

VICTORIA TOWER GARDENS, MILLBANK

UK HOLOCAUST MEMORIAL AND LEARNING CENTRE

Closing Submissions on behalf of Learning from the Righteous

Introduction

“By the rivers of Babylon, there we sat down and wept when we remembered Jerusalem.”¹

1. Since the Psalms, we have known that the place from which we remember an event shapes how we remember it.
2. Monuments, museums and learning centres are institutions of memory, and of story-telling.² The stories they tell, how they tell them, and how those stories are understood are a product not only of the *what*, the *who* and the *how*, but also the *where*.
3. All over the world, museums and monuments about the Holocaust mediate this conversation between content and place.
4. As Dr Michael Berenbaum explained,³ the Holocaust is remembered differently in Washington than it is in Jerusalem, in Warsaw than in Budapest, in Paris than it is in London, at Auschwitz than it is in Bergen Belsen.
5. To take a few examples:⁴

¹ Psalm 137, §1.

² See [CD15.2], the 30.9.20 keynote speech of Dr Michael Berenbaum – who was the Project Director of the United States Holocaust Memorial Museum in Washington DC, and oversaw its creation – to the Liberation 75 conference on “*RELEVANCE & SUSTAINABILITY: The Future of Holocaust Museums*”.

³ [CD10.45].

⁴ Again, see [CD15.2] for a more detailed exposition of these examples.

- (i) New York’s Museum of Jewish Heritage is located within sight of Ellis Island and the Statue of Liberty, so tells a complicated story of America’s ambivalent response to refugees who fled the Nazis to its Eastern shores;
- (ii) The Johannesburg Holocaust and Genocide Centre tells a story which must also confront and reflect on the history of apartheid;
- (iii) Berlin’s Holocaust Memorial – which is also co-located with a sub-terranean learning centre – is close to the Reich Chancellery and on the site of the former Berlin Wall, so that tells an enormously challenging story of the history of a nation and its re-unification;
- (iv) The museum at Auschwitz must, of course, tell the uniquely barbarous and cruel story of that place; and
- (v) The United States Holocaust Memorial Museum in Washington DC tells the story of how democratic institutions can be subverted, which has a powerful resonance in the heart of that nation’s capital city – as Dr Berenbaum explained “*at the intersection between Museum Washington, Memorial Washington, and Governmental Washington*”.⁵

6. So what story will this scheme’s location tell us?

7. Our closings are arranged under six headings:

- (i) The story this scheme will tell;
- (ii) Victoria Tower Gardens (“**VTG**”) is one of the country’s most iconic locations;
- (iii) The site’s iconic quality is a profound public benefit;

⁵ [CD10.45].

- (iv) Many of the objections are based on straw men;
- (v) The scheme will be a national focus for education about the Holocaust; and
- (vi) The public benefits of this scheme in this location are overwhelming.

(1) The story this scheme will tell

8. It is, in part, a British story: the story not only of the Holocaust, but of Britain's relationship both with the Holocaust and Nazism itself.
9. As we said in opening, events in the Palace of Westminster determined the course of this country's response to Nazism. The story will be told to visitors sitting on green benches which echo those in the House of Commons only footsteps from the site, surrounded by the words of MPs of the day which were spoken in that place.
10. The Inspector has some of those debates appended to LftR's evidence, including:
 - (i) The Evian Conference debate on 27th July 1938⁶ which shows that notwithstanding growing awareness of and concern about the awful impact of Nazi policies on Jewish people, many members of the House of Lords showed real ambivalence at the prospect of an influx of German refugees into the UK. Indeed, the Government's focus was on Jewish immigration to East Africa and Palestine. Immigration to the UK was only contemplated at that stage on a temporary basis for "*suitable refugees*" who could work in

⁶ LftR Rebuttal Appendix 1 [CD9.13].

industry.⁷ The “*policy of the open door*” for fleeing refugees was expressly rejected by the Government.⁸

- (ii) The iconic Kindertransport debate in the House of Commons on 21st November 1938.⁹ The motion was put by Philip Noel-Baker MP, then Labour MP for Derby who had already won an Olympic Gold Medal and would later win the Nobel Peace Prize. His words echo down the ages, and we return to them below. The brutal cruelty of the Nazis’ treatment of Jewish people was addressed by many members in detail. Under pressure to act from Members across the House, the Home Secretary – Sir Samuel Hoare – confirmed the Government’s policy to find homes within the UK for 10,000 Jewish children. Mr David Grenfell MP – Labour MP for the Gower – closed the debate late into the night by remarking on the “*wonderful unanimity of sentiment and feeling*” and the “*feeling of common humanity and a common standard of civilisation. Members in all parts of the House have filled in a picture which shows the House of Commons at its very best.*”¹⁰

How telling it was that when it came to commemorating the 80th anniversary of that debate, an event in which Baroness Deech herself took part, the location selected was not the Imperial War Museum, the Millbank Tower or anywhere else. It was in Speaker’s House, which the Baroness told us is one of the most prestigious locations in the Palace of Westminster. Where else? Because the place from which we remember an event shapes how we remember it.

