

UKHMLC

APPLICANT'S OPENING SUBMISSIONS

1. The United Kingdom's Holocaust Memorial and Learning Centre would **memorialise** the six million Jewish men, women and children who were pitilessly slaughtered by the Nazis and their collaborators; **share knowledge** about them and *all* the victims of this, and subsequent genocides; and **challenge us** to think about Britain's responses to these unfathomable crimes against humanity.
2. A proposal of such obviously profound **national** and **international** importance warrants being located, as chosen, at the heart of Westminster, beside Parliament, in Victoria Tower Gardens, a place of national significance adjacent to a World Heritage Site.
3. The **resonance** between scheme and site is striking.
4. To put the debate in context, in the fullness of time, the Memorial undoubtedly would be **listed** in its own right.
5. The issues here **transcend** planning but of course, it falls to you, Sir, to recommend whether planning permission should be granted for the Secretary of State's proposals which have the support of the current and all five living former Prime Ministers.
6. Ultimately, applying all relevant statutory requirements, the issue is whether any **harm** that the proposals would cause in terms of heritage and to any other interests are outweighed by the **public benefits** of the proposals. We and our supporters say that they are. Our opponents say they are not.

Heritage

7. Some of our opponents contend that the Holocaust Memorial would cause *substantial* harm to the Outstanding Universal Value of the WHS. The legal definition of “substantial” is that the impact must be judged to be so serious that the significance – in this example, of the *Palace of Westminster and Westminster Abbey including St. Margaret’s Church* WHS – would be “*either vitiated altogether or very much reduced.*”¹ Similar claims are made about other heritage. All such claims are untenable.
8. Our view is that no harm would be caused to the heritage significance of the WHS, the grade I listed Houses of Parliament & Palace of Westminster, the Westminster Abbey & Parliament Square Conservation Area, bar one none of the listed sculptures and memorials in the gardens, nor to any other heritage, save that *at most* there would be some, at the low end of the scale, less than substantial harm to the heritage significance of Victoria Tower Gardens as a Registered Park and Garden, and some, also at the low end of the scale, less than substantial harm to the heritage significance of the grade II* listed Buxton Memorial.
9. *Historic England* conclude that the harm to VTG would be moderate in the less than substantial scale, and that there would be low to moderate less than substantial harm to the Buxton Memorial, with no significant harm to the OUV of the WHS and no harm to any other heritage.
10. It is highly significant that Historic England’s conclusions are so much closer to ours and are so far removed from the claims made by every one of our opponents who has expressed views about heritage.
11. To put things in context, adding a memorial and revamping Victoria Tower Gardens would be of a piece with the history of the gardens, the layout of which has changed *significantly* on a number of occasions over time, and where memorials and

¹ Bedford BC v SSCLG [2012] EWHC 4344 (Admin) at [25], see also [24]. CD 7.2

sculptures have been located in, and relocated to, and moved from place to place within, the gardens.

Open space

12. The gardens have a multiplicity of uses and users. Some of our opponents say that the Holocaust Memorial and Learning Centre would make many of these current activities “impossible”. This is simply wrong.
13. The gardens would be markedly improved in several respects by our wider proposals.
14. There would be more people in the gardens but let us not forget *why* they would be there.
15. A small part of the gardens would be “lost” but let us not forget *why* this would happen.
16. Let us not forget that we are talking about the United Kingdom’s *Holocaust* Memorial and Learning Centre.

Trees

17. The gardens are enclosed by two rows of London planes. 25 to the east and 26 to the west.
18. As I understand it, no-one contends that our proposals *would* cause the death of any of these magnificent trees. Nor is it denied that the works *could* be done without causing their death. The argument appears to be that we haven’t demonstrated that the works *would not* cause their death.

19. For our part, we are confident that enough is known about the trees and about how to carry out works of the nature that we propose, together with mitigatory and compensatory measures, so that the works would not cause their death.

Other

20. Westminster City Council's case concerns heritage, open space and trees. Other objectors raise additional points (for example, security, transport, pedestrian overcrowding and flooding). None of the authorities and agencies who are responsible for these matters have objected to the proposals. Our evidence demonstrates that none of these other points tell against the proposals.

Matters not within the remit of this inquiry

21. The Government has decided that there should be a United Kingdom Holocaust Memorial and Learning Centre. Many of the objectors question this decision and explain why for all sorts of reasons they disagree with it. In a healthy democracy we are all entitled to our opinions. But this is not an inquiry into *whether* there should be a UKHMLC. That decision has been made and this inquiry cannot gainsay it.

Public benefits

22. The public benefits of this noble project are self-evident, powerful and on a national and international scale.

23. In the words of Professor Tavernor: *"This will be an extraordinary memorial, which will be regarded as world class."* In the words of Professor Greenberg, the entrance sequence to the Learning Centre *"will be astounding"* as *"a series of emotional and visceral experiences ... unfold for each visitor"* who walks through the exhibition.

24. It would be a masterpiece.

25. It is overwhelmingly **in the *greater* public interest** and we ask you, Sir, to recommend that this remarkable project should be allowed to go ahead in Victoria Tower Gardens.

Christopher Katkowski QC

Kate Olley

6th October 2020