

**The sections in red were not given in evidence.**  
**The type in green is where I amended the wording whilst reading out the Proof.**  
**The sections in black type are unchanged.**

**Princes Parade, Seabrook, Hythe, Kent.**

**Application proposing the stopping up and diversion of part of the highway known as Princes Parade, Hythe, Kent made by Folkestone and Hythe District Council to the Secretary of State for Transport.**

**Ref: NATTRAN/SE/S247/3254**

**Proof of evidence of Brian Morgan on behalf of the Save Prices Parade campaign for the Public Inquiry commencing 19/10/21.**

## **Proof of Evidence of Brian Morgan**

I am Brian Morgan I have a B.A (Hons) in Geography, a Post Graduate Diploma in Town Planning, and M.Sc in Urban Studies. I am a Member of the Royal Town Planning Institute.

I started work in 1974 as a Town Planner and worked for two Local Authorities in London, and one in Kent. I carried out various roles, including Development Control Manager, and Head of Planning. When I ceased full time work in 2013 I was an Assistant Director, responsible for various Council Services. Since retiring I have worked as a volunteer for Planning Aid England, and do other planning work.

**I provide advice to the Save Princes Parade Campaign as a Planning Aid Volunteer.**

**I am providing evidence as a Town Planner and for the purposes of this Inquiry not under the umbrella of Planning Aid England.**

### **Scope of my evidence**

1. My evidence will;

- Set out the history of Princes Parade
- Identify some of the background related to the development of the site
- Consider the Need and Merit Test
- Identify the harms created by the Stopping Up of Princes Parade as set out in the Save Princes Parade objection
- Consider the inconvenience created by the loss and position of the rearranged seafront parking
- Set out the height and position of the road.

2. In giving my evidence, I understand, that the role of the Secretary of State, together with that of his reporting Inspector, when considering whether or not to confirm the proposed stopping-up and diversion Order is not to re-consider the merits of the planning application which the Council granted itself planning permission for, thus authorizing the proposed development.

3. I do not wish to attack, or analyse how the planning balance was carried out, when that planning permission was granted.

4. However it is, in my view, both legitimate and necessary that the Secretary of State has in mind the basic outline of that part of Princes Parade which it is proposed would be diverted, re-aligned and constructed so as to be able to properly and fully assess the impact that this would have upon, for example, the setting of the Royal Military Canal, were he to confirm the Order.

5. As the Secretary of State is required to consider the consequences which would flow from his decision on the section 247 application - and it is open to him to decline to confirm the Order if that is how he strikes the public interest balance - **I am pointing out that such a decision would not appear to be fatal to the Council's ability to bring about a residential led development albeit without stopping-up and diverting part of Princes Parade.**

## **Introduction**

6. Princes Parade was opened by the Prince of Wales in 1881 and provided a straight link between Sandgate and Hythe. Initially the route was a Tramway which ran from Hythe through to Sandgate, and subsequently to Folkestone Town Centre. A horse drawn tram operated from 1881 to 1922, apart from during the First World War. The surviving seafront Tram Shelter at Sea Road Bridge is an iconic and much-loved local landmark.

7. When the tramway closed, the route became a road connection between Sandgate and Hythe. It still serves that purpose, and provides a scenic coastal route between Sandgate and Hythe, and enables people to gain easy access to the beach and Canal. The alignment of Princes Parade is of historic interest in its own right and its realignment will destroy its historic integrity.

8. Additionally, it acts as an alternative route to the main A259 Seabrook Road between Sandgate and Hythe, and this drives the need to retain a road link in the corridor between the sea and the Canal.

## **Background**

9. The Council has previously sought to develop Princes Parade in a similar manner to the scheme now granted consent. At the Local Plan Inquiry in 2004 the Planning Inspector refused to allocate this land for development and stated;

‘I consider that the diversion of the road away from the sea front would erode its attraction as a unified seaside drive all the way from Sea Point to the Imperial Hotel whilst compromising the quiet setting of the Canal an Ancient Monument.’ - Inspector’s Report 2004 (Core Document CD 114).

10. The Inspector did go on to comment that moving the development deeper into the site would still have an adverse effect on the Canal. However, that comment was made in a time when no permission existed for a scheme, which harmfully places the road adjacent to the Canal. That harm can be reduced by refusing to Stop up the road.

