47 Denmans Lane
Lindfield
Haywards Heath
West Sussex
RH16 2JN

Head of Planning, Brighton and Hove City Council
By e-mail to: *Planning.Consultation@brighton-hove.gov.uk*

10th July, 2024

Dear Sirs,

Planning application BH2023/02835 Brighton Royal Pavilion Gardens

Revised Plans dated 25 June 2024

Thank you for consulting Sussex Gardens Trust (SGT) and the Gardens Trust (GT) in its role as Statutory Consultee with regard to proposed developments affecting a site listed by Historic England (HE) on their Register of Parks and Garden. SGT is a member organisation of the GT and works in partnership with it in respect of the protection and conservation of registered sites, and is authorised by the GT to respond on GT's behalf in respect of such consultations.

We have carefully studied all the documents submitted in recent months since we sent our letter of 21st November 2023 (for ease of reference, a copy of this is shown at the Annex of this letter). One of the important points we made in that letter was the need for night closure to ensure this unique garden is given the highest possible level of protection. We are pleased to see a comprehensive and authoritative Heritage Crime Risk Assessment (HCRA) report has now been submitted which includes this assessment:

> **Overall Assessment**
>
> Referenced in both the Brighton & Hove Community Safety Partnership, Community Safety and Crime Reduction Strategy 2023 – 2026 and the Brighton & Hove Strategic Assessment of Crime and Community Safety, the Royal Pavilion is identified as a hotspot for drug litter finds and incidents relating to drug misuse.
>
> Overall, 63% of reported crimes occurring in the Pavilion Gardens between January and December 2023 were between the hours 18.00hrs. and 07.00hrs. Serious offences, such as violent crime and sexual assaults are common. Since 2019 there have been 7 offences of rape reported (including one stranger attack in 2023) and 21 offences of robbery. Crimes such as criminal damage and public order offences are also common and are relevant as they may lead to harm to the historic gardens or Listed Buildings.
>
> The way in which the Estate is currently misused by some people is harmful to the historic environment; it is also evident that this is not just a recent problem, it is a long-term issue that has not been resolved by the incremental protective measures that have been implemented over time, and which principally treat the symptoms rather than the root causes of crime and disorder.

The HCRA report identifies three options. The preferred option (option 2) involves a secure fenced and gated perimeter and is recommended for the following reasons:

> **Option 2** is capable of significantly impacting on crime risks in the gardens; particularly during the evening and night-time hours if railings and gates are in place and secured. The reinstallation of railings and gates also offers the capability dynamically to escalate or de-escalate boundary security to respond to public events (nearby or within the Estate) or as a counter terrorism measure or a response to other threats e.g. police investigations or at the request of the other emergency services. Notwithstanding any aesthetic considerations, the current practice of using temporary fencing when required does not offer adequate security as it is too easily breached. **Option 2 is the recommended option.**

Option 1 involves maintaining the 'status quo' and is not recommended in the report because:

> **Option 1** addresses none of these criteria and does not mitigate the high level of crime risk at the site. This approach does not address the resource limitations with the police response to incidents and the fact that offenders will be able to continue to predate upon vulnerable people entering the Estate.

SGT's Views on Revised Plans

The latest drawings submitted on 2nd July exclude most of the gates which were included in the earlier plans. SGT considers all the gates should be included in the proposals as originally planned and they should routinely be closed at night.

If the application is approved without the gates, the recommendation for night closure included in the HCRA cannot be implemented as part of the project. Worse still, the exclusion of the gates means night closure can **never** be implemented, even if the security situation deteriorates further. Nor would the physical layout provide the ability to dynamically escalate or de-escalate boundary security to respond to public events (nearby or within the Estate) or as in response to other threats that may arise from time to time.

For these reasons SGT objects to the application in its present form. If the Planning Authority wishes to restrict the closure of the Gardens for private events, this could be achieved by way of a planning condition.

Yours faithfully

Jim Stockwell

On behalf of the Sussex Gardens Trust.
CC: The Gardens Trust

Annex

SUSSEX GARDENS TRUST

47 Denmans Lane
Lindfield
Haywards Heath
West Sussex
RH16 2JN

Head of Planning, Brighton and Hove City Council
Hove Town Hall, Norton Road
Hove BN3 3BQ
By e-mail to: *Planning.Consultation@brighton-hove.gov.uk*

21st November, 2023

Dear Sirs,

Planning application BH2023/02835 Brighton Royal Pavilion Gardens

Thank you for consulting Sussex Gardens Trust (SGT) and the Gardens Trust (GT) in its role as Statutory Consultee with regard to proposed development affecting a site listed by Historic England (HE) on their Register of Parks and Garden. SGT is a member organisation of the GT and works in partnership with it in respect of the protection and conservation of registered sites, and is authorised by the GT to respond on GT's behalf in respect of such consultations.