⁷ LftR Rebuttal Appendix 1 [CD9.13], p.31 / 207.

⁸ LftR Rebuttal Appendix 1 [CD9.13], p.32 / 207.

⁹ LftR Rebuttal Appendix 2 [CD9.13], from p.39 / 207.

¹⁰ LftR Rebuttal Appendix 2 [CD9.13], p.71 / 207.

- (iii) The UN Declaration debate of 17th December 1942¹¹ which we described in opening, where Members of the House of Commons rose to their feet in spontaneous and unanimous silence to condemn the “*the barbarous and inhuman treatment to which Jews are being subjected in German-occupied Europe*”.
- (iv) A heated debate on 19th May 1943 on “*the Refugee Problem*”¹² where a number of MPs, including – and in particular – Eleanor Rathbone MP, raged against the Government’s intransigence on allowing refugees into the country. Her unforgettable speech¹³ ended with a warning:
- “let no one say: “We are not responsible.” We are responsible if a single man, woman or child perishes whom we could and should have saved. Too many lives, too much time has been lost already. Do not lose any more.”¹⁴
- (v) A number of critical debates post-dated the war including debates on the Nuremburg Trials¹⁵ and the Genocide Convention¹⁶ - events of the utmost importance on their own terms, and for their contribution to the establishment of modern international law.

11. Even that limited selection of Hansard transcripts tells a story rife with ambiguity, but also with power. It is a story which includes ambivalence, inaction and latent prejudice. But it also includes many MPs standing up to the Government on behalf of the voiceless and the

¹¹ LftR Rebuttal Appendix 3 [CD9.13], from p.86 / 207.

¹² LftR Rebuttal Appendix 4 [CD9.13], from p.90 / 207.

¹³ LftR Rebuttal Appendix 4 [CD9.13], from p.97 – p.102 / 207.

¹⁴ LftR Rebuttal Appendix 4 [CD9.13], p.102 / 207.

¹⁵ LftR Rebuttal Appendix 5a [CD9.13], p.131 / 207 and Appendix 5d, p.167/207.

¹⁶ LftR Rebuttal Appendix 5c [CD9.13], from p.139 / 207.

oppressed, opposing the spirit of intolerance in a way that – as Baroness Deech accepted in cross-examination – has echoed down the ages.

12. Nonetheless, as Mr Maws explained in his oral evidence, the story of this scheme will go further than what the Government *did*. It is also a story of what Government *failed* to do. As Mr Maws put it, it is a story of the *fragility* of democracy; the *limitations* of democracy; the role of the individual in society; the collective consequences of individual decisions; the importance of being an upstander rather than a bystander.
13. So this is complicated story. And the Inspector can record that this scheme sets out to tell that story in all its complexity, its ambiguity and its power. “*Warts and all*”. As the Inspector heard,¹⁷ the scheme’s narrative will be balanced. It will address the ambiguity of Britain’s response to the Holocaust, avoiding simplistic judgments, with nuance, based on sound scholarship, and with an emphasis on complexity. The visitor narrative gives over 252 sqm of the learning centre to the section on “Government” (more than to any other section) in which visitors will “*bear both sides*”.¹⁸ Visitors will be challenged to ask: what would *I* do if faced with such a situation.
14. Once the contours of this story and how the scheme will tell it are understood, we see why the submissions of many, many objectors that the scheme’s narrative will be over-simplistic and self-congratulatory is wrong. We return to the objectors’ arguments below. But it was telling that, for example, Professor Lawson – who spoke on behalf of the large number of academics who signed the letter at [CD10.36] which argued that the scheme would

¹⁷ E.g. joint proof of Ed Balls and Lord Pickles [CD8.1] at §46, and the oral evidence of Ben Barkow.

¹⁸ §12.4 of Stephen Greenberg’s proof, [CD8.9].

propagate a narrative that Britain was the sole saviour of the Jews – had not even *read* the evidence of Lord Pickles, Ed Balls or Stephen Greenberg.

15. So the resonance between this scheme’s content and its location will be profound. That resonance will make it (literally) unique.
16. But resonance is not enough unless the scheme is situated in a way that will guarantee it is widely experienced.

