

COMMENTS ON BUCKLES SOLICITORS REPORT

RESPONSE TO STATUTORY CONSULTATION

5 & 6. LEGAL TESTS OF SECTION 247 & COUNCIL'S CASE FOR THE ORDER

A. The Necessity Test

Whilst the design and layout of the development includes the realignment of Princes Parade this is essentially an outline application. I believe the amount of dwellings, commercial uses, landscaped open spaces, parking and other works, including details of a leisure centre could be incorporated within the site area of the application boundary without the necessity of a road closure and diversion. It is not physically or legally impossible for the principle of the mixed used development proposed to occur without the road closure and diversion, though it is accepted details would need to be revised.

I would go further and argue that retaining the existing road would be an improvement, reducing the necessity of too many off road car parks, potentially creating a lively shared surface between the development and the sea (similar to other seafront developments) and removing the necessity of repositioning the road towards the environmentally sensitive Royal Military Canal.

B. The Merits Test

I believe the disadvantages and losses flowing directly from a stopping up and diversion order are of such significance that it should be refused.

It is unreasonable for the Council to state there are no disadvantages or losses flowing directly from the S247 application of significance. Repositioning the road alongside the environmentally sensitive Royal Military Canal (a national monument) should be significant enough in it's own right. Then there is the loss of a large part of one of the most dramatic seaside drives along this part of the Kent coast, creation of an unnecessary 'dogleg' in the road, loss of parking directly alongside the promenade and beach, and likely diversion of traffic onto streets elsewhere. All this when an identical amount of development (and associated benefits) could be achieved without a closure and diversion. The 'benefit' to the promenade is only marginal and not necessary, not much more than a metre or so, taking account of a private buffer and positioning forward of the housing. Links between the housing, open space, commercial uses and leisure centre could be achieved to the existing promenade and beach via a shared surface as is common in many other high quality and integrated seaside developments.

I do not believe the S247 application meets the merits test and would result in an unnecessary and damaging road diversion.

7. PUBLIC OBJECTIONS AND THE COUNCIL'S RESPONSE

B. Unnecessary

It is understood that with the layout proposed the road is shown as being diverted, but that the mix and amount of development proposed does not necessitate a road diversion and could be revised and improved to retain the existing road. Whilst the Council contends it is not role of the Secretary of State to consider alternative developments it is reasonable in my view to take account of the

application being outline and the negative impacts of a closure and diversion as to whether this is really necessary.

C. Loss of seafront parking.

The Council acknowledges there will be a loss of seafront car parking. This will occur throughout half of the entire length of Princes Parade, and as such will dramatically reduce the opportunities for this during different seasons and times of day. Public car parks built near by will not offer the same views, stopping off and accessibility to the sea and beachfront.

D. Loss of seafront visual highway amenity

This to me is one of the biggest losses with the road closure and diversion. Driving between south Hythe and Seabrook along this coast road is one of the most enjoyable and unique experiences of living in Hythe, and so many visitors and friends enjoy this also. Likewise being able to stop and enjoy the setting. I do not accept the mitigating circumstances that only part of Princes Parade will be closed and diverted; I can only see a realigned road damaging the setting of the Royal Military Canal; the enhanced promenade is only marginal and there is a lost opportunity to create a lively and active shared surface between the development and promenade; and there is no point to create a new road if the existing one is more than satisfactory and can be integrated within a development. This is a very significant loss to the amenity of the area and highly valued driving and parking experience for many, including families, disabled and the elderly.

E. Loss of accessibility to the Seafront for people with disabilities

The Council effectively accepts that the closure and diversion will cause the loss of accessibility to the seafront for people with disabilities in this location. This will no longer be possible on half the length of Princes Parade. There is no benefit to the disabled of an 'enhanced' promenade.

No mention is made to the similar loss of accessibility to a large part of the beach for the elderly, families with children, fisherman, boat and boarders who will be confined to one end of the beach or have to travel greater distances.

F.H.G. Impact on the setting of the RMC, noise and air pollution to RMC walkers, environment and wildlife.

Both Historic England and Kent County Council objected to the development on the grounds of the impact on the setting of the historic monument. The road closure and diversion alongside the RMC is a part of that. It is unreasonable for the Council to argue that because Princes Parade is already in the vicinity that bringing it closer to the RMC as part of the development does not impact on the setting of the RMC. There are bound to be increases in noise levels from traffic and parking, as well as light pollution from road and car lights. There will be a loss of greenspace and wildlife habitat by creating a new road where none exists, rather than retaining the existing road.

I. Traffic impact on highway network.

The closure will result in cars being diverted from Princes Parade to the A.259, especially like myself coming from the south of Hythe. This is because of the diverted road becoming less attractive because of a dogleg and no longer being so visually pleasing. This will add to an already sometimes congested junction at Stade Street.