

**Land at Princes Parade Promenade, Princes Parade, Hythe**

**SoST S247 Reference: Application reference NATTRAN/SE/S247/3254  
LPA Planning Permission Reference: Y17/1042/SH**

planning  
transport  
design  
environment  
infrastructure

**Town Planning Proof of Evidence of  
Mr Matthew Woodhead BA(Hons) BTP MAUD MRTPI**

**September 2021**



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# 1 Summary of Proof of Evidence

## 1.1 Overview

- 1.1.1 I am Matthew Woodhead and my qualifications and experience are set out within my Proof of Evidence. I am the planning expert witness for the applicant.
- 1.1.2 This Proof of Evidence should be read in conjunction with Buckles Report (Statement of Case) of May 2021,(CD/66) the Heritage evidence of Martin McKay, the Ecology evidence of Richard Andrews and the Highways and Transport evidence of Mark Fitch.
- 1.1.3 The Council has made an application to the Secretary of State for the Department for Transport (SoS(T)) under sections 247 and 253 of the Town and Country Planning Act 1990 for the stopping up and diversion of part of the highway known as Princes Parade, Hythe.
- 1.1.4 The S247 Application was made in relation to Planning Permission Y17/1042/SH, which was approved by the Council in its capacity as local planning authority on 18th July 2019.
- 1.1.5 The courts have set the two tests which must be satisfied in relation to S247 applications. These are the Necessity Test and the Merits Test.
- 1.1.6 In Section 4, I set out the key matters in relation to the Necessity Test. I say that it is clear to me that the Necessity Test is passed both in physical and legal terms, each for a number of reasons, and that it is necessary to stop up and divert Princes Parade in order to enable development to be carried out in accordance with the planning permission granted. This is also considered to be the case by the Save Princes Parade Campaign Group
- 1.1.7 In Section 5 I set out the matters relating to the Merits Test. I consider that there are no disadvantages or losses flowing directly from the S247 Application of such significance that the SoS(T) ought to refuse to make the stopping up and diversion order. To come to this conclusion, I assess the direct benefits of the road closure and diversion and the significance and importance of the planning permission, I then weigh any perceived significant disadvantages and losses flowing directly from the closure and diversion order. I do this by examining the comments made by objectors and reference the evidence of Mr McKay, Mr Fitch and Mr Andrews on matters of Heritage, Highways and Transport, and Ecology respectively. I conclude by setting out why I consider that the S247 application clearly meets the Merits Test. In Section 5 I also consider the position should the S247 application not be granted, concluding that the development would still go ahead but would be likely to require a new planning application with the buildings and roads pushed further north.
- 1.1.8 In the final Section 6, I conclude by assessing the balance of matters in relation to the Necessity and Merits Test. I consider that the Necessity and Merit Tests for this S247 application are clearly satisfied and that the SoS(T) is therefore requested to make the order stopping up and diverting that part of Princes Parade that passes through the development.

## **2 Witness details and scope of evidence**

### **2.1 Qualifications and Experience**

- 2.1.1 My name is Matthew Woodhead and I am a Director of Planning at DHA, Chartered Town Planners and Development Consultants in Maidstone, where I have worked since 2004. I have over 23 years' experience as a town planner and urban designer and am a Member of the RTPI. I have experience as an urban designer and town planner in both local authority and in the private sector, before taking up my current position at DHA Planning.
- 2.1.2 I hold a BA (Hons) degree in Town and Country Planning and Bachelor of Town Planning (BTP) degree from The University of Manchester. I also hold a Masters Degree in Urban Design (MAUD) from The University of Westminster. I have a wide range of experience involving proposals for major and strategic mixed-use development.
- 2.1.3 I am experienced at giving evidence to Public Inquiries, both for Appellants and Local Planning Authorities.
- 2.1.4 I appear at this Public Inquiry to present evidence on planning matters.

### **2.2 Declaration**

- 2.2.1 The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions. I have visited the site and surrounding area.

### **2.3 Scope of evidence**

- 2.3.1 This Proof of Evidence should be read in conjunction with Buckles Report (Statement of Case) of May 2021 (CD/66), the Heritage evidence of Martin McKay, the Ecology evidence of Richard Andrews and the Highways and Transport evidence of Mark Fitch.
- 2.3.2 My evidence refers to the planning application submitted material including the Environmental Statement Main Report (August 2017) (ES) (CD/10), and Planning, Design and Access Statement (CD/7) and subsequently the Officer's Report to the Planning Committee (16.08.2018) (CD/3) and the planning permission decision notice (18.07.2019) (CD/2). It also refers to the June 2020 Local Plan Inspector's Report (CD/110) on the allocation of this site. The evidence also refers to the expert consultees to the planning application.

## 3 Case for the Applicant

### 3.1 Overview of the Applicant's case

3.1.1 The Council has made an application to the Secretary of State for the Department for Transport (SoS(T)) under sections 247 and 253 of the Town and Country Planning Act 1990 ("the 1990 Act") for the stopping up and diversion of part of the highway known as Princes Parade, Hythe ("the S247 Application").

3.1.2 The S247 Application was made in relation to Planning Permission Y17/1042/SH, which was approved by the Council in its capacity as local planning authority on 18th July 2019 ("the Planning Permission" (CD/O2)).

3.1.3 The National Transport Casework Team, on behalf of the SoS(T), undertook its statutory consultation on the S247 Application which commenced on 10th May 2018 and closed on 7th June 2018 under reference NATTRAN/SE/S247/3254.

3.1.4 Public objections to the S247 Application were received by the Casework Team during the period of statutory consultation. Further and updated objections have been allowed in 2021 through the inquiry process.

3.1.5 In accordance with section 252 of the 1990 Act, where the Public Objections are not withdrawn, the SoS(T) will, before making a decision on the S247 Application, hold a local inquiry unless he/she is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.

3.1.6 The legal tests and required considerations of the S247 Application for the SoS(T) are contained within section 247(1) of the 1990 Act. Section 247(1) provides that:

*"The Secretary of State may by order authorise the stopping up or diversion of any highway outside Greater London if he is 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 or section 293A, or*
- *by a government department".* [emphasis added]

3.1.7 The courts have identified two separate and distinct legal tests for determination by the SoS(T) before exercising his/her powers for the stopping up or diversion of any highway pursuant to a planning permission. These two legal tests were recently called by the High Court in *Network Rail Infrastructure Ltd, R (On the Application Of) v The Secretary of State for the Environment, Food And Rural Affairs* [2017] EWHC 2259 (Admin) ("Network Rail"):

- the necessity test; and
- the merits test.

3.1.8 I understand that the 'necessity test' in simple terms requires the SoS(T) to answer the following question:

***Is it necessary to stop up and/or divert a highway to enable the carrying out of the development authorised by planning permission?***

- 3.1.9 I understand that the 'merits test' in simple terms is the discretionary power of the SoS(T) to not make an order under S247 stopping up and/or diverting a highway notwithstanding whether the 'necessity test' is satisfied. It requires the SoS(T) essentially to consider the following question:

***Are the disadvantages and losses, if any, flowing directly from a stopping up and/or diversion order of such significance that he/she ought to refuse to make the order?***

- 3.1.10 These tests are explained in detail in Buckles Solicitors' response to statutory consultation report dated May 2021 (CD/66), and in summary, the Council contends that the legal tests are satisfied and the SoS(T) should make the requested order extinguishing and diverting the highway pursuant to the S247 Application. Such order to take effect upon the opening of the realigned route of Princes Parade to the public.
- 3.1.11 The 'necessity test' is covered further in my proof and the main 'merits test' within the accompanying highways, heritage and ecology evidence, albeit I also address matters outside of these areas and the overall balance. I watched the livestream of the Pre-Inquiry Meeting on 21st September 2021 and read the Inspector's Post-Meeting Note so I am aware of the guidance given by the Inspector on the relevant matters for this inquiry.

### **3.2 Summary of the planning consent and site**

#### **The Site**

- 3.2.1 The site is located to the east of Hythe town centre (within the defined settlement boundary) and occupies a prominent position on the coastline between Princes Parade and the Royal Military Canal (RMC). The Site has previously been used as a refuse site; however, it is now, in the main, overgrown with scrub.
- 3.2.2 To the north, the site it is bounded by the RMC (a Scheduled Ancient Monument and Local Wildlife Site), and to the west by Hythe Imperial Golf Course. The south of the site is bounded by a shingle beach. To the east lies Olivia Court – a residential block comprising of 22 flats, beyond the Seapoint Canoe Centre which is included as part of the site.
- 3.2.3 Princes Parade runs through the south of the site adjacent to the seafront. Princes Parade is a 2km seafront road that links the Esplanade at Sandgate to the West Parade at Hythe and the RMC. The road is approximately 7.5m wide (including on-street parking bays) with a 40mph speed limit along the main section of the road and a 30mph limit at the junctions of the connecting roads at each end. There are double yellow lines along the northern side of the carriageway and paid parking bays on the southern side adjacent to the promenade.

