



# House of Commons Select Committee on the Holocaust Memorial Bill

Promoter's Response to the Select Committee's First  
Special Report of Session 2023-24

Presented to Parliament by the Secretary of State for Levelling  
Up, Housing and Communities by Command of His Majesty

May 2024



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## Introduction

1. The Government, with cross-party support, intends to construct a national Holocaust Memorial, with an integrated Learning Centre, at Victoria Tower Gardens, Westminster. Planning permission is needed before this development can proceed. A decision to grant planning permission was made in 2021, but then quashed by the High Court in 2022.
2. The High Court found that section 8 of the London County Council (Improvements) Act 1900 (the 1900 Act) was an obstacle to construction of the Memorial and Learning Centre. The Holocaust Memorial Bill seeks (through Clause 2) to remove the obstacle identified by the High Court.
3. Clause 1 of the Bill seeks powers authorising expenditure on a Holocaust Memorial and Learning Centre, in line with the requirements set out in *Managing Public Money*<sup>1</sup>. The Holocaust Memorial Bill does not include powers to construct a Memorial and Learning Centre, which would still need to be obtained via planning consent<sup>2</sup>.
4. The Holocaust Memorial Bill was introduced into the House of Commons in February 2023. In May 2023 the Examiners of Petitions for Private Bills concluded that the Bill was hybrid. As a hybrid bill, it is open to people who are specially and directly affected by provisions of the Bill to petition against the Bill and to have their petitions considered by a select committee.
5. In June 2023 the Holocaust Memorial Bill was given an unopposed Second Reading by the House of Commons. In doing so, the House established its approval of the principle of the Bill.
6. The Bill was then committed to a Select Committee, which considered 8 petitions against the Bill.
7. The Government, as Promoter of the Holocaust Memorial Bill, is grateful to the Chair and the Members of the Select Committee for their careful consideration of petitions between 10 January and 6 February 2024, and for their report published on 26 April.
8. The Select Committee decided not to amend the Bill.
9. This note is the Promoter's response to the recommendations, observations and reflections of the Select Committee as set out in their report.

## Hybrid nature of the Bill

10. The Promoter notes the Select Committee's comments on the hybrid nature of the Bill, particularly in regard to Clause 1. The Promoter notes the Committee's view that the classification of hybridity, and consequently the application of the relevant Private Business Standing Orders, apply to the Bill in its entirety. However the practical application of this point appears limited as there is no suggestion that clause 1 could be considered to be hybrid and it is not the role of the Committee to consider non-hybrid aspects of the Bill.

<sup>1</sup> [Managing Public Money May 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) See para 2.5.1

<sup>2</sup> In line with special handling arrangements which achieve a functional separation between persons in DLUHC responsible for bringing forward the proposal and persons responsible for determining the application: [Holocaust Memorial: handling arrangements for planning casework - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

## Precedents

11. The Promoter notes the Select Committee's view on the question of precedent in respect of existing protections relating to parks. The Holocaust Memorial Bill is intended to deal with a very specific matter which arises in a precise location. The Bill does not seek to remove restrictions anywhere other than Victoria Tower Gardens; moreover the Bill seeks to remove those restrictions only in relation to the construction of a Holocaust Memorial and Learning Centre. As has been stated (and is acknowledged by the Committee), lifting the restriction which the 1900 Act currently provides will not remove the need for planning permission before the Memorial and Learning Centre can be constructed.
12. It will be for the promoter of any future schemes that may or could affect legislative protections relating to parks and which require primary legislation to consider the Committee's advice.

## Instruction

13. The Promoter notes the Select Committee's comments regarding the Instruction which was given to the Committee by the House of Commons, and in particular the Committee's concerns about the extent to which planning permission and related matters fell within its scope.
14. The Instruction made clear that matters relating to planning permission were outside the scope of the Committee. The reason given in the Instruction for this exclusion is that "*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.*"
15. Parliament has put in place a statutory and regulatory planning framework (under the umbrella of the Town and Country Planning Act 1990) within which development proposals must be considered and determined. That framework puts in place a process that takes full account of the need to assess in detail the arguments for and against any development, and to hear from both supporters and opponents. Proposals for the Holocaust Memorial and Learning Centre put forward by the Promoter fall squarely within this process and have indeed already been considered by an independent Inspector who held a public planning inquiry and prepared a detailed report.
16. For the Select Committee to address and determine matters which fall within the scope of the planning decision-making process described above would clearly have created the risk that important matters may have been addressed in a partial and potentially unfair manner, and in particular that the voice of supporters of the Holocaust Memorial and Learning Centre would not be heard.
17. Many of the matters raised by petitioners were very obviously planning matters, and indeed many of the same arguments raised at the planning inquiry (referenced above) were raised before the Select Committee. The Promoter is therefore grateful that the Select Committee took account of the Instruction and refrained from making amendments which may have interfered with the planning process.

