

From: Fred Cooper [mailto: [REDACTED]]
Sent: 07 June 2021 12:30
To: Princes.Parade@folkestone-hythe.gov.uk
Cc: NATIONALCASEWORK <NATIONALCASEWORK@dft.gov.uk>
Subject: Re: Reference: NATTRAN/SE/S247/3254 – Princes Parade Stopping Up Order

Prince's Parade – Stopping Up Order

Thank you for sending me the link to your document dated May 2021 titled Response to Statutory Consultation.

The document basically rejects all of the residents concerns as failing to meet the legal tests of necessity or merit. This is not really surprising as the Council is one of the major sponsors and stakeholders in the Prince's Parade development as well as the applicant for the stopping up and diversion order.

Firstly considering the Necessity Test.

The document quoted several planning conditions (44, 65,51 & 38) as the only legal reasons why the stopping up order should not be rejected on the grounds of necessity. However, the Council introduced these conditions itself and issues of natural justice may arise.

The Merit Test.

As expected the Council rejects all objections to the stopping up order as being either being without merit on the grounds that there are no 'serious disadvantages or losses' arising from it or that the 'public advantage' outweighs any losses or adverse effects.

This rejection appears to rely on a narrow interpretation of the Merit Test based upon the old idea of the Public's only right on the Highway being to 'pass and repass' and the only duty of a Highway Authority is to provide a 'safe means for passage' (7.20.(iv)).

The Transport Minister said in her foreword to the DfTs Manual for Streets (HMSO, 2007, ISBN: 978-0-7277-3501-0): 'Streets are the arteries of our communities – a community's success can depend on how well it is connected to local services and the wider world. However, it is all too easy to forget that streets are not just there to get people from A to B. In reality, streets have many other functions. They form vital components of residential areas and greatly affect the overall quality of life for local people.' A sentiment that the proposed stopping up and diversion of Prince's Parade completely ignores.

In conclusion, I still believe that the proposed stopping up and diversion of Prince's Parade will have a catastrophic effect on the environment, it will greatly diminish the impact of the Royal Military Canal and will adversely affect the amenity, strength and identity of and of the communities that the current road serves.

Therefore I do not wish to withdraw my objections and, should the opportunity arise during the determination process, I may wish to make further submissions.

Regards

Fred Cooper
[REDACTED]

Sent: Monday, May 10, 2021 at 11:35 AM
From: Princes.Parade@folkestone-hythe.gov.uk
To: Princes.Parade@folkestone-hythe.gov.uk
Subject: Stopping up Order - Princes Parade

Dear Sir/Madam

Reference: NATTRAN/SE/S247/3254 – Princes Parade Stopping Up Order

Why we're contacting you

We're contacting you because you responded to the statutory consultation regarding the stopping up and diversion of the highway known as Princes Parade. This consultation ended on 7 June 2018. Since then, the development has been subject to a judicial review which was finally dismissed on 29 November 2019. This means that we can move forward and consider the responses to the consultation on the stopping up order.

Your objection has been carefully reviewed and considered by the council along with the other objections received. A report has been produced by Buckles Solicitors setting out the key themes of the objection to and the council's response to the objections. The full report can be found on the council's website at <https://folkestone-hythe.gov.uk/princesparadetimeline>.

The report sets out the objections received against the legal tests such as the merits and the necessity tests for a stopping up order. Please see the report for full explanations of the legal tests and considerations for stopping up order. If you have difficulty accessing the website or require a copy of the document to be sent separately to you please let us know by emailing princesparade@folkestone-hythe.gov.uk.

You will note in the report, the objections have been categorised into 10 themes. The theme(s) relevant to your specific objection and the corresponding response is/are shown in pages 13-20 of the report.

What happens next?

The report reviews and addresses the objections received, against the legal tests for stopping up order. If you feel your objection has been adequately addressed, you can withdraw your objection by writing to us at the following email address: princesparade@folkestone-hythe.gov.uk

Any responses will need to be made by 4pm Monday 7 June 2021.

If you feel that your objection has not been addressed adequately you may either notify us that you wish your objection to remain in place or, if you do not respond, **it will be assumed you do not wish to withdraw your objection**. Please note that any communication must be in relation to the original objection made and new objections can no longer be submitted. Any objections must also only relate to the stopping up order for the road and not to do with any wider issues of the development.

If you choose to respond, please copy in the case officer at the Department for Transport quoting the above reference number and email it to nationalcasework@dft.gov.uk.

Yours faithfully,



Tim Madden

Director of Transition and Transformation

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Email: princes.parade@folkestone-hythe.gov.uk

Website: www.folkestone-hythe.gov.uk

<https://folkestone-hythe.gov.uk/princesparadeFAQ>