### **3.3 The Site Policy and Policy Background**

- 3.3.1 Princes Parade site has been promoted for development throughout the local plan making process for a number of years. Through the examination and subsequent adoption of the FHDC Places and Policies Local Plan in 2020 (CD/109), the site has been accepted as a suitable site for a replacement leisure facility for Hythe, for new housing in order to contribute towards meeting the housing requirement for the district, together with commercial uses and public open space. Accordingly, Policy UA18 of the FHDC Places and Policies Local Plan (adopted Sept 2020) (CD/109) allocates the Site for up to 150 residential dwellings, a 2,961sqm leisure centre; approximately 1,500sqm of commercial uses including hotel use (Use Class C1 / A1 / A3); and public open space.
- 3.3.2 The Places and Policies Local Plan allocates land for future development in the district in order to meet the requirements set out in the Core Strategy for residential, employment, community and other needs; and provides development management policies that will be used to assess planning applications and guide future development.
- 3.3.3 In terms of the need for a new leisure centre, there has been a long-standing requirement and need for a replacement swimming pool in Hythe. It is widely accepted that Hythe Swimming Pool needs to be replaced and inspection work has confirmed that the pool requires extensive maintenance and repairs in order to comply with health and safety standards. To secure the medium term future of the pool it has been estimated that it would be necessary to invest up to £1 million over a two to five year period; as such it has been accepted it is no longer efficient to maintain the existing facilities and a new facility needs to be provided.
- 3.3.4 In 2012 Strategic Leisure were commissioned by the District Council to assess the need for a new leisure facility and explore potential sites within 2.5 miles of the existing facility.
- 3.3.5 The Council identified three possible sites (all on FHDC owned land) where it might be possible to replace the existing Hythe Swimming Pool. Each site was assessed against an outline specification for location, catchment, access, financing and delivery. The site options analysis identified Princes Parade, Hythe as the optimum site for the development of the new swimming pool and leisure facility.
- 3.3.6 A further study was undertaken in 2015 by Lee Evans which looked at the existing site in Hythe, a site at Nickolls Quarry, and Princes Parade, The Green, Hythe and South Road Recreation Ground, Hythe. This study confirmed:
- Hythe Swimming Pool was too small to accommodate the design specification of a modern new leisure facility and its associated parking requirements. It was also considered an unviable option as the project relied on releasing a capital value from the site which would not be possible;
  - Nickolls Quarry was considered too remote from central Hythe and the existing pool site. There were also concerns regarding deliverability as the timings were not within the District Council's control.

- Princes Parade was thought to be a good option as the site is close to the existing swimming pool, within the Council's control and offers scope for comprehensive redevelopment, including remediation of contaminated land and re-use of a brownfield site. There is considerable potential for providing additional community benefits including provision of high quality public open space along the canal side and beachfront.
- Hythe Green was a site that was considered potentially the most appropriate site for a new leisure facility. However, the site proved to be undeliverable due to issues concerning land ownership and a restrictive legal covenant which prevents the development of any part of The Green. As such the site could not be considered.
- South Road Recreation Ground was in a good central location, and had no known abnormal costs. However, it was rejected because of the harmful impact on the Conservation Area and on the amenity of residents.

3.3.7 Subsequently, and in light of the findings, the Council put forward Princes Parade as the location for the replacement leisure centre, together with commercial, housing and open space uses as part of the Places and Policies Local Plan preparation and plan making process.

3.3.8 In terms of the need and suitability for housing, Princes Parade is in a sustainable location being close to public transport links, in particular the bus network along the A259 Seabrook Road and offering convenient access to a range of shops and local services, schools, doctor's surgeries, leisure facilities and employment opportunities in Hythe, Seabrook and Folkestone. The provision of housing will also help fund leisure and community facilities and a mix of accommodation types will meet a variety of housing needs.

3.3.9 In terms of the need for open space, development proposals present a significant opportunity to address deficiencies associated with the site by improving the range and quality of some of the open space and play equipment as well as supporting facilities such as toilets and changing rooms.

3.3.10 The key constraints are namely:

- The site is situated adjacent to the Royal Military Canal, which is a Scheduled Monument, an Area of Archaeological Potential and Local Wildlife Site;
- Potential for contamination as a result of historic uses;
- Proximity to the Sandgate Road Seabrook Pumping Station.

3.3.11 As such, policy UA18 (FHDC Places and Policies Local Plan (adopted Sept 2020) (CD/109) was adopted which includes a number of criteria to address any deficiencies and mitigate where necessary (such as criteria 2 and 3 of UA18).

3.3.12 Whilst a number of local objections were submitted in relation to the proposed allocation of Princess Parade, the Local Plan Inspector (Inspector's Report on the Places and Policies Local Plan (26.06.2020) paragraph 26 (CD/110) considered all matters and confirmed that Policy UA18's criteria-based approach is justified by



the available evidence and provides clear direction to the decision maker in relation to the assessment and statutory protection of the site-specific heritage issues. The policy is clear in that it seeks to maximise opportunities to enhance key aspects of the heritage asset by improving connectivity between the RMC and the seafront. The policy also contains criteria that allow for the decision maker to robustly assess any development proposal in relation to biodiversity, wildlife, highway safety and drainage. The Inspector goes on to conclude that Policy UA18 - Princes Parade, Hythe is justified, positively prepared, consistent, and deliverable (paragraph 26).

- 3.3.13 It is worth noting that even though the policy post-dates the grant of the planning permission, it is an up to date, independently examined adopted policy. This demonstrates approved recognition of the acceptability of the development of the site and also the important planning objectives underlying the development which the Council are trying to achieve.

### **3.4 The Planning Permission**

- 3.4.1 Planning Permission (Y17/1042/SH) was approved by the Council in its capacity as Local Planning Authority on 18th July 2019. The Planning Permission is a hybrid planning consent, for:

- A. an outline application for up to 150 residential dwellings; up to 1,270sqm of commercial uses including hotel use, retail uses, and/or restaurant/café use; hard and soft landscaped open spaces including children's play facilities; surface parking for vehicles and bicycles; alterations to existing vehicular and pedestrian access and highway layout; site levelling and groundworks; and all necessary supporting infrastructure and services; and*
- B. a full application for a 2,961sqm leisure centre including associated parking; open spaces; and children's play facility.*

- 3.4.2 The detailed element includes the new leisure centre, access to this including part of the new road, parking, and a play area, as shown on the following drawings as approved under condition 4. Condition 4 states: *'the development hereby permitted under the detailed planning permission shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:*

- 150-01 proposed location plan*
- 200-01 proposed site plan part a*
- 200-02 proposed site plan part b*
- 300-01 ground floor plan*
- 300-02 first floor plan*
- 300-03 proposed elevations*
- 300-04 proposed sections'*

3.4.3 The outline aspect of the scheme is controlled by condition and is defined by a series of parameter plans and a Design Code (approved under condition 6), which define the key spatial relationships of the proposals. Condition 6 states: *'The reserved matters details to be submitted pursuant to condition 1 of this planning permission shall include no more than 150 dwellings and shall demonstrate compliance (or provide for suitable alternative arrangements) with adopted vehicular and cycle parking standards and the documents and plans listed below through an accompanying Design Statement:*

- i. Section 5 – Design Code, Planning and Design and Access Statement August 2017;*
- ii. Parameter Plans – Application Site Area – Red Line PP ASA 001;*
- iii. Parameter Plans – Maximum Number of Storeys Plan PP SH;*
- iv. Parameter Plans – Access and Circulation Plan PP AC 004;*
- v. Parameter Plans – Land Use Plan PP LU 003;*
- vi. Parameter Plans – Development Zones Plan PP DZ 002;*
- vii. Parameter Plans – Maximum Section PP MHS 006.*

3.4.4 The outline permission includes:

- Up to 150 new homes, of which 30% are to be affordable. It is expected that apartments will make up a large proportion of the new homes on the eastern part of the site, with predominantly terraced and semi-detached houses on the western part.
- The 1,270sqm of commercial uses are envisaged as being accommodated within a single building overlooking a central open space, in the form of ground floor restaurant/café/shops and a small boutique hotel on the upper floors.
- The remainder of the new road to service development and accommodate the proposed closed Princes Parade to vehicular traffic.
- Public open space, including informal open space and hard landscaped space;
- Public parking would be provided for access to the beach, with 103 spaces in total proposed.

## 4 Necessity Test

### *Is it necessary to stop up and/or divert the highway to enable the carrying out of the development authorised by planning permission?*

- 4.1.1 As set out in the Buckles report at 5.8.1 the necessity test can be satisfied by there being "**a physical obstacle** - some practical impediment to the development proceeding. By example, a highway running across a development site that would make it impossible for the proposed development to be carried out and completed without it being stopped-up or diverted;".
- 4.1.2 The key issue therefore for this aspect of the necessity test is whether there is a conflict between the planning permission and the existence of the highway rights on the present line of Princes Parade (including the footway as well as the carriageway). I consider from my examination of the drawings and planning permission that there clearly is a conflict, in a number of respects.
- 4.1.3 If you examine a combination of the existing and proposed drawings, for the detailed element of the planning permission, there is clear overlap on where the carriageway (including footway) lies now and where the leisure centre and associated development will be built. This includes areas of development such as the leisure centre building itself and the external areas, car park, and access ramps/steps. This overlap is best shown on a plan included as CD/68. Whilst this is a plan created in order to demonstrate the clear overlap, this conflict can also be seen from the approved detailed plans for the leisure centre, including drawing 150-01 and 200-02 (CD/69 & CD/71) and the landscape proposals plan MHS175.17-001 Rev D (CD/85). The detailed drawings for the leisure centre are approved and the development must be built out in accordance with them as directed by condition 4 of the decision notice (CD/2). The physical construction of the permitted detailed scheme is therefore inconsistent with the existing highway rights. Even if we only consider the detailed planning permission, it would require the stopping up and diversion of Princes Parade.
- 4.1.4 Similarly, the outline elements of the scheme have a number of parameter plans which are approved drawings that any reserved matters application must be in accordance with under condition 6. Despite all detailed matters being reserved, the development zones for the outline planning permission also overlap with the existing carriageway which includes the footway. In particular, condition 6 lists *Access and Circulation Plan PP AC 004* (CD/79) which reserved matters submission must comply with. In addition, the overlap is also shown clearly on the plan included as CD/68 which shows the detail behind the parameter plans. Here you can see that the development blocks of the residential development and the hotel/commercial building lie within the existing carriageway.
- 4.1.5 In addition, I understand that the detailed reserved matters plans emerging are following the parameter plans. Condition 6 requires the reserved matters to be carried out in accordance with the plans. This clearly includes the Development Zones Plan PP DZ 002 (CD/83) (see para 3.4.3 above) which shows development on top of the existing highway. As the outline planning permission provides for built development to take place in the development zones, which overlap with the footway and the carriageway, the stopping up and diversion of Princes Parade is necessary to enable the development permitted by the outline element of the

planning permission to be carried out. The physical construction in accordance with the parameter plans is inconsistent with the existing vehicular highway right.

