

*Re: The Rustat Memorial, Jesus College Cambridge, [\[2022\] ECC Ely 2](#).*

[130]. In cross-examination, the Dean accepted that he was not aware of any efforts to correct these misstatements, explaining that this was because the emails had been sent to the Registry and not to the College. Mr Hill submitted that: (1) the students are not the petitioners, and their emails form no part of the College's case; and (2) the LSWP's recommendation to relocate the memorial to an interpretative space, and the College Council's decision to pursue this course of action, both pre-date these emails. However, Mr Gau is right to point out that the College should not have allowed a false narrative about Rustat to spread unchecked; and if the College did not know that this was happening, then it cannot be as much in touch with, or receptive to, the views of its students as it claims. But the points made by the Dean, and Mr Hill, also fail to meet the over-arching objection to the College's case that the College cannot properly seek to justify harm to the significance of a Grade I listed building by reliance upon considerations of pastoral well-being and lost opportunities for mission if those considerations are founded upon false understandings, whatever their source, which the College has taken no reasonable, or appropriate, steps to identify, address and correct. In such circumstances, the College cannot sensibly demonstrate that the removal of the memorial is necessary to enable the Chapel to play its proper role in providing a credible Christian ministry and witness to the College community, or for it to act as a focus for secular activities and events in the wider life of the College. As a result, the College has failed to satisfy me that the public benefit, in terms of pastoral well-being and opportunities for worship and mission, of removing the memorial would substantially outweigh the notable or considerable harm that would result to the significance of this Grade I listed college chapel as a building of special architectural and historic interest.