

**From:** Save Princes Parade [mailto: [REDACTED]]  
**Sent:** 06 June 2021 09:07  
**To:** princesparade@folkestone-hythe.gov.uk  
**Cc:** NATIONALCASEWORK <NATIONALCASEWORK@dft.gov.uk>  
**Subject:** Reference: NATTRAN/SE/S247/3254 – Princes Parade Stopping Up Order

## **Comments by the Save Princes Parade Campaign on the Council's response to the Objections to the Stopping up of Princes Parade.**

*These comments are being submitted on behalf of the 623 members of Save Princes Parade.*

*Please note our email address has changed since our original objections were submitted in 2018.*

### **Introduction**

The Save Princes Parade Campaign has considered the Council's response to the objections to the stopping up of the highway under the Planning Act and wishes to maintain the following objections, as the severe adverse impacts of stopping up the highway and its diversion, do not outweigh the benefits the Council has identified.

Princes Parade was opened by the Prince of Wales in 1881 and provided a straight link between Sandgate and Hythe. . It still serves that purpose, and provides a scenic coastal route between Sandgate and Hythe, and enables people to gain easy access to the beach and Canal.

It also acts as an alternative to the main A259 Seabrook Road between Sandgate and Hythe, which drives the need to retain a road link in the corridor between the sea and the Canal.

### **Background**

In developing the application the Council consulted Design South East who commented on the road alignment in 2016, and stated;

#### *Road alignment*

*We understand that Princes Parade needs to remain open as a highway because it provides emergency relief for the A259 Seabrook Road. One of the major design moves proposed is to realign Princes Parade so that it follows the northern boundary of this site, close to the Royal Military Canal. A wider pedestrian-only promenade would then be created incorporating the current promenade and part of the current Princes Parade. There would therefore be direct pedestrian access, without crossing a road, between the residential development and the promenade and beach. While we can admire the ambition of this plan and see its benefits, it is a very expensive move, adding costs to the development which might be better spent elsewhere, and potentially creating as many problems as it solves. It brings an intrusive roadway close to the scheduled ancient monument, and to the series of trails and paths which run along side it, urbanising it and creating the need for it to be protected by a bund. There is currently on-street parking along Princes Parade and this would have to be moved to the north of the site with visitors then walking through the residential closes. There would be problems of parking enforcement in the residential areas as visitors would want to get closer*

*to the beach. The character of this site is of a vibrant sea-front and a quiet canal area. The realignment proposal does not respect that character bringing a busy access and through road, which will be hard to calm, close to the canal. The strength of the straight road and the straight canal would be diluted. We understand that this decision was based on advice from property consultants that homes with direct access to the beach would command much higher values than homes with a road between them and the beach. We would question the brief that was given to these consultants. Princes Parade is currently a fast, straight road. A home with that type of highway between it and the beach would clearly be less valuable than one without. However, there is an alternative approach which calms Princes Parade through a series of public squares, tables, broad pedestrian crossings, build-outs, parallel or perpendicular parking areas, etc. There are plenty of sea-front roads around England, which are not particularly radical in their street design, but which achieve slow traffic speeds because they provide access to perpendicular parking spaces and are generally busy with people accessing the beach. Aside from these sea-front examples there is also plenty of experience of achieving calmed streets through the introduction of the measures listed above. We do not believe that such a transformed Princes Parade would reduce the value of homes located behind it. Indeed, it might be seen as more attractive than the widened promenade proposed, which at certain times of the year could feel very desolate.*

The comments of the Design Review were clearly ignored by the Council as they pressed ahead with their proposal regardless. Their comments do however reflect the objections that local people have put forward to the stopping up of the existing highway and its re alignment.

- For the full Design South East Report see attachment

### **Needs Test**

The High Court decision states that the relevant authority cannot make and/or confirm an order unless satisfied that a planning permission exists for development and that it is necessary to authorise the stopping up (or diversion) of the public right of way by the order so as to enable that development to take place in accordance with that permission.

