



London
Gardens Trust

Victoria Tower Gardens

Helen Monger

Director

And

Hal Moggridge

Patron

December 2020

Hello everyone and thank you for coming along today – sit tight whilst I tell you the story of the campaign to protect VTG so far. I want to start by thanking the Gardens Trust for inviting me to speak to you today as the campaign is not yet over and there may be things you can do to help us, even now.

I am joined for this talk by our wonderful patron and an award-winning landscape architect Hal Moggridge who will provide you with some vital information about the clever design intricacies of the site in question and how this was presented at the Planning Inquiry. You will also hear about our battle in the Courts. The two are separate but parallel processes in an endeavour to save this historic public park.



I am Helen Monger. I was appointed as the first Director of the London Gardens Trust. The Trust is a County Gardens Trust affiliated to the Gardens Trust.

As a Trust, we have summarised our purpose in three core Strategic Aims:

Celebrate – Events (including OGSW)

Cultivate – Research supporting our Inventory and

Champion – Responding to Planning Applications.

All our work falls under these headings and is intrinsically linked as will be demonstrated by this case study.

All our work is on possible through the efforts of a number of very committed volunteers who work in groups to deliver our strategic ambitions and bring a wealth of expertise and enthusiasm with them. We also work, as will be seen, with other groups of volunteers, benefactors and donors, without whom this case would never have gained the traction we have needed in the face of the phenomenal resources and levers available to the developers – in this instance Her Majesty’s Government.

Importance of Affiliation to the Gardens Trust

- Historically two separate organisations – Association of County Gardens Trusts and Garden History Society
- 2015 joined forces – Statutory consultee status
- Historic England support and priorities focus on Grade 1 and 2* landscapes

As mentioned, we are proud to be affiliated to the Gardens Trust – this is of vital importance. Working with their support and in partnership, we have the ability to act as a Statutory Consultee in the planning process. This confers a status on the comments that County Gardens Trusts can submit to planning consultations and elevates them beyond a normal comment. **With this case, we were delighted to have the support of the Gardens Trust which enabled us to defend Victoria Tower Gardens with significant authority and challenge advice from other organisations, including Historic England.**

Unusually, for this case, neither the Trust nor the Gardens Trust were ever consulted before the launch of a public consultation which assumed the location of Victoria Tower Gardens was the best choice for this proposal. This is surprising given the statutory consultee status in the planning process and shows an inherent weakness in the scheme's preparation by those involved, as became evident during the planning inquiry.

Where is Victoria Tower Gardens?



Victoria Tower Gardens lies on the banks of the Thames to the south of and immediately adjacent to the Palace of Westminster and Westminster Abbey UNESCO World Heritage Site and to the Palace of Westminster itself, a Grade I listed building. The Gardens are Grade II on the Historic England Register of Parks and Gardens. They form part of the Westminster Abbey and Parliament Square Conservation Area.

Smith Square Conservation Area lies immediately to the west of the Gardens and includes St John's Smith Square church (Grade I listed), visible from the Buxton Memorial in Victoria Tower Gardens.

Buxton Monument – emancipation of Slavery - Grade 2* + Grade 1 Rodin Burghers of Calais

