

Johnson Drinking Fountain

**Objection
to
H16-0704-22 and H16-0705-22**

**from
Spalding and District Civic Society
Registered Charity No. 259956**

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As the Fountain has been removed from its previous sites in Hall Place and Ayscoughfee Gardens, it seems appropriate that this application should be considered as "New Development". Therefore, we believe that all relevant aspects of the National Planning Policy Framework and the South East Lincolnshire Local Plan should be taken into account, when considering the application.

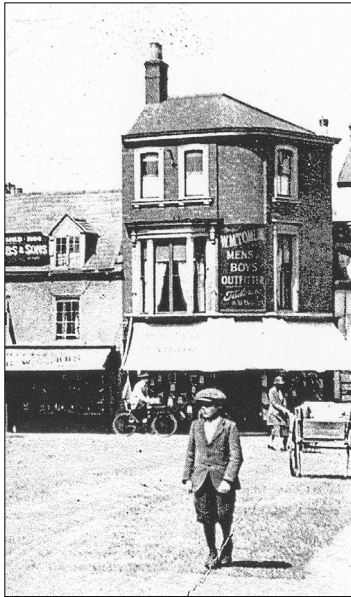
For ease we have included hyperlinks to the original source documents indicated in [blue](#)

August 2022

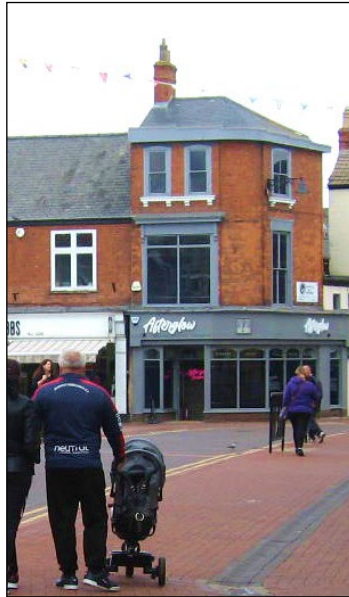
The Heritage Impact Assessment

THE KEY SUPPORTING DOCUMENT is the Heritage Impact Assessment from the applicant’s agent. It hardly meets the standards, however, one would expect for the re-siting of a historic public asset in a conservation area.

As originally submitted (4 April 2022), the HIA was notably casual over factual accuracy. There are 19 or 20 instances overall of factual error, exaggeration, aunt sallies, etc. It is wrong, for example, about the number of listed buildings on the north side of Hall Place, and says absurdly that No.23’s “pitched roof appears to have been removed”. In fact, it is virtually the same as when built. The mistake comes from looking not at the building itself but at a photograph taken too close for the roof to be visible. Who, one wonders, signed off this careless document?



c.1900



May 2022



February 2022 O&L photo

In the revised version of the Heritage Impact Assessment (19 July 2022), 15 of the errors we pointed out have been corrected or modified – without acknowledgment – a tacit admission that the original HIA was negligent, even slipshod. And even now, in the revised HIA, errors remain. The Fountain was moved to Ayscoughfee Gardens in 1954 on one page and in 1956 on another. “It is difficult,” it says, “to be 100% accurate in assessing exactly where the fountain originally stood.” Not really. A post-1874 large-scale OS map tells you exactly where it stood.

Community Engagement

The Johnson Drinking Fountain is not a bird bath or a plaster gnome, a private ornament for someone’s front garden. It is a public asset of historical significance to the town. One about which Spalding people care a great deal as to where it should be sited – witness, for example, the outcry when the Cemetery was proposed

The National Planning Policy Framework makes clear the public should be consulted: “*Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.*” (Para.39)

There has been no such engagement with the wider community. Instead, an ignoring of the overwhelming public support for the return of the Fountain to the Town Centre. There has been no discussion with the Town Centre Regeneration Steering Group (which hasn’t stopped its Chair from being very vocal in promoting Ayscoughfee Gardens, however). There has been no discussion with the Spalding & District Civic Society, apart from our being allowed sight of a press release an hour before it was released to the press.

The HIA states that “a number of other sites were considered by the Council prior to the commission of this report but were ruled out.” (Para. 1.3)

Yet, at the time of writing, despite more than one Freedom of Information request, we still do not know which sites were considered or the extent of the work undertaken as part of that consideration or why they were ruled out. There has been no discussion as to how the Fountain’s restoration and ongoing maintenance might be funded, and whether that funding should come out of local authority funds, Central Government Funding or grants from Non-Government sources.