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

### Road alignment

We understand that Princes Parade needs to remain open as a highway because it provides emergency relief for the A259 Seabrook Road. One of the major design moves proposed is to realign Princes Parade so that it follows the northern boundary of this site, close to the Royal Military Canal..... It brings an intrusive roadway close to the scheduled ancient monument, and to the series of trails and paths which run alongside it, urbanising it and creating the need for it to be protected by a bund. There is currently on-street parking along Princes Parade and this would have to be moved to the north of the site with visitors then walking through the residential closes. There would be problems of parking enforcement in the residential areas as visitors would want to get closer to the beach. The character of this site is of a vibrant sea-front and a quiet canal area. The realignment proposal does not respect that character bringing a busy access and through road, which will be hard to calm, close to the canal. The strength of the straight road and the straight canal would be diluted..... Princes Parade is currently a fast, straight road. A home with that type of highway between it and the beach would clearly be less valuable than one without. However, there is an alternative approach which calms Princes Parade through a series of public squares, tables, broad pedestrian crossings, build-outs, parallel or perpendicular parking areas, etc. There are plenty of sea-front roads around England, which are not particularly radical in their street design, but which achieve slow traffic speeds because they provide access to perpendicular parking spaces and are generally busy with people accessing the beach.

The full text of the panels comment on the proposed road's alignment is set out in CD111.

12. The advice of the Design Review was clearly not adopted by the Council as they pressed ahead with their proposal. The Design Panel's comments do reflect the objections that local people have put forward to the stopping up of the existing highway and its realignment.

### Needs Test

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

14. The application for the leisure centre was a detailed application, so the position of the building, parking and road are fixed. 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 road may be necessary to enable this permission to be implemented, **the new right can only be created by the construction of a new road, and the creation of the new right over the realigned road has a number of significant disadvantages.**

**15. In my opinion the Secretary of State would when weighing up the public interest balance, wish to take into account the uncertainty which arises from the planning permission being predominantly in outline, with all matters including access reserved i.e. the alignment of the road.**

### **Merit Test**

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

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

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

18. Whilst I appreciate that there are parameter plans the siting of the buildings and the final position of the road on the residential part of the site are unknown, as that part of the hybrid application was in outline, with all matters reserved.

19. However, 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 up, and divert Princes Parade for the length of the site. There are a number of significant harms stemming from the stopping up of Princes Parade which are:

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

These different harms will be considered by different witnesses.

20. Additionally, because of the absence of detailed information in relation to the approved scheme, it is difficult to identify whether the realigned road would create other significant disadvantages. For example;

- There is no information as to what structures are to be used to retain the road on what is tipped land. Those structures, and the process to construct them could have a significant impact on the ecology of this site and the setting of the Scheduled Ancient Monument.
- Additionally, there is no information as to phasing of the construction of the new road and whether that means the road will be closed at some time. That would be a significant inconvenience to local people and visitors.

### **Loss of Sea front Parking.**

21. At present users of the promenade and beach have easy access, they can park parallel to the promenade, or in the parking area adjacent to the Canoe Centre and easily move themselves and their equipment (be it fishing equipment, or beach paraphernalia) onto the promenade or beach. Princes Parade is one of the few places where disabled anglers can independently access

a beach directly. Additionally there are those who like to park parallel to the beach and just enjoy looking at the sea.

22. The Transport Study (CD 18) submitted as part of the Planning Application identifies that there are:

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

23. Kent County Council in para 1.1 of their letter dated the 13/10/17 (Appendix A) responding to being consulted on the application and stated;

‘The concept of relocating Princes Parade further inland to release the seafront area for development was agreed as acceptable on the proviso that the level of amenity parking currently enjoyed by the general public to access the beach was replaced and the new highway design was fit for purpose.’

24. It is proposed to replace the 210 spaces along the south (beach) side of Princes Parade, and next to the canoe centre with 103 spaces. Of which 32 will be on the realigned road adjacent to the Canal, and 71 spaces at the western end of the site, about half way along Princes Parade towards Hythe. Clearly the level of parking that is now being proposed is less than ‘the level of amenity parking currently enjoyed by the general public to access the beach’. It would appear that Kent County Council’s proviso for moving the road inland is not met.