(2) VTG is one of the country’s most iconic locations

17. The Holocaust Commission made the importance of a prominent location clear in the first recommendation of its 2015 report to the Prime Minister:

“The evidence is clear that there should be a striking new Memorial to serve as the focal point for national commemoration of the Holocaust. It should be prominently located in Central London to attract the largest possible number of visitors and to make a bold statement about the importance Britain places on preserving the memory of the Holocaust. It would stand as a permanent affirmation of the values of British society.

[...]

But it is also clear that a memorial on its own is not enough and that there must be somewhere close at hand where people can go to learn more about the Holocaust.”¹⁹

18. Mr Dorward agreed on behalf of Westminster City Council in cross-examination that the application scheme *accords* with those recommendations and that this accordance is a *public benefit*. We return to the planning balance below.
19. He also accepted that the scheme was of a national and international significance. We agree. And that is why it is fitting that it is being proposed on a site which Mr Dorward agreed in

¹⁹ “*Britain’s Promise to Remember - The Prime Minister’s Holocaust Commission Report*”, January 2015 [CD5.9] pp.41-42.

cross-examination was iconic, visually prominent and in one of the most visited parts of London within easy reach of a major tube station and many bus routes.

20. Mr Lowndes – another opponent of the scheme – agreed in cross-examination that this is an iconic and prominent site. He also agreed with the proposition that the resonance of the scheme’s location next to Parliament would be exceptional and that all of that comprised public benefits to be weighed in the balance. Again, we return to the balance below.
21. Even Lord Carlile – another opponent of the scheme – agreed in cross-examination that the application site is at the top end of a spectrum of iconic locations, and it was (in his view) so obvious as to be “*trite*” that the site is more prominent and iconic than the IWM.
22. So in the end, even the scheme’s opponents accept that this is an iconic and highly prominent site which will be visited by a very large number of people. And as Lord Carlile made clear in cross-examination (notwithstanding Baroness Deech’s odd idea about VTG being on “*the wrong side*” of Parliament) VTG is very regularly used by thousands of Parliamentarians and Parliamentary staff, so it is inevitable – he agreed – that there will be wide-spread awareness of this scheme if it proceeds.
23. And that wide-spread awareness is, of course, the very point. Baroness Deech asserted – and it was mere assertion, not backed up by any evidence – that MPs are the category of people *least* in need of reminding about the dangers of religious or racial intolerance. If only that were so. With respect, history – and even very recent history²⁰ – tells a more complicated story.

²⁰ As recently as 29th October 2020, the Equality and Human Rights Commission concluded that the Labour party’s handling of complaints about anti-Semitism within the party from 2014-2019 breached the Equality Act 2010, including using anti-Semitic tropes, suggesting that complaints of anti-Semitism were fake, and

24. In the end, the point is simple. A permanent and high-profile reminder on Parliament's door-step about the consequences of religious and racial intolerance is a profound benefit of this scheme – for Parliamentarians and for the public.

(3) The site's iconic quality is a profound benefit

25. Many of the scheme's opponents concede that VTG is an iconic location. But *so what?*

(i) If, Dr Gerhold tells us, the learning centre is to examine the decisions made by Parliament during the Holocaust and other genocides, then it will make literally "no difference" whether it is located next to Parliament or somewhere else.²¹

(ii) Delivering the scheme in this location will, Baroness Deech said during cross-examination, have literally no effect in combatting antisemitism. Its location next to Parliament, she told us, will have "no discernible effect".²²

(iii) Yes there may be "*resonance*" and "*associative triggers*" in locating the scheme here, Mr Lowndes accepted, but the same would arise "in any number of locations".²³

(iv) Mr Moggridge confirmed in cross-examination that he saw literally no symbolic relationship in the scheme's proximity to Parliament.

26. We know now that those propositions are not just extreme, surprising, and counter-intuitive. They are wrong.

that political interference in the determination of those complaints by the Labour Party was discriminatory and unlawful.

²¹ Dr Gerhold's Consolidated statement, Annex 1, §(11). [CD10.25].

²² Baroness Deech's proof at §3 [CD8.41].

²³ Mr Lowndes' proof §6.6(iv)-(v) [CD8.51]

27. We know they are wrong from the unforgettable responses the Inspector has heard over these last few weeks. From all corners of society. From every part of this country, and beyond. Responses which positively disprove this “*no difference*” idea that permeates the opponents’ evidence. We recall in particular, and refer the Inspector to, the remarkable evidence of Adrian Packer CBE;²⁴ Ben Barkow;²⁵ Dr Toby Simpson;²⁶ Natasha Kaplinsky;²⁷ Kishor Alam;²⁸ Mala Tribich²⁹ and Rudi Leavor³⁰ - two of the Holocaust survivors who spoke in support of the scheme; Eric Murangwa Eugene MBE, a survivor of the 1994 genocide against the Tutsi in Rwanda;³¹ the Archbishop of Canterbury, Justin Welby;³² Ellie Olmer;³³ Karen Pollock CBE;³⁴ Chief Rabbi Ephraim Mirvis; Rob Rinder;³⁵ and Professor Stuart Foster,³⁶ Executive Director at the Centre for Holocaust Education at UCL. For the Inspector’s convenience, we append short extracts from their evidence on this topic to these closings. Dr Michael Berenbaum crystallised the point in this way:³⁷

²⁴ [CD10.42].