The application for the leisure centre was a detailed application so the position of the building, parking and road are fixed. It is therefore necessary to divert the road to enable the leisure centre permission to be implemented.

The description of the development also includes hard landscaping, which includes the widened promenade for its complete length. If it is desirable to maintain a road link in the corridor between the sea and the Canal then it is necessary for the highway to be diverted to enable the widened promenade to be provided, and this permission to be implemented.

Whilst the stopping up of the highway may meet the need test the route of the realigned road has a number of significant disadvantages.

## **Merit Test.**

Whilst it may be necessary to divert Princes Parade from its current alignment to enable this specific development to take place, the stopping up of the road should not create disadvantages if it is to meet the Merit Test.

The Council says the stopping up of the road does not have disadvantages. The stopping up of the road is a direct result of:

- The need to maintain a through road in the corridor between the Sea and the Canal
- The creation of the promenade
- The siting of the leisure centre building and its associated access and infrastructure on the line of the existing Princes Parade.

The siting of the buildings on the residential part of the site are unknown as that part of the hybrid application was in outline with all matters reserved.

As a consequence of the siting of the leisure centre, and the creation of the widened promenade on the line of the existing highway, it is necessary to stop it up, and if a route is to be maintained between Sandgate and Hythe divert Princes Parade for the length of the site so that it runs parallel to the Canal. However, there is little merit in stopping up Princes Parade as there are a number of disadvantages stemming from this action which are:

**Loss of Sea front Parking.** - The Transport Study submitted as part of the Planning Application identifies that there are:

- 187 parking spaces along the south side of Princes Parade within the site boundary,
- 23 spaces in the car park adjacent to the canoe centre of which 2 are disabled,
- The 30 spaces at Battery Point will be retained

It is proposed to replace the 210 spaces along the south side of Princes Parade, and next to the canoe centre with 103 spaces. Of which 32 will be on the realigned road adjacent to the Canal, and 71 spaces at the western end of the site, about half way along Princes Parade towards Hythe.

The present arrangement means that parking is well distributed along the road to meet the visitors needs.

At present users of the promenade and beach have easy access, they can park parallel to the promenade, or in the parking area adjacent to the Canoe Centre and easily move themselves and their equipment (be it fishing equipment, or beach paraphernalia) onto the promenade or beach. Additionally there are those who like to park parallel to the beach and look at the sea.

The proposed parking arrangements are significantly less convenient than the present arrangement. The provision of 32 spaces by the Canal will mean that people using those spaces and wanting to access the beach will have to walk, and carry their equipment through the new housing estate. Additionally by concentrating 71 spaces at the western end of the site, means that that anybody seeking to use the

beach towards Sandgate has to walk and carry their equipment for up to 1 km back. Clearly a very inconvenient arrangement compared to the present siting of the car park spaces.

**Highway Safety** – At present Princes Parade runs in a straight line from Sandgate to Hythe and whilst the traffic study that accompanied the application indicated that at times drivers exceeded the speed limit, there is no record of any accidents where speed is a contributory factor.

The Highway Safety Audit that accompanied the application showed a number of highway safety problems relating to the re aligned road. The diverted road which is necessary because of the stopping up of the existing road, has a sharp left hand bend adjacent to a drop to the Canal bank where the Audit identifies that there is a possibility of vehicles leaving the road, and crashing on to the footpath below, or into the Canal itself. This created sufficient concern in the Highway Safety Audit for the Kent County Council Highway Engineers to require crash barriers on this bend, which will increase the visual intrusiveness of the road adjacent to the Canal a Scheduled Ancient Monument.

The stopping up of the existing route of Princes Parade results in a road the alignment of which is less safe than the existing. The issue of highway safety has not been addressed in the Councils response at all.

**Impact on the Royal Military Canal** – The stopping up of the road in this application results in the realigned road running adjacent to the Canal which is a Scheduled Ancient Monument. Historic England objected to this development which includes the re sited road because in their view it has a substantial adverse impact. The Council's own specialist Consultants agreed that this development has an adverse effect on the setting of the Canal. At the Local Plan Inquiry in 2004 the Planning Inspector refused to allocate this land for development because moving the road alongside the Canal would 'compromise the quiet setting of the Canal'.