- 4.1.6 The remainder of Princes Parade - the southern part of the landward carriageway and the seaward carriageway - will have the new splash wall and wider promenade constructed on it, with the promenade to be used for recreation as hard surfaced open space (with seating and planters etc). This is best shown in Figure 5.15 of Section 5 of the PDAS, covered by condition 6, at page 95 (CD/07). It is also shown clearly on page 93 of the PDAS where the two cross sections of before and after show directly the new construction which will be in where the existing footway and carriageway are positioned. Both the physical construction of these new elements, and the operational use and existence of obstacles there, are inconsistent with the existing vehicular highway right. The stopping up and diversion of Princes Parade is required for the construction and use of the widened promenade, even if for no other part of the development.
- 4.1.7 It is therefore physically and practically impossible for the Council to carry out and complete the works authorised by the planning permission for the development unless for Princes Parade the existing highway is stopped up.
- 4.1.8 The Inspector's Pre-Inquiry Meeting Note refers to the fact that the development under the outline permission is not fully defined by the approval of reserved matters yet. It is however clear that it is necessary to stop up and divert the highway to enable the detailed planning permission development to be carried out, or to enable the development of the new wider promenade to be carried out, or to enable development to be carried out within the outline planning permission development zones. Any one of these three reasons would be enough to satisfy the necessity test in this case, but in my opinion all three apply. The Design Code in Section 5 of the PDAS (CD/07), referred to in condition 6, shows buildings in the development zones on the existing Princes Parade highway and I understand from the design team, that the detailed design which will come forward for reserved matters approval, is in line with this, so that it is necessary to stop up and divert Princes Parade to enable development to be carried out in accordance with the outline planning permission which has been granted.
- 4.1.9 In the Buckles Report of May 2021 at 5.8.2 (CD/66) it explains that the necessity test can also be satisfied by: *"a legal obstacle - a "Grampian" or negative planning condition or planning obligation preventing the development being carried out, in whole or in part, until an order stopping-up and/or diverting a highway had been made and confirmed, and the highway had then been stopped-up and/or diverted."*
- 4.1.10 As noted above, there are a number of conditions which mean the applicant must carry out the scheme in accordance with them. These include:

**Condition 4** – *The development hereby permitted under the detailed planning permission shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:*

*150-01 Proposed location plan  
200-1 Proposed site plan Part A  
200-1 Proposed site plan Part B  
300-1 Ground floor plan*

300-2 First floor plan  
300-3 Proposed elevations  
300-4 Proposed sections

*Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development*

**Condition 6** – *The reserved matters details to be submitted pursuant to condition 1 of this planning permission shall include no more than 150 dwellings and shall demonstrate compliance (or provide for suitable alternative arrangements) with adopted vehicular and cycle parking standards and the documents and plans listed below through an accompanying Design Statement:*

- i) Section 5 – Design Code, Planning, Design and Access Statement Aug 2017*
- ii) Parameter Plans – Application Site Area – Red Line PP – ASA 001*
- iii) Parameter Plans – Maximum Number of Storeys Plan PP – SH*
- iv) Parameter Plans – Access and Circulation Plan PP – AC – 004*
- v) Parameter Plans – Land Use Plan PP – LU 003*
- vi) Parameter Plans – Development Zones Plan PP – DZ 002*
- vii) Parameter Plans – Maximum Heights Sections PP – MHS – 006*

*Reason: To ensure the development proceeds in accordance with the parameters approved under the Outline Planning Permission.*

4.1.11 The above two conditions require the development to be carried out, both in detail and outline, in accordance with the plans listed. In order to carry out the development in accordance with those plans the existing road is required to be stopped up as explained above in the physical obstacle section.

4.1.12 There are also a number of other conditions relevant to the carrying out of the permission which require the stopping up of the existing road in order to be compliant with them. These are summarised:

**Condition 9** – This requires the reserved matters submission to include a 1 metre high splash wall, 11 metres back from the existing primary sea wall. The 1m high splash wall must therefore be constructed on what is currently the Princes Parade highway, which would be inconsistent with the continued existence of highway rights over the land.

**Condition 13** – This requires a phasing plan to be submitted prior to commencement of development of all elements of the scheme and for the applicant to then carry the scheme out in accordance with the phasing plan. The reason for this condition is *"The development will not be carried out as a whole, so certain conditions require details to be submitted only in relation to individual plots comprised within the site or for the whole development. The boundaries of those plots must be identified in order for those conditions to be effective"*. This requires development to take place on what is the existing Princes Parade highway.

**Condition 30** – This requires the submission of a phasing strategy for the re-alignment of the highway at Princes Parade. The development must be then implemented in accordance with the approved details. As this relates directly to

the re-alignment of the road it is considered that this condition could not be satisfied should the stopping up and diversion order not be granted.

**Condition 33** – This condition requires details of vehicular and cycle parking and the eastern car park to be submitted and approved prior to the construction of the leisure centre. This directly requires works to be undertaken within the area of the existing footway and carriageway of Princes Parade.

**Condition 40** – This requires the visibility splays shown on approved plans to be provided before the leisure centre is open to the public. This condition is therefore ensuring that the detail shown on approved plans for the leisure centre comes forward in accordance with them. The leisure centre approved plans include developing on the existing Princes Parade footway and carriageway and therefore this condition could not be satisfied should the stopping up and diversion order not be granted.

**Condition 42** – This requires details of the 1m splash wall to be submitted for the relevant phase to show how it prevents water reaching the development and for it to be constructed prior to first use or occupation. The construction of the 1m high splash wall would be inconsistent with the continued existence of highway rights over the land.

4.1.13 The above conditions cannot be complied with should the highway stopping up and diversion order not be made. In the Network Rail case (CD/108) in the High Court, at paragraphs 49 and 52, it was explained that the stopping up or diversion had to be necessary to enable the development to take place in accordance with the planning permission and that the necessity test was concerned with whether an order is necessary in relation to the terms of the planning permission, including its conditions and the drawings which determine how the development is allowed to be carried out. As well as the physical necessity, the need to comply with these conditions also makes it necessary to stop up and divert the existing Princes Parade highway to enable the development to proceed in accordance with the terms of the planning permission.

4.1.14 In response to the Buckles Report of May 2021 the 'Save Princes Parade Campaign Group', under the heading of "Needs Test" (CD/67), stated:

*"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"*

4.1.15 The 'Save Princes Parade Campaign Group' also says in the same document (CD/67) *"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 accept in the conclusion that it would be necessary to stop up the road to enable this development to take place. It is clear therefore from the above

that there is common ground with the main objector group that the necessity test is satisfied in both physical and legal terms.



## **5 Merits Test**

5.1.1 The Council contends, and I agree, that there are no disadvantages or losses flowing directly from the S247 Application of such significance that the SoS(T) ought to refuse to make the stopping up and diversion order. Together with the direct benefits of the road closure and diversion and the significance and importance of the planning permission, the SoS(T) must weigh any significant disadvantages and losses flowing directly from a closure or diversion order.

5.1.2 In the "Pre-Inquiry meeting note – Post meeting note" from 21 September 2021 the Inspector set out the key issues (page 3) from the Merits Test as below:

- Effect on seafront parking;
- Effect on seafront highway amenity;
- Effect on disabled access to the seafront;
- Effect on the setting of the RMC, including from noise and air pollution;
- Effect on biodiversity; and,
- Effect on traffic, which can include consideration of flow of traffic

5.1.3 The above identified key issues are in the main dealt with in detail in the evidence of Mr McKay, Mr Fitch and Mr Andrews. I summarise the key areas below and deal with any other issues arising outside of others evidence scope.

### **5.2 Heritage**

5.2.1 I have read the proof of evidence of Mr McKay and agree with his balanced and objective assessment and therefore rely on this for all heritage matters, including the main issue identified by the Inspector of the effect on the setting of the RMC. I note that on 26<sup>th</sup> June 2020, the Inspector published his report on the Examination of the FHDC Places and Policies Local Plan in relation to UA18 Princes Parade (para 24) (CD/110). It considered that the criteria based approach to the policy was justified and provided clear direction to the decision maker in relation to the assessment and statutory protection of the site-specific heritage issues.

5.2.2 Mr McKay examines the key matters with regards to heritage and sets out that in relation to the RMC, the new road will have a relatively minor impact compared to the main impact of having buildings permitted by the planning permission between the built up area to the north and undeveloped open land to the sea at the south. Mr McKay identifies that the new road is part of the mitigation strategy to reduce the impact of the new buildings on the immediate setting of the RMC. In addition, Mr McKay states that the stopping up and new road are part of the overall design response of the scheme to the setting of the RMC and the Parade offering open parkland and direct connections to the sea. The concept permitted through the permission is reinforced by the stopping up and diversion order to create a pedestrian and leisure seafront promenade closer to the original Edwardian concept of a parade.



