

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP AND DIVERSION OF HIGHWAYS (SOUTH EAST) (NO.) ORDER 201

The Secretary of State makes this Order in exercise of powers under section 247 of the Town and Country Planning Act 1990 ("the Act").

1. (1) The Secretary of State authorises the stopping up and diversion of the highways specified in the Schedules to this Order, being satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act by Folkestone and Hythe District Council, under reference

(2) The diversion of the said highway shall be affected by -

- (a) the stopping up of the length of highway specified in column (1) of the Schedule to this Order as is described in column (2) of the Schedule and is shown on the plan; and
- (b) the provision by the Council of a new highway, which shall be along the diverted route described in column (3) of the Schedule (to take the place of the aforementioned length of stopped up highway in (a) above) and shown on the plan and given the reference letter A.

2. (1) No part of the highways to be stopped up in pursuance of Article 1 (2) (a) of this Order shall take place earlier than the date on which the provisions of Article 1 (2) (b) have been complied with; and

(2) The new highway referred to at Article 1 (2) (b) above shall be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense and the Council shall be the highway authority for it.

3. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.

4. In this Order -

"the Council" means Kent County Council

"the plan" means the plan numbered NATTRAN/SE/S247/3254, marked "Highways at Hythe in the District of Folkestone and Hythe", signed by authority of the Secretary of State and deposited at the Department for Transport, Deposit Document Service, F Floor, Ashdown House, St Leonards on Sea, Hastings, East Sussex, TN37 7GA.

5. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Diversion of Highways (South East) (No.) Order 201 .

Signed by authority of
the Secretary of State
201

DAVE CANDLISH
An Official in the
National Transport Casework Team
Department for Transport

THE SCHEDULE

Description of highways to be stopped up and diverted

The highway to be stopped up is at Hythe in the District of Folkstone and Hythe, shown on the plan and is described in Part A below. The highway to be diverted is as described in Part B below.

PART A

Description of highway to be stopped up

An irregular shaped area of highway as leads off Princes Parade comprising its car parking area, footpaths and highway verge. It commences from grid reference E: 618726, N: 134835 (TR 18726 34835) extending in a north easterly direction for a distance of 87.96 metres when measured along its centre line and having a maximum width of 43.12 metres (marked 1 on the Plan).

PART B

Description of highway to be diverted

Column (1)	Column (2)	Column (3)
Highway to be diverted	Length of Highway to be stopped up	Reference Letter of diverted highway
A length of Princes Parade	A length of Princes Parade commencing from grid reference E: 617979, N: 134666 (TR 17979 34666) extending in a north easterly direction for a distance of 871 metres (marked 2 on the plan).	A A length of highway commencing from grid reference E: 617979, N: 134666 (TR 17979 34666) extending in a north easterly direction for a distance of 887 metres.