Sussex Gardens Trust has been familiar with the history of, and involved in an advisory capacity with the management of, the unique Royal Pavilion garden over many decades following the initial restoration of John Nash's scheme carried out in the mid-1980s and 1990s. The Trust therefore has a strong interest in the success of the current NHLF-funded refurbishment in rejuvenating the garden and, with the proposed new works, ensuring the long-term survival and protection of its unique Regency design.

In acknowledgment of SGT's knowledge and experience of the garden we have been consulted during the development of the NLHF stage 2 submission by both James Penney of Allen Scott Landscape Architects and staff from Brighton and Hove Museums. We were pleased to have this opportunity.

As a general statement SGT considers the governing strategic and design policies and the subsequent detailed proposals as described in the Development Stage Design reports (parts 1, 2 and 3) to be sound and appropriate to the realisation of the refurbishment of the garden and of the new works. The policies are soundly underpinned by the comprehensive and rigorous Heritage Statement which establishes the significances of the garden – historic, artistic and communal - its integral role with the Pavilion in forming a wider Royal Pavilion estate, and the design rationale for both hard and soft landscaping. Specifically we are content with the design of the new works comprising the 'Changing Places' lavatory block, the

outdoor learning space, the redesigned bin store and gardener's compound and the new vehicular entrance off Palace Place.

We are also very supportive of the policy to permit new statuary *only* in very special and historically fully justified cases and likewise that to protect the gardens from inappropriate, large scale and potentially damaging events and structures, permanent or temporary.

We are surprised and concerned however by the statement in the Covering Letter from Brighton and Hove Museums, submitted as part of the planning application which states that *'BHCC and B&HM have committed to maintain 24 hour access to the garden as part of this project*' Our understanding, through discussions with the project landscape consultants and indeed the staff of B&HM, was that the reinstated historic boundary walls and fences with the various gates would allow the garden to be locked overnight to counter the long-standing issues of vandalism and anti-social behaviour. We understand that the police also support overnight closure.

The Heritage Statement describes the vision of the garden's management thus (summary vision page 6 para 1.5 numerical point no 2):

"Treat the garden as the valuable historic artefact it is as part of a unified vision for the whole estate. Accord it as much respect, attention to detail and equivalent resources as the rest of the King's palatial Pavilion estate along with the built fabric, furnishings and connoisseur's artistic collection, as it forms a similarly significant part of the ensemble."

With no accompanying reasons given in the letter, we would like to know what the revised rationale is for reinstating historically appropriate walls, fencing and gates but leaving the gates unlocked overnight. Although a similarly publicly-owned heritage asset, both the Pavilion and its garden having been purchased for the town in 1850 by a small group (a minority) of dedicated Town Commissioners, we cannot conceive of the Pavilion being left unsecured at night – indeed security is a 24-hour prime issue. We would not have thought it unusual for open spaces or gardens associated with public buildings to be closed overnight; an example might be the newly-designed gardens around the Natural History Museum in London where the public has no access to any part of the complex after closing time. The routes through the Pavilion's Garden are not essential to being able to navigate the City (and there are no public rights of way) as there are direct alternatives (New Road and the Steine).

Night closure would not in our opinion negate the garden's *'legacy as an important public park and open space in the heart of Brighton*' (Planning statement page 2 Project Context and Location para.2.2 Vision) nor prevent the garden playing a full role in BHCC's aim of working with partners *'to maintain and enhance the cultural offer of the city to benefit residents and visitors', supporting ' the role of the arts, creative industries and sustainable tourism sector in creating a modern and exciting visitor destination with a range of high quality facilities, spaces, events and experiences'* (Planning statement page 4 "CP5 Culture and Tourism").

In conclusion, we are not convinced that the revised, proposed alternative of *'strong regulatory policies and practices'* without overnight closure will secure and protect the garden sufficiently to overcome the current issues with vandalism and anti-social behaviour. This unique garden deserves the highest possible level of protection.

Yours faithfully

Jim Stockwell

On behalf of the Sussex Gardens Trust.

CC: The Gardens Trust