It is clearly the view of Historic England, the Council's own Consultants, and a previous Planning Inspector that the realignment of the road caused by the stopping up of the existing highway and its realignment adjacent to the Canal causes significant harm to the setting of the Scheduled Ancient Monument.

**Impact on Habitat and Wildlife** – The Canal is designated as a Local Wildlife site. The stopping up of the road results in the realigned road running in close proximity to the Canal in this development. This results in the destruction of important habitat along the Canal and the disturbance of wildlife. The Environment Agency's original specification was for a buffer zone of 'at least 25 metres' wide. The re-aligned road does not allow for this and FHDC asked the EA to reconsider. In a letter to FHDC dated 10 April 2018 the EA agreed a relaxation to 20 metres just in those places where 25 metres was unachievable. But the diagram on p195 of the ES Addendum (FHDC Consultation on revised drainage scheme, Y17/1042/SH, June 2019) shows that for about 340 metres, the width of the canal-side buffer zone will be substantially less than the minimum of 20 metres specified in the EA's condition. At one point it is reduced to a mere 13.3 metres while averaging about 16 metres elsewhere – and this includes the non-habitable tow-path about 4 metres wide. The proposed re-

aligned road eliminates the possibility of an effective ecological buffer. Leaving the road on its present alignment would enable an undisturbed buffer to remain along the Canal side.

It also results in the introduction of urban features such as street lighting into an area where there is none. The Council say that these effects can be mitigated. Mitigation does not mean that there are no adverse effects or disadvantages. It just means that the adverse impacts can be reduced but, in reality, a level of harm remains.

**Impact of Noise and Pollution on the Canal** – The siting of the diverted highway which is necessary because of stopping up of the existing highway will introduce a noise and pollution source next to the Canal. The Council say that the Council's Environmental Health Officer raised no objection to the development on these grounds. This is disingenuous. The Council's Environmental Health Officer in responding to the consultation said they required a noise survey and identified that traffic on the realigned highway would be the primary source of noise. (See attached 'Consultants Responses' pdf for EH Memorandum dated 17/11/17). The Environmental Health Officer amended their comments on the 21/11/17 and stated:

'After receiving further road plans and taking into consideration the proposed speeding restrictions the amount of traffic using the road is unlikely to cause a significant noise issue to future residents. Therefore a noise acoustic report is not required.'

It is clear from this comment that the Environmental Health Officer is referring to future residents, he/she is not referring to users of the Canal footpath. Clearly no acoustic information had been submitted to the Environmental Health Officer to enable him/her to consider this issue. There is therefore no evidence that these issues have been properly addressed.

The Council's Open Space Strategy in para 3.26 identifies The Royal Military Canal as 'a popular and attractive area designated as a local wildlife site offering visitor amenities, heritage and wildlife value and good access'. It identifies (para 4.31) that sites such as the Royal Military Canal 'are considered to be the best open spaces within the District offering the greatest value and quality for the surrounding communities'.

The Transport study submitted with the planning application carries up to 4838 vehicles in a 24 hour period. The TRICS data submitted as part of the application identifies that the development will generate 1422 vehicles onto the realigned road. The projected flows when combined with the existing flows will give a total flow on the realigned road of 6260 vehicles per day.

At present there are no vehicles in close proximity to the Canal. The siting of the diverted highway which will be at a higher level than the footpath adjacent to the Canal which is a Green Corridor will introduce up to 6260 vehicles which will be a source of noise and pollution into an area where none exists now destroying the tranquillity of the environment to the disbenefit of the users of the Canal side.