²⁵ [CD10.59].

²⁶ [CD10.26].

²⁷ [CD10.40].

²⁸ [CD10.38].

²⁹ [CD10.24].

³⁰ [CD10.2].

³¹ [CD10.21].

³² [CD10.43].

³³ [CD10.55].

³⁴ [CD10.56].

³⁵ [CD10.61].

³⁶ [CD10.67].

³⁷ [CD10.45].

“the proposed site offers an unequalled opportunity to grapple with the history of Great Britain and its values. Placing it anywhere else reduces the power of what it can achieve.”

28. We recall Mr Maws’ powerful point in his oral evidence that in the 1930s and 40s, Jews were stripped of citizenship. When most vulnerable, they were left isolated – with no country to fight for their protection, to say “*you are our people and we won’t let you be treated this way*”. As Mr Maws put it, siting a memorial in VTG is a powerful symbol that says: British Jews are British; your history is our history; your security is a British concern, “you belong here”.
29. “*No difference*”? The same resonance arising in “*any number of locations*”?
30. On the basis of the evidence the inquiry has heard, those propositions are completely untenable.

(4) Many of the objections are based on straw men

31. On analysis, many of the key points the objectors make are straw men. They mischaracterise the propositions in favour of the scheme, then seek to respond to the mischaracterisation.
32. For example, Dr Gerhold’s “*most important reason why the link with Parliament and democracy is weak is that democracy and genocide are not opposites*”.³⁸ Nonsense, he says. The world is not so simply divided into democracies on the one hand, and barbarous genocides on the other. But, of course, nobody – literally nobody – makes the facile assertion that the world is divided in that binary way. And Dr Gerhold agreed that if the Inspector accepted a justification for the scheme which did *not* rely on that proposition, this “*most important*” of his objections would fall away.

³⁸ §19 of Dr Gerhold’s consolidated statement [CD10.25].

33. “*Democracy provides no guarantee against racial or religious hatred*” Dr Gerhold responds.³⁹ If only it did. But of course, nobody has claimed that it does. The same goes for Baroness Deech’s point that democracy does not protect against genocide.⁴⁰ True. But this is another straw man. Indeed, as Mr Maws explained in his oral evidence, it is the very *frailty* of democracy, its *lack* of guarantees, its capacity to be subverted and distorted which will make this permanent physical reminder to Parliamentarians so valuable.
34. The scheme will not “*in itself*”, Baroness Deech tells us, prevent either anti-Semitism or genocide.⁴¹ Obviously right. But nobody supporting the scheme claims that the fight will be won by a single project. Even a nationally and internationally significant scheme like this one in one of the world’s most iconic locations. No individual scheme is enough. But that only emphasises the scale of the challenge, and the importance of doing *more*, not *less*, to meet it.
35. There are – we were reminded in the closings of Mr Doctor (at §34) and Mr Lewis (at §137) – different views on this scheme within in the Jewish community, and even among Holocaust survivors. Well, *of course* there are. This country is home to almost 300,000 Jews. A socially, politically and culturally diverse community. A community which at times is almost *characterised* by its members’ strong views on every side of every debate going. The idea that a lack of unanimous support – for this scheme, or any other – somehow tells against the grant of planning permission is, with respect, preposterous.
36. Finally, Lord Carlile’s evidence on security is built on a paradox. He accepts that the Holocaust is “*an important cautionary tale about the dangers of mass, popular movements founded on past political failure*” and “*a profound cautionary tale about nationalism, inequality, and the failure to recognise*

³⁹ §19 of Dr Gerhold’s consolidated statement [CD10.25].

⁴⁰ §3 of Baroness Deech’s proof [CD8.41].

⁴¹ §1-§3 of Baroness Deech’s proof [CD8.41].

diversity’’.⁴² But he suggests a *less* prominent and iconic location than VTG to tell that cautionary tale so that we avoid provoking right wing extremists.⁴³ What a sad and profoundly ironic proposition that is. As Mr Maws said it in his oral evidence, the logic of Lord Carlile’s argument says to Jews: because of the very same ancient hatred that led to the Holocaust, that causes your schools and synagogues to require security teams, you have become a liability and therefore do not deserve to be visible in our public spaces. That is blaming the victim. If anything, the persistence of antisemitism is a reason for this to be all the *more* prominent, not less.