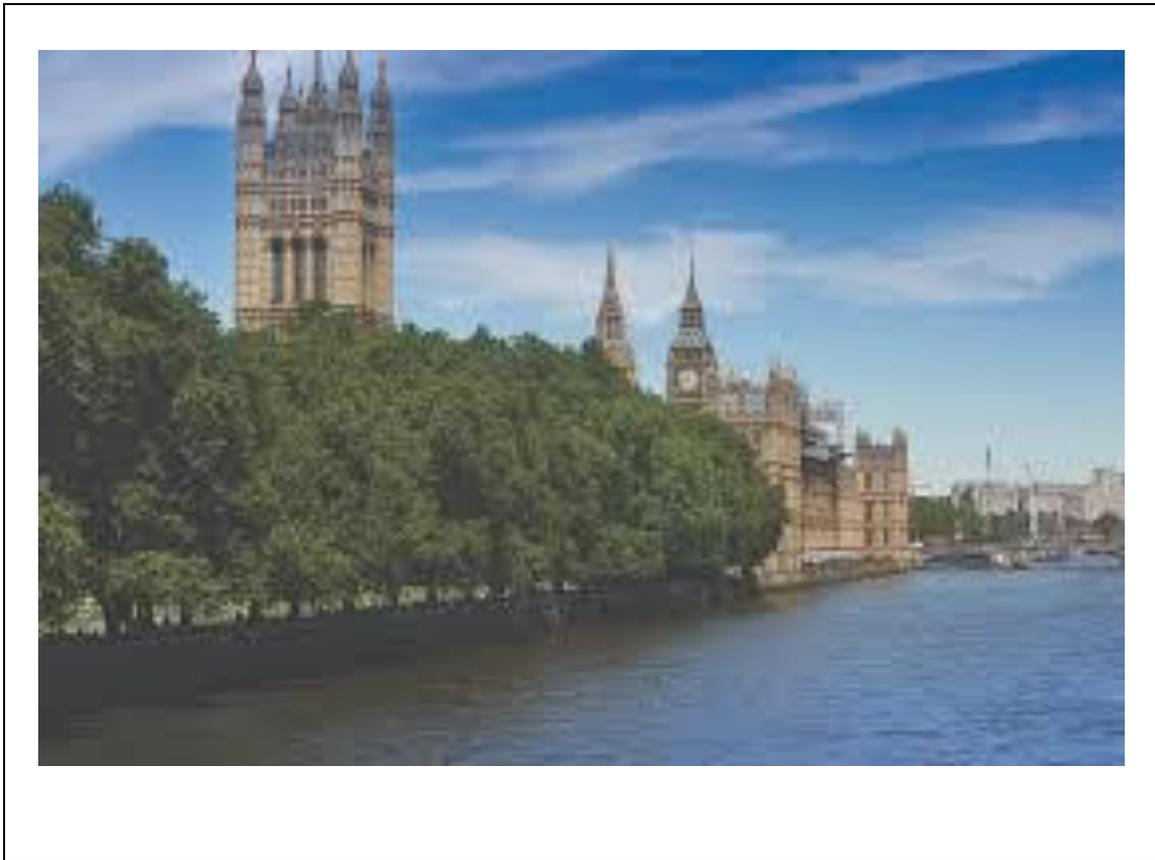


Within Victoria Tower Gardens there are also a number of statutory listed buildings: Rodin's Burghers of Calais (Grade I), the Buxton Memorial Fountain which I previously mentioned (Grade II*) and the Emmeline and Christabel Pankhurst Memorial (Grade II*).

River Wall – also part of the vital setting.

The surrounding area has an extremely large and diverse range of buildings dating from the twelfth century to modern times.; however, buildings of all eras and styles contribute to its character.

Also, the Spicer Monument and the Playground



View of the setting – Houses of Parliament with Victoria Tower Gardens. The majority of the buildings within the Conservation Area are also listed and other designated heritage assets in the vicinity include: Lambeth Bridge (Grade II listed), Victoria Tower Lodge and Gates to Black Rod Garden (Grade I listed), Northwest House, Millbank (Grade II listed), The Church Commissioners (Grade II* listed) and on the other side of the river Lambeth Palace (Grade I listed) with its associated Grade 2* gardens.

It is hard to think of a more sensitive area in terms of its cultural, historical and heritage significance.

As an aside to this case - Lambeth Palace and Gardens now form the backdrop to another planning inquiry the Trust is currently involved with, as I speak, at 8 Albert Embankment.

Note also that on either side of the park are substantial London Plane Trees which form an integral part of the parkland and the subject of Root Protection Zones which were also much discussed at the Planning Inquiry.

David Adjaye winning design - Oct 2017



The proposal for a UK Holocaust Memorial was first announced in January 2015 in the then Prime Minister, David Cameron's, Holocaust Commission Report "Britain's Promise to Remember". The report stated 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." In January 2016, the then Prime Minister (David Cameron) further announced that "this memorial will be built in Victoria Tower Gardens".

A design competition was launched in September 2016 and in October 2017 it was announced that Adjaye Associates, Ron Arad Architects and the landscape architects Gustafson Porter + Bowman had been selected to design the new Holocaust Memorial and (by now) the added Learning Centre to be located in Victoria Tower Gardens.

Start of Campaign

- Statement of Significance through CGT research
- Partnerships
- Communications and persistent lobbying

Research

From the outset it was important that the Trust was clear on its' remit within the many criticisms being levelled at the scheme. Ruth Holmes, our then Chair, had undertaken detailed research into the history of the site whilst working at The Royal Parks.

Sally Prothero, our Chair of the Planning Committee brought the research together to create a Statement of Significance. Sally applied the Historic England Conservation Principles to assess the values attributable to the site; in particular:

Evidential values: the potential of a place to yield evidence about past human activity.

Historical values: the ways in which past people, events and aspects of life can be connected through a place to the present.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

Ref: <https://historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesandguidanceapril08web/>

This Statement of Significance produced through our expert volunteer research proved essential to the case and was referred to many times during the Planning Inquiry.

Partnerships

Early on, the Trust was approached by a group of committed local activists equally concerned about these proposals and what this would do to their park.