## Conclusion

Whilst it may be necessary to stop up the road to enable this development to take place a number of significant disadvantages flow from that, and there is little Merit in stopping up the highway. The significant disadvantages that the stopping up of the creates are:

- A less convenient parking arrangement than currently for the users of this area.
- A less safe and convenient highway
- The need to realign the road, the impact of which significantly damages;
  - The setting of the Scheduled Ancient Monument,
  - Harms important habitat and wildlife
  - Destroys the tranquillity of the Canal, and
  - Introduces a source of noise and pollution immediately next to a highly valued Green Corridor

The stopping up of Princes Parade is not necessary to enable the Council to achieve the advantages they seek on this site. The advantages they seek could be achieved by leaving Princes Parade on its present alignment, but traffic calming it for its complete length and turning over to a shared pedestrian/vehicular surface. This would enable the Council to

- Provide access to the development from the existing Princes Parade
- Provide all the uses they propose served from the existing highway
- Retain a safer road alignment
- Remove the adverse impact of the realigned road on the Scheduled Ancient Monument
- Remove the adverse impact on the realigned road on the habitat and wildlife adjacent to the Canal.
- Remove the potential source of noise and pollution from adjacent to the Canal.

*Dr. Jean Baker*

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*Chair*

*Save Princes Parade*

**For your information our original objections submitted in 2018 were as follows:  
Save Princes Parade Objections to the Stopping Up and Diversion of Princes Parade.**

*This objection is being submitted on behalf of the 439 members of Save Princes Parade.*

The Council's application to stop up and divert Princes Parade should be refused as:

- The application, in the absence of a fully detailed scheme for the whole length of the diverted road, is premature
- It is unnecessary to divert the road. The proposed development could be served from Princes Parade on its present alignment.
- The stopping up of the road and its diversion results in an alignment that is less safe and considerably less convenient to road users.

### **Background**

Princes Parade runs in a straight line from Seabrook to Hythe parallel to the beach. It acts as a through route for those travelling between Seabrook and Hythe. Additionally there are 4 pedestrian routes that cross Princes Parade from the north and give access to the beach to the people who live in the residential areas to the North of the Royal Military Canal.

However, because of the Coast line and the beach it is a destination in its own right. Throughout the year including winter it is popular with walkers, fishermen, runners and cyclists as people are able to park next to the beach. In summer particularly if the weather is good it is very popular and heavily parked by people enjoying the beach.

Additionally it is a Sustrans cycle route.

The Council through its recent introduction for the summer period of parking charges, on Princes Parade has spoilt the enjoyment of many people and driven some of them away, instead they park on surrounding roads. It remains an important pedestrian, through route.

The attached photos show how the road was well used prior to the introduction of the parking meters on 1 May 2018. This video was filmed at 2.40pm on 7.5.18 and shows that despite the parking meters the road is still occasionally heavily used

<https://www.facebook.com/debra.k.jones.7/videos/1806319989427235/?t=8>

### **The Planning Application**

The planning application is Hybrid application which is a full application for the leisure centre and its parking and servicing only. The outline application relates to the remainder of the site, which is the majority of it, and is for primarily residential development with a small amount of commercial development. In relation to the part of the site that is in outline, i.e. the residential area and commercial area the

application is for the principle of development only. The detail of the road alignment and siting of the buildings that is shown on the plans is only illustrative and not for determination now. It is only the leisure centre part of the site where the detail including the road alignment is for determination now.

### **Proposed Realignment**

The Council's proposed route for the realigned road is shown on the plan attached to the Notice. It is proposed to reroute the road to the North so that it runs parallel to the Canal with a sharp bend adjacent to the leisure centre. This is the only part of the site where there is any certainty over the position of the road.

In the part of the site where the application is in outline the proposed road runs parallel to the Canal then cuts back to the south and re-joins Princes Parade. The illustrative plans show that there will be car parking provided on the realigned road adjacent to the Canal, and a car park on the western end of the development site.

For the length of the site (about 1 kilometre) the planning application shows the realignment of Princes Parade so that it runs adjacent to the Royal Military Canal which is a Scheduled Ancient Monument and an important local ecological habitat. The area that is currently occupied by the road would be replaced with a hard surfaced promenade. The realigned road as proposed in the application will create serious harm to the setting of the Scheduled Ancient Monument, and destroy the important habitat alongside the Canal.

