness on the part of the Promoter to limit it to, for example, non-material extensions, modifications and alterations, there is nothing more that the Committee can do. The Committee does not have the knowledge or expertise to fix where the permanent buildings and other structures should be sited within VTG. The Committee, therefore, accepts the assurance as proffered but with regret that a more satisfactory undertaking, from the perspective of those residents using VTG for recreation, could not be secured from the Promoter.



### **Design of the proposed HMLC**

91. Criticism was made of the design of the proposed HMLC as well as its association with the designer Sir David Adjaye. These are matters of public policy, outside the remit of the Committee, and not private interests, whose protection is the principal concern of the Committee.

### **Proposed Learning Centre and the Parliamentary Education Centre**

92. Considerable concern was expressed about the proposed Learning Centre. In particular, it was said that it would not be in keeping with the way young people learn today. It was also said that the proposed Learning Centre would bear no relationship to the original understanding in Prime Minister David Cameron's 2015 Holocaust Commission report. That report recommended that the memorial should be co-located with a world-class and substantial learning centre at the heart of a campus driving a network of national educational activity. The currently proposed Learning Centre is said to be much diminished, and without the most important educational elements that were originally recommended. One petitioner, by contrast, said both that only a fraction of school children would visit a physical building and also that the present limited proposal for a video learning centre was out of date even in 2015. Again, by contrast, it was said by at least one petitioner that the Learning Centre should not engage in any activities on its own but should be an enabling institution supporting existing research and educational institutions which study the Holocaust and related subjects.
93. It was also said that there should be an amendment providing for an annual index-linked budget starting at £50 million for continuous and up-dated teaching of the 1940s Holocaust and countering antisemitism sweeping the United Kingdom. There was also a criticism that the project has wrongly been diverted into a project about British values and the 'trite message' that democracy will protect against genocide - a monument to British self-reflection, not a memorial and learning centre. All of the above are matters of public policy rather than private interests, and so outside the scope of the Committee.
94. It was contended that the Parliamentary Education Centre could be the site of an appropriate Holocaust learning centre. If regard is had to the Government's currently intended project, this would plainly be destructive of the principle of the Bill. If that project is not taken into account, we lack the expertise, evidence and resources to express a view on the viability and appropriateness of the use of the Education Centre as a Holocaust learning centre. In any event, the evidence was that during the period of Restoration and Renewal of the Palace of Westminster (R&R) the Education Centre would have to be given up in its present location and would, potentially, be relocated within the Palace, possibly underground.

### **Height, size and bulk of a Holocaust Memorial**

95. It was contended that a memorial should be of a height, size and bulk no greater than any of the existing memorials in VTG. If regard is had to the Government's currently intended project, this would plainly be destructive of the principle of the Bill. If that project is not taken into account, the argument would still significantly restrain the powers of the Secretary of State under clauses 1 and 2 of the Bill. Nor do we have the expertise, evidence or resources to say whether it would be viable to have above ground a memorial

which does not exceed the height, size and bulk of the other memorials in VTG with an underground learning centre below it.

96. There is a further proposed amendment along similar lines to provide that any Holocaust memorial and learning centre should not (a) result in the raising of the current ground level or (b) exceed 9.62 metres in height above the current ground level. Our view on this proposal is the same as for the amendment considered in the preceding paragraph. Our comments below on proposed amendments relating to the Buxton Memorial are also relevant.
97. It was also contended that any memorial and learning centre should not occupy a surface area greater than 1,429 sq. metres, including in that total area any entrance pavilion, courtyard and ramp into the learning centre, associated hard standing, service access, new access paths, the parts of the mound not accessible to the public and areas enclosed to ensure the security of the memorial and learning centre. We were told that this was the wording of the assurance given by Baroness Scott of Bybrook in her Parliamentary Answer to HL6914 tabled on 28 March 2023 (amended on 12 April 2023) regarding the proposed size of the land to be taken from VTG. We do not consider that it is appropriate for us to make such an amendment. The measurement is extremely precise. We do not know whether it accords or will accord with what the Promoter seeks in the revived planning application. It leaves no leeway for any extension as permitted by clause 1(3) of the Bill.

#### **View of the Palace of Westminster from VTG**

98. It was contended that a Holocaust memorial should not cause harm to the view of the Palace of Westminster from VTG. If regard is had to the Government's currently intended project, such a restriction would plainly be destructive of the principle of the Bill. If no account is taken of that project, we do not have the expertise, evidence or resources to assess the extent to which the powers under clauses 1 and 2 of the Bill would be constrained. That constraint would clearly be considerable.