It was plain that we would need to work together in partnership – each bringing different skills. We held a meeting where other amenity societies were also invited. Present at that initial meeting were:

SVTG

TTIS

And the Victorian Society – but at that point felt that this was not a case they felt passionately about.

Getting other people involved proved absolutely critical for funding, media coverage and to persuade people to hear an alternative view, showing that this was not just a local concern but had far wider ramifications.

Communications

Very early on, the group decided that a petition was insufficient and to win this involved getting individuals to write. A template with guidance on a variety of angles for objections was produced by the SVTG Campaign, alongside easy tips on how to submit concerns through the Planning Portal at critical moments.

A petition ran alongside which later proved a good communication tool – but one of the core strengths throughout the campaign was guiding others on how to object on valid planning grounds whilst leaving them free to focus on their areas of interest and expertise.

The success of the communication meant that Westminster City Council had never received so many responses. It led to the Applicant (MHCLG via UK Holocaust Memorial Foundation) stepping up a gear and enrolling a PR company to secure standardised ‘postcards’ to offset the objectors. One of the scandals of this case, was that the PR company was then able to bulk load objections onto the planning portal.

When does an application go to a Planning Inquiry?

- Normal procedure LPA determines application*

*In London most Major cases need also to be ratified by the GLA

But...

- The Government launched an Appeal before a planning decision had been made.

The first hurdle in any application is persuading the Local Planning Authority (LPA) to refuse planning permission. And in London for major applications there is usually a further step involving of the Mayor of London.

The Mayor, Sadiq Khan had come out publicly before Westminster City Council had considered the case in support of the scheme – probably keen to disassociate himself from the then leadership of Jeremy Corbyn and the arguments over anti-Semitism.

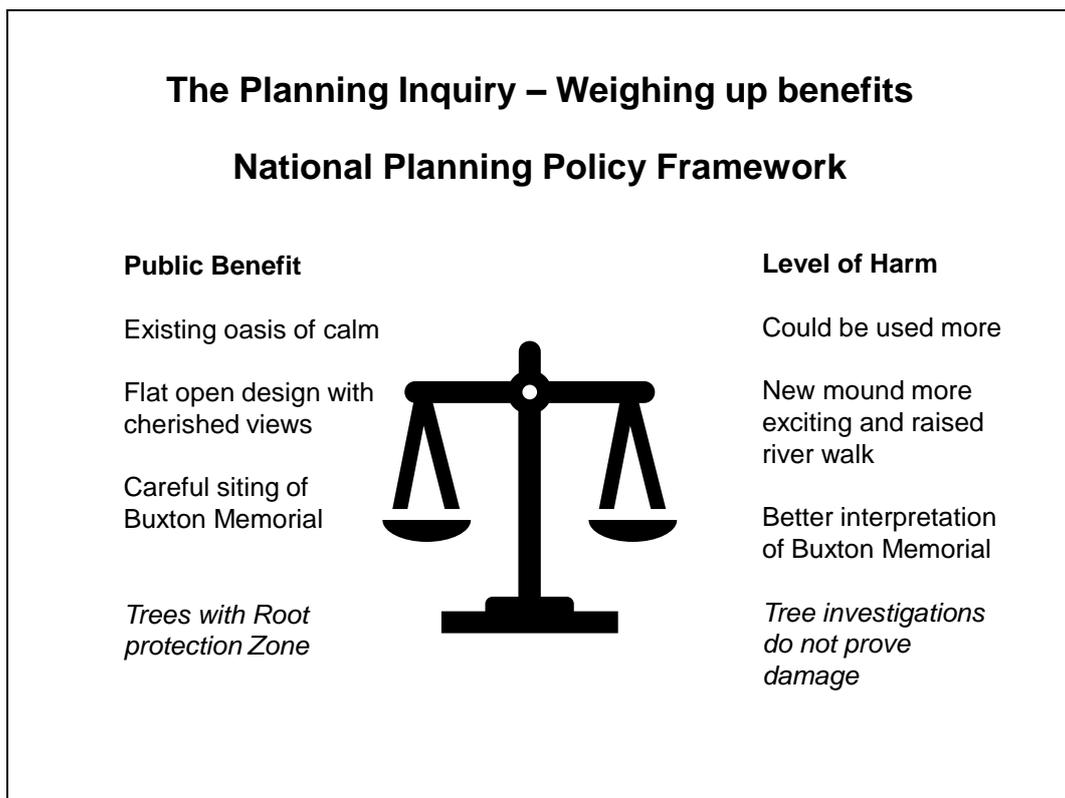
The Application was validated in December 2018 – nearly a year later...