(5) The scheme will be a national focus for education about the Holocaust

37. As Mr Lishak explained, the scheme will be an irreplaceable educational resource to support his work in teaching young children about the Holocaust. As Mr Maws explained, with antisemitism and nationalism on the rise across the globe, it is urgent that this country takes steps to not merely remember the Holocaust but to **educate** in a way that research suggests is most likely to have a meaningful impact. Embedding these approaches in the heart of this scheme will help to spread good practice in schools and communities across the UK.
38. The scheme’s location will enhance its power as an educational tool exponentially. The scheme will galvanise, focus and coordinate teaching and learning about the Holocaust in the UK for future generations. As Mr Maws explained, it will send a powerful message that will resonate throughout the education sector about where priorities should lie. It will create – and indeed has already started to create – a focal point to unify a fragmented sector.

⁴² §8 of Lord Carlile’s proof [CD8.43].

⁴³ §12(k) of Lord Carlile’s proof [CD8.43].

39. Various opponents argue that Holocaust education nationwide should be improved, with an emphasis on de-centralised approaches and more use of digital technology. But improving the teaching of and learning about the Holocaust more generally is consistent, and not inconsistent, with this scheme. As Mr Maws put it, what better way to encourage educational policy makers to solve this problem once and for all than for the Government to make such a clear statement that the Holocaust is a central part of our national story.
40. As Janine Webber put it, the scheme will not only assist her mission of educating the next generation about the Holocaust. It will also preserve the voices of other survivors with their own stories to tell (and on how it will do that, of course, the inquiry heard so movingly from Natasha Kaplinsky and others). As Ms Webber said, millions of Jews did *not* have the opportunity she had to visit schools and tell their stories. She said “*we must ensure these stories are heard*”. Its location will, she said, will make this scheme a focal point for learning about the Holocaust.
41. We agree. We recall Victoria Boyarsky’s statement to the inquiry, when she imagined a bemused child looking up at their teacher outside the memorial asking “*why is it here?*” and the teacher being at a loss to respond. But, of course, provoking that question is the very point. Mr Maws’ oral evidence on the effect this scheme will have on the future of teaching and learning about the Holocaust was unforgettable. He said:

“Good teaching is about asking questions and being comfortable with not having all the answers. Sites are particularly good educational resources, where you ask: what does this mean? So many of the people I’ve heard speaking out against the memorial seem to say – *I know what this means*. For example, “*it is obviously meant to promote a skewed narrative*” Well, I’d suggest they don’t know what it means. In large part because a site can hold many different meanings. It can mean different things to different people. There are no prescribed lessons of the Holocaust. And this proposed site reinforces that very point. Maybe you think that the take-away message from it is that the UK should have done more; or that we should honour those who were liberators; or to remember those who fostered Kindertransport refugees; or something broader like the idea that democracy is fragile. These are all valid points to explore... not conclusions, but questions to grapple with. Which one of these is the most important? I can’t give you that answer, but I sure as hell would love to stand on that site with a group of students having that discussion.”

(6) The public benefits of this scheme in this location are overwhelming

42. Mr Dorward for Westminster City Council agreed in cross-examination that:

- (i) The principle of a national memorial and learning centre about the Holocaust is supported;
- (ii) It will lead to substantial benefits of both national and global significance; and that
- (iii) The site is a suitable location for a Holocaust memorial.

43. In his proof, Mr Dorward said that “*proximity to Parliament **may be** considered as a positive*”⁴⁴. That echoed the approach in Westminster’s Statement of Case, which said that “*proximity to Parliament **may be** considered desirable*”.⁴⁵ But under cross-examination, Mr Dorward accepted the position was less equivocal. In particular:

- (i) He agreed that the location was iconic and prominent, and was likely to attract a very large number of visitors and meets the brief set by the 2015 Commission’s 1st

⁴⁴ §9.10 [CD8.36].

⁴⁵ WCC’s SoC [CD5.25] p.85.

Recommendation.⁴⁶ He agreed those things were so partly because of the scheme's proximity to Parliament. So he accepted that the scheme's proximity to Parliament **is** (not "*may be*") not only a "*positive*" but a public benefit. Mr Lowndes agreed the same thing in cross-examination.

- (ii) The same goes for the scheme's co-location of a memorial with a learning centre. As Mr Maws put it – "*how can you commemorate something if you don't know what it is*". Mr Dorward accepted co-location was a public benefit. And the "*more modest form of memorial*" he posited at §9.10 of his proof would be divorced from a learning centre, would be less visually prominent, and would conflict with the brief set by the 2015 Commission report. Which means that his answer in re-examination that this scheme's benefits could be delivered equally by a smaller memorial in VTG divorced from its learning centre was, with respect, obviously wrong.