#### **The setting of the Buxton Memorial and other memorials**

99. An amendment was proposed by a number of petitioners that the construction and operation of a Holocaust memorial and learning centre should preserve or enhance any other memorial or the setting of such a memorial in VTG. We address in detail below the impact on the Buxton Memorial of the present Government proposals, which is the subject of the Buxton petition. So far as other memorials are concerned, the consequences for them of clause 2 of the Bill is a matter of public policy rather than private interests, which are the primary concern of this Committee. Further, so far as concerns the Spicer Memorial, leaving it in its present position would be inconsistent with the Government's present proposals and so would be destructive of the principle of the Bill. If no regard is paid to the presently proposed HMLC, we do not have the expertise, evidence or resources to say how much the powers in clause 2 of the Bill would be constrained if the Spicer Memorial were to remain in its present location.
100. The Buxton Memorial, a Grade II\* building in VTG, commemorates Sir Thomas Fowell Buxton and other slavery abolitionists, whose campaign led to the Slavery Abolition Act 1833. It is an important national memorial, which was erected in 1865-1866 in Parliament Square and moved to VTG in 1957.

101. The Buxton petitioners and other petitioners are concerned that the proposed HMLC should not damage the Buxton Memorial or its setting. The Planning Inspector acknowledged that the planning application would cause great and important harm to the setting of the Buxton Memorial, albeit less than substantial harm, carrying considerable weight in the heritage balance. The Inspector concluded, however, that the heritage balance nevertheless clearly and demonstrably weighs in favour of the planning proposals.
102. The Buxton petitioners are particularly concerned that there will only be a gap of 1.5-2 metres between the Buxton Memorial and security fencing that is to be installed around the proposed HMLC. They contend that it would be difficult for people to appreciate the Buxton Memorial from that distance, and it would also result in a real pinch point on the adjoining pathway. The petitioners suggest a greater separation distance between the Buxton Memorial and the proposed HMLC and any security fencing to enable easier passage and better viewing of the Buxton Memorial by those visiting VTG. In response to these concerns, the Promoter has given the Committee an **assurance** (Assurance 8) that detailed consideration will be given to the question of how easily visitors to the proposed HMLC, and to VTG generally, will be able to pass by and view the Buxton Memorial, including by considering the location, nature, specification and design of paths, fencing and other boundary treatments.
103. The Buxton petitioners also seek an amendment to the Bill that the construction and use of a Holocaust memorial and learning centre, including the one presently proposed, must not cause any harm to the fabric or setting of the Buxton Memorial. So far as concerns the presently proposed HMLC, such an amendment is inevitably destructive of the principle of the Bill as the Planning Inspector concluded that the setting of the Buxton Memorial will be harmed. More generally, unlike the Planning Inspector, we do not have the expertise, evidence or resources to understand precisely what impact such an amendment would have on the location, configuration and size of any Holocaust memorial and co-located learning centre and access to them.

### Closure dates

104. Some petitioners wish the Bill to be amended to set a limit on the amount of time that VTG can be closed to the public in any one year in consequence of events associated with the proposed HMLC. This is a matter which particularly affects residents who habitually visit and use VTG for relaxation and enjoyment. The limitation of closure dates seems to us to be a reasonable request. It is not appropriate for an amendment to the Bill or an undertaking but is probably best addressed in byelaws applicable to VTG. We **recommend** (Recommendation 2) that this be taken forward by The Royal Parks, which is and will be the body responsible for maintenance of those parts of VTG outside the perimeter of the proposed HMLC.

### Continuing application of section 8 of the 1900 Act to VTG

105. We agree with the view expressed by some petitioners that the protection of VTG by the 1900 Act should continue to apply to any part of the Gardens not taken up with a Holocaust memorial and learning centre, including the current proposed project, after it has been fully completed and open to the public. The Promoter's view is that no amendment is necessary to address this issue because the Bill, as drafted, does not remove the existing protection of the 1900 Act across the whole of VTG, except in relation to

the construction, maintenance and operation of a Holocaust memorial and learning centre, so that protection will otherwise continue to apply without any amendment. Clause 1(3) provides that the word “construction” in clause 1(1)(a) includes extension, alteration and re-erection, and the Promoter has sought to address this at paragraph (1)(b) of its assurance in paragraph 89 above. We have described, in paragraph 90, that part of its assurance as unsatisfactory but, for the reasons given there, we have no alternative but to accept the assurance as proffered.

106. We do not consider it appropriate that we should amend the Bill to include, as requested by some petitioners, a provision that clause 2 will cease to have effect at the end of 2029, except for the use, maintenance and operation of any buildings already completed or under construction pursuant to clause 2. We heard no expert evidence on the time needed to complete the proposed HMLC. There is no allowance in the proposed amendment for delays due to matters beyond the control of the Promoter. Further, it is impossible to predict the full practical consequences of such a provision, which could result in unusable structures left in VTG.

### Security

107. We agree with the anxiety about security expressed by a number of petitioners. This concerns private interests as well as public policy as it particularly affects local residents who habitually take advantage of VTG whether alone or with children. In particular, we take note of the evidence of Lord Carlile of Berriew, the Independent Reviewer of Terrorism Legislation from 2001-2011 and a private sector consultant on terrorism issues. He said that the site proposed at VTG for the currently proposed HMLC presents a very real terrorism risk. He elaborated in his petition as follows:

“11. Recent events in Israel/Palestine cannot be ignored. They have heightened the danger of action against Jewish interests in London, and may have diluted public support for placing the proposed centre so close to the Palace of Westminster. Recent terrorism arrests associated with the Stock Exchange provide an example of the changing landscape of London terrorism.

