



House of Lords

Holocaust Memorial Bill
Select Committee

Promoter's Response to the
Select Committee's Special
Report of Session 2024-25

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

February 2025



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Any enquiries regarding this publication should be sent to us at

Ministry of Housing, Communities & Local Government
Fry Building, 2 Marsham Street
London SW1P 4DF
Tel: 030 3444 0000

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Introduction

This document is the response of the Promoter of the Holocaust Memorial Bill to the Special Report of the House of Lords Holocaust Memorial Bill Select Committee, published on 21 January 2025 (HL Paper 68).

The Bill is being promoted by the Government in order to take forward the commitment to build a Holocaust Memorial and Learning Centre at Victoria Tower Gardens next to Parliament. The Memorial will be the focal point for national commemoration of the six million Jewish men, women and children murdered in the Holocaust and all other victims of Nazi persecution. The commitment has cross-party support and has been carried forward by successive governments.

The Promoter gratefully acknowledges the Select Committee's report and conclusions. Members of the Select Committee performed their task conscientiously and thoroughly, dedicating considerable time and effort to ensuring they tested and understood the evidence presented to them. Their report is proof of the balanced approach they have taken to the novel and complex issues involved and the petitions presented to them. The Promoter wishes to thank members for their patience and dedication.

The response reaffirms the undertaking and the assurances given to the Select Committee and responds to the Select Committee's recommendations.

Petitioners' Amendments

The Promoter is pleased that the Select Committee accepts the assurances and undertaking it has given which are set out in full in **Annex A**.

Several of the assurances will be put into effect as the programme proceeds to construction and operation. In relation to the following assurances, the Promoter will ensure that appropriate steps are taken, involving contractors and consultants as necessary, through the process of seeking planning consent, constructing and operating the proposed Holocaust Memorial and Learning Centre.

<u>Assurance 1:</u>	Access to the playground during construction
<u>Assurance 2:</u>	Maintaining access through gates during and after construction
<u>Assurance 3:</u>	Access to Victoria Tower Gardens during construction
<u>Assurance 5:</u>	Access through gates after construction
<u>Assurance 6:</u>	Security checks during operations
<u>Assurance 7:</u>	Siting of the Holocaust Memorial and Learning Centre in Victoria Tower Gardens
<u>Assurance 9:</u>	Publicity for planning application
<u>Assurance 10:</u>	Role of operating body in relation to Victoria Tower Gardens

In response to Select Committee's comments on Assurance 7, the Promoter would wish to emphasise the important point that a Holocaust Memorial and Learning Centre could only be constructed at Victoria Tower Gardens in accordance with any planning permission granted. Through the statutory process of seeking planning permission, the views of local residents and users of Victoria Tower Gardens must be considered alongside other relevant matters.

Two assurances require reviews to be carried out with our design team, on which work has now begun:

Assurance 4: Arrangements around the playground

Assurance 8: Visitor engagement with the Buxton Memorial

The Promoter will publish further information on these matters once the reviews have been completed.

The Select Committee also sought the Promoter's agreement to an additional Assurance (11), that all the preceding assurances and the undertaking which it has given would also apply to any other Holocaust Memorial and Learning Centre in Victoria Tower Gardens. The Promoter is unable to agree to this overarching assurance because it is not possible to know what constraints may apply to a new design in the circumstances of the current proposed design being rejected. The Promoter will however, to the extent relevant to any replacement proposal, give careful attention to the issues highlighted by the Committee as reflected in the assurances and the undertaking given.

Undertaking

The Promoter fully understands the reasons why the Select Committee gave security matters such close attention in their report. The undertaking in relation to security matters will be taken forward as part of the planning process once redetermination of the planning application is re-activated. We await notification from the Planning Inspectorate of the timing and nature of the redetermination.

Recommendations

The Promoter has carefully considered the recommendations made by the Select Committee.

Recommendation 1: Removal of the Kiosk

A proposed replacement for the refreshment kiosk that has previously served visitors to Victoria Tower Gardens is included within the planning application submitted by the Promoter in 2018. Evidence relating to the kiosk was considered by the planning inspector at the planning inquiry in 2020; the inspector's recommendation was that planning consent, including for the refreshment kiosk, should be granted.

In response to the Select Committee's recommendation, the Promoter will look carefully at the proposed design and location of the refreshment kiosk. This work will be conducted

alongside the review (relating to Assurance 4) of the arrangements around the playground. Information will be published following the review, together with the Promoter's final response to this recommendation.

Recommendation 2: Closures of Victoria Tower Gardens

The Select Committee has directed this recommendation to The Royal Parks (TRP) rather than to the Promoter. The Promoter has drawn the attention of TRP to the recommendation and will seek to work constructively with TRP and DCMS as plans for the HMLC progress. Victoria Tower Gardens is subject to the Royal Parks and other Open Spaces Regulations 1997 (as amended). Any changes to the Park Regulations would be a matter for DCMS, which would need to seek approval via Parliament.

Recommendation 3: The Secretary of State to give serious consideration to Lord Carlile's proposed amendment, or something similar, relating to security

The Promoter has given very careful consideration to the need for amendments to the Bill in relation to security matters.

Security matters have been and will continue to be examined in detail as part of the planning process within the statutory planning framework, which is the proper forum for considering them. Assurance 9 together with the undertaking which the Select Committee has accepted will enable Parliamentarians to examine the information provided as part of the re-determination, with the exception of any information that is confidential or which should not be placed in the public domain for security reasons.