44. Indeed, Mr Dorward confirmed his agreement with the first 3 of the 5 propositions in the UKHMF's justification for selecting this site:

- It provides an iconic location adjoining Parliament, sitting along the riverfront immediately next to the House of Lords;
- Its relevance as a commemorative garden of Britain's national conscience, already containing significant memorial sculptures, marking momentous historic events, with significance for the struggle for human rights, that remain relevant today and will do so in the future;
- It is visually prominent and adjacent to one of the most visited parts of London, within easy reach of a major tube station and many bus routes;
- The resonance of being next to Parliament and on the timeless banks of the Thames is exceptional; and
- Under the shadow of Victoria Tower, the Holocaust Memorial and Learning Centre would question the impacts of the Holocaust and subsequent genocides on our own Parliament."⁴⁷

⁴⁶ [CD5.9], p. 13.

⁴⁷ §4.2.8 of [CD6.49].

45. Mr Lowndes agreed with all of the propositions bar the 2nd, and that was only because he did not quite accept the description of VTG as a “*garden of Britain’s national conscience*”, albeit that description had already been accepted in terms both by Mr Ayton and Mr Dorward for Westminster. For the other 4 Mr Lowndes did accept, he freely agreed that they amount to public benefits.
46. As the Inspector knows, LftR presents no evidence on heritage, design, trees or several of the other important issues before this inquiry. Our case is simple. For all the reasons we have given, the Inspector should give those public benefits **very substantial weight** – whether that is in the context of the balancing exercises under the heritage chapter of the NPPF, or as material considerations under section 38(6) of the Planning and Compulsory Purchase Act 2004.
47. In the end, it is this locational imperative – delivering this scheme **in this place** – which is the point of overwhelming importance at this inquiry.
48. And not only in this place, but at **this time**. The scheme’s importance is elevated by our moment in history. It is moment of transition, rapidly moving between lived and historical memory. This inquiry had the unforgettable privilege of hearing from several survivors of the Holocaust and their families. In a sense, it was the advent of the current (albeit discreet) Holocaust memorial in Hyde Park in 1983 which heralded a new era of teaching and learning about the Holocaust in this country which has been based around survivor testimony. As we have all experienced over the course of this inquiry, that testimony can be of immeasurable power. But almost four decades on, that era is ending. It will be the task and the privilege of the applicant’s world-class team to preserve the voices of survivors to be heard by our children, and their children. And as we have heard, it is a task that team is ready to meet.

49. Finally, the attempt to weigh public benefits in a heritage balance in Dr Gerhold's evidence was totally misguided. To be clear: it would be legally unsafe for the Inspector to follow Dr Gerhold's approach. The propositions on which it rests were crystallised in cross-examination (e.g. that (a) if the site is not uniquely prominent, its degree of prominence is irrelevant, or that (b) unless the link between Parliament and the scheme is necessary then any benefits associated with that link do not exist). Those propositions have no support in any authority – in policy, the decisions of the High Court, the Secretary of State or other Planning Inspectors, or anywhere else. I asked Dr Gerhold whether he had any authority for the propositions which underly his approach. He had none.

Conclusion

50. We end as we began – by recalling the momentous events on the floor of the House of Commons, only steps from the appeal site, which shaped Britain's response to the Holocaust.

51. At 8.15pm on 21st November 1938,⁴⁸ almost exactly 82 years ago, Philip Noel-Baker MP rose on the floor of the House of Commons. He described the requirements of a coordinated and effective scheme for dealing with the flood of refugees including 10,000 Jewish children, and then he said:

⁴⁸ LftR Rebuttal Appendix 2 [CD9.13], from p.47 / 207.

“I think [those steps] might in some measure stay the tyrant's hand in Germany by the means I have suggested. Certainly they can gather the resources, human and material, that are needed to make a new life for this pitiful human wreckage. That wreckage is the result of the mistakes made by all the Governments during the last 20 years. Let the Governments now atone for those mistakes. The refugees have surely endured enough. Dr. Goebbels said the other day that he hoped the outside world would soon forget the German Jews. He hopes in vain. His campaign against them will go down in history with St. Batholomew's Eve as a lasting memory of human shame. Let there go with it another memory, the memory of what the other nations did to wipe the shame away.”