As the last item before the Government was dissolved for the 2019 general election, the Secretary of State pre-empted Westminster City Council Planning Committee's decision and called-it in for a Planning Inquiry, on the basis that this was of National Importance.

During the election all Conservative MPs campaigned on a Manifesto Commitment on page 53 to "Build the UK National Holocaust Memorial Gardens as planned".

After the General Election, in early February 2020 the Westminster City Council Planning Committee met to consider how they wished to determine this case. On the eve of that decision, the Secretary of State announced in the press that he was "implacably committed to this scheme".

Westminster City Council live-streamed their discussion; and there were 3 filled rooms at the Council offices occupied by concerned people, such was the interest. The Councillors unanimously decided to refuse the planning application. This was a critical point – had this not happened it is likely the Planning Inquiry would have been withdrawn.



It is important at all times that I repeat and emphasise that the Trust and all the objectors it worked with were **not** opposed to the principle of establishing a memorial to the horrors of the holocaust. There is also no doubt that offering a learning centre that informs many people of this manifestly terrible crime on humanity would be a public benefit.

It was always the choice of location and the design for such a monument that was the focus of the objection.

A Planning Inquiry must consider the weight to be given to a variety of different competing claims on the basis of sustainable development set out in the National Planning Policy Framework (NPPF).

By way of background – those arguments for the Trust focussed on

para. 194 of NPPF – namely that a Grade II Registered Park and Garden is a heritage asset in its own right, so causing any harm requires a “clear and convincing justification”

para. 97 of NPPF – the presumption is that a Public Park, as an area of “existing open space” should not be built on unless specific criteria are satisfied, none of which applied in this case.

Other Case law and precedent... was also referred to – in particular, the Bedford case and what the legal definition “substantial harm” means.



Other Legal Matters

Judicial Review

Matters of Principle relating to:

- Establishing legal certainty
- Apparent conflict of interest;
- Appropriate Delegation to Junior Minister;
- ministerial code and conflict with cabinet responsibility

Handling Arrangements

The Decision Maker for most planning inquiries is the Secretary of State at the Ministry for Housing Communities and Local Government (MHCLG) who bases his/her decision on the recommendations of a Planning Inspector.

However, in this instance, the Applicant or Developer is the very same SoS at MHCLG – currently The Honourable Mr Robert Jenrick MP

This clearly gives rise to a conflict of interest. The same could be said where a Local Authority proposed a community centre on a park and then decided on it without recourse to an alternative authority.

In early March 2020 – I attended a pre-hearing meeting with the Planning Inspector. This was to prove the last physical meeting, as Covid-19 restrictions came into effect the following week and caused substantial delay. At that pre-hearing meeting, the Government announced edited extracts from its 'handling arrangements' around the separation between the Applicant and the Decision-maker. These were only released following pressure by fellow objectors. To avoid conflict the proposed arrangement was for the SoS to delegate the decision to his Junior Minister – the Minister for Housing.

The Covid-19 delay proved fortuitous in that it gave time for the Trust to pursue legal action. I did not consider the delegation to a Junior Minister within MHCLG (the Right Hon. Christopher Pincher MP) provided sufficient separation. With the assistance of anonymous benefactors, the Trust was able to submit a case to the High Court within the required time – no more than 6 weeks from the concerns arising.

In early September 2020 the High Court held a one-and-a-half-day hearing where the London Historic Parks & Gardens Trust challenged the MHCLG. The judgment partially supported the Trust's criticisms – in particular:

The Government's failure to publish in a timely way how they would handle the conflict of interest and

That the existing handling arrangements failed to explain how they would protect the Minister from Housing from undue influence in particular absolving them of the Ministerial Code relating to 'collective cabinet responsibility'

Accumulative Development



Field and Mawson temporary structure – 5 years planning permission

The Trust is Awaiting:

Recommendation of Planning Inspector – he has until end of April to make recommendation

Waiting to hear from the Court of Appeal – may even go to the Supreme Court

Existing inappropriate 'temporary' development and attempting to reverse incremental change – Unforgettable Gardens are permanently vulnerable.

What you can do now?

- Write to your MPs
- Donate to our Crowdfunder Campaign:
<https://www.crowdfunder.com/case/victoria-tower-gardens/>
- Volunteer

If sign up to Crowdfunder or become member of LGT will get regular updates on progress.



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Demonstrated the value of Garden History research and its importance in weighing up the harm and public benefits

Secured funding - in excess of £10,000 raised though desperately need more!

Featured in many major newspapers, Private Eye and on TV and Radio news as a key player.

Making new connections and demonstrating the importance of the Gardens Trust movement to defend vulnerable historic parks and landscapes!