## Right To Be Heard

18. The Promoter notes the Select Committee's views on right-to-be-heard challenges, and in particular the Committee's view that some petitioners may not have established a right to be heard before them had that been formally challenged by the Promoter. While the Promoter's approach was, as the Committee acknowledges, taken with a view to expediting proceedings, the Promoter will nevertheless reflect on the Committee's comments in this regard. The Promoter does also note the Committee's conclusion, however, that (the above notwithstanding) they considered on balance that there was benefit in hearing from the petitioners.
19. The Promoter does however note that even if a Petitioner establishes a right to be heard, it remains a matter for the Select Committee to be satisfied that the content of a petition is within the Committee's remit.
20. It will be a matter for the promoter of any future hybrid bill as to the approach to be taken to any right to be heard challenges in relation to that bill.

## Consultation

21. The Promoter notes the Select Committee's observations on the process by which Victoria Tower Gardens was identified as the preferred site for the Holocaust Memorial and Learning Centre. The process of site selection has been the subject of considerable scrutiny through the planning process which the Promoter considers is the correct forum for such scrutiny. The Planning Inspector addressed the question of consultation in his report, observing that:  
  
*"...the development of the UKHMLC proposals since the publication of the [Holocaust Memorial Commission's] report, have been very thorough. This has involved site selection, a public architectural competition, and after initial selection, a very detailed preparation of the proposals and their presentation, with formal public consultation, consideration by [Westminster City Council] and ultimately the more detailed evidence presented before the Inquiry."*<sup>3</sup>
22. The planning inquiry provided a forum for the cross-examination of key witnesses as well as the consideration of published written evidence. In contrast, the Select Committee was only presented with partial evidence, primarily from petitioners, and indeed the references in the report to the supposed role of 'property consultants' (which is not strictly accurate) suggest that important points have not been fully presented or considered.
23. Information which is particularly relevant to site selection includes the Environmental Statement Vol.2 Revised Chapter 4 (Alternatives) and the Proof of Evidence of Rt Hon Lord Pickles and Rt Hon Ed Balls, the co-chairs of the UK Holocaust Memorial Foundation, both of which remain available online together with other documents relating to the planning application: [Holocaust Memorial inquiry information | Westminster City Council](#).

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<sup>3</sup> Report of David L Morgan to the Minister of State for Housing 29 April 2021, para 15.124

## Costs

24. The Promoter notes the Select Committee's observations on the cost of the Memorial and Learning Centre. As the report acknowledges, a statement of expected costs was published by the Government at Second Reading of the Bill. The Government has made clear, at Second Reading and on many other occasions, that it is fully committed to delivery of the Holocaust Memorial and Learning Centre which is indeed a manifesto commitment. The Government was gratified by the extent of cross-party support expressed at Second Reading both for the proposed Holocaust Memorial and Learning Centre and for the Holocaust Memorial Bill, including the expenditure provisions at Clause 1.

## Security

25. The Promoter strongly agrees with the Select Committee that the security of the Holocaust Memorial and Learning Centre is a matter of great importance. Security matters were addressed as part of the planning application, including at the planning inquiry, and the planning inspector summarised the position as follows:

*"I understand that as part of the planning application security information was submitted and made available to the counterterrorism and crime reduction teams supporting WCC [Westminster City Council]. As a result, neither WCC, nor its advisers, have objected to this aspect of the proposal. Much of the detail of the security provisions is considered sensitive and could potentially compromise the security of the site if released into the public domain. This has therefore not been included in the public part of the planning evidence."<sup>4</sup>*

26. The Promoter remains concerned that publication of details of security measures could compromise the security of the site, but will reflect on the Committee's suggestion that proposals should be published. In any event, security matters will remain an important element to be considered as part of the planning process.

## Final thoughts of the Select Committee

27. The Promoter notes the concluding points made by the Select Committee. Specific points have been addressed earlier in this response. On the wider issue of the handling of these hybrid bill proceedings, the Promoter observes that the Holocaust Memorial Bill is significantly different from other hybrid bills considered by Parliament in recent decades, as demonstrated by the fact that a full examination into whether the Bill should be considered hybrid took place in the first instance (a highly unusual occurrence). Indeed, the nature of the Bill is unusual and without recent precedent. Notably, the Holocaust Memorial Bill (unlike major railway bills such as those authorising various phases of HS2 and Crossrail, which are the most recent hybrid bills) does not seek to authorise the construction of a particular project. It is, in fact, very limited in scope. In contrast, such authorisation, or consent, is being pursued for the Holocaust Memorial and Learning Centre through the conventional planning processes, where the public and other interested parties can make their views known, with such views then needing to

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<sup>4</sup> Ibid para 15.235

be taken into account as part of the determination of the relevant planning application. In this context, it was inevitable that the procedural approach to the Bill would need to depart from recent precedent, given the limited scope, and highly unusual nature of, the Bill.

28. Nevertheless, the Promoter again thanks the Select Committee and the petitioners for their participation in the Committee proceedings. As is evident, the Committee raised a number of points which the Promoter shall reflect on as the Bill proceeds through the remaining Parliamentary stages.