

Painshill Park Trust: Post Hearing Submission Statement at Deadline 6

Within the context of the current covid-19 pandemic it is difficult to prepare a finite Post Hearing Submission Statement at Deadline 6 but we are keen to outline the specific issues relating to Painshill as we see them currently and which we would have aired at the Issue Specific Hearing on 24/25/26 March.

Background:

Over the last 35 years, Painshill Park Trust, supported by millions of pounds of public and charitable funding, has restored the landscape and buildings of one of the country's finest 18th century landscape gardens. Painshill is recognised as a national treasure – a Grade 1 listed landscape and one of the very few that has survived largely intact for over 250 years.

In late 2017, Highways England (HE) published its plans for widening the A3 to the north of Painshill. These plans were based on information about Painshill which were over 40 years out of date, before the restoration had begun, and would have caused irreparable damage to the landscape. In response, Painshill Park Trust (PPT) launched a petition which was signed by over 7,000 members of the public and reported on BBC and ITV News and various radio stations.

Throughout 2018, PPT had regular and collaborative discussions with HE and these eventually resulted in satisfactory proposals which minimized the damage to Painshill. At all times, HE recognised the importance of the western entrance to Painshill on which the survival of the Park depends and assured PPT that it would either be retained or replaced by a separate access track. In a meeting on November 25th 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'. Relying on these assurances, the trustees of PPT agreed to sacrifice a small portion of the land at the north-eastern part of the landscape to facilitate HE's plans. Without wanting to sound belligerent, now that the Applicant has reneged on that assurance, the trustees do not believe they would be justified in giving up this part of the Grade 1 listed landscape.

In April 2019 PPT were surprised to find that provision for the western entrance had been removed from HE's plans and at a meeting on 29th July 2019, Jonathan Wade, HE's Project Manager (minuted at 3.3) '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 to make the application, time had run out to open negotiations with these parties.

It is worth noting here that the Government's National Network National Policy Statement (NNNPS), which applies in this case, says that "When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State shall give great weight to the asset's conservation. The more important the asset, the greater the weight should be". "Substantial harm to or loss of designated assets of the highest significance...should be wholly exceptional". Painshill, a Grade 1 Registered landscape with Grade 11* buildings, meets the definition of an asset of the highest significance.

The Current Situation and Safety of our Visitors

Painshill is a 158-acre site and over a mile from east to west. The only other vehicular access to the site is a single-track right of way over land not owned by PPT, leading to an entrance at the east of the park currently used for service vehicles. From that entrance, a single-track path runs for over a mile to the Grade 11* Listed Gothic Tower. In 2019, 131,000 people visited Painshill and the historic route guides our visitors to the western end of the park close to the Gothic Tower. Due to the current pandemic, forecasts cannot be made for 2020 but it is always intended that visitor number will increase significantly year on year.

At a meeting with Surrey Fire and Rescue Service (SFRS) on 23rd January 2020 it was clear that the removal of the access at the western entrance would impede the safety of visitors to the landscape should an emergency arise. It was noted that the loss of western access would extend response times for the first frontline appliance.

In that meeting SFRS Group Commander stated (and minuted at 4.9) that 'if a fire occurs at the Gothic Tower a quick response time is required'. Additionally, EBC Commander noted 'the second access provides the opportunity for other fire appliances to attend a fire and for water to be supplied to fight the fire' (minuted at 4.25).

On the basis of a single time trial SFRS indicated that response times would be extended from five minutes (via A3 access) to 15 minutes (using the service gate) and that 'a 10 minute response time is SCCs standard'(minuted at 4.26)

An issue with getting water to the emergency was also highlighted (minuted at 4.12) and this quote underlines how precarious the situation would be for the emergency services should a fire ever occur at the Gothic Tower: 'Although

each appliance carries 2000 litres of water this is quickly used up and mobile water carriers cannot be taken up through the Park. Currently the access for the A3 can be used to provide an additional water supply to fight a fire at the Gothic Tower because there is vehicular access to it. If Highways England's scheme is implemented the A3 would need to be closed to allow water carriers to be parked on the carriageway adjacent to the current access and a hose run over the bank to the Gothic Tower. Inevitably, such a move would cause sizeable disruption and delay.

In addition, Director of Painshill, Paul Griffiths has now met with a representative of the South East Coast Ambulance Service NHS Foundation Trust (visit dated 20th February 2020) who verbally expressed similar concerns about the loss of access at the western point for the efficacy of ambulance service in responding to an emergency. This has obviously been an incredibly busy time for the ambulance service, so the report is currently pending.

Painshill Park relies on increased visitor numbers and public events to build its income and already had ambitious plans to increase the visitor numbers and special events to generate essential income. (These have been submitted at Deadline 3 entitled 'Visitor Numbers and Projects') We are already aware that for special events attracting over 5,000 people in one day, such as the Elmbridge Food Festival held September 2019, the western entrance is required as an emergency exit. Along with so many businesses the current pandemic crisis has further depleted the Trusts reserves and it is thus even more critical that this programme of increasing visitor numbers and events should be allowed to continue when life returns to normal.

It is worth noting here that PPT has received advice that if the western entrance were to be closed and not replaced, it is likely that it would be impossible or prohibitively expensive to obtain insurance cover for the buildings and public liability cover for the western part of the landscape.

You will recall from previous representations that the western entrance is infrequently needed for service vehicles to support the restoration and maintenance of buildings and landscape. The next stages of the restoration programme will be concentrating on the western aspect of the Painshill site – around the Temple of Bacchus - and will be severely hampered if an alternative access point in this area is not provided.

Note on the Girl Guides 'alternative' route

We are aware that Highways England are in discussion with the relevant landowner (meetings held 06/02/20 and 23/02/20) in relation to the Girl Guides

‘alternative’ route and we urge that these discussions include solutions which would allow for provision of a western access at Painshill. Should the ‘alternative’ access route proposed for the Girl Guides be approved then this would give the opportunity for a replacement access at Painshill which allows a more unimpeded access to the Gothic Tower for emergency vehicles than the original DCO scheme. This could immediately start to address the critical issue of improving emergency response times at Painshill which SFRS have noted that they require.

Conclusion

At the Issue Specific Hearing held on 15/01/2020 the QC appearing on behalf of HE said (extract from audio tape) ‘we don’t believe that there is a compelling case in the public interest for compulsorily acquiring that land’.

The NNNPS 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 of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm”.

Given the context detailed above, it is hard to see why acquiring the land needed to replace the western access would not be in the public interest. Without the western access, substantial harm will be done to an outstanding heritage asset without delivering any substantial public benefit. Failure to replace the western access threatens the survival of one of the most important 18th Century landscapes as well as severely impeding the safety of its visitors and the ability of the Trust to generate essential income to ensure its future.

Louise Russell: Trustee – Painshill Park Trust
1st April 2020