5.2.3 Mr McKay concludes his evidence by saying that there is sufficient information available as part of the planning permission documents, within recent submissions to discharge the planning conditions, and within the stopping up order to fully measure the impact of the new road on the RMC and its setting. Finally, Mr McKay states that the impact will therefore be no greater than that shown at the planning application stage.

5.2.4 In my role as a Town Planner and Urban Designer, and having read the evidence of Mr McKay, I consider that there are no disadvantages or losses flowing directly from the S247 Application with regard to heritage of such significance that the SoS(T) ought to refuse to make the stopping up and diversion order. As also concluded by Mr McKay, the merits test is therefore satisfied in this regard. The stopping up order should be granted.

### **5.3 Ecology**

5.3.1 I have read the evidence of Mr Andrews and agree with his balanced and objective assessment, including in relation to the main issue identified by the Inspector of the effect on biodiversity.

5.3.2 Mr Andrews considers that the ecological concerns raised by objectors have already been dealt with through the EIA process that informed the granting of permission. Mr Andrews considers that the residual ecological impact of the whole development (with mitigation and the stopping up order) is insignificant save for one respect (minor impact on toads). The stopping up and diversion order does not create harm to important habitats and any harm comes from the consented development which will be mitigated. As a Town Planner and Urban Designer, I endorse his opinion and therefore rely on this for all matters relating to ecology.

### **5.4 Highways and Transport**

5.4.1 Highways and Transport is a key topic in relation to the S247 Inquiry into the stopping up and diverting of Princes Parade. The topic covers the main issues identified by the Inspector of the effects on seafront parking, seafront highway amenity, disabled access to the seafront, and traffic considerations. As you would imagine from a S247 stopping up and diversion order, it is the area which has attracted the most objections. This is recognised by having a separate witness and evidence prepared by Mr Fitch.

5.4.2 Mr Fitch first looks at the loss of seafront parking and concludes that the Council acknowledge that there will be a loss of seafront parking as a result of the S247 order. However, I agree with Mr Fitch who contends that such a loss will not be significant when balanced with; the new wider offering of parking which will be easily and directly accessible to the seafront (such as the Seapoint car park relocation), the limited section of Princes Parade which it effects, the current problems associated with the position of the seafront parking next to the existing splashwall (makes exiting a vehicle on one side impossible), and the far improved usability of the new car parks and parking spaces provided.

5.4.3 Mr Fitch then examines the loss of seafront highway amenity with the objector contention that the stopping up and diversion order will directly cause the loss of seafront amenity and enjoyment arising from both the passing along the existing

road and parking upon it. Whilst it is accepted that there may be some loss of enjoyment for some people who would no longer be able to drive through the existing road, the significance of this loss is outweighed by; the fact that only a short stretch of Princes Parade would be stopped up and diverted, the new road would enhance the amenity for users of it and the RMC, the realigned road will enable an enhanced promenade and huge amenity benefits arising from the car free environment for pedestrians and cycles, and the fact that a highways purpose is not to provide visual amenity but to provide a safe means of passage.

- 5.4.4 The evidence of Mr Fitch addresses the objections that assert that the stopping up and closing of Princes Parade will directly cause the loss of accessibility to the seafront for people with disabilities and specifically seafront parking. It is accepted that the stopping up and diverting of Princes Parade may cause a loss for some people with disabilities of their preferred parking spaces. However, this loss is not significant due to; it only affecting a small part of Princes Parade, the new public parking provision provides for 12 formal public disabled spaces (14 in total on the development site) in a position away from a live carriageway, the current parking on the seafront is not accessible to people with disabilities due to the seawall constraint, the new road and public parking will provide closer disabled spaces for easier access to the RMC and the enhanced promenade and open spaces, and the Council has designed the scheme and parking with due regard to its public sector duty under the Equality Act 2010. It is also worth bearing in mind that there will be 43 wider spaces (dimensions suitable for disabled users) provided on the new road.
- 5.4.5 Lastly, with regards to objections, Mr Fitch examines the traffic impact related issues raised as a result of the stopping up and diversion order. Mr Fitch concludes that the effect on traffic impact will be neutral and points out that there are benefits to a new road designed to KCC standards without the existing parking along it which currently constrains the width and makes two way traffic passing difficult. The new road would also have traffic calming which would make it a safer and more pleasant environment for non-car users of the highway.
- 5.4.6 Whilst some of the benefits in highways and transport terms have been touched on above in addressing the objectors concerns there are many additional identified benefits that come about directly from the stopping up and diverting of the existing highway. The improvement to pedestrian and cycle accessibility, providing a car free safer environment is key to the proposals. The quality of the new parking provision is far improved from the existing position providing uncompromised parking spaces off the active highway beneficial to all users but especially those with disabilities. There are also identified safety benefits arising from the newly designed road which include provision for all users, has traffic calming built in and conforms to the KCC current standards.
- 5.4.7 When balancing the accepted disbenefits of loss of preferred parking on the seafront, loss of overall parking numbers, loss of drivers amenity of driving along Princes Parade, I concur with Mr Fitch in that the direct effect of the diversion order in respect of these issues will be very limited and therefore of limited weight in the balance. The effect on traffic flow is considered neutral and of course the development traffic is already permitted through the planning permission. I therefore consider that in highway and transport terms there are no disadvantages or losses flowing directly from the S247 Application of such significance that the SoS(T) ought to refuse to make the stopping up and diversion order. When you

factor in the mitigation in terms of the highway and transport offering as a whole from the scheme, and the significant benefits which come forward in transport terms (set out above), the balance in is firmly on the side of granting the stopping up and diversion order.

## **5.5 Other issues raised by the objectors**

5.5.1 To begin this section, it is worth noting that there is a large amount of support for the scheme and to the S247 application. This can be seen in some of the representations which have been submitted. In my experience with many matters of this nature it is usually only the objectors who take the time to write and make their views known. I consider the amount of support that has been submitted unusual and I would say it is therefore likely reflective of a much greater body of people who are happy and wish the planning application and the S247 application to proceed.

5.5.2 The majority of issues raised by objectors, flow from the development which has been granted planning permission and are not effects of the proposed S247 order. The planning application has already been decided and granted planning permission by the local Planning Authority. Further, the majority of issues raised by objectors are dealt with in the evidence of Mr McKay (Heritage), Mr Fitch (Highways and Transport) and Mr Andrews (Ecology). This section of my proof seeks to pick up on other outstanding objections raised.

### **Amenity issues**

5.5.3 As a starting point it is worth noting that the construction of the new road (straight character, height, width etc), and its use by traffic arising from the development, are part of the planning permission, not a direct result of the stopping up and diversion order. This is having to be addressed as it is raised at paragraph 26 of Statement of Case of the Princes Parade Campaign Group despite the Inspector in his pre-inquiry meeting note stating that it is the right and not the construction that is for discussion.

5.5.4 The physical characteristics of the new road will not be any different due to the proposal to divert the existing Princes Parade traffic over it. It is the case, however, that around three quarters of the traffic (73% in the morning and 68% in the evening) predicted to use the new road arises as a result of the diversion of Princes Parade, albeit this is already traffic using the locality.

5.5.5 This is important to note for a number of elements as there are objections with regards to climate change, air quality, and noise which I address below.

#### *Seabrook Primary School*

5.5.6 I have read objectors concerns regarding Seabrook Primary School and the argument that without the existing Princes Parade remaining open, the traffic will back up on the A259, and that the fumes of the cars will affect the school directly. This also has another related point made that the new road is closer to the school with the same concern around car fumes.

5.5.7 Dealing with the latter point first, as has been pointed out in the preceding paragraphs, the new road is permitted and will be built under the planning

permission regardless of whether the existing road is stopped up and diverted. Should the S247 application not be granted I have set out why I think the road would be likely to be required to be even further north to accommodate the development proposed and actually be closer to the school. The conclusion therefore on the latter point is the same as the air quality section at 5.5.12.

- 5.5.8 With regards to the former point my comments are as follows. The evidence of Mr Fitch and the Transport Chapter of the ES (Annex 8) (CD/18) demonstrates that there would be no backing up of traffic as a new road of a far higher standard is provided to take the existing Princes Parade traffic. It is important to remember that Princes Parade is being diverted, and not simply stopped up, so the highway function of Princes Parade will continue to be performed by the new road, which will be physically much better than the existing Princes Parade.
- 5.5.9 I therefore consider there will be no harmful effects on the amenity of the users of Seabrook Primary School.

#### *Climate change*

- 5.5.10 Climate change, in terms of greenhouse gas emissions was scoped out of the ES on the basis that the effect was highly unlikely to be significant. It is worth noting that the Princes Parade highway being stopped up and diverted merely diverts the existing traffic from the Princes Parade to the new road. The stopping up and diversion order does not cause any new traffic and so has no effect in climate change terms at all. There is no adverse impact of the road stopping up and diversion on climate change.
- 5.5.11 The Flood Risk chapter of the ES (CD/14) had to take climate change into account in all of its calculations and mitigation strategy. At page 39 it concludes by saying *"With the above mitigation measures incorporated into the design of the development the proposals will meet the requirements of the NPPF and the Planning Practice Guidance and will therefore be acceptable and sustainable in terms of flood risk"*.