The Promoter does not therefore consider that any amendment to the Bill is necessary or desirable.

Recommendation 4: detailed consideration to be 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.

The Promoter agrees with the Select Committee that the interaction between the HMLC and R&R programmes is important, and that the interests of users of the Gardens need to be considered. The Promoter will continue to work with the Restoration & Renewal Programme team to understand that interaction and its potential impacts.

The Promoter welcomes the Select Committee's general clarification, that where any assurance or undertaking is in conflict with conditions attached to any planning consent, then the requirements of the planning condition will take precedence.

Annex A

Assurances and Undertaking given by the Promoter

Assurance 1: Access to playground during construction

The Promoter gives an assurance to the Select Committee that during construction of the proposed Holocaust Memorial and Learning Centre (HMLC), closures of and other interference with the children's playground at the south end of Victoria Tower Gardens (VTG) will be kept to a minimum, by the Promoter and its contractors adopting the following measures:

- *throughout the construction of the HMLC the playground will be kept open at all times when it is practicable and safe to do so;*
- *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;*
- *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*
- *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: Maintaining access through gates during and after construction

The Promoter gives an assurance to the Select Committee in relation to access to the playground at the south end of Victoria Tower Gardens (VTG), both during and after construction of the proposed Holocaust Memorial and Learning Centre (HMLC), that:

- *although closure of the southern gate from Millbank into VTG will be required at some points during the construction stage for the HMLC, the Promoter will seek to maintain safe access through that gate for as much time during construction as possible; and*
- *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: Access to Victoria Tower Gardens during construction

The Promoter gives an assurance to the Select Committee that during construction of the proposed Holocaust Memorial and Learning Centre (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 Victoria Tower Gardens (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 HMLC to adhere to this assurance.

Assurance 4: Arrangements around the playground

The Promoter gives an assurance to the Select Committee that a review will be carried out with the design team of the arrangements proposed for the southern end of Victoria Tower Gardens (VTG), with a view to ensuring an appropriate separation of the playground from other visitors to VTG, including visitors to the proposed Holocaust Memorial and Learning Centre (HMLC). Measures to be considered during that review will include:

- *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 HMLC;*
- *ensuring that visitors to the HMLC have no need to pass through the playground; and*
- *ensuring that visitors to VTG, whether visiting the 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: Access through gates after construction

The Promoter gives an assurance that after the construction period:

- *there is no intention of the 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 HMLC will be free to enter via any of the gates from Millbank, as now.*

Assurance 6: Security checks during operations

The Promoter gives an assurance to the Select Committee that the Promoter has no intention to request or arrange for security checks to be carried out on visitors to Victoria Tower Gardens (VTG) who do not intend to enter the Holocaust Memorial and Learning Centre, and that the Promoter 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.

Assurance 7: Siting of the Holocaust Memorial and Learning Centre in Victoria Tower Gardens

The Promoter gives an assurance¹ to the Select Committee as follows:

1. *Although clause 2 of the Bill applies to the whole of Victoria Tower Gardens, the Promoter will only site the permanent buildings and other permanent structures comprising a Holocaust Memorial and Learning Centre (HMLC) 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 under section 77 of the Town and Country Planning Act 1990 on the application made to Westminster City Council and given the reference 19/00114/FULL (the land proposed in that application for the siting of the permanent elements being shown coloured blue and edged in blue on the plan numbered UKHM-03-504 and attached in Appendix 1); or*
 - b. *permitted by any planning permission for an extended, altered, modified or replacement scheme for a HMLC.*
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 under The Town and Country Planning (Development Management Procedure) (England) Order 2015, including article 15 (which requires publicity of a planning application (site notice and local paper)) and article 18 (which requires consultation with prescribed consultees listed in Schedule 4)).*

¹ This is the full text of the assurance provided to the Select Committee (see: committees.parliament.uk/publications/46551/documents/237381/default/). Some of the text of the assurance was omitted from the Select Committee report; this clarification has been agreed with the relevant Clerk.

3. *The Promoter will require any contractor appointed to construct a HMLC to adhere to the assurance given in paragraph 1.*

Assurance 8: Visitor engagement with Buxton Memorial

The Promoter gives an assurance to the Select Committee that detailed consideration will be given to the question of how easily visitors to the proposed Holocaust Memorial and Learning Centre, and to Victoria Tower Gardens 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.

Assurance 9: Publicity for planning application

The Promoter gives an assurance to the Select Committee that as soon as practicable following re-activation by the Secretary of State, under Rule 19(1)(a) of The Town and Country Planning (Inquiries Procedure) (England) Rules 2000, of the planning process in relation to the application made to Westminster City Council and given the reference 19/00114/FULL, 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.

Assurance 10: Role of operating body in relation to Victoria Tower Gardens

The Promoter gives an assurance to the Select Committee that the Promoter's intention is for the remit of any permanent independent body that is established to operate and run the proposed Holocaust Memorial and Learning Centre (HMLC) to be limited to the area of Victoria Tower Gardens occupied and used by the HMLC.

Assurance 11: Consideration of assurances and undertaking in relation to any replacement proposal

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.

Undertaking in relation to Security matters

The Promoter gives the following undertaking to the Select Committee:

- 1. Following re-activation by the Secretary of State, under Rule 19(1)(a) of The Town and Country Planning (Inquiries Procedure) (England) Rules 2000, of the planning process in relation to the application made to Westminster City Council and given the reference 19/00114/FULL, 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, will have regard to any comments they may make to the Promoter on security considerations and 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.*