...

16. In sum, in my judgement there is a real and present and serious prospect that the site would be regarded as iconic and tempting by both Islamist and right-wing extremists, given its proximity to the Palace of Westminster, the lack of any secure or meaningful perimeter, and its close proximity both to busy public highways and the river. I am astonished that this has not been seen to be a real problem, and believe the time has come when this warning should be taken seriously. Much has changed on the security risk front since the original planning application was determined.

17. I agree that we should be prepared to stand up to terrorism; but in this instance the doubly iconic nature of the site would render the risk disproportionate.

18. I do not wish to be the person saying ‘I told you so’ in the foreseeable event of a terrorism outrage or attempt.”

108. We accept the view of Lord Carlile and other petitioners that it is imperative to recognise that the threat of terrorism activity here and abroad is much greater than when the Planning Inspector wrote his report, and that much of what was said about security to the Inspector will now be out of date.
109. Mr Katkowski was emphatic that, on the revival of the planning application, the Promoter would be bound to take into account any changes in security considerations, especially the increase in terrorism threats. Lord Carlile has prepared possible security amendments to this Bill set out in **Appendix 8** to this Report. His draft amendments are important as, among other things, they will enable parliamentarians, who are extremely concerned about potential terrorist activities in or near to VTG, to see the security proposals (subject to removal from sight of matters which cannot be disclosed for reasons of confidentiality and sensitivity) before the Act is brought into force. We **recommend** (Recommendation 3) that the Secretary of State gives serious consideration to those amendments or something similar. The Promoter has **agreed** that will be done.
110. In addition, the Promoter has given the following **undertaking**:
- (1) Following re-activation by the Secretary of State of the planning process in relation to the current planning application, the Promoter will make representations to the Secretary of State in relation to security considerations and in so doing will provide updated evidence on security considerations with the aim of ensuring that the Secretary of State continues to regard security considerations as a main issue in determination of the application.
  - (2) Before submitting to the Secretary of State any representations on security considerations, the Promoter will consult with the Corporate Officer of the House of Commons and the Corporate Officer of the House of Lords, Community Security Trust, the Metropolitan Police, the National Protective Security Authority and Westminster City Council, and will have regard to any comments they may make to the Promoter on security considerations and the Promoter will forward those comments to the Secretary of State when making any representations on security considerations.
  - (3) The Promoter will make available to MPs and to members of the House of Lords the Promoter's representations to the Secretary of State in relation to security considerations, including the Promoter's updated evidence, by depositing in the Library of the House of Commons and the Library of the House of Lords all such representations except any that are confidential or which should not be placed in the public domain for security reasons.
  - (4) In this undertaking, the reference to the Secretary of State is a reference to the Minister of State determining the application under delegation from the Secretary of State and in accordance with the functional separation arrangements in place.
111. The Promoter has also given an **assurance** (Assurance 9) to the Committee that, as soon as practicable following re-activation by the Secretary of State of the planning process in relation to the current planning application, the Promoter will publicise this and the anticipated timetable by notifying

(a) MPs and members of the House of Lords, through the Library of the House of Commons and the Library of the House of Lords; (b) the London Historic Parks and Gardens Trust, the Thomas Fowell Buxton Society and the Thorney Island Society; and (c) organisations representing Holocaust survivors and refugees, and organisations engaged in Holocaust remembrance and education. The Promoter will also take steps to notify local residents through the local press and other routes. The Promoter will similarly take steps to ensure that the availability of updated information relating to the planning application and submitted by the Promoter (including updated information relating to security, as far as such information can safely be placed in the public domain) is notified to the parties referred to in (b) and (c) above, and to local residents, once it has been published by the Secretary of State as part of the reactivated planning process.

### Operating costs and financial sustainability

112. Some petitioners have asked for public reporting on the capital and operating costs of the currently proposed project and the financial sustainability of the body managing the project. This is outside the scope of the Committee as it relates to public policy and not the protection of private interests.

### Separate entities for managing the proposed HMLC and the remaining parts of VTG

113. There is a reasonable concern that the interests of any Holocaust memorial and learning centre should not have preference over users of VTG. VTG is currently managed by The Royal Parks. Although it has been stated in a letter from the Promoter's Parliamentary Agents that it is intended that an independent body will have responsibility for the proposed HMLC, no such body has yet been appointed or identified. The Promoter has given the Committee an **assurance** (Assurance 10) that the Promoter's intention is for the remit of any permanent independent body that is established to operate and run the proposed HMLC to be limited to the area of VTG occupied and used by the proposed HMLC.
114. The Thorney Island Society put forward a late proposed amendment that any body responsible for VTG shall consult in advance with local residents through the relevant local amenity societies with regard to any matter which may affect the free use of VTG as a garden open to the public. We do not have any evidence from The Royal Parks or the Department for Culture, Media and Sport (DCMS) (within whose remit The Royal Parks operates) on this issue and so do not consider we can amend the Bill to address it. It is likely that it would be a matter to be addressed, if The Royal Parks or DCMS agreed, in the byelaws relating to VTG.

