

240/80

CONFIDENTIAL

238/8

E.R.

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R9283

MR IRVINE
Department of the Environment

- cc PS/Secretary of State
- PS/Mr Scott (L&B)
- PS/Mr Patten (L&B)
- PS/PUS (L&B)
- PS/Sir Ewart Bell ✓
- Mr Armstrong
- Mr Buxton
- Mr Merifield
- Mr Gilliland
- Mr McClelland
- Mr Reeve
- Mr Radcliffe
- Mr Coulson
- Mr J Beckett
- Mr Davidson
- Mr Mackenzie
- Mr W A Bloomfield
- Mr S G Hewitt

Mr [unclear]

*We will [unclear]
hear more of this!*

*① Sir Ewart Bell 19/8
② Mr [unclear]*



WALKERS MONUMENT

Mr Clement kindly copied to me his minute to you of 25 July on this topic, with a request for comments.

The Case against Rebuilding

2. Before the Apprentice Boys are told that your Department proposes to grant planning permission for the reinstatement of Walker's Monument, I recommend that we should inform Ministers of the latest state of play and seek their agreement to the way in which we intend to proceed. A submission to Ministers on the subject of Walker's Monument must clearly cover all the NIO interests and I set these out below for your information. I should be happy for you to draw on this material as you see fit.

3. There can be no doubt that the reinstatement of this huge obelisk on the walls overlooking the Bogside and the event which it is intended to commemorate would make it a focus of considerable sectarian feeling. Political attitudes in Londonderry have improved greatly in the last few years but recent events have demonstrated that the city remains peculiarly sensitive to sectarian nuances and we know from our contacts with both sides of the community that their attitudes on issues of this kind are

becoming increasingly polarised. The re-erection of the Monument on its original site would be seen as an act of provocation by members of the minority community and is likely to have a serious and lasting effect on community relations.

4. At the same time, there are powerful security considerations. The Monument was blown up in 1973 because it was seen as a symbol of Loyalist domination and we could therefore expect the Provisional IRA to try to prevent its reconstruction either through intimidation of the workforce or by physical attacks on the site. Even if the Monument were eventually rebuilt, it would undoubtedly become a target for the terrorists. The Monument would therefore present a considerable security headache for the RUC both during its reconstruction and after it was rebuilt. Whilst the Chief Constable is obliged to take every possible measure within the limits of his resources to safeguard lives and protect property which is at particular risk, such measures can never guarantee success against a determined and surprise attack. More importantly, it is the view of the RUC that the reinstatement of Walker's Monument would heighten tension in Londonderry and make their task of policing the city far more difficult. On the other hand, we recognise that the Monument has great symbolic effect amongst the Loyalist population of the City and that the Apprentice Boys, in particular, would regard any attempt by Government to prevent its reinstatement as a victory for the terrorists.

5. On balance, however, the political and security arguments in Northern Ireland point against the reconstruction of the Monument. We must also remember that Members of Parliament and opinion in Great Britain might become aware of any decision to allow the rebuilding of the Monument, and the political repercussions might not be confined to Northern Ireland.

6. You have explained to me on earlier papers that none of this ought really to count against the preservation of the purity of the planning process. No doubt you will explain exactly why

E.R.

this is so in the submission to Ministers that I suggest in paragraph 2 above. However, if planning permission is granted, we have considered how best we could try to handle the problem, and we propose that it should be done as follows.

The Handling of Reinstatement

7. The granting of planning permission will reopen the compensation claim lodged by the Apprentice Boys against the Northern Ireland Office. At the moment, this claim stands adjourned at the applicant's request pending a decision on planning permission. Our standing offer of compensation amounts to £42,000 and is based on the estimated cost of demolishing the remains of the Monument, clearing the site and erecting a new stone plinth and memorial plaque of modest proportions. Armed with planning permission the Apprentice Boys can be expected to seek a settlement at a very much higher figure based on the cost of rebuilding the Monument in accordance with the building specifications in the planning application. This would mean a column of re-enforced concrete, clad with fluted sandstone (100 mm thick), which is a much more costly proposition than an earlier design using only modern materials which was the basis of previous compensation negotiations and costed at about £175,000. However, when the claim is relisted for the Court we intend to let Counsel for the applicant know that we will vigorously oppose payment of compensation based on the full cost of reinstatement on the grounds that this was unreasonable. Reference would also be made to other potential rebuilding difficulties such as piling and security problems as a means of discouraging the restoration of the column. The aim would be to negotiate an out-of-court settlement up to the limit of what we regard as reasonable which would be pitched at a level well short of what is needed to rebuild the monument, yet attractive enough to encourage them to accept, and so avoid the uncertainty of how a court might rule in this case.

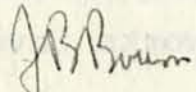
8. It is therefore essential that when the Apprentice Boys are told that planning permission has been granted they are simultaneously informed of the need to seek the approval of the Department of the Environment to the actual building works involved

E.R.

in reconstruction. We know that more moderate members of the Apprentice Boys fully appreciate the political and security implications of rebuilding the Monument and would be happy to use whatever compensation they can obtain to finance some less controversial project, such as rebuilding the Orange Hall. If their view prevails, we will obtain a solution to this problem which will defuse a potentially emotive issue and will enable us to settle the compensation claim at an acceptable cost to public funds.

9. Nevertheless, I think we must warn Ministers of the possibility that the Apprentice Boys may find a way of reconstructing the Monument which overcomes the piling difficulties. If they are able to do so, it will become extremely difficult to prevent reconstruction work from proceeding. For their part, the RUC would be very reluctant to be put in the position where they might have to object to the building work on security grounds because this would expose them to accusations of being unable to unwilling to protect private property in the City. At the same time, I cannot see how Ministers could possibly intervene once all the various planning obstacles and other practical difficulties had been overcome. We would find ourselves in an altogether different situation and one which would need very careful consideration.

10. Finally, Mr Clement proposes that an announcement of the DOE's decision to grant planning permission should be made by the Divisional Planning Officer at a meeting of Londonderry City Council in early September. If it is decided that this is indeed the most appropriate way of making the announcement, I hope the Planning Officer will make it absolutely clear that there are potential building difficulties and that the granting of planning permission does not automatically mean that reinstatement will take place. This is essential if we are to avoid a hardening of attitudes on this emotive issue. Subject to all these points I am happy with the draft letter Mr Clement proposes to send to the Apprentice Boys.



J B BOURN
DUS(B)