



## **Objection to Brighton and Hove Museums' planning applications for 'A Garden Fit for a King': Reawakening Brighton's Royal Estate Phase 2 (BH2023/02835 and BH2023/02836)**

### **Summary of objections**

Living Streets Brighton and Hove<sup>1</sup> is the primary voluntary group in Brighton and Hove concerned with the walking environment. We warmly welcome the plans for improvements to our much-loved and highly valued Pavilion Gardens. However, we are deeply concerned about the proposals for perimeter railings and gates to restrict access to Pavilion Gardens.

We have three major objections to the inclusion of boundary railings in this planning application, all related to public access:

- the historic significance of the Gardens as a public park;
- the weakness of the case for boundary railings and lockable gates; and
- the contradiction between the agreement between BHCC and B&HM "to maintain 24-hour access to the Garden" and the construction of boundary railings and lockable gates.

### **Background**

Pavilion Gardens is a vital public green space in the middle of our city, which otherwise severely lacks green infrastructure, and we welcome proposals to help the gardens continue to thrive and to improve pathways and access for people walking in the city.

As your own consultation has found (*Development Stage Report*, page 108), most people use the Gardens as a cut through although "Even people who were dashing through said that experiencing nature, albeit briefly, was important to them". They particularly valued it as a "green oasis" and for "child safety".

We are well aware of the benefits of access to shared green spaces for people's mental and physical health and wellbeing, as well as building a strong relationship between people and the public realm (Public Health England 2020<sup>2</sup>). However, these benefits only apply when there is *open access*. Maintaining free and unrestricted access is the crucial issue for us in relation to the proposals for fencing Pavilion Gardens and potentially closing it at certain times.

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<sup>1</sup> Living Streets Brighton and Hove is part of Living Streets, the UK-wide charity for everyday walking. We support the development of safer, cleaner, greener streets and neighbourhoods that create a better walking environment and inspire people to walk more. See our Brighton and Hove local group webpage <https://www.livingstreets.org.uk/get-involved/local-groups/brighton-and-hove>.

<sup>2</sup> Public Health England (2020). *Improving access to greenspace. A new review for 2020*. Public Health England, London.

## Historical significance of Pavilion Gardens as a public park

The *Development Stage Report*, page 4, states that "The primary significance of the Garden are its history as a Regency style private royal garden, and setting for the exuberant Royal Pavilion, together with its 165-year legacy as an important public park and open space in the heart of Brighton." The dual significance of Pavilion Gardens refers to both a heritage asset and a public amenity and open space. It is not an open space if it is fenced and gated.

That document also states (page 4): "The Garden is intertwined with the social history of Brighton. While it was originally designed as picturesque pleasure grounds (a private garden) for The Royal Pavilion, the grounds were opened to the public in 1851 and have since become a very well-used public open space in the centre of the city."

In spite of the supporting documents to the planning application constantly referring to historic precedents for boundary railings, it is clear from those documents that any boundary walls and fences have been built, changed and removed constantly since the gardens were first completed in around 1831 (*Historical Analysis Statement of Significance, Vision and Policies*, pages 106 - 117). Before 1815 there was a high flint wall with a small run of railings on top; in the early 1830s, William IV recommended substituting the high wall by an open iron railing to open up views; in 1851 the gardens were opened to the public and in 1921-23 Captain Bertie MacLaren, Brighton Corporation's Parks and Garden Department Superintendent, opened up vistas by removing bankings and railings all round the gardens (page 116). Captain MacLaren made similar changes by removing all the gates and railings around Preston Park because he "wanted the park to be more family friendly" (The Brightonian, July 2022).

The need to remove railings and fences around public parks and open spaces to welcome the public was recognised over 100 years ago. We would suggest similar recognition is needed now to support and encourage community use of Pavilion gardens.