### Restoration and Renewal of the Palace of Westminster

115. Petitioners contended and gave evidence that the repair of Victoria Tower, R&R and the construction of the proposed HMLC would together make any use and enjoyment of VTG impossible in practice. This does not seem to have been raised before the Planning Inspector, although we were told by counsel for the Promoter that there are regular meetings between the project team for the proposed HMLC and also for R&R, at which information is shared and plans are co-ordinated. We are not aware of anyone attending those meetings who is there to represent the interests of local residents who

use and enjoy the Gardens. Moreover, no final decisions have yet been taken on the R&R programme and how it will go forward.

116. Evidence was given to us that all the potential plans for R&R involve the use of a significant part of VTG as the main area for keeping all the equipment and for access to the Palace. The evidence was that a significant part of the area of VTG at its northern end would be affected.
117. There is plainly an important issue of the timing of the different projects as the evidence was that the main R&R works would not begin before 2029 at the earliest. We do not have the expertise, evidence or resources to express a firm view about this issue, but we **recommend** (Recommendation 4) that before the Promoter submits its representations (including updated evidence) to the Minister following re-activation of the planning process for the proposed HMLC detailed consideration is given by the Promoter as to how the construction and operation of the proposed HMLC and R&R will interact with each other, and accommodate the use of VTG by nearby residents and their children.
118. Finally, it is to be noted that the issue of access to, and use of, the proposed HMLC will remain even after the completion of the proposed HMLC if R&R will result in a significant part of the northern part of VTG being used for the storage of materials and other purposes associated with R&R. We heard evidence that, on one scenario, the use of the northern part of VTG for R&R might continue for as long as 30 years.

### General

119. All of the above **assurances** and the **undertaking** given by the Promoter are understandably intended to supplement any steps required to be taken under conditions attached to any planning permission for the proposed HMLC rather than to replace them. This means that, should there be any conflict between any assurance or undertaking and the requirements of any such planning condition, the requirements of the planning condition will take precedence.
120. The Committee requested the Promoter to agree that all **assurances** and the **undertaking** in relation to the proposed HMLC will also apply to any other Holocaust memorial and learning centre in VTG. The Promoter was not willing to agree. Nor was the Promoter willing to agree a narrower request that all assurances and the undertaking in relation to the proposed HMLC will also apply to any other Holocaust memorial and learning centre in VTG unless there are planning or other practical difficulties in implementing them in the new scheme. The most that the Promoter is willing to agree is that the Promoter gives an **assurance** (Assurance 11) to the Committee that, in the event the currently proposed scheme is not granted planning consent, in formulating any replacement proposal brought forward in place of the currently proposed scheme, the Promoter will, to the extent relevant to the replacement proposal, give careful attention to the issues highlighted by the Committee as reflected in the assurances and the undertaking given.

**APPENDIX 1: IMAGE OF THE PROPOSED HMLC**

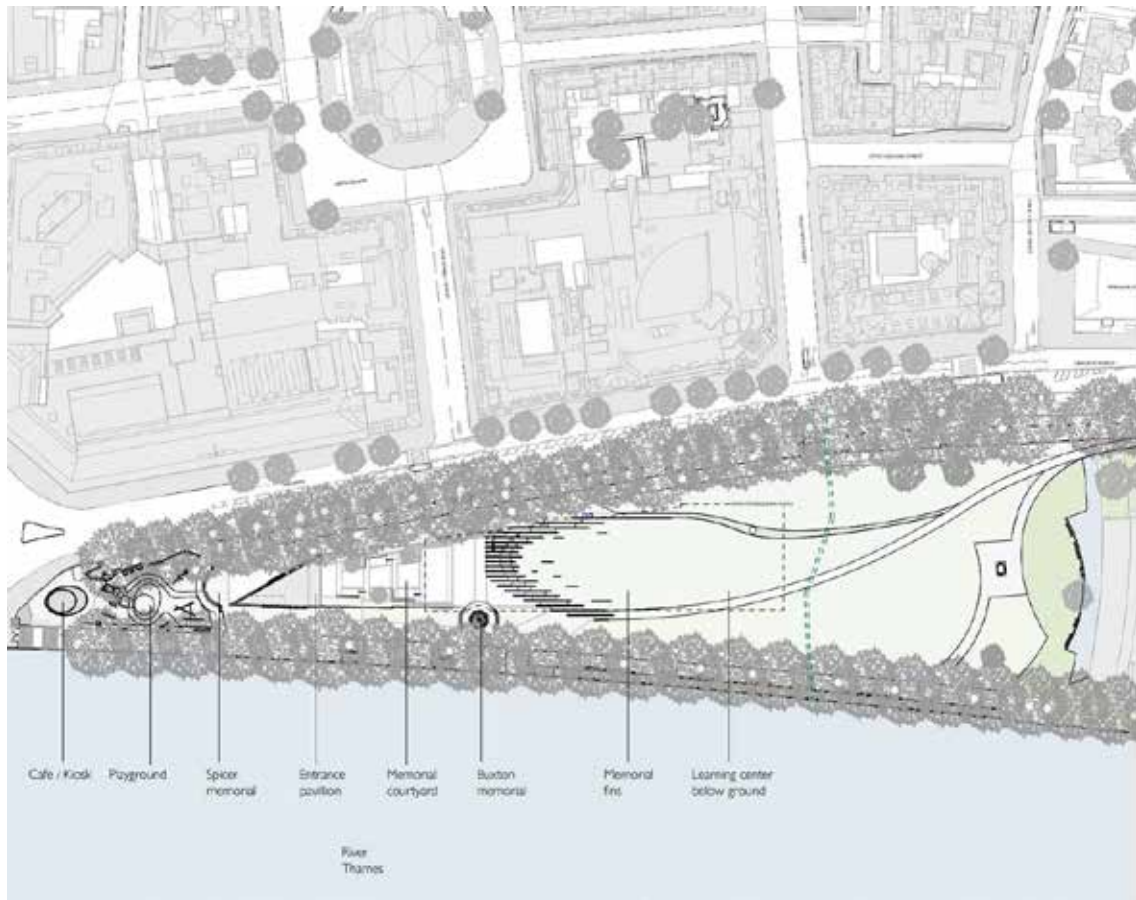
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## APPENDIX 2: PLAN OF VTG AFTER CONSTRUCTION

