

Painshill Park Trust

Response to the Examining Authority's Question 1.12.1

Q1.12.1. Please explain what you consider the effects on visitor safety and the visitor experience of Painshill Park as a result of the Proposed Development would be, in particular, affected by the loss of the western access onto the A3 without a replacement access track being provided.

Response

The safety and experience of visitors to Painshill would be affected by the closure of the western entrance in three ways:

- The delay and difficulty which the emergency services would experience in getting to the western end of the park in the event of fire or medical emergency.
- The consequent effect on the cost and availability of insurance cover of the landscape, buildings and public liability at the western end of the park, leading at best to substantially increased insurance premiums and at worst to the closing of a substantial portion of the landscape and listed buildings.
- The delay and difficulty of getting service vehicles to the west end of the park to support the maintenance of the landscape and buildings and to permit the next phase of the Trust's restoration programme.

All these points had been satisfactorily resolved in discussions over many months with Highways England and are referred to in the Trust's Response to Highways England's Targeted Non-Statutory Consultation on 4th December 2018, (Appendix 1). It was particularly disappointing that, when the Pre-application Consultation was published, the design changes which had previously been agreed were reversed without notice.

Emergency Services

The Trustees believe that the Emergency Services and Highways England have misunderstood the circumstances at Painshill and so have seriously

underestimated the risk to its visitors. This is true both now and in the future when we expect many more visitors to Painshill.

Painshill is a 158 acre, Grade 1 registered landscape garden which measures over a mile from east to west. Other than the entrance at the west end of the landscape, which Highways England proposes should be permanently closed, the only vehicular entrance to the whole landscape is through the trade entrance at the eastern end. This is through a locked gate onto a single-tracked path which is narrow and rough towards the western end with low overhanging branches, steep climbs and descents and sharp corners. From the entrance to the Temple of Bacchus it measures approximately 1 mile, (1.61 kilometres), to the Grade 11* listed Gothic Tower 1.25 miles (2.01 kilometres) and 1.58 miles (2.54 kilometres) to the Grade 11 listed Waterwheel.

The attached email dated 19th November 2019, (Appendix 2), from the Assistant Group Commander, Surrey Fire and Rescue Service sets out in the bullet points of the second paragraph “the factors that influenced my decision with regard to access and fire risk...”. A number of them are wrong:

Bullet point 1. The Gothic Tower cannot be accessed by a fire appliance through the main entrance. There is no vehicular access to the park from the main entrance to Painshill. Other than the western entrance, the only vehicular access is through the locked trade entrance.

Bullet point 2. The Gothic Tower is a “sleeping risk”. It has been gutted by fire in the past. It has been used for many years as living accommodation for staff to supplement the Trust’s income and provide security at the west end of the landscape and it is intended that it should be again.

Bullet point 10. This is particularly worrying. There is no access to the park through the main entrance. There is an entrance through the locked gate at the trade entrance but in the event of the park being closed or the telephone not being attended, the only entrance for emergency vehicles is through the western entrance, to which they have a key.

The third paragraph states that the risk of fire and to life is low. The points listed above call that judgement into question. However it does state that “if a safe junction could be incorporated into the new plan we would support that...”. We have the confirmation of the Project Manager that there is no technical reason why the access path should not be extended to provide a safe entrance and the only reason why it was not proposed was that Highways England ran out of time.

We note that there is no assessment of the ability of an ambulance to get to the west end of the park. Ambulances have been called to Painshill three times in the last year.

The threat to Insurance Cover

The attached expert assessment, (Appendix 3), assesses the threat that the closing of the western entrance poses to the Trust's insurance cover. The withdrawal of insurance cover from the west end of the park, forcing the permanent closure of a substantial portion of a Grade 1 registered landscape is unthinkable.

The best-case scenario of a substantial increase in premium is almost equally threatening. Painshill Park Trust has no endowment capital and in its 39 years of existence has never broken even. In the past, it has been able to rely on the support of public or private benefactors. That support is no longer available and it now has to make itself financially self-sustaining. To do so next year will prove a challenge. A development of this kind could be the straw that breaks the camel's back. In that event one of the foremost gardens in England would be lost to the public.

If the western part of the landscape were to be closed to the public, Charles Hamilton's original design would be compromised and the visitor's experience substantially impoverished. Several of the most striking and iconic of the original buildings would be lost.

Restoration and Management

The next phase of the Trust's programme to restore the landscape and buildings concentrates on the west end of the park and will include a £400,000 reconstruction of the interior of the Temple of Bacchus, the refacing to the Gothic Tower, completion of the Hermitage, timber harvesting and major works to the landscape and river bank close to the Waterwheel. There is also a continuous programme over many years of felling and planting to open up Hamilton's original views and restore Hamilton's original tree species which were so characteristic of the Alpine Valley.

This will require the regular but infrequent use of large service vehicles to support restoration and management.