The need for early engagement before decisions are taken is set out clearly in the Local Government Association’s booklet [Probity in Planning](#) (Section 8). This need is surely heightened when the applicant is the Council itself.

Moreover, putting communities at the heart of the planning decision-making process has been a clearly [stated aim of government policy](#) on its Levelling Up agenda. The process that led to this application being submitted seems, in this respect, to have been defective and inadequate and far removed from those Levelling Up aims.

Expert Advice

The Fountain is important in several ways: as heritage, as a monument to a crucial development in the town’s social history, and as a potential key feature in the regeneration of the town centre. Some expert advice would therefore obviously seem called for. As Councillor Grocock told the Town Forum last September: “There will also be need to obtain specialist heritage advice” ([29 September 2021](#)).

Specialist advice has been obtained on the condition of the Fountain, but discussion with Historic England seems to have been confined to whether they would have any objections to its siting in Ayscoughfee Gardens and the choice of position there. A later phone call from Historic England advised the agent to include a section on Hall Place in the application, although no site visit had been made.

One obvious source of specialist advice would have been the [Drinking Fountains Association](#), with its expertise and grant possibilities. Another would have been to tap into the experience of other local authorities who have recently reinstated historical drinking fountains, starting with [Sleaford](#). These things were never done. Why not? It would seem at best to be negligent.

Sequential Test

With regard to possible locations, why is Hall Place the only town centre site considered in the Heritage Impact Assessment? It hardly needs the lengthy attention it receives, when it was always going to be a non-starter. Not because the Fountain’s Victorian Gothic would be out of harmony with the more recent additions to Hall Place – the centres of most historic market towns have buildings from a variety of centuries and in differing architectural styles: it’s part of their charm – but because a site near to its original position would produce mere clutter, without relationship to the existing seating circle. Putting the Fountain near Gibbs, on the other hand, would create visual conflict. Which is the focus – the dignified Fountain or the hugely popular seating circle with its planters, statue and natural arena? The resulting streetscape would be uncomfortable, as if it couldn’t make up its mind. Just how isolated and unrelated to anything else it would appear near Gibbs can be seen in the computer mock-up, where it looks spare, left over, cold-shouldered. Far from being an enhancement of Hall Place, it would now be a streetscape blunder in either position.

It’s not as if there was a lack of other possible sites in the town centre. The Market Place, the Sheepmarket, Swan Walk, Red Lion Street, the far end of Bridge Street have all been suggested. In failing to consider any other possible town centre sites in a sequential test, the HIA is seriously incomplete, even possibly invalid.

Heritage and Regeneration

To reject a town centre location for the Fountain simply on the grounds of the unsuitability of one particular site is, at the least, a strange neglect of opportunities. The more so as its potential contribution to a

vibrant and attractive centre would comply with the aims and aspirations for town centres set out by both the National Planning Policy Framework and the South East Lincolnshire Local Plan.

Repeatedly they state development should:-

- foster “**well-designed, beautiful and safe places**, with open spaces that reflect current and future needs and support communities’ health, social and cultural well-being” ([NPPF para 8, second overall objective](#)); and
- promote “**social interaction**, including opportunities for meetings between people who might not otherwise come into contact with each other”, in “**high quality public spaces, which encourage the active and continual use of public areas**” ([NPPF, Para.92](#));
- promote “**the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring**” ([NPPF, Para.190](#)); and
- “**the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality**” ([NPPF, Para.197](#)), and “**sustainable tourism**” ([SELLP, Para.2.6](#));
- “protect a mutually-supportive hierarchy of vibrant self-contained town centres and secure their enhancement by maximising **opportunities for regeneration**” ([SELLP, Para.2.6](#)); and
- “**making a positive contribution to local character and distinctiveness**” ([NPPF, Para.189](#));
- foster “**opportunities to draw on the contribution made by the historic environment to the character of a place**” ([NPPF, Para.189](#)).