25. The loss of direct seafront access and egress for all, particularly effects the elderly or disabled. The Council’s report does not highlight the distance factor which is crucial for these key user groups. The Disability Discrimination Act 1995 recommends a maximum distance of 50m for several Disability groups (without rest) and a max gradient of 5%. Para 1.7 of the Planning Application Committee Report (CD 3) states ‘that disabled parking will be provided on the eastern part of the site’. There is no mention of how many spaces will be provided. The implication of the statement in the Committee report is that there will be no disabled parking at the western end of the site. At present disabled people can either use the disabled spaces available, or park along the seafront. They will now have no choice but to park at the eastern end of the site, and

there is no provision for them to park elsewhere to enjoy the beach. Additionally, they would have to move along way from the parking if they wanted to enjoy the middle of the beach. A very inconvenient layout compared to the present arrangements.

26. The present arrangement means that parking is well distributed along the road to meet visitor's needs, whereas the approved arrangements mean the parking will be concentrated at either end of the site, or users of the beach will have to walk through the new housing development.

27. The proposed parking spaces at each end of the site, and on the new road behind the housing, are significantly less convenient for the users of the beach than the present arrangement. The provision of 32 spaces on the road by the Canal will mean that people using those spaces and wanting to access the beach will have to walk, and carry their equipment through the new housing estate. Additionally by concentrating 71 spaces at the western end of the site, means that that anybody seeking to use the beach towards Sandgate will have to walk, and carry their equipment for up to 1 km back. The loss of the parking will restrict the use of the beach for wheelchair anglers.

28. The proposed parking arrangement and fewer spaces are a very inconvenient arrangement compared to the present number and siting of the car park spaces along the road.

### **The Position and Height of the Realigned Road**

29. The detailed plans for the Leisure Centre, that form part of the application show that the road is to be sited on the top of the bank immediately adjacent to and above the Canal side footpath. The Lloyd Bore drawing (CD 94, 25/5/2021) submitted as part of the Ecological Mitigation Plan shows that the new road will be within;

Leisure Centre	- 13.9 m of the Canal
Before the first bridge	- 16.94m of the Canal
After the first bridge	- 19.7 m of the Canal
Open space western end of the site	- 50m of the Canal

30. The Princes Parade application parameter plans (CD 82) show that adjacent to the leisure centre the road will be at a height of 6.65 OD and the canal footpath will be at 3.9m. Further along in a westerly direction the road would be at 6.75 m OD and the canal footpath at 3.6m OD. This is illustrated in Core Document (82).



31. To put the following discussion into context. There is at present 15.5m between the primary sea wall and the back edge of the pavement adjacent to the site. This distance is made up as follows;

Existing promenade	-	5.8m
Existing splash wall	-	0.5m
Parking	-	2.4 m
Carriageway	-	5.1m
Pavement	-	1.7m

32. The Council's detailed plans show the new development set back from the primary sea wall by a 12m wide promenade.

33. Table 5.1 (p23) of the Transport Assessment (CD 18) gives the road and pavement widths, which are as follows;

Leisure Centre	- road 6.75m wide + 2x pavements each 1.8m wide	=	10.35m wide
East End	- road 6.75m +one pavement 1.8m wide	=	8.55m wide
Centre	- road 6.75m +one pavement 1.8m wide	=	8.55m wide
Western end	- road 6.75m +one pavement 1.8m wide	=	8.55m wide
Western open	- road 6.75m wide + 2x pavements each 1.8m wide	=	10.35m wide space

33. Taking account of the dimensions in para 31 and the width of the new road and its associated pavements set out in para 33, it shows that refusing the Stopping Up order, and therefore the need to realign the road would reduce the harmful effects of the realigned road, on the Canal as an ecological site, a Scheduled Ancient Monument and a valued green corridor, as it enables the following distances between the built development and water edge to be achieved.;

Leisure Centre	-	20.75m of the Canal
Before first bridge	-	21.99 m of the Canal
After the first bridge	-	24.75 m of the Canal
W end open space	-	56.85 m of the Canal

## **Conclusion**

35. **The Stopping up of Princes Parade** creates, a number of significant harms, and there is little Merit in stopping up the highway. The significant harm that the stopping up and the realignment of a length of the road creates are:

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

36. For the reasons I have set out, in my opinion the stopping up **which necessitates** the re alignment of Princes Parade would cause significant harm, and the merit test is not satisfied. I would therefore respectfully invite the Secretary of State not to confirm the Order.

36. The Evidence I have prepared and provided to this Inquiry in this Proof of Evidence is true, and I confirm that the opinions expressed are my true professional opinions.

Brian Morgan

5/10/2021