### **The Area to be Stopped Up**

The Plan and forms that accompany the notice shows that the part of Princes Parade that is to be stopped up is immediately outside the leisure centre and the remainder of Princes Parade for the length of the site is to be diverted as outlined above.

### **Objections to the Planning Application**

The planning application that generates the Council's desire to Stop up and divert Princes Parade is already the subject of strong local objection - 607 objections at the time of writing, and objection from Historic England, as well as request to the Communities Secretary to Call In the application for his determination, because of its seriously damaging effects. The stopping up and diversion of Princes Parade should be considered by the Secretary of State for Transport at the same time as the planning application and not separately. Attached is a copy of Save Princes Parade Objections to the planning application for your consideration.

As background the application is contrary to the advice in the NPPF, the Council's Development Plan Policies, and creates serious harm to important views, the setting of a Scheduled Ancient Monument, and the environment. The realignment of the road as proposed contributes significantly to the harm that is created by the development.

## **Highway Objections to the Stopping Up and Diversion of Princes Parade.**

Due to the way the Council has submitted the planning application as a hybrid, there is only certainty over the position of a small length of the realigned road at the eastern end of the site. The position of the remaining length of the realigned road which is the majority of it, is in reality unknown and is not for determination now.

Whilst the Council may develop the leisure centre themselves, it is their intention to sell the remainder of the site to a private developer who will then submit the detail of the road alignment, the buildings etc. There is no certainty that the developer will want a realigned road in the position the Council have illustrated. Indeed there is no certainty that the developer would want to re align the road at all, it would actually be cheaper for them to serve their development from Princes Parade on its present alignment

Faced by this lack of certainty, over a future developers intentions, and where the road would be positioned if it was moved at all. If the Council were to stop up the road as proposed, it could result in a short length of realigned road to service the leisure centre, and the remainder of Princes Parade becoming a very long dead end which could only be approached from the Hythe direction.

Such an arrangement would be very inconvenient to existing road users, future residents of the proposed development and anybody approaching the leisure centre from the Hythe direction.

In the absence of knowing the detailed alignment of the full length of the new road, this application to stop up and divert the existing road is premature and could result in considerable inconvenience to existing and future road users. This application should be refused for that reason alone.

The detailed plans and the illustrations show an alignment of the road with a sharp bend adjacent to the leisure centre, parking along its length adjacent to the Canal, and a new car park at the western end of the site.

The sharp bend adjacent to the leisure centre lies in the part of the site covered by the detailed application. The road safety audit shows that this bend is a hazard with the possibility of vehicles leaving the road and plunging down the bank and into the Canal.

Whilst the scheme does provide parking for the users of the coast and the beach for recreational and leisure purposes it is not located in close proximity to the beach as is the existing parking .Instead people including the disabled will have to carry their fishing equipment, canoes and beach paraphernalia through a housing development to reach the beach. Such an arrangement is inconvenient compared to the existing situation.

If the stopping up and realignment of the road as proposed is approved, it would result in a highway that is less safe than the existing alignment, and considerably more inconvenient to road users

There is no overriding need to stop up, and divert Princes Parade to serve this development.

In their application the council state “By relocating the road to the rear of the site, we can generate a vehicle free link from the leisure centre and housing development to the beach and existing promenade.”

Princes Parade could be left on its present alignment and the leisure centre and the housing served from it. If it was considered appropriate to improve the pedestrian environment then consideration should be given to reducing the speed on Princes Parade and inserting pedestrian lights. It would be less damaging to the environment than the current proposal.

If Princes Parade were left on its present alignment the proposed buildings could be sited as positioned in the application, and it would enable the proposed park to be enlarged, a wider undeveloped buffer strip to be created alongside the Canal, thereby reducing the impact of the development on the Ancient Monument, and reduce the level of destruction of the habitat alongside the Canal and an alignment which is safer and more convenient to road users than the one proposed.

While no details have been provided, the road width dimensions for the replacement road as indicated on the leisure centre plan are about 0.8 metres narrower than the actual existing road.