Climate Change

Besides the contribution that heritage assets can make to the vitality and prosperity of town centres, another theme running through the National Planning Policy Framework is the need for *sustainable* development, which includes meeting the challenge of the changing climate. Local authorities are required to plan for climate change. [Paragraph 153](#) requires that plans should **take a proactive approach to mitigating and adapting to climate change**, including the risk of overheating. Such mitigation must be in line with the objectives and provisions of Climate Change Act 2008, which aims to reduce CO2 emissions to net zero. [Paragraph 11](#) states that there should be “**a presumption of sustainable development** where plans promote a sustainable pattern of development” that seeks to “**mitigate climate change** and adapt to its effects.” One of the South East Lincolnshire Local Plan’s priorities is “to **minimise the impact of and adapt to climate change** by making more sustainable use of land and resources” ([SELLP, Para 2.6 Priority 8](#))

The NPPF also states that planning policies and decisions should “enable and support healthy lifestyles” ([Para.92](#)), “take into account and support the **delivery of local strategies to improve health, social and cultural well-being** for all sections of the community” ([Para.93](#)), and so on.

The application addresses none of these aims. Does the positioning of the Johnson Drinking Fountain in Ayscoughfee Gardens, where it would serve no purpose other than as a monument, meet any of those goals? How would it help to “mitigate climate change” or “support healthy lifestyles”?

The Fountain’s Significance

Both NPPF and SELLP make clear above that the role of a heritage asset is far more than just to exist. More particularly, the NPPF states heritage assets should be conserved “in a manner **appropriate to their significance**, so that they can be enjoyed for their contribution to the quality of life of existing and future generations” ([Para.189](#)). Development should take account of “the desirability of **sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation**” ([Para.190.\(a\)](#)). Should “guard against **the unnecessary loss of valued facilities and services**, particularly where this would reduce the community’s ability to meet its day-to-day needs“ ([Para.93 \(c\)](#)). The SELLP requires applications “to **enhance heritage assets**” ([Policy 2.8](#)).

Full restoration of the Fountain to full working order would be the greatest enhancement possible.

Its significance lies in the fact that it was designed to serve a purpose. It was not designed as an ornament or a monument. It was designed to provide a supply of fresh drinking water to the public in Spalding town centre. If it was restored to working order, then that act alone would recognise its significance,

and would also be putting the drinking fountain to a viable use consistent with its conservation. If the Fountain were returned to the town centre it would provide a positive contribution to the town centre, not least in its strengthening of character, individuality and identity, and would enhance the economic vitality of the town.

The restoration of the Fountain to working order would in a modest way also offer a way of helping to mitigate climate change, as it would reduce the demand for bottled water, invariably sold in single use plastic bottles, which are not only contributing towards waste pollution but also contribute towards climate change, as they are invariably made out of oil. And far from mitigating against climate change, this application would even add to it with its proposal to put metal railings around the fountain, as those railings would need to be manufactured, using carbon based resources.

And who would not have welcomed a working water fountain in the town centre during the recent unprecedented heat-waves, which we are now told to expect as normal for a British summer?

In short, the positioning of the Johnson Drinking Fountain in Ayscoughfee Gardens, where it would serve no purpose other than as a monument, meets none of the NPPF and SELLP requirements or goals. If the Drinking Fountain were restored to Spalding Town Centre, however, in full working order, as part of a high quality scheme, it would help improve public health by providing fresh drinking water as an alternative to less healthy forms of refreshment. It would also encourage social interaction and address well-being issues arising in periods of hot weather. It would become a meeting place, as it was when it was in the Town Centre.

Security

In rejecting Hall Place, the HIA raises the issue of security, which would apply to any town centre site – if valid. In the town centre, it says, the Fountain would be at risk of damage by “vehicle impact”, by “vandalism, general damage and abuse”, “undesirable use”, “graffiti” and by being climbed up. These remain mere assertions, however, completely unsubstantiated. Hardly grounds, therefore, on which to determine a planning application.



Take the risk of “vehicle impact”. The Fountain stood in Hall Place unprotected for 80 years with A16 traffic passing on two sides and amidst clustered parked vehicles. It remained unharmed – despite, for example, a pair of runaway horses bolting into it with their wagon,

the blast of a WW2 bomb not 50 yards away that destroyed Pennington’s department store, and vehicular attention of the closest kind, as in these two photos.



Stowe-in-the Wold



Charing Cross

Other towns and cities see no need to cosset their market crosses and drinking fountains with railings, even in the midst of traffic, or to remove them to the middle of a park. A few bollards or raised kerbing are clearly sufficient protection. It would seem then that the risk of “vehicle impact” is a theoretical hazard, without substance, or at least not sufficiently serious to concern other local authorities.