Indeed, The Royal Pavilion and Museums Trust (RPMT), the charity for which Brighton & Hove Museums (B&HM) is the trading name, recognises that "RPMT is dedicated to preserving its historic buildings and collections, *which will be even more accessible in the future*" (italics added). It is hard to see how railings that limit public access meet RPMT's charitable objectives, or the aims to apparently make the facilities "more accessible in the future". RPMT is a custodian of the gardens for the people of Brighton and Hove, under contract to Brighton and Hove City Council (BHCC) which still owns the land, buildings and the collections on behalf of the people of Brighton and Hove. Continued unimpeded access for the people of the city is vital and historically significant.

## The weakness of the case for boundary railings

The primary case for installing boundary railings and lockable gates is in order to deter crime and anti social behaviour which is seen, among other things, to impact and deter some garden users, so "the project will improve security by reinstating a gated boundary" (*Development Stage Report*, page 6).

However, that report clearly states that the Security Review carried out in May 2022 "identified the threat level in the garden as generally 'low'" (page 38). Such a low level of threat to security is inadequate justification for the costs of installing and maintaining boundary railings.

In terms of public safety, the analysis of the responses to the main public survey of 1,363 residents carried out in 2018 by RPMT (*Development Stage Report* page 110) found that 92% of respondents said they felt safe in the gardens in the day, 43% said they felt safe at night. 79% said anti-social behaviour was NOT a problem during the day; 41% said it WAS a problem at night - an

odd way to present the statistics which actually seems to show that 59% felt ASB was NOT a problem at night. The solutions proposed by respondents at that time were park wardens or attendance, and a greater police presence. Indeed, the same survey showed that the top three concerns about gardens were actually rubbish and litter; the entrance next to the public toilets; and better lighting. This feedback echoes the reasons why Heritage England included the gardens on their At Risk Register: "poor management and design since the 1990 restoration, high visitor traffic, disparate and unsympathetic infrastructure/furniture, and later insertions and temporary events". Crime and anti-social behaviour are not mentioned.

Further, the crime figures in and around the gardens are disputed. The North Laine Community Association (NLCA) liaised with Sussex Police on these issues and it was clear that crime and anti-social behaviour is a problem for central Brighton as a whole, rather than the gardens in particular (described more fully in the objection to the planning application from the Brighton Society).

More fundamentally, boundary railings and lockable gates do not in themselves increase public safety, unless and until the public are excluded and the gates are locked. It is contradictory to suggest that there will be 24-hour public access and that railings and gates will increase public safety within the gardens. Further, there is no point having gates if they are never locked.

Installing boundary railings is not historically justified because such boundary fencing has come and gone in various forms over the years (as outlined earlier), and is not justified in terms of public safety which cannot be improved simply by installing railings and gates (unless the gates are locked). The *Development Stage Report* states the gardens were opened to the public 24/7 from around 1950 (page 23). Brighton was not exactly a crime free zone in the 1950s and 1960s and the gardens remained open all day every day.

We would suggest it is therefore impossible to justify the high costs of installing and maintaining boundary railings and lockable gates in terms of either historic accuracy or public safety.

### **Contradiction between boundary railings and lockable gates and 24-hour access to the Garden**

The covering letter to B&HM's planning application recognises the agreement between BHCC and B&HM to "maintain 24-hour access to the Garden to protect users and the NLHF investment". BHCC has been entirely supportive of access concerns. BHCC Strategy, Finance and City Regeneration Committee discussed the RPMT's funding application on 4 August 2023 and agreed to require RPMT to maintain 24-hour access. The Minutes from that meeting (page 3) clarify BHCC's requirement and the rationale for their decision<sup>3</sup>, despite RPMT concerns about anti-social behaviour (ASB).