52. Telling the complicated story of Britain's response to the Holocaust only steps from where those words were spoken makes this scheme not just prominent, not just striking, not just iconic, and not just internationally significant. It makes it unique.
53. Finally, we strongly associate ourselves with Mr Lewis's comment in his closings that the Inspector and the team at PINS are to be thanked for the smooth and efficient running of what has been a quite unforgettable planning inquiry in totally unprecedented circumstances. PINS has made it all *appear* seamless, but the work behind the scenes to make it look that way has obviously been enormous. Thank you.
54. In the end, LftR joins with the applicant in asking the Inspector to recommend that planning permission for the UK Holocaust Memorial and Learning Centre be granted.

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13th NOVEMBER 2020

APPENDIX

Excerpts from the evidence on the importance of the scheme's location

1. Adrian Packer CBE called the site “*the only place fitting of the magnitude of our project’s ambition and its importance to shaping modern British society*”.⁴⁹

2. Mr Barkow explained that:⁵⁰

“It is wholly appropriate to locate Britain’s national reminder of the political and moral dangers posed by genocide, the crime of crimes, next to its seat of political power. As we visit the memorial, we also send a message to Parliament, that we are alert, we are watching, and we will hold our leaders to account.”

3. Dr Toby Simpson, Director of the Wiener Holocaust Library, said:⁵¹

“The Holocaust is widely recognised as the defining event of twentieth century European history, and as the worst and most extreme atrocity perpetrated in the history of human civilisation. In my view, it is fitting for the memorial to be located in a position of the greatest possible prominence to reflect that fact.

The choice of location and design is therefore a difficult challenge to rise to, and in my view the proposal achieves its most important aims. It is sensitive, it is evocative, it is prominent and it is appropriate. I would echo Sir David Adjaye’s view that the chosen location ‘*emphasises [the Memorial’s] importance as a public space in dialogue with its cultural, political and historic surroundings*’.”

⁴⁹ [CD10.42].

⁵⁰ [CD10.59].

⁵¹ [CD10.26].

4. Natasha Kaplinsky said that:⁵²

“The placement of the memorial gives the subject the prominence it most certainly deserves and changing its location, as many of the past speakers seems to promote, would profoundly relegate its significance. The view of Parliament from the Memorial will serve as a permanent reminder that political decisions have far-reaching consequences and highlight the responsibilities of citizens in a democracy to be vigilant and responsive whenever and wherever our core values are threatened.”

5. Kishor Alam said that:⁵³

“Westminster is and should be the place where deeper meanings are pondered and the lessons from the past are considered to help shape the decisions which affect all our futures.

[...]

it has to be in Westminster. It has to be in the most important of places, because the Holocaust, the attempted annihilation of European Jewry was a unique cataclysmic event and the darkest chapter in the history of Western Civilisation. Westminster is and should be the place where deeper meanings are pondered and the lessons from the past are considered to help shape the decisions which affect all our futures.

[...]

It has to be Westminster with the Cenotaph and all the other monuments because the Holocaust Memorial must be seen to be of no less importance – not just an adjunct in a South London Museum that has existed for decades. The Holocaust is distinct from all other conflicts and has to be considered as such by giving it, its own place at the heart of where Government operates today and every day.”

6. Mala Tribich, one of the Holocaust survivors who spoke in favour of the scheme, said that:⁵⁴

“I really believe that a memorial next to Parliament, where vital decisions are made, will help us to learn the vital lessons from the past. What better symbol to remind our Parliamentarians and the wider public of where apathy as well as prejudice and hate can ultimately lead? What better legacy than to have a memorial and a learning centre in which thousands of students and teachers can learn more about the Holocaust? This is an issue

⁵² [CD10.40].

⁵³ [CD10.38].

⁵⁴ [CD10.24].

of the utmost national importance. I would even say, it is an issue of international importance. Britain must lead the way in educating the next generation about the dangers of antisemitism, hatred and racial prejudice. A national memorial, in the shadow of Parliament, will enable not just hundreds of thousands of British students to learn more, but countless other members of the public to do so too.”

7. Rudi Leavor, another of the Holocaust survivors who spoke in support of the scheme said that:⁵⁵

“The siting of the proposed memorial in Victoria Towers Gardens makes a bold statement, which cannot be missed and would proudly stand to expose the shame, depravity and darkness of the Holocaust for as long as the Houses of Parliament will stand.”

8. Eric Murangwa Eugene MBE, a survivor of the 1994 genocide against the Tutsi in Rwanda, said that:⁵⁶

“having a new UK Holocaust Memorial and Learning Centre built at the heart of world’s greatest city and next to the symbol of the home of British democracy will have a huge significance on how the UK and the world at large will remember and learn about the Holocaust and modern Genocides in the future.”

9. Dr Michael Berenbaum said that:⁵⁷

“the proposed site offers an unequalled opportunity to grapple with the history of Great Britain and its values. Placing it anywhere else reduces the power of what it can achieve.”