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### APPENDIX 3: TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000

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#### Rule 19

Procedure following quashing of decision

19 (1) Where a decision of the Secretary of State on an application or appeal in respect of which an inquiry has been held is quashed in proceedings before any court, the Secretary of State—

- (a) shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further representations are invited for the purposes of his further consideration of the application or appeal;
- (b) shall afford to those persons the opportunity of making written representations to him in respect of those matters or of asking for the re-opening of the inquiry; and
- (c) may, as he thinks fit, cause the inquiry to be re-opened (whether by the same or a different inspector) ...

#### APPENDIX 4: PETITIONERS

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- (1) Lord Carlile of Berriew
- (2) Lord Hamilton of Epsom
- (3) Lord Strathcarron
- (4) Lord Griffiths of Burry Port
- (5) Lord Russell of Liverpool
- (6) Lord Sassoon
- (7) Lord Hodgson of Astley Abbotts
- (8) Baroness Finlay of Llandaff
- (9) Lord Inglewood
- (10) Viscount Eccles
- (11) Baroness Deech and Holocaust survivors
- (12) London Historic Parks and Gardens Trust
- (13) Buxton Family and the Thomas Fowell Buxton Society
- (14) Lord Strathclyde and other members of the House of Lords
- (15) Thorney Island Society and residents of Westminster
- (16) Jardentome Ltd
- (17) Sir Peter Bottomley and Baroness Bottomley of Nettlestone
- (18) Lord Blencathra

## APPENDIX 5: BRIEF SUMMARY OF ASSURANCES, RECOMMENDATIONS AND AN UNDERTAKING

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Paragraph numbers in parenthesis refer to paragraphs of this Report.

### The Playground and access

#### *Assurance 1 (paragraph 82)*

We sought an assurance that during construction interference with the playground is kept to a minimum. The Promoter has responded with an **assurance** to the Committee that, during construction of the proposed HMLC, closures of and other interference with the children's playground at the south end of VTG will be kept to a minimum by the Promoter and its contractors adopting the following measures:

- (a) throughout the construction of the proposed HMLC the playground will be kept open at all times when it is practicable and safe to do so;
- (b) during the construction phase, reasonable care will be taken to avoid any mud or dust reaching the playground from the construction site and for most of that phase the main construction work will take place behind hoardings;
- (c) whenever the playground is open during the construction phase, level access will be maintained from the gate at the northern end of VTG (via the riverside path) as well as access via the steps at the south of VTG on the western end of Lambeth Bridge; and
- (d) during the construction phase the Promoter will require contractors to share with users of VTG and the local community information about the progress of construction, with planned closures of the playground notified to them in advance.

#### *Assurance 2 (paragraph 83)*

Although it is the Promoter's intention that step-free access will be maintained from the gate at the northern end of VTG (via the riverside path), this is a very lengthy route for those coming from the south. In relation to this point the Promoter has given to the Committee an **assurance** that:

- (a) although closure of the southern gate from Millbank into VTG will be required at some points during the construction stage for the proposed HMLC, the Promoter will seek to maintain safe access through that gate for as much time during construction as possible; and
- (b) after the construction period the Promoter has no intention of closing any of the existing gates providing access to VTG. Visitors to the playground will therefore be able to enter VTG at the step-free southern gate from Millbank, directly into the playground.

#### *Assurance 3 (paragraph 84)*

So far as concerns the use of VTG generally for normal recreational use during the construction period, the Promoter has given the Committee an **assurance** that during construction of the proposed HMLC the Promoter will ensure, so far as reasonably practicable and health and safety considerations allow, but excepting factors beyond the Promoter's control (such as adverse weather conditions), that restrictions on access by the public to VTG will be kept to a minimum and that,

in particular, the Promoter will keep a footpath along the River Thames of at least 1.5 metres in width open whenever reasonably practicable and where The Royal Parks (responsible for managing VTG) are content. The Promoter will require any contractor appointed to construct the proposed HMLC to adhere to this assurance.