#### *Air Quality*

- 5.5.12 In the same way as for climate change, any resulting negative impact of the development, which included the proposal to re-align Princes Parade, on air quality has been already considered as part of the planning application process. Therefore, the impact of the full use of the new road has already been considered and granted planning permission. Air quality impacts were scoped out of the ES on the basis that the site was not in an Air Quality Management Area and *"operational impacts (mainly traffic) would be insufficient to have a measurable impact on local air quality"* (see Table 2.1) (CD/10).
- 5.5.13 The existing highway being stopped up and diverted under this S247 application merely diverts the existing traffic from Princes Parade to the new road. Any impact resulting from this on walkers on the RMC is non-existent or negligible at most especially considering the Environmental Health Officer (EHO) raised no objection at the application stage where the potential air quality issues were greater than the consequence of stopping up and diverting the road. All the stopping up and diversion order would cause would be the traffic using the existing Princes Parade to be diverted on to the new road, rather than creating any new traffic. Although

that traffic would be diverted on to the new road, it would also stop using the existing Princes Parade, removing the traffic from the proximity of the promenade and Princes Parade pavement, which would be more heavily used by pedestrians and cyclists. The stopping up and diversion order would move the traffic away from pedestrians and cyclists using the widened promenade in the future.

*Noise*

- 5.5.14 A number of objections have been raised which argue that the new road with diverted traffic upon it will create a noise issue mainly to walkers along the RMC, albeit Mr Richards deals with matters relating to noise impact on birds. It is important to remember with regards to noise that this inquiry is only considering the additional noise impact (if any) that will be caused by the road being stopped up and diverted, and not the noise that the new road and its use to service the new development would create, or noise arising from the development itself, as that has already been authorised in the planning permission.
- 5.5.15 As set out in paragraph 5.16 of the committee report (CD/03) the EHO initially considered the planning application did require a noise assessment. It is clear from his comments that he was asking for this on the basis of the potential noise impacts on new residents of the development and on the assumption that Princes Parade would remain open to traffic. On 21.11.17 a further EHO response (CD/114) concluded that *"After reviewing further road plans and taking consideration to the proposed speed restrictions, the amount of traffic using this road is unlikely to cause a significant noise issue to the future residents. Therefore, a noise acoustic report is not required"*. The EHO was not at any stage concerned about noise impacts arising from the development for any existing nearby residents or people using the RMC recreationally.
- 5.5.16 I would conclude from this that when he properly assessed the road plans he concluded that there was no noise issue resulting from the planning application which is a higher likely source of noise or be effected by noise. The speed restrictions referred to are only coming in on the new road, so it is clear he is aware of the full picture and has made comments of "no objection" on the basis that the existing road is stopped up and the new road in place. I concur with this view and consider too that any noise issues created by the road stopping up order on residents or walkers along the RMC would be either non-existent or negligible.
- 5.5.17 It is important to remember when considering what noise impact arises for the RMC from the diversion of the Princes Parade traffic, that it needs to be judged not in the context of the site as it stands today but as it would be developed under the planning permission. This would include the existence of the new development and the existence of the new road and its use by traffic arising from the development. It is not appropriate to consider noise impacts on the RMC as the site stands today, as that ignores what has already been authorised to happen under the planning permission.
- 5.5.18 It is important also to remember that because the noise effect of the stopping up and diversion order arises from diverting the traffic from Princes Parade on to the new road, although there will be noise created by that traffic nearer to the RMC, the traffic noise would be removed from the seafront. It is a direct benefit of the stopping up and diversion order that traffic noise would be removed from the seafront and the promenade in particular. When considering the traffic noise

impacts of the diversion order, it is necessary to take both the benefits and the disbenefits together, which to a large extent balance each other out.

#### *Contamination*

- 5.5.19 The site's former uses make it known that there is likely contamination at the site. The committee report (CD/03) at 8.101 states "*Contamination has been identified following its previous uses and in the event the proposed development does not take place a more detailed assessment will be required anyway, with remedial works likely to be necessary*".
- 5.5.20 The concerns from objections around contamination do not arise from the S247 application and the stopping up and diverting of the highway. The concerns that the objections raise in contamination terms appear to relate to matters such as site drainage, open space, residential uses etc, which were subject to the planning application consideration. There are conditions requiring further contamination work and environmental controls in place to safeguard contamination risks. The stopping up and diversion order would have no effect in relation to contaminated land.

#### *Overshadowing of the RMC Path*

- 5.5.21 An objector has stated that the RMC will be in permanent shade because of the scheme. Firstly, I would contend that there is no permanent overshadowing of the RMC path as a result of the road being stopped up and diverted. The S247 is the matter for this Inquiry and not whether the planning permission does this. The planning application has been determined which has positioned the buildings and the new road. It is also my view however, that the buildings are far enough away to not cause overshadowing and that this is also not caused by the new road. As I have stated earlier, I consider that a consequence of the road stopping up and being diverted not being granted could be that the buildings all have to move further north and closer to the RMC path.

#### *Loss of Open Space*

- 5.5.22 There are a number of objections to the stopping up and diversion order which relate to a consideration that it causes a loss of open space and open space amenity/tranquillity. This is also dealt with by Mr McKay. In principle this is asserted as there is a new road within the site which runs through an area which currently has no buildings upon it and that this would be avoided if the stopping up and diversion order was refused. It is also considered that this new road would affect the tranquillity of the existing open space.
- 5.5.23 I consider that the location of the new road is already approved under both the detailed and outline elements of the hybrid permission. The new road will be built whether the road stopping up order is granted or not, as it is the access and service road to the approved development. Therefore, the judgement relating to the location of the road, in an area of the site, which is open, has already been made and approved.
- 5.5.24 More generally I consider that the amount of public open space created (3.85ha) is a significant benefit to the scheme. Whilst the site has no buildings on it at present, and is therefore relatively open, it cannot be said that the site is



extensively open to the public and usable open space. It does have paths along the RMC and an existing hard surfaced promenade, but these are limited and there is no public access to the majority of the land. This is because of the contaminated material, level changes and considerable vegetation. The benefit of the wide open car free promenade, as an open space amenity and improvement to tranquillity of those users, is set out in the significance and importance of the planning permission from 5.2.6. of this proof. This is a substantial improvement on the existing promenade with the problems it currently has set out in the PDAS at page 93 (CD/07).

- 5.5.25 Whilst there is no denying that the site is open in the main, and that this does have an amenity attributed to it, I consider that this is limited by the nature of the site and the levels of contaminated material within it. I consider that the S247 stopping up and diversion would not cause the perceived loss of openness or tranquillity from the site as planning permission for the development has already been granted.
- 5.5.26 Having considered the matter of perceived loss of open space, I believe that no weight should be attributed to it. This is because I have considered all the factors relating to open space including its current usability, current amenity value, current public use and access. Indeed, the improvements to open space in the site, is considered part of the significance and importance of the planning permission and one of the many benefits of the planning permission.

## **5.6 The Significance and Importance of the Planning Permission**

- 5.6.1 The courts have made clear that in exercising his discretion under S247 the SoS(T) must take into account the planning benefits of, and the degree of importance attaching to, the planning permission, but that the confirmation procedure for the stopping up order does not provide an opportunity to re-open the merits of the local planning authority's decision to grant planning permission, or the degree of importance in planning terms the local planning authority attached to the development going ahead according to that decision (see e.g. the High Court decision in the Network Rail case at paragraph 49). The Court of Appeal in the Vasiliou case said that *"the planning objective of the proposed development and the degree of importance attached to that objective by the local planning authority will normally be clear"* (see the Buckles Report of May 2021 at 5.13.5,(CD/66).
- 5.6.2 I consider that the planning objective of the proposed development and the degree of importance attached to that objective is clear in this case, as a result of the local planning authority officer's report to the planning committee in 2018 (CD/03) and in the FHDC Places and Policies Local Plan in 2020 (CD/109), (as endorsed by the Local Plan examination inspector's report). Those documents can be read and are not to be re-opened in this inquiry. In this section of my proof of evidence I seek to summarise the key relevant points in order to assist the Inspector, providing an up to date picture of the significance and importance of the planning permission to the local planning authority. This is as explained in the Buckles Report of May 2021 at 6.14-6.17 (CD/66).

### **Need for the leisure centre**

- 5.6.3 The background to the leisure centre on this site is set out in Section 3 above. The leisure centre need is one of the key drivers and purposes of the planning permission, as explained in the committee report. It is not open to objectors, or indeed the SoS(T), to question the degree of importance attached to the proposed development by those who granted planning permission, i.e. the Council. I deal with the matter in my evidence simply to draw the Inspector's attention to the matter.
- 5.6.4 At 8.255 the committee report (CD/O3) states: *"The District Council delivers public leisure facilities, with local private facilities provided by various private entities. The proposal would deliver a leisure centre with a swimming pool, fitness suite, dance/exercise studios and associated wet/dry changing facilities and café, to meet an identified under-supply of water space within the district and also address ongoing issues with closure and repairs to the existing facility, which themselves affect accessibility. This would be a benefit to the local area and meet the aims of paragraph 73 of the NPPF through giving access to opportunities for sport and recreation. It would also meet the paragraph 7 of the NPPF in respect of accessible local services that reflect the community's needs and support its health wellbeing.*
- 5.6.5 The PDAS (CD/O7) at page 214 states *"Providing a new leisure centre to serve Hythe residents has significant sustainability benefits by reducing the need for people to travel to out of centre facilities in Folkestone. Therefore, the leisure centre would not impact on the vitality and viability of Folkestone town centre".* Also at page 218 one of the benefits of the scheme is identified as, *"Provision of much needed leisure facilities which would be of benefit to the community. This would attract a greater number people to the site and potentially engage them further to visit the new and improved areas of open space that would be created".*
- 5.6.6 The committee report (CD/O3) states at 8.262 *"The main purpose of the development is to provide a substantial and much needed public benefit in the form of a new leisure centre to serve the residents of the district. The application demonstrates that the existing facility is in a poor state of repair with limited life expectancy and that there is already a deficit in water space within the district. The proposed leisure centre will not only replace this but provided an enhanced facility that is accessible to all members of the community."*
- 5.6.7 I would agree with the above statements and consider the need for the leisure centre is key to the significance and importance of the planning permission. It also goes beyond the benefit of the leisure centre facility with benefits in attracting people to the area and to visit the new and improved areas of open space and public realm.