It follows that the same goes for the string of other risks of damage. The drinking fountains are ‘unprotected’ of course because they’re supplying drinking water. Stowe-in-the-Wold’s cross is far more easily climbable than the Johnson Fountain, as is Charing Cross in its different way. Stowe again doesn’t hesitate to have its market stalls close up to the market cross, evidently having found little risk of “general damage”.



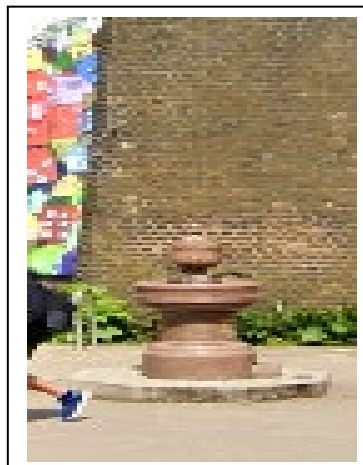
Banbury

Nor does human nature seem to have changed very much over the centuries, despite the HIA’s statement that “society has changed since 1874”. Ask the Romans of Pompeii about their graffiti, or the young man who climbed Brant Broughton’s church spire in the 18th century and then spent hours in the south porch carving a record of his exploit into its stones. This is not in any way to condone graffiti. The big difference from 1874 is the spray-can and felt marker, making it quick and easy. But stonework can always be given anti-graffiti treatment. Yes, there’s some small risk, as with anything to which the public has free access, but the key factor lies in the degree of maintenance: the former Sorting Office has graffiti, the White Hart has not.

[Continued]



Isleworth



Chiswick



Aldgate, London



Boston

Again, consultation with another local authority – Boston this time – would have been valuable. The monument recently erected to the memory of Boston trawler-men lost at sea has been unharmed, even though installed in an area notorious for anti-social behaviour. Indeed, we understand, once the grot-spot was taken in hand and the monument installed, the level of anti-social behaviour declined.

The HIA's security concerns are little more than assertion. When put to the test of experience, they begin to crumble. Supposition is no basis on which to mount a planning proposal of community importance. It makes it difficult to take the HIA seriously.

Ayscoughfee Gardens

The fate of the Johnson Fountain was controversial in 1954, too. The Council's vote to remove it, to make way for a trial traffic scheme in Hall Place, was a very close 7 votes to 5; and it was dismantled the very next day – *to prevent the public being consulted*, it appears, as an outraged Councillor Peck had vowed in the debate to organise a Spalding referendum. No-one had thought where to relocate the Fountain, so its pieces remained in storage for two years, whilst councillors argued about a suitable site or indeed whether to rebuild it at all. It only seems to have ended up in Ayscoughfee Gardens by chance, because no other site could be agreed. Not a very strong reason for putting it back there again.

The reasons advanced in the HIA for choosing Ayscoughfee Gardens are empty. A branch of the Johnson family did live there, but there is no close personal connection of Ayscoughfee Hall with Mary Ann Johnson. The Ayscoughfee Johnsons were another branch of the family, and the Johnson sisters lived first at the Master's Lodge and later at Fairfax/Holyrood House. Indeed, the last of the Ayscoughfee Johnsons left Spalding in 1851 to live eventually in Suffolk, renting out the Hall to various tenants, and had been dead for ten years before the Fountain was built. Any claimed Johnson connection between Hall and Fountain, therefore, let alone Mary Ann, is too flimsy to bear any weight at all.

That the Fountain stood in Ayscoughfee Gardens for many years is neither here nor there if there is a more worthy location within the town centre.

The security issues are unsubstantiated and, judging from other local authorities' experience, exaggerated.

Worse, to locate the fountain in Ayscoughfee Gardens is to conceal its significance in the social history of the town, contrary to NPPF requirement ([Para.189](#)), and to deny its very essence. The drinking fountain was a grateful recognition of Mary Ann Johnson's inestimable gift of pure spring water to the thousands of Spalding people hitherto dependent on more or less contaminated well water. It saved lives, the lives of ordinary people, not the well-to-do who had been able to afford fresh water by the bucket-full from water wagons. The lives saved were those of "the poor", who had been gifted "the boon of pure water", as the *Free Press* put it at the time. The form the memorial took was both imaginative and symbolic – the constant supply of pure water, free, to any passing carter, dairymaid, shop assistant, urchin or pedlar. Ordinary people. It needs, therefore, to be back amongst ordinary people again, going about their ordinary business and pleasures. That is, somewhere in the town centre, in full working order. Not secluded in the former pleasure grounds of the local gentry, with pretty flowers and a keep-away fence, where it will appear as just another ornament, without meaning or significance, and probably of less interest to visitors than the Hall itself and the lake with its fountains and ducks.