*"Significantly, our Administration has also decided that 24-hour access to the Gardens must be retained. This is a public park and it must remain public. Once a lockable gate is built, whatever the original intention, it would have begun a slide towards the Gardens being closed off to the public for events and fundamentally changed the nature of this majestic public realm.*

*We recognise concerns about ASB [anti social behaviour] in the Gardens and surrounding areas which is why we are now pressing ahead with plans to bring partners together to address this issue and its underlying complexities, including identifying greater funding to tackle the challenge. Benches and gardens don't create ASB and removing them doesn't end it, it merely displaces it. We need a proper strategy to tackle street homelessness, addiction and mental health."*

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<sup>3</sup> <https://democracy.brighton-hove.gov.uk/documents/g11392/Printed%20minutes%2004th-Aug-2023%2014.00%20Strategy%20Finance%20City%20Regeneration%20Committee.pdf?T=1>

In spite of this commitment to 24-hour public access from BHCC, there are numerous mentions within the documents supporting the B&HM's planning application that refer to closing the gates:

- The *Historical Analysis Statement of Significance, Vision and Policies* (point 13.2, page 94) suggests that "damage and antisocial behaviour would be considerably reduced by closing the garden at night, using a boundary treatment".
- The *Access Statement* makes clear that "The scheme proposes to re-introduce historic boundary railings which will help deter unwanted entry and resulting anti-social behaviour and crime at night" (page 9)
- The *Development Stage Report*, under Proposals for Security, suggests (page 40) "Preventing access to the Garden at night by securing boundaries through a system of locking and unlocking gates (manual/automatic nature of system to be confirmed)"; "Clearly displaying Garden opening and closing times (to be confirmed) at Garden entrances, making appropriate announcements to warn visitors that Garden will close"; and "Conducting daily walk over at closing time to ensure all visitors have left the Garden".
- The *Development Stage Report*, under Site Appraisal, Entrances (page 19) shows plans for "Establishing 2 principal entry points clearly defined by both gate house buildings and lockable gates ... A new event access point at the Palace Place entrance ... will help operational access to East Lawn".

This latter point suggests a different motivation for the boundary fencing and lockable gates: closing the gardens for more numerous private events. This concern is further heightened by the suggestion on page 7 of the *Development Stage Report* which suggests that, with boundary railings: "The gardens will be easier to manage, better able to *accommodate events and generate income*" (emphasis added). While we understand the need for RPMT to generate new funding, installing an entire perimeter of boundary railings seems excessive, including in terms of costs.

The *Access Statement* makes clear that the objective of the improvements to the gardens is as follows: "In keeping with Brighton and Hove policy, the aspiration is to create an inclusive environment that is inclusive and useable by as many people as possible", including "Improved visitor welcome", "Increased accessibility" and to "Ensure more effective and attractive pedestrian circulation" (para 1.2, page 4). The aim is "To advance opportunities and improve use and enjoyment by as many people as possible" (page 11).

We would suggest that fencing and gating the entire gardens with iron railings that are 2.1 metres (around 7 feet) high would not improve the welcome or increase accessibility. On the contrary, such boundary railings would send a powerful symbolic message to residents and visitors that the gardens are private and not for general public access and enjoyment. An illustration, based on drawings and measurements provided in the supporting papers for the planning application, is shown at the end of this paper to demonstrate how the new gates and railings would be very *unwelcoming*. This goes against the entire spirit of accessible open public space, of which Pavilion Gardens is currently a unique, beautiful and highly valued example within the city.

We note that, while the response from Sussex Police supports the boundary railings, they also recognise that "The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the *active and continual use* of public areas." (emphasis added). This point from Sussex Police resonates particularly strongly with our concerns as Living Streets B & H to support safe and accessible routes for pedestrians at all times.

Pavilion Gardens is a unique green open space in the network of walking routes around the city and is vital to the wider walking environment. Fencing and restricting access to Pavilion Gardens at any time reduces the opportunities for people to walk through and benefit from this remarkable space and will much diminish its value to the people of the city and our many visitors.

We therefore object to B&HM's planning application on the basis that the boundary railings and lockable gates would limit public access; undermine the historic significance of Pavilion Gardens as a public park and open space; has no justification in terms of cost or public safety; and goes against the agreement between B&HM and BHCC for 24-hour public access.

*Illustration showing the India Gate entrance to Pavilion Gardens currently and, below, how it would look with gates and railings.*



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