### **Benefits for tourism and economy**

- 5.6.8 The significance and importance of the scheme for the tourist economy are substantial. This planning permission includes a range of features designed to attract and benefit tourism in the area including a hotel, café, usable open space, access to the seafront for all users, a car free promenade as well as a public leisure centre with a swimming pool. The scheme also provides for a range of permanent jobs in the uses proposed and in the construction process. It therefore can provide an important contribution to tourism and the economy.



- 5.6.9 This is recognised at 9.4 of the committee report (CD/03) which states *"The development would provide for economic benefits as set out in the report and application, both during construction and operational phases, with a variety of permanent jobs provided within the leisure centre, proposed hotel and restaurant uses. It is also considered the proposed development would help to contribute to the tourist economy, by providing a destination open space and play space, leisure centre and attractive public realm and seafront promenade within a popular beach side location, contributing positively to the character of Hythe"*
- 5.6.10 This planning permission directly seeks to meet the objectives of the Development Plan for the tourist economy in Hythe. Core Strategy Policy CSD/7 (CD/111) envisages Hythe developing as a high quality residential, business, service, retail and tourist centre for central Shepway. The objective of the policy is to seek the expansion and upgrading of tourism accommodation and visitor and leisure activities in the town. Development should contribute to the seven priorities for investment in the town of which criterion (d) is: *"expanding and upgrading of tourism accommodation and visitor and leisure attractions"*, offering support for leisure and hotel uses in the wider Hythe area.
- 5.6.11 The Places and Policies Local Plan 2020 (CD/109) (adopted after the planning permission was granted) now also has a policy E3 which directly relates to Tourism. It states *"Planning permission will be granted in or on the edge of centres in the settlement hierarchy for proposals to provide new tourism development including hotels, guest houses, bed and breakfast, self-catering accommodation and new visitor attractions Hotel, use of other town assets, attracting footfall and people to the seafront"*
- 5.6.12 I would agree with paragraph 9.4 of the committee report, and consider that the significance and importance of the scheme for tourism and the economy are substantial.

#### **Market and Affordable Housing need in the district**

- 5.6.13 The NPPF is clear that the purpose of planning is to achieve sustainable development (paragraph 7). The three elements of sustainable development include an economic role, a social role, and an environmental role as set out in paragraph 7.10 of the committee report (CD/03). Within the social role it states *"supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations..."*
- 5.6.14 At the time of the planning application determination (committee meeting on 31<sup>st</sup> July 2018) the Places and People Local Plan 2020 (CD/109) was not adopted but an emerging plan. The site was a draft allocation under UA18 with an allocation of up to 150 dwellings. The importance of the planning application in regard to the housing requirement of the District at that time is set out in paragraphs 8.18-8.25 of the committee report (CD/03). This concludes by stating at 8.25: *"As such, sites identified within the emerging PPLP, including Princes Parade are essential to ensure that the Council meets its identified housing need and target, meets with the emerging Housing Delivery Test set out in the draft NPPF and contributes towards the emerging housing need identified in the recent 2017 SHMA which is to be met in combination by the sites within the adopted Core Strategy and emerging PPLP and CS Review"*

- 5.6.15 Whilst the above was the position at the time of the determination of the planning application, I include below the most up to date position which again reinforces the significance and importance of the planning permission in relation to both market and affordable housing. A statement on affordable housing in Appendix 1 has been provided by Adrian Hammond, Housing Services Lead Specialist with FHDC. In this statement he clearly sets out the acute need for affordable housing in Hythe and the fact that only 20 affordable housing units have been provided through s106 obligations in the last 10 years in Hythe. With 30% of homes required to be affordable, this scheme provides up to 45 much needed local affordable homes. This would more than double what has been achieved in the last ten years of supply.
- 5.6.16 Appendix 2 is a statement from Timothy Bailey, Planning Policy Specialist with FHDC. It sets out the Housing Land Supply Position for plan period 2019/20 – 2036/37. The most recently published 5-year housing land supply is included in the Authority Monitoring Review (April 2020). This shows an under supply of 3 dwellings over the 5-year period between 2020/21 – 2024/25, although, once figures have been 'rounded', a 5-year housing land supply is reported.
- 5.6.17 The 5-year housing land supply currently anticipates the delivery of 60 dwellings at Princes Parade, profiled as follows: 2023/24 (20 dwellings) and 2024/25 (40 dwellings). Whilst the remaining units have not been included in the 5-year supply, they will be important for future years.
- 5.6.18 If the Princes Parade development was to fall away, it would have implications for both the reported plan period and 5-year housing land supply positions.
- 5.6.19 If you were to re-calculate the published 2020 5-year housing land supply by removing the 60 dwellings anticipated to be delivered within this period at Princes Parade, it would have the effect of reducing the housing supply position to approximately 4.9 years. Additionally, if you were to remove the 150 allocated dwellings at Princes Parade from the overall plan period, it would further undermine the supply relied on by the Council to achieve its housing need.
- 5.6.20 The committee report (CD/O3) at paragraph 9.3, albeit from 2018, agrees with this and stated *"The delivery of 150 homes on this site, 45 of which would be affordable, would contribute significantly to the Local Planning Authority meeting its housing need, within the Urban Area settlement boundary of Folkestone and Hythe"*.
- 5.6.21 It can therefore only be concluded that the Princes Parade planning permission is necessary in order to help the Council meet its housing requirements (short and long term). The significance and importance of the planning permission in terms of delivering housing and affordable housing was set out in the 2018 committee report (CD/O3). I have considered the updated information available since then and it confirms the position in relation to housing and affordable housing as was set out in the Buckles Report of May 2021 at paragraph 6.14 (CD/66).

### **Environmental improvements**

- 5.6.22 The significance and importance of the planning permission is also evidenced in the substantial environmental improvements that are contained within it. One of the key elements is that the site is being remediated as part of the planning

permission from a known position of contaminated land. The wider environmental benefits are set out in paragraph 8.93 of the committee report (CD/03). These benefits are identified as:

- Provide means to consolidate and repair neglected but key parts of the site through vegetation clearance and stonework repair;
- Provide better public access and interpretation of the RMC and wider area, emphasising connections between the canal and the sea, delineating lines of fire and maintaining openness;
- Heritage trail between the RMC, Shorncliffe Battery and Martello Towers, interpretation boards and artwork, building on the findings of an archaeological study;
- Environmental improvement scheme at the eastern end to mark the site of the former drawbridge and canal arm leading to it;
- Major new leisure centre that will replace the outdated existing local facility;
- New road behind development would provide 'untrammelled' recreation use of the parade, increasing the area of car free public realm from 6,575 sqm to 11,190 sqm – an increase of 4,615sqm;
- Remediation of contaminated land and provision of 3890m<sup>2</sup> of enhanced public open space and play space to serve the wider community.

5.6.23 In addition to these benefits the committee report (CD/03) considers at paragraph 8.262 there are additional public benefits over and above the leisure centre and above what would be the normal policy requirement were it not impacting on the setting of the Scheduled Monument.

- a substantial area of strategic open space of significantly improved quality and accessibility than the site currently provides;
- remediation of the contaminated open space area which will facilitate improved accessibility to it;
- an enhanced seafront promenade provided an enhanced visual environment and car free space with improved connectivity between the public open space and the seafront, achieved by the repositioning of Princes Parade road to behind development.

5.6.24 As you can see from both these lists, the remediation of the contaminated land is listed as benefits. This also reflects paragraph 5.128 of the FHDC Places and Policies Local Plan 2020 (CD/109) which states *"The land itself has an overgrown appearance, predominately covered with scrub as well as a significant number of relatively young trees. The land has been artificially raised by approximately 4m from the level of the adjacent golf course as a result of its former use for landfill. Consequently, the ground beneath is contaminated and the site is of limited recreational value. It is therefore appropriate to plan positively for a new use,*

*whilst minimising the harm caused to the designated heritage asset, the Royal Military Canal, and its setting."*

5.6.25 I therefore consider that the environmental improvements of the planning permission, in particular the remediation of the contamination are a key factor positively contributing to the significance and importance of the planning permission.

#### **An enhanced, car free seafront and open space promenade**

5.6.26 The scheme granted planning permission includes a raft of public realm improvements including the creation of an 11m wide car free promenade, significant areas of new public open space (3.85ha) and accessible parking. It is a direct benefit of the stopping up and diversion of Princes Parade that the new, enhanced, car free seafront promenade and hard surfaced open space will be created on much of the existing Princes Parade highway land. This was identified in the Buckles Report of May 2021 at 4.3, 6.14-6.16 and 7.20(iii) (CD/66).

5.6.27 The PDAS (CD/07) at page 93 sets out the current difficulties with the existing promenade arrangement, which I agree with: *"The promenade does not currently fulfil its potential as a public space because:*

- *it is cut off by a busy road, splash wall and parallel parking that make access difficult;*
- *it has the same hard character all the way along, which makes it feel bleak on poor weather days; and*
- *there are limited opportunities to sit and enjoy the space"*

5.6.28 Page 95 of Section 5 of the PDAS (CD/07) sets out the design approach and the look and feel of the new promenade created. The design objectives of the new wider, car free, enhanced promenade are set out on page 93 and these include; textures and colours to respond to the shingle beach, strong linear features to echo the RMC and seafront, and opportunities for a range of activities such as walking, cycling and sitting.