*Assurance 4 (paragraph 85)*

The Promoter has given to the Committee an **assurance** that a review will be carried out with the design team of the arrangements proposed for the southern end of VTG, with a view to ensuring an appropriate separation of the playground from other visitors to VTG, including visitors to the proposed HMLC. Measures to be considered during that review will include the following:

- (a) very clear delineation of the boundaries of the playground, using the Spicer Memorial, hedges and other planting to make the playground space clearly separate from the area around the proposed HMLC;
- (b) ensuring that visitors to the proposed HMLC have no need to pass through the playground; and
- (c) ensuring that visitors to VTG, whether visiting the proposed HMLC or not, have no need to pass through the playground in order to access either the public toilets or the refreshment kiosk.

*Assurance 5 (paragraph 85)*

The Promoter has given an **assurance** to the Committee that, after the construction period, there is no intention of the proposed HMLC requiring closure of any of the existing gates providing access to VTG, and so visitors to the playground will be able to enter VTG at the step-free southern gate from Millbank, directly into the playground; and similarly, visitors to VTG who are not intending to use the playground or to visit the proposed HMLC will be free to enter via any of the gates from Millbank, as now.

*Assurance 6 (paragraph 86)*

The Promoter has given an **assurance** to the Committee that the Promoter has no intention to request or arrange for security checks to be carried out on visitors to VTG who do not intend to enter the proposed HMLC and that it has no intention to request or arrange for access by members of the public to other areas of VTG to be restricted on security grounds.

## The Kiosk

*Recommendation 1 (paragraph 88)*

The proposed new kiosk immediately adjacent to the playground raises child safety issues. Unless there is some overriding necessity for the proposed new kiosk, we **recommend** that the Secretary of State should remove it from the present plans.

## Siting of structures for a Holocaust memorial and learning centre within VTG

*Assurance 7 (paragraph 89)*

On this issue the Promoter was willing to give the following **assurance** to the Committee:

- (1) Although clause 2 of the Bill applies to the whole of VTG, the Promoter will only site the permanent buildings and other permanent structures comprising a Holocaust memorial and learning centre and its ancillary facilities (the permanent elements) on, under and over the land (a) permitted by any planning permission that is granted by the Secretary of State shown coloured blue and edged in blue on the plan in Appendix 6; or (b) permitted by any planning permission for an extended, altered, modified or replacement scheme for a Holocaust memorial and learning centre.
- (2) In paragraph (1)(b), “planning permission” means a planning permission granted under the Town and Country Planning Act 1990, a planning permission changed in accordance with section 96A of that Act, or a planning permission modified by a further planning permission granted under section 73 or 73A of that Act (in relation to which certain consultation and publicity obligations on the local planning authority arise).
- (3) The Promoter will require any contractor appointed to construct a Holocaust memorial and learning centre to adhere to the assurance given in paragraph (1).

### **The setting of the Buxton Memorial and other memorials**

#### *Assurance 8 (paragraph 102)*

The Promoter has given the Committee an **assurance** that detailed consideration will be given to the question of how easily visitors to the proposed HMLC, and to VTG generally, will be able to pass by and view the Buxton Memorial, including by considering the location, nature, specification and design of paths, fencing and other boundary treatments.

### **Closure dates**

#### *Recommendation 2 (paragraph 104)*

We **recommend** that a limit on the amount of time that VTG can be closed to the public in any one year in consequence of events associated with the proposed HMLC, which is probably best addressed in byelaws applicable to VTG, be taken forward by The Royal Parks, as that is and will be the body responsible for maintenance of those parts of VTG outside the perimeter of the proposed HMLC.

### **Security**

#### *Recommendation 3 (paragraph 109)*

We **recommend** that the Secretary of State gives serious consideration to the proposed security amendments to the Bill prepared by Lord Carlile, which are set out in Appendix 8 to this Report or something similar. The Promoter has **agreed** that will be done.

#### *Undertaking (paragraph 110)*

In addition, the Promoter has given the following **undertaking**:

- (1) Following re-activation by the Secretary of State of the planning process in relation to the current planning application, the Promoter will make representations to the Secretary of State in relation to

security considerations and in so doing will provide updated evidence on security considerations with the aim of ensuring that the Secretary of State continues to regard security considerations as a main issue in determination of the application.

- (2) Before submitting to the Secretary of State any representations on security considerations, the Promoter will consult with the Corporate Officer of the House of Commons and the Corporate Officer of the House of Lords, Community Security Trust, the Metropolitan Police, the National Protective Security Authority and Westminster City Council, and will have regard to any comments they may make to the Promoter on security considerations. The Promoter will forward those comments to the Secretary of State when making any representations on security considerations.
- (3) The Promoter will make available to MPs and to members of the House of Lords the Promoter's representations to the Secretary of State in relation to security considerations, including the Promoter's updated evidence, by depositing in the Library of the House of Commons and the Library of the House of Lords all such representations except any that are confidential or which should not be placed in the public domain for security reasons.
- (4) In this undertaking, the reference to the Secretary of State is a reference to the Minister of State determining the application under delegation from the Secretary of State and in accordance with the functional separation arrangements in place.