An Alternative

If Hall Place is a non-starter since its reconfiguration, where else might be a more suitable town centre site for the Fountain? We have tried more than once, via a Freedom of Information request, to find out what other town centre sites were discussed, but the question has been either ignored or evaded.

Amongst the various suggestions on Page 3 above, there is one that most people would have expected to see considered: i.e. the Market Place. It is incomprehensible that the HIA spends pages discussing Hall Place but none at all on the Market Place (or any other town centre location) – unless of course the agent was instructed that way. Its claims to consideration include the following:-

- If harmony with the surrounding buildings is a criterion, then in the Market Place the Fountain would be surrounded by Victorian and Edwardian buildings, a few even earlier.
- There was a market cross in the Market Place until 1772 (Old Robin Harmston), sited where the Hilkie Burgess print (1822) shows the public water pump – i.e. about level with the former Lloyd's chemist.



- The Fountain was originally intended for the Market Place (Spalding Water Company Minutes, quoted in Aspects of Spalding 1790 – 1930, Leveritt and Elsdon, 1986 pg 68).
- It is unlikely to be a coincidence therefore that the Fountain was designed in the form of a market cross, in many ways resembling both the Charing Cross and Banbury crosses. Particularly significant is the central iron rod of the Johnson Fountain, which terminates in a cross. A market cross and a drinking fountain in one.
- The public water pump shown in the Burgess print indeed also resembles a small market cross, and a pump existed there in other forms until the 1950s. In the Market Place the Johnson Fountain would restore that historic water link.
- In the Market Place, especially if restored to working order, it would connect with large numbers of people in a practical way, just as originally intended, as it never will as an ornament secluded in a walled park.
- Like the original market cross, it would enhance the Market Place by giving it a focus. At the moment it is a rather bare expanse, and the Fountain is therefore an obvious, ready-made feature for the regeneration of the town centre, increasing its character and distinctiveness..
- On the evidence available, Spalding people overwhelmingly wish to see the Fountain in the town centre. What is more central than the Market Place? Ayscoughfee Gardens has virtually no support.

Was Historic England made aware of all this? And if not, why not?

Conclusion

When the then Chair of the District Council spoke at its AGM in 2018, he referred to Policy 25 of the [South East Lincolnshire Local Plan](#), before going on to say:

“I would hope the councillors would support me in proposing that officers embrace the opportunity, when implementing this new policy and considering the public realm within Spalding, to reintroduce the Drinking Fountain to a prime location in the heart of the town centre” ([Council AGM Minutes, 16 May 2018](#)).

Policy 25 requires the Council to promote appropriate opportunities to support and extend the offer of the town centres as destinations in a number of ways. They include:-

- “**Enhancing existing sites** and ensuring changes to premises have regard to **the significance of heritage assets** and the special interests of the Conservation Areas and their settings;
- “Enhancing the public realm through **improvements to public spaces**, accessibility and signage.”

The Johnson Drinking Fountain is a significant heritage asset belonging to the people of the town. Its purpose was to provide drinking water in the town centre. This application simply ignores that significance, treating the Drinking Fountain solely as a monument, which is its secondary purpose.

The Council has a public duty to lead by example, and therefore to ensure that any planning application it submits meets the requirements of the National Planning Policy Framework and the South East Lincolnshire Local Plan. As we have set out above, this application falls far short of the requirements contained within national planning policies and the local plan. The removal of the Fountain from the Town Centre in 1954 is something that many have regretted ever since. This action, along with others such as the loss of Fairfax /Holyrood House, where the Johnson sisters actually lived, eventually led to public demand that our heritage be preserved for future generations. By rejecting this planning application, the Planning Committee would be making the first step to eventually putting right the wrong that was committed in 1954.

In the light of the many shortcomings of this application, we urge that it be rejected and call on the Council to embark on a course of meaningful engagement – not least with the public – so that all future public money spent in connection with this application be spent where the residents of the town want to see it spent.

August 2022