5.6.29 The ability for people to walk and cycle unencumbered by vehicles, enjoying the seating, planting and a much wider open space is considered to be a considerable benefit of the scheme and is in stark contrast to the current environment created by the existing Princes Parade and promenade. The scheme intends to address all of the current difficulties experienced with the existing promenade, (set out above) and in doing so would be transformational for so many users and visitors to the area. The seafront in this area could become a focal point for visitors because of the improved environment which is created enhancing the attractiveness, tranquillity and quality of experience for the many users. This vision is secured by condition 6 which specifically references the reserved matters to be submitted in accordance with Chapter 5 (Design Code) of the PDAS. The committee report (CD/03) stated at 8.262: *"In addition to the leisure centre, the application would deliver the following public benefits over and above what the normal policy requirement would have been for the development were it not impacting on the setting of an SM: ....*

- *an enhanced seafront promenade provided an enhanced visual environment and car free space with improved connectivity between the public open space and the seafront, achieved by the repositioning of Princes Parade road to behind development.*

5.6.30 I would agree with the above statement on the key benefits. The benefit of an enhanced, car free seafront promenade and the associated hard surfaced open space is substantial and is a direct benefit of the stopping up and diversion order.

5.6.31 Whilst accessibility is addressed by Mr Fitch in the main relating to highway and transport issues, one of the key features of the development is significant improvement to accessibility for people with protected characteristics such e.g. disability, mobility, age, pregnancy, children. The purpose-built parking spaces which are unencumbered by the sea wall and are not on the active highway are of considerable benefit to those of protected characteristics. The ability then to walk, sit, enjoy a wide car free space for this particular user group is a key benefit to the scheme. This is only achieved through the creation of the new car free promenade and the re-routing of the existing highway. The creation of the wider public promenade is a key benefit that can only be achieved if the stopping up and diversion order is approved.

5.6.32 FHDC have undertaken an Equalities Impact Assessment, and this will be made available to the Inquiry.

5.6.33 The EIA has been prepared to assist in complying with the public sector equality duty in s.149 of the Equality Act 2010. It is part of ensuring due regard is had to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and, (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.6.34 This involves having due regard, in particular, to the need to: (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and, (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.6.35 The consideration of this duty has been an integral part of the on-going formulation of the development proposals at Princes Parade including the proposal for the stopping up and diversion order for that. Steps have been taken to see that relevant information has been gathered to ensure that consideration is accurate and properly informed.

## **5.7 Position if the S247 application is not granted**

5.7.1 I understand that the legal position is that the SoS(T) should consider the planning permission development as it is actually permitted and proposed and that it is not appropriate or necessary to consider alternative schemes or developments, as is set out in the Buckles Report of May 2021 at 5.10 and 7.12-7.13 (CD/66), and as was confirmed by the Inspector in the debate at the Pre-Inquiry Meeting. Despite

this, many objectors, including the Save Princes Parade Campaign Group in their response to the Buckles Report, argue that the development should be reconfigured, so the new road is not to the north of the site, either by retaining Princes Parade as it stands or by putting a new road on the southern part of the site. This question has been determined by the grant of planning permission and cannot be re-opened in this inquiry, as I understand the legal position. Although it is not relevant, I nonetheless address this issue briefly in my proof of evidence as it has been raised by the Save Prince Parade Campaign Group in their Statement of case, so that the Inspector has a response to it.

5.7.2 Should the s247 stopping up and diversion order not be granted, and the Princes Parade highway has to remain as it is, I consider the consequences would be:

(1) the new promenade and public realm improvements (as shown in Section 5 of the PDAS) could not be provided as proposed, and

(2) the buildings shown in both the detailed and outline elements would need to be moved further north towards the RMC, as would the new road, and

(3) the new road would still be required, but just as a service road to access the new development, and

(4) making these changes would necessitate the submission of a new planning application.

5.7.3 As a Town Planner I would consider that the changes required to the existing planning application would be more than those capable of being achieved through a s96(a) or a s73 application. It is clear from the parameter plans and Section 5 of the PDAS (Design Code) that the development is to come forward in accordance with them (see condition 6) and any change of this nature I believe would be substantial and more than the wording in brackets "*(or provide for suitable alternative arrangements)*" condition 6 intends. I have no doubt that such a planning application would be permitted, given the assessment by planning officers in 2018 together with the adopted policy UA18 in the up to date Places and Polices Local Plan now forming part of the statutory development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004.

5.7.4 The Council's lead officer on this project has confirmed to me that should the S247 stopping up and diversion order not be granted then the development would still go ahead, albeit in a slightly modified form. It would need to be amended as above but, if the diversion order is refused, there would be a position where there will be two roads - the existing road to the south on Princes Parade, instead of the new wider promenade, and a new service road to the north, further to the north than the currently proposed line of the new road.

5.7.5 The stopping up of Princes Parade and the diversion to the new road is clearly necessary to construct this permission. However, it is not necessary to stop up and divert Princes Parade to develop the site broadly in line with the outline planning permission. The principle of the scheme has been approved, which would form a strong material consideration in any new planning application or an amendment to the existing one. Most importantly, since the grant of the planning permission, policy UA18 is now part of the statutory development plan. Therefore, refusal of the stopping up and diversion to the new road would not mean the

development was halted, which is perhaps why there are so many objectors to the stopping up and diversion order. It would just mean a delay whilst the changes to the planning permission are secured and that a development would be brought forward which does not have the key benefits and advantages which come with the creation of the new wider promenade.



## **6 Balance and conclusion**

- 6.1.1 In deciding whether to make the S247 stopping up order the SoS(T) is required to answer two separate questions which can be broadly summarised as:
- (1) Is it necessary to stop up and/or divert the highway to enable the carrying out of the development authorised by the planning permission? (The Necessity Test)**
  - (2) Are the disadvantages and losses, if any, flowing directly from the stopping up and/or diversion order of such significance that he ought to refuse to make the order? (The Merits Test)**
- 6.1.2 I have set out my conclusions on (1) in section 4 and it is clear to me that the necessity test is passed both in physical and legal terms, each for a number of reasons, and that it is necessary to stop up and divert Princes Parade in order to enable development to be carried out in accordance with the planning permission granted. This is also considered to be the case by the Save Princes Parade Campaign Group as I have set out at 4.1.14.
- 6.1.3 The SoS(T) will need to consider question (2). In this he must look at the overall public interest in the stopping up and diversion order. In doing this, I understand from the case law that the SoS(T) should take into account the planning objective of the proposed development and the degree of importance attached to that objective by the local planning authority. It is not for the SoS(T), or objectors, to question the degree of importance attached to the proposed development by the LPA, just to identify it and take it into account. I have identified this above, in relation to the need for the leisure centre, benefits for tourism and the economy, need for housing and affordable housing, and environmental improvements, drawing on the LPA's documents, especially the 2018 committee report and the 2020 Places and Policies Local Plan.
- 6.1.4 The SoS(T) in the S247 process is not concerned with the impacts of the grant of planning permission (this has already been decided), only the direct consequences of the stopping up and diversion order. This has been confirmed by the Inspector in his Note of the Pre-Inquiry Meeting. In my view the minor effects that this order would have are very limited and most of the disbenefits objectors refer to flow from the development (which has already been decided and granted planning permission by the LPA) and not from the stopping up and diversion order. This applies in my view to the heritage, ecology and other environmental objections, as was explained in the Buckles Report of May 2021 at 7.28, 7.34 and 7.37 (CH/66). When judged properly, it is apparent there are no, or at least no material or significant, adverse impacts in these respects arising from the stopping up and diversion order, even accounting for the fact that around three quarters of the traffic using the new road would arise as a result of the diversion of Princes Parade. The S247 process is not concerned with the consequences of the grant of planning permission, only the direct consequences of the order.
- 6.1.5 The limited adverse effects of the stopping up and diversion order in my view are:



- 1) removing the ability of vehicles to use the existing route of Princes Parade, and the parking spaces laid out there (they are being retained at the western end of the site), and
- 2) the change in highway amenity for vehicles in diverting the traffic from the existing Princes Parade on to the new road, and
- 3) the limited effect on toads.

6.1.6 These matters were recognised in the Buckles Report of May 2021 at paragraphs 7.18, 7.21, and 7.24 (CD/66), where it was also explained that these effects were not significant when viewed properly and in context. I agree with that assessment of the importance of these effects. There will be no adverse traffic impacts from the stopping up and diversion order, as was explained in the Buckles Report of May 2021 at 7.40 and as is shown by the proof of evidence of Mark Fitch.

6.1.7 When deciding what weight to give to these matters, it is important to judge them in context. The highway rights from Princes Parade which exist are not being lost but merely diverted onto the new road. The new highway is not straight and is longer, but there is in my view no real inconvenience for drivers from using the new highway, not least as it will be a better road physically to accommodate the diverted highway. Disabled access to the seafront will be better overall with the new arrangements. A seafront highway will continue to exist, on the western part of the site and further west in front of the golf course. Replacement (better quality) parking will be made available, and existing parking will remain, including seafront parking on the western part of the site and further west in front of the golf course. The ability to park on a highway, and enjoy views from it, are incidental functions of a highway and not the core purpose of a highway. Overall, the adverse effects of the stopping up and diversion order in my view are not only small in scale but are also not weighty matters.