#### *Assurance 9 (paragraph 111)*

The Promoter has also given an **assurance** to the Committee that, as soon as practicable following re-activation by the Secretary of State of the planning process in relation to the current planning application, the Promoter will publicise this and the anticipated timetable by notifying (a) MPs and members of the House of Lords, through the Library of the House of Commons and the Library of the House of Lords; (b) the London Historic Parks and Gardens Trust, the Thomas Fowell Buxton Society and the Thorney Island Society; and (c) organisations representing Holocaust survivors and refugees, and organisations engaged in Holocaust remembrance and education. The Promoter will also take steps to notify local residents through the local press and other routes. The Promoter will similarly take steps to ensure that the availability of updated information relating to the planning application and submitted by the Promoter (including updated information relating to security, as far as such information can safely be placed in the public domain) is notified to the parties referred to in (b) and (c) above, and to local residents, once it has been published by the Secretary of State as part of the reactivated planning process.

#### **Separate entities for managing the proposed HMLC and the remaining parts of VTG**

##### *Assurance 10 (paragraph 113)*

The Promoter has given the Committee an **assurance** that the Promoter's intention is for the remit of any permanent independent body that is established to operate and run the proposed HMLC to be limited to the area of VTG occupied and used by the proposed HMLC.

## Restoration and Renewal of the Palace of Westminster

### *Recommendation 4 (paragraph 117)*

We **recommend** that before the Promoter submits its representations (including updated evidence) to the Minister following re-activation of the planning process for the proposed HMLC detailed consideration is given by the Promoter as to how the construction and operation of the proposed HMLC and R&R will interact with each other, and accommodate the use of VTG by nearby residents and their children.

### *General (paragraph 119)*

All of the above **assurances** and the **undertaking** given by the Promoter are intended to supplement any steps required to be taken under conditions attached to any planning permission for the proposed HMLC rather than to replace them; and therefore should there be any conflict between any assurance or undertaking and the requirements of any such planning condition, the requirements of the planning condition will take precedence.

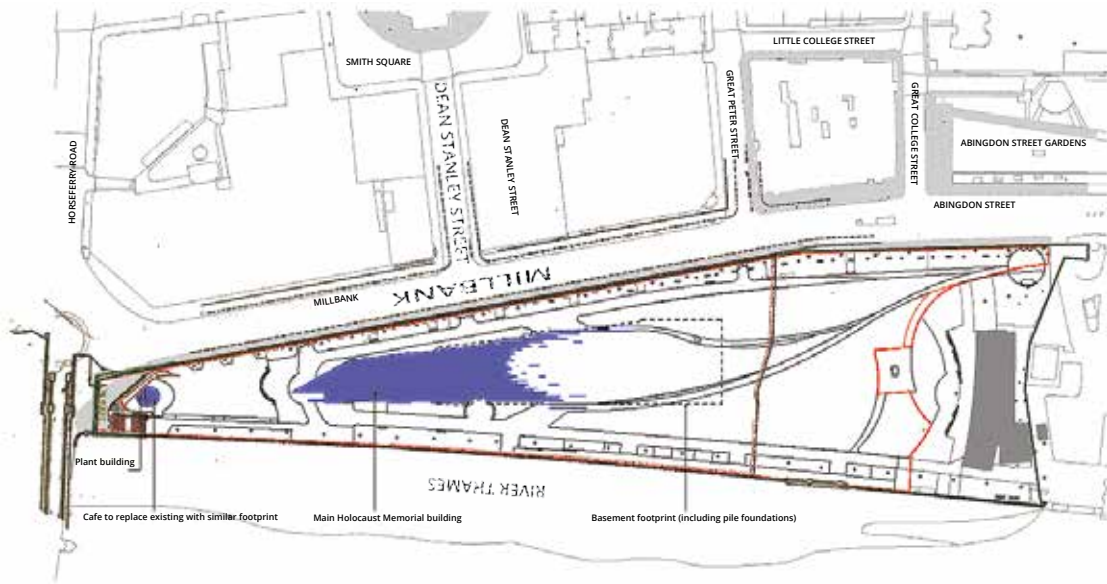
### *Assurance 11 (paragraph 120)*

The Committee requested the Promoter to agree that all **assurances** and the **undertaking** in relation to the proposed HMLC will also apply to any other Holocaust memorial and learning centre in VTG. The Promoter was not willing to agree. Nor was the Promoter willing to agree a narrower request that all assurances and the undertaking in relation to the proposed HMLC will also apply to any other Holocaust memorial and learning centre in VTG unless there are planning or other practical difficulties in implementing them in the new scheme. The most that the Promoter is willing to agree is that the Promoter gives an **assurance** to the Committee that, in the event the currently proposed scheme is not granted planning consent, in formulating any replacement proposal brought forward in place of the currently proposed scheme, the Promoter will, to the extent relevant to the replacement proposal, give careful attention to the issues highlighted by the Committee as reflected in the assurances and the undertaking given.