10. The Archbishop of Canterbury, Justin Welby, said that:⁵⁸

“The proposal for a Holocaust Memorial with a Learning Centre by the Houses of Parliament and across the river from Lambeth Palace provides a symbolic opportunity to present the full story to new generations. It is a story that will not, and cannot be a

⁵⁵ [CD10.2].

⁵⁶ [CD10.21].

⁵⁷ [CD10.45].

⁵⁸ [CD10.43].

comfortable piece of public self-congratulation by the establishment. Rather, it offers an opportunity to learn what we did wrong, as well as celebrating what we did right. Its position by the seat of UK government is a necessary challenge to our national life: that the seeds of such cultural and religious hatred would never be allowed to take root here again. Make no mistake: those seeds were here in the UK too.”

11. As Ellie Olmer said:⁵⁹

“The place from which you remember an event shapes how you remember it - and it has radically different meaning in the place that it’s told. That place, where we are telling the story, Victoria Gardens, Westminster, has immense strategic interest. An energy and dynamism of its own. A place of prominence - and it’s that, that will shape and guide a visitor’s all-embracing experience. This is the heart of British democracy, of the rule of law, of justice and fairness. All roads lead to here. It has unique sense of majesty and power with a proud history of British values. Surely if it’s going to be built anywhere, for purpose, meaning and relevance, this is where it has to be.”

12. As Karen Pollock CBE said:⁶⁰

“its location will send an important message to us all – that the horrors of the past are central to Britain, that what happened during the Holocaust must never be forgotten and never repeated, that the leadership of our nation sees the central place that the Holocaust has on our shared history and identity.”

13. As Stephen Greenberg put it in his oral evidence:

“If you want to tell this story and the story of the Holocaust with other subsequent genocides and the impact of human rights legislation, the Nuremberg trials, all of that and Parliament’s role, the nation’s role in responding, whether it’s Quaker families inviting Kindertransport children into their homes, whether it’s people wanting to intercede on behalf of other people, or Government now deciding that they do or do not want to help, then being there right by Parliament where history is still contested in Parliament Square on a regular basis, having these discussions, having witnesses like we had this morning [...] in that location, having MPs, whether in Hansard or contemporary, in that location, would not be the same down in Potter’s Field, it just wouldn’t. [...] If we want to tackle these issues nationally and centrally then that

⁵⁹ [CD10.55].

⁶⁰ [CD10.56].

is the place to do it in an open-minded way.”

14. As Chief Rabbi Ephraim Mirvis said:

“Locating this particular initiative and development in VTG is an inspirational choice of venue. It is a wonderful location [...] This is a most wonderful location because it is in a prime place of prominence and it is at the heart of our democracy. We want it to be in a prime place of prominence. We want people to know about it [...] We want all of British society to be aware of what transpired to the Jews in the 20th Century not just for the sake of the Jews, for the sake of all of us in the country [...] Locating it in this particular venue will serve as an ongoing reminder to our lawmakers in Parliament that they are accountable to the people and their prime objective always must be the welfare and wellbeing of every single citizen in our society.”

15. As Rob Rinder put it:⁶¹

“The proposed Holocaust memorial stands, some have said, in the looming shadow of our Parliament. That is the wrong way to describe it. The design and position of the monument places neither edifice in darkness. They are precisely positioned to bring light to each other.

The memorial will illuminate the halls of parliament where those exercising political power do their work. And, at the monument itself, each and every one of us, regardless of our background, faith or sexuality, will be able to speak to our representatives through bronze and stone.”

16. As Professor Stuart Foster,⁶² Executive Director at the Centre for Holocaust Education at UCL said:

“Thus, if we believe as a society that learning about and commemorating the Holocaust is profoundly significant, then it follows that the Memorial and Learning Centre should be in a place of immense national and international importance. Thus, locating it in London - the nation’s capital city - and directly adjacent to the iconic Houses of Parliament, has an irresistible appeal. Indeed, if the Memorial and Learning Centre is not placed in such a prominent location it will severely diminish its impact and reach and, inevitably, raise questions about Britain’s commitment to educate about the Holocaust and to memorialise its victims.

⁶¹ [CD10.61].

⁶² [CD10.67].

Secondly, locating the Memorial and Learning Centre right next to the seat of our democratic government powerfully emphasises that as a nation we are prepared to reflect on Britain's relationship with the Holocaust in a candid and honest way – potentially taking pride in its finest moments, but also humbly reflecting on its failures and the devastating effects of its inaction. From this frank and introspective confrontation with its past, the Memorial and Learning Centre will serve as a reminder of the fragility of our democracy and the responsibilities we have to others.”