6.1.8 There are also a number of benefits to take into account as direct consequences of the stopping up and diversion order when balancing the issues for the S247 Application:

6.1.8.1 the new road over which the Princes Parade highway is diverted will be a better and safer road, and

6.1.8.2 the public will be able to use the redeveloped promenade for walking and cycling, as well as the new road, and

6.1.8.3 the existing seafront road (Princes Parade) can be transformed into a car free seafront environment where people can enjoy the widened and improved promenade, a hard surfaced open space, which is a very significant improvement on the existing situation.

6.1.9 Due to their wide reaching advantages to a range of users and the comprehensive nature of the benefits, I would consider the benefits to have significant weight when balancing the issues of the S247 application.

6.1.10 If the stopping up and diversion order is made as sought, then it would have the advantage of allowing the development to come forward as soon as possible,

rather than causing a delay in having to amend the design of the development to leave the existing Princes Parade as it is.

- 6.1.11 The above chapters should be read in conjunction with the evidence on ecology, highways and transport, and heritage. Accordingly, when the significance and importance of the planning permission, together with the direct benefits arising from the road closure and diversion order, are weighed then such merits clearly outweigh the significance of any disadvantages or losses (if any) that would arise from the order. Therefore, the S247 Application clearly satisfies the 'merits test'.
- 6.1.12 In my capacity as a Town Planner and Urban Designer I have considered the necessity test and the merits test and balanced the issues. I consider that the necessity and merit tests for this S247 application are clearly satisfied and that the SoS(T) is therefore requested to make the order stopping up and diverting that part of Princes Parade that passes through the development.

## **Appendices**

## **Appendix 1**

### **Statement by Adrian Hammond - FHDC Housing Services Lead Specialist**

#### **Affordable Housing Delivery at Princes Parade, Hythe**

##### **1. Background**

- 1.1 Historically, affordable housing delivery has proved difficult in the Hythe area. Over the last ten years, only one large affordable housing development has been achieved in the Hythe area. This was on the former Hythe School site in St Leonards Road. The site delivered approximately 20 homes for affordable rent and shared ownership purchase and achieved through direct deliver by one of housing associations on a non S106 site. Only 20 affordable units have been delivered through S106s over the last 10 years in Hythe, as part of the Hythe Imperial and Fisherman's Beach developments.
- 1.2 Land values in Hythe are significantly higher than in other areas of the district. This has hindered the delivery of affordable housing outside of S106 agreements.
- 1.3 There are approximately 700 existing affordable homes for rent in the Hythe area. However, of these homes, approximately 400 homes are designated as sheltered or semi-sheltered accommodation and are only available to people aged 55+ or people with long-term disabilities.

##### **2.0 Housing Need in the Hythe Area**

- 2.1 There are currently 1346 households registered on the Council's Housing List and seeking affordable housing in the district. Of this total, 188 households currently live in the Hythe postcode areas and are most likely to be seeking accommodation specifically in the Hythe area. However, the Council operates a choice based lettings it is likely that other households on the list are also seeking accommodation in the Hythe area, but there is no need for them to specify this in their application.
- 2.2 Approximately 20% of all households on the waiting list have some form of long-term illness or disability. The limited affordable housing delivery options in the area, have impacted on our ability to work to increase the supply of homes of homes for people with disabilities (particularly accommodation for people with physical disabilities). The Kent County Council Accommodation Strategy support the needs for 20% of all affordable homes across the district to be delivered for people with physical disabilities.
- 2.3 Based on the current needs of the district, the overall proposed mix of unit types (by size) is as follows:
- 25% x 1 bed units
  - 30% x 2 bed units
  - 30% x 3 bed units
  - 15% x 4 beds
- 2.4 The Council's affordable housing policies (prevailing in respect of Princes Parade) required that 30% of all homes on applicable sites (15 units or more/more than 0.5

hectares) should be delivered as affordable housing. The updated SHMA has set out a revised affordable housing requirement of 22%. Of these:

- 60% should be for affordable rent
- 40% for intermediate tenures/the majority being for shared ownership purchase

2.5 Although the Council does not hold a waiting list for people seeking shared ownership accommodation, the demand for this product remains strong in the district, particularly where initial sales values of 35% or below are available. Given the higher property prices achieved in the Hythe area, sales values of 35% or more are vital.

2.6 In terms of the location for the affordable units, it is essential that these are integrated into the wider development in a number of different site locations.

2.7 Due to the limited quantity of new affordable homes historically delivered in the Hythe area (over the last 10 years), the development at Princes Parade provides an opportunity for a local lettings plan with priority being given to people with a strong links to Hythe, either through living in the area or through their employment or family ties.

## **Appendix 2**

### **Statement from Timothy Bailey - Planning Policy Specialist, FHDC**

#### **1 FHDC Housing Land Supply Position for plan period 2019/20 – 2036/37**

- 1.1 Folkestone & Hythe District Council submitted its Core Strategy Review (CSR) for Examination in Public on the 10th of March 2020. The examination hearing sessions ran between December 2020 and January 2021; with additional sessions also held in July 2021.
- 1.2 The CSR plans for a minimum local housing need of 738 dpa or 13,284 dwellings for the period 2019/20 to 2036/37, calculated using the 'Standard Method' in accordance with National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 1.3 This represents a 111% increase from the 350 dpa housing target set by the current adopted Core Strategy Local Plan (2013).
- 1.4 The Council's housing land supply position was discussed at examination hearing sessions in January and July 2021. Following discussions, the Inspectors and Council agreed on a housing land supply figure of 13,407 for the plan period. An over-supply of just 123.
- 1.5 This figure is significantly lower than the minimum 5% buffer that is required by the NPPF 2021 (Para 74) to ensure choice and competition in the market.
- 1.6 The Inspectors acknowledged the extensive physical and environmental constraints of the District – including the Kent Downs AONB, flood risk; and internationally designated sites (Sites of Special Scientific Interest, Ramsar, Special Protection Areas and Special Area of Conservation).
- 1.7 Evidence was submitted to the examination that all suitable and available development sites have been allocated through the preparation of the development plan (Core Strategy Review and Places and Policies Local Plan).
- 1.8 The CSR proposes to address the uplift in the housing requirement through the delivery of a new garden settlement.
- 1.9 A significant change in the level of housing requirement, and/or where strategic sites will have a phased delivery or likely to be delivered later in the plan period, are instances recognised by the PPG, where a stepped housing requirement may be appropriate.
- 1.10 The Council made the case at the examination hearings for a 'stepped requirement'. This approach has been judged to be appropriate and justified by the inspectors.

1.11 The Main Modifications propose the following 'stepped requirement'.

2019/20 – 2023/24: 622

2024/25 – 2028/29: 885

2029/30 – 2033/34: 730

2034/35 – 2036/37: 700

1.12 The Main Modifications for the CSR are expected to be published for consultation in October 2021.

1.13 The housing requirement is anticipated to be met in the early stages of the plan period through the existing Core Strategy (2013) and PPLP site allocations. The new garden settlement will then become the main focus for development in the District.

## **2 Five Year Land Supply 2020/21 – 2024/25**

2.1 The most recently published 5 year housing land supply is included in the Authority Monitoring Review (April 2020)

2.2 This shows an under supply of 3 dwellings over the five year period between 2020/21 – 2024/25. Although, once figures have been 'rounded' a 5.0 year housing land supply is reported.

2.3 A copy of the 5 year housing plan supply table has been included in Appendix 1 of this note.

2.4 The 5 year housing requirement is based on the Standard Method figure of 738 dpa. This figure will be used until a 'stepped requirement' has been adopted through the CSR. However, given the lack of flexibility in the Council's housing land supply this would not be expected to improve the position from what is currently reported.

## **3 Housing Delivery Test**

3.1 The Council achieved a score of 91% in the Housing Delivery Test Measurement for 2020. This resulted in the Council having to prepare and publish a Housing Delivery Action Plan.

## **4 Princes Parade in the context of housing supply position**

4.1 Princes Parade is allocated for 150 dwellings under Policy UA18 of the Places and Policies Local Plan.

4.2 The 5 year housing land supply currently anticipates the delivery of 60 dwellings at Princes Parade: Profiled as follows: 2023/24 (20 dwellings) and 2024/25 (40 dwellings).

<b>Five Year Housing Land Supply 2020/21 – 2024/25</b>			
<b>Row</b>			<b>5-YHLS</b>
1	Annualised Figure across Five Year Period	Calculated using the Standard Methodology which uses the recently updated Housing Projections (updated 20/09/2018)	738
2	Five Year Requirement	Row 1 multiplied by 5	3690
3	Current Shortfall	The Standard Method takes into account past under supply. As such, there is no need to include previous under delivery or a shortfall	0
4	Five-Year Requirement plus Shortfall	Row 2 plus Row 3	3690
5	Annualised Figure with Shortfall	Row 4 divided by 5	738
6	5% buffer	Add 5% buffer as required by paragraph 73 in the NPPF. Calculate as 5% of Row 4	185
7	Total 5 Year Land Supply Figure	Row 4 plus Row 6	3875
8	Total 5 Year Land Supply Figure (Annualised)	Row 7 divided by 5	775
9	Capacity of identified sites	Capacity used is that expected to be delivered within five years by CSR / PPLP housing allocations without Full / RM planning permission.	1,500
10	Extant planning permissions	Capacity used is that expected to be delivered within five years from extant permissions; including CS and PPLP housing allocations with Full / RM planning permission.	2,182
11	Windfalls (Years 4 & 5)	This figure is calculated at 95 units per year base on work carried out by the Planning Policy Team as part of the preparation for the new Local Plan	190
12	Total Identified Supply	Total of Rows 9, 10 and 11	3,872
13	Supply Position (Years)	The number of Years Supply ((Row 12 minus Row 7) divided by (Row 8)) plus 5	<b>5.0</b> (rounded)