

1. Introduction

1. Painshill Park is a 158 acre Grade 1 registered English Landscape Garden with two Grade 1* and seven Grade 1 listed Garden Buildings. It is a jewel of England's heritage and is today recognized, as it was in the 18th Century, as one of the most outstanding examples of an art form in which England led the world. It is much the most important Heritage Asset covered by the DCO and its patron is HRH The Prince of Wales.
2. Since 1939 Painshill had been neglected and vandalized and had become a ruin. In 1981 Painshill Park Trust was formed to restore it. After 38 years, supported by many millions of pounds of public and charitable money, the restoration of Painshill is nearing completion.

2. Negotiation with Highways England

1. In late 2017 Highways England published their intention to widen the A3 as part of their plans for changes to Junction 10 of the M25. Unfortunately, these plans were based on information about Painshill which was more than 40 years out of date, before the restoration had begun, and would have caused irreparable damage to the landscape.
2. Collaborative discussions with Highways England and their consultants, Atkins, throughout 2018 eventually resulted in satisfactory proposals which minimized the damage to Painshill. Throughout these discussions, the Trust received assurances that its access onto the A3 at the western end of the park would either be retained or replaced by a separate access track. It was recognized that this access was necessary for the next phase of Painshill's restoration as well as the maintenance of the western end of the park and the safety of the Gothic Tower, the Temple of Bacchus and of the increasing number of visitors to that part of Painshill.
3. For example, at a meeting between Highways England, Atkins and the Trust on November 15th 2018 it was minuted that "assurances were given that the Trust will be able to use the access road for emergency purposes and for service vehicles working at the western end of the park".

4. In April 2019 the Trust was surprised to find that the provision for access at the western end of the park had been removed.
5. At a meeting with Highways England on 29th July 2019 it was minuted that the Project Manager “confirmed that although there is no technical reason why the access route could not be extended, this had not been included within the DCO submission because due to pressure on Highways England time had run out....”. It had been agreed that “the feasibility of providing an alternative access between chainage 3800 to 4150 would need to be looked at...” An appointment was made for a surveyor to attend the site but later cancelled. So far as the Trust is aware no further action has been taken.

3. Why the access is needed.

1. Painshill is more than one mile from east to west and the only vehicular access is at the eastern end of the park. This is through the trade entrance and along a single-track path mainly used by visitors on foot. There are no other means of getting from the east to the west of Painshill.
2. The path is not suitable for service or emergency vehicles. It is narrow, winding, with steep climbs and descents and overhung by low branches which make it difficult for high sided vehicles. There are gates to be opened and at busy times it is used by significant numbers of pedestrians, putting them in danger and further increasing the time needed to reach an emergency.
3. In a recent trial by emergency services it took approximately 15 minutes for a fire engine to reach the Gothic Tower and that at a time when few visitors were using the path.
4. In an emergency, access to the western end of Painshill is needed to evacuate visitors, for ambulances and fire fighting vehicles to get to the buildings, particularly the Grade 11* Gothic Tower and the Temple of Bacchus, in the event of a fire and to save those visiting or living in the buildings.
5. The Trust also needs to use this entrance for service vehicles in the next stage of its restoration programme and for landscape maintenance.

6. On completion of the Temple of Bacchus, the entrance will be needed for service vehicles to support occasional events in the buildings and the landscape. These events will be designed to supplement the income of the Trust which is not yet financially self-sustaining.
7. Visitor numbers are increasing fast. Last year 120,000 people visited Painshill. This year visitor numbers are increasing by about 20% with a short-term target to attract 150,000 visitors each year. An increasing proportion of these visitors are visiting the western end of the park as the restoration programme concentrates on that area. In a medical emergency it could be difficult for an ambulance to get to that end of the park and the use of helicopters is precluded by trees, electric pylons and wires.
8. The Gothic Tower was gutted by fire in the past and has been completely restored by the Trust. It has five storeys served by a single spiral staircase. There is currently a public lavatory on the ground floor, a café on the first floor and a display area on the second. There is a viewing platform at the top. Up to four years ago the Tower was lived in by a member of the Trust's staff. We expect to use it as living accommodation again either for staff or holiday lets to supplement the Trust's income.
9. Other than in an emergency, the Trust's need to use the western entrance will be comparatively infrequent, perhaps once or twice a month. It will not be used as an entry for the public.
10. There is no other vehicular access to the landscape. We understand that the emergency services are under the impression that the main car park entrance is a second point of entry. That is incorrect. Not only is that entrance secured by a raised drawbridge when the park is closed, there is no access at any time to any part of the park from it for a vehicle larger than a small buggy.

4. The National Networks National Policy Statement

1. The National Networks National Policy Statement sets out the need for, and the Government's policies to deliver, development of

nationally significant infrastructure projects on the national road and rail networks in England.

2. In the section headed “The Historic Environment”, paragraph 5.131 states, in part: “When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset’s conservation. The more important the asset, the greater the weight should be. Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification.... Substantial harm to or loss of designated assets of the highest significance, including... Grade 1* Listed Buildings ... grade 1 Registered Parks and Gardens should be wholly exceptional”. Painshill Park is a Grade 1 Registered Park and Garden and the Gothic Tower, the building most affected, is a grade 11* Listed Building.
3. Paragraph 5.132 states: “Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development.
4. Paragraph 5.133 states: “Where the proposed development will lead to substantial harm to ... a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm....”.
5. Trustees of Painshill Park Trust believe that a proposal that restricts its ability to restore and maintain the western end of the landscape and which puts the buildings, the people using and living in them and our visitors at increased risk does represent substantial harm.
6. The proposed development in question is not the widening of the A3. It is the last-minute decision, after a year of assurances to the contrary, that the western entrance to Painshill should be closed, when Highways England have clearly stated that the only reason for doing so was lack of time and that there was no technical reason why the access track could not be extended for 400 metres to allow the entrance to be retained.

5. Conclusion

1. Painshill is recognized as one of the greatest gardens in England and a jewel of the nation's heritage. It is by far the most important heritage asset affected by the DCO. It seems inconceivable that the maintenance and restoration of this national treasure should be made more difficult and the safety of the buildings and people at the west end of the landscape should be put at increased risk solely because Highways England has run out of time. All that is required is the extension of the planned access track for an additional 400 metres.
2. The Trustees of Painshill Park Trust hope that they can work together with Highways England to agree a means of correcting this while preserving the security of the other properties using the track, especially the Girl Guides. We are sure that with good will this could be achieved quickly.

Richard Reay-Smith, DL
Chairman, Painshill Park Trust

14th November 2019