**APPENDIX 6: PLAN REFERENCED IN ASSURANCE 7**

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## APPENDIX 7: RIGHT TO BE HEARD RESTRICTIONS

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### Restrictions on the right to be heard

1. Generally speaking, a person who is petitioning against a private or hybrid bill has a right to be heard if they prove that their property or interests are directly and specially affected by the bill: Erskine May (25th edition, 2019), paragraph 44.5.
2. In addition, the Private Business Standing Orders of the House specify various circumstances in which a petitioner has the right to have their petition considered (Standing Orders 115, 117A, 119 and 120) and other cases where the committee has a discretion to consider a petition (Standing Orders 117 and 118).
3. In the present case the only Standing Orders that are relevant are 117(2) and 118. Standing Order 117(2) confers a discretion on the Committee to consider the petition of a society, association or other body, which sufficiently represents amenity, educational, travel or recreational interests, alleging that the interests they represent will be adversely affected to a material extent by the provisions contained in the bill. Standing Order 118 confers on the Committee a discretion to consider petitions against the bill or any provisions of it by inhabitants of the area.
4. If the petitioner cannot prove that they have a right to be heard and they do not satisfy one or more of the grounds in the Standing Orders, then they do not have standing to speak in support of their petition.

### Restrictions on the arguments that can be advanced by those who have a right to be heard

5. The only role of the select committee in the case of a hybrid bill is to ensure appropriate protection of “private” interests affected by the bill. The House considers the impact on the public and wider public issues in the usual stages of the legislative process – committee, report and third reading.
6. The Committee’s function is not to conduct a roving investigation into general merits. As mentioned above, objections based on public policy are reserved for subsequent stages of the legislative process.
7. The Committee has no power, in the absence of express authority from the House, to hear any evidence other than that tendered by any party entitled to be heard: Standing Order 124. It cannot, therefore, call expert or other evidence on its own initiative.
8. It is a long-standing convention that the Committee cannot consider any amendments that are destructive of the “principle” of the Bill. In the present case, for the principle of the Bill reference must be made to clauses 1 and 2.
9. The Committee cannot make an amendment that is outside the scope of the Bill. Where a bill has one or two purposes, only amendments relating to those purposes, or touching on matters closely connected with them, are relevant.
10. The Committee may not amend the Bill in a way that would require an additional provision (Standing Order 73(2)). An additional provision is an amendment which extends the scope of a bill in such a way as to bring into play the application of Private Business Standing Orders (that is, notices, deposits etc.) in respect of that amendment.

## APPENDIX 8: LORD CARLILE'S PROPOSED AMENDMENTS RELATED TO SECURITY

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Lord Carlile submitted the following amendments (with a caveat that they are subject to later discussion with the Public Bill Office).

### After Clause 2

After Clause 2, insert the following new Clause –

- (1) Within three months of the passing of this Act the Secretary of State will provide a report to both Houses of Parliament setting out the effects arising from the construction, presence and use of the Holocaust Memorial and Learning Centre on the chosen site. Such report shall include:
  - (a) A list of those bodies and individuals consulted (subject to redaction of names where necessitated by national security);
  - (b) A summary of the advice provided by each body and individual consulted;
  - (c) A full description with visual depictions of all road and traffic changes, at and near to the chosen site, proposed to be made during construction and following completion of the Memorial and Learning Centre;
  - (d) Proposals for the continuing assessment of the security of the site and nearby buildings.
  - (e) Such other security information as the Secretary of State considers to be relevant.
- (2) The Secretary of State may delegate the preparation of the report referred to in subsection 1 of this section to the Independent Reviewer of Terrorism Legislation.
- (3) Prior to this Act coming into force the Secretary of State shall obtain a resolution from both Houses of Parliament approving the bringing of the Act into force following the report referred to in this section.

### Clause 3

Clause 3, page 1, line 21, after “beginning” leave out “with the day on which this Act is passed” and insert “with the day on which both resolutions described in section 3 of this Act have been passed”.

## APPENDIX 9: LIST OF MEMBERS AND DECLARATIONS OF INTERESTS

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### Members

Lord Etherton (Chair)  
 Lord Faulkner of Worcester  
 Lord Hope of Craighead  
 Lord Jamieson  
 Baroness Scott of Needham Market

### Declarations of interest

Lord Etherton  
*No relevant interests declared*

Lord Faulkner of Worcester  
*Lord Faulkner is a resident in a block of flats in Page Street, which was cited by a petitioner as a reason to petition.*

Lord Hope of Craighead  
*No relevant interests declared*

Lord Jamieson  
*No relevant interests declared*

Baroness Scott of Needham Market  
*No relevant interests declared*

A full list of members' interests can be found in the Register of Lords' Interests:  
<http://members.parliament.uk/members/lords/interests/register-of-lords-interests>

Available online at <https://committees.parliament.uk/committee/735>

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