

Holocaust Memorial planning proposal: “Right idea, wrong place”?

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In July last year, the Secretary of State granted permission for a permanent Holocaust memorial in Victoria Tower Gardens, a Grade II-listed green space next to Westminster Abbey and the Palace of Westminster. This was following a public inquiry into Westminster City Council’s initial refusal in November 2019, and the recommendations of the planning inspector.

The memorial was due to open in July 2024 and was set to include 23 bronze fins and an underground learning centre. It was to be a place for national remembrance of the six million Jewish people murdered in the Holocaust.

In early April 2022, planning permission was quashed by the High Court after a legal challenge was brought by The London Historic Parks and Gardens Trust and supported by a number of other high-profile organisations and individuals, including the former Archbishop of Canterbury Rowan Williams. Their case was based on section 8 of the London County Council (Improvements) Act 1900, which imposes an enduring obligation to retain Victoria Tower Gardens as a public garden. It was also argued that the development would negatively impact other monuments in the park, harm trees and pose a flood risk. Justice Thornton also refused the government permission to appeal against her judgment.

Helen Monger, director of the Trust, described the ruling as a “major boost for the protection of London parks at a time when they’ve never been more valued by the public”, adding this comment: “The High Court has given the government a welcome chance to reflect and reconsider the best site for a fitting Holocaust Memorial which the UK deserves, without tearing up historic protections for our parks”.

Around £75m of public money has already been put towards the memorial’s construction costs, and a further £25m was due to be raised via private sources. Many people, including the Chief Executive of the Holocaust Educational Trust and the UK’s Chief Rabbi have expressed shock and disappointment at the ruling and have said the possible educational impact of having a memorial “next to the seat of our country’s democracy” significantly outweighs any planning objections.

The high-profile ruling overturning the ministerial approval goes to show why planning decision-makers cannot ignore statutes that sit outside planning legislation, and reminds them to give equal weight to all submissions. The government has now applied to the Court of Appeal to hear the case. The court will have to decide whether to hear the case, or whether it agrees with Justice Thornton that there is no realistic prospect of success.