Summary

Painshill is one of the very few remaining examples of an 18th Century landscape garden and one of the most important. Over the last 39 years at the cost of many millions of pounds, it has been restored from a complete ruin. It is a Grade 1 Registered landscape and contains nine Grade 11* or Grade 11 listed buildings. It is the most important heritage asset covered by this DCO. This year it has been visited by 130,000 visitors, a number which is increasing rapidly.

This response to the Examining Authority's question demonstrates that closing the western entrance of the park would increase the risk faced by the increasing number of visitors to the western part of Painshill. It could at worst mean that part or all the landscape would have to be closed to the public and, for lack of income, once again decline into ruin.

Paragraph 5.133 of the National Networks National Policy Statement states that "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 is necessary in order to deliver substantial benefits that outweigh that loss or harm". The project manager has confirmed that there is no technical reason for the closure other than loss of time to propose an alternative. The alternative is simple, obvious and was incorporated in Highways England's original plan, referred to in Appendix 1.

It is now 250 years since Charles Hamilton completed his work at Painshill. It is unrealistic and impractical to imagine that such an extensive landscape with so many listed buildings could continue to be preserved and maintained far into the future, relying only on one severely restricted access point at its eastern end.

Richard Reay-Smith, DL
Chairman, Painshill Park Trust
17/12/2019

Appendix 1

Painshill Park Trust

Response to Highways England's Targeted Non-Statutory Consultation

Painshill Park Trust welcomes the design changes described in the targeted non-statutory consultation document issued by Highways England, specifically design changes 20, 21 and 22, subject to the assurances given at the recent meeting. These included:

- The Trust will be able to use the local access road close to the Gothic Tower to replace the existing access onto the A3. It will be used for emergency and service vehicles when needed to serve the landscape and buildings at the western end of the landscape.
- The Trust will be able to use the local access road where it crosses Painshill land at the northeastern corner of Painshill. This will replace the existing access off the Painshill roundabout slip road.
- We would ask that there should be a brown sign indicating the exit for Painshill at M25 Junction 10 in both directions.

These changed plans and the provision of a low noise surface on the A3 go a long way to mitigate the damage and the impact on the landscape that would have been caused by the original plans

Highways England's Environment Strategy Aspiration is "a strategic road network working more harmoniously with its surroundings to deliver an improved environment". Its Environment Fund has been set up with six objectives of which three are noise, landscape and cultural heritage.

The area around the Gothic Tower, (Grade 11* Listed, which puts it in the top 5% of all listed buildings), the Temple of Bacchus and the Elysian Plain is particularly sensitive to noise. It contains these two iconic buildings, is closest to the road and suffers the most noise pollution. This seriously reduces the enjoyment of the visitor and the filming income on which the Trust increasingly depends. Noise barriers running from the northwest corner of the landscape for approximately 1/3rd of a mile would help to reduce the noise pollution in this area.

The proposed widening of the A3 offers a once in a lifetime opportunity to make a very significant improvement to the landscape and cultural heritage and to correct a flagrant example of official vandalism committed many years ago. A line of electricity pylons and cables

crosses the A3 close to the Gothic Tower with one pylon within thirty meters of this Grade 2 listed building. It then continues south alongside the Alpine Valley. The pylons could be removed and the cables buried as part of the work on the A3. It is difficult to think of a more effective way of meeting Highways England's strategic aspiration and improving both the landscape and our cultural heritage.

In the event that these remaining problems could be satisfactorily resolved, the Trust would be able to provide an area of land, the extent to be agreed, adjacent to the local access road for replacement tree planting.

Richard Reay-Smith
Chairman, Painshill Park Trust
4/12/2018

Appendix 2

From: Tim Readings <tim.readings@surreycc.gov.uk>
Sent: 19 November 2019 19:56
To: Claire Dargle <CDargle@cjassociates.co.uk>
Cc: Mark Stewart <mark.stewart@surreycc.gov.uk>; Christie, Laura <laura.christie@highwaysengland.co.uk>; Michael Downey <MDowney@elmbridge.gov.uk>; Bown, Graham <Graham.Bown@atkingglobal.com>; Wade, Jonathan <Jonathan.Wade@highwaysengland.co.uk>; Osborne, David <David.Osborne@atkingglobal.com>; Savannah Saunders <ssaunders@cjassociates.co.uk>; Mannings, Callum <Callum.Mannings@atkingglobal.com>; Dave Rice <dave.rice@surreycc.gov.uk>; Paul Kenny <paul.kenny@surreycc.gov.uk>; Judith Jenkins <judith.jenkins@surreycc.gov.uk>
Subject: RE: M25 J10 Painshill Park

Good evening Claire et al

We are being pulled in a couple of directions with this matter, Surrey County Council are also asking us to engage with questions around access to the common land from the Ockham Bites car park and to assess the impact of the changes on our ability to get into RHS Wisley. Is there a regular meeting or working group that SFRS could attend that will allow us to contribute in a structured manner? Although our input is smaller than some other parties we would like to engage and be able to keep abreast of the programme as it develops.

Previously the local Borough and Group Commander in Waverley were heavily involved in

the Hindhead Tunnel development and although the risks were very different a similar approach may be beneficial in this case.

Following my site visit to Painshill Park in April the factors that influenced my decision with regard to access and fire risk were as follows:

- The Gothic Tower can be accessed by a fire appliance through Painshill Park via the main entrance
 - This route winds through the park and is not direct
- The Gothic Tower is not a sleeping risk
 - It is noted that the Trustees are considering a change of use, although this has not been actioned
- The Gothic Tower is staffed by familiar users during opening hours and is secured outside those times
- The Gothic Tower has a mains operated fire alarm system
- There is not a heavy fire load in The Gothic Tower
- Ignition sources in The Gothic Tower are the catering operation, the electrics and the potential for arson
- There are internal doors in The Tower to limit fire spread
- Painshill Park has a fire risk assessment for The Gothic Tower

- Currently The Gothic Tower cannot be accessed by an aerial appliance due to the lack of sufficient hard standing
 - Access for external firefighting would be limited to ladders
 - SFRS ladders will not reach the top level
- The proximity of the electricity pylon may hamper firefighting operations
- It is most likely that following a report of a fire on site that the initial attendance would go to the main entrance and site office to liaise with the staff on site rather than going directly to an unmarked entrance on the A3

On balance the likelihood of fire is low and the risk to life is low therefore the need for access should be commensurate with that. As stated in a previous correspondence if a safe junction could be incorporated into the new plan then we would support that; I have been informed that it is impossible to build a compliant slip road given the proximity of the junctions and as such this seems a moot point.

If large quantities of water were required for firefighting in the park then our options would be either to utilise a water relay from the lake in the park or to use 4x4 fire fighting vehicles such as Unimogs.

Please can you let me know how you would like to proceed and I assist you in making contact with the relevant parties in SFRS.

Kind regards

Tim Readings

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With you, making Surrey safer

Appendix 3

A member of the Trustees of Painshill, Peter J. Kelly, CPCU, ARM, API, MBA is a 30-year veteran of the insurance industry, having experience in commercial property and liability risks in over 22 countries. He serves commercial and insurance clients as a risk expert in his capacity as Managing Director at FTI Consulting from their London offices. He provides risk and insurance related advice to his fellow Trustees of Painshill and his assessment of the impact of the removal of the western access road from the park appears below.

Painshill is an open public-access park. By its design, the culminating area of the park which visitors are drawn to is the western end of the park where they encounter the Gothic Tower and the recently-completed Temple of Bacchus. They are drawn to this area because of its location and the elevation, affording the visitor spectacular views of Surrey. The walk to these features itself is physically demanding and the walk up stairs to the top of the Tower leave many a visitor winded and fatigued. Individuals with compromised health should only attempt the climb if they are fit, but there are no ways to prohibit people who are not fit from doing the climb. The road from the eastern (main entrance) of the park is steep, narrow, winding and often filled with other visitors. Due to this road's design and various obstructions, as well as the entrance design at the eastern end of the park, vehicular access from the eastern end of the park to the western end is only possible with the use of a buggy. Large emergency fire and ambulance vehicles would find the journey to the western-most parts of the park from the eastern entrance impassible.

Additionally, accessing the main entrance to the park from the A3 requires vehicles to navigate three roundabouts and roadways which are often clogged with traffic due to the narrow road design, retail establishments and high traffic density. The western access point avoids almost all of these traffic issues.

The trustees in the course of regular risk management reviews have identified emergency access to the western end of the park as a critical component of their strategy to preserve acceptable health and safety conditions for the public. Additionally, car park incursions at the east end of the park by members of the Travelling Community in the recent two years have meant that (1) the Trust has had to make claims on its commercial property insurance policy; and (2) back up access from the western end of the park has played a key role for park management issues. Because of the incursion insurance claims (which were of an access/egress issue) on the property insurance policy, the Trust is in a precarious position to preserve the insurance protection which allows it to operate, as insurance markets are tightening.

The closure of the western access of the park represents a material impairment to the risk profile of the park which the Trust would have to disclose to its insurers, especially in light of the recent claims it has had to make on its policy. It is expected that this disclosure could render the Trust uninsurable in the worst case... or face the possibility of having to close about half of the park to the public. The financial harm to the park from this impairment would likely not be survivable and the value of the Trust in total would be diminished significantly, measured certainly in the millions of pounds.

Creating an alternative secondary access to assure health and safety would be an expensive and lengthy project. It would compromise the park's design and ruin the fidelity to its 18th century vision, which makes the park a national and an international treasure.