

Statement from Ward Councillor for Public Inquiry

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Summery

I respectfully ask the Inspector to refuse the Section 249 application seeking the applicants to revisit the form and nature of the proposed closure.

Statement

I am making this statement as one of the District Councillors for the Ward in which Princes Parade lies. I am also a Fellow of the Royal Institute of Chartered Surveyors and have significant experience in delivering new build developments including roads. While I am not a Highways engineer, I do have experiences in the design and construction of new roads in housing developments.

I was elected in May 2019 with the largest majority of any elected Councillor in the District, largely as a result of the work I had previously done to oppose the development on Princes Parade including the stopping up and diversion of the road. I have a very clear mandate to speak on behalf of local people on this matter.

Given the application which is before the Inspector relates solely to the stopping up, I will try to limit my comments to the S247 application alone, although I would point out that since the S247 application flows from the planning application and its process, it is necessary to consider the development, its design and whether or not the closure is wholly necessitated by the scheme proposal or in fact whether the scheme is reliant on the closure, something that I would consider not to be that case.

The 247 process should relate entirely to the planning application and the need to stop up the road to facilitate that development.

Considering the plans provided and the form and layout of the development proposals, in my professional opinion, the development does not appear to require or need the highway known as Princes Parade be stopped up as public highway, either by reason of it being redundant or being necessary or required for development purposes.

Again, in my professional opinion it should not have been included in the red line boundary on the planning application, and I am surprised that local authority officers did not challenge this at the time the application was made on the grounds that it was not necessary to the application scheme.

I consider that the incorrect process is being followed since the road is not being stopped up to facilitate the application development, in fact the application scheme shows Princes Parade being 'improved' through widening and forming a pedestrianised route. In my view the local authority should be supporting its retention as a public highway, either as a vehicular route with improved pedestrian accessibility with cycle facilities or as an entirely pedestrianised route (using their own highway powers) or through Section 249 Town & Country Planning Act. In my opinion,

this is the application that should have been laid before the Secretary of State and not the current Section 247 application.

As a local Ward Councillor, I have direct communication with residents and visitors alike and I can report particularly strong opposition to the stopping up and diversion of the road.

The road called Princes Parade is a long straight road that runs along the back of the beach between Sandgate and Hythe. The road, along the section in question, runs parallel to the Royal Military Canal (RMC), a defensive built in the late 1700's when the threat of a Napoleonic Invasion was very real. The road was formed after the threat from a Napoleonic invasion receded and it was originally intended as the route of the railway. The railway eventually took another route, and the road instead, became the route of the tram between Folkestone and Hythe. The road was opened by the Prince of Wales in 1881. The road forms part of the unique physical history of this part of the coastline and has a similar merit, in my mind to the Royal Military Canal, which is a Schedule Ancient Monument.

The main reason local people are so opposed to moving the road is the impact on the tranquillity and setting of the Royal Military Canal. The tranquil setting of the Canal at this point offers a lifeline to many people who use the Canal, on a daily basis, as well as occasional visitors. The abundance of wildlife, insects, birds on this part of the Canal, gives users the opportunity for clam reflection and quiet contemplation. This has been particularly important during the recent pandemic, when people's mental health has been at high risk.

The Scheduled Ancient Monument has a beautiful and tranquil setting which at Seabrook is formed into a "hammer head" within a tranquil and attractive bowl. This end of the Canal is particularly important, historically, because this is where the Canal joins the sea. The water in the Canal is pumped into the sea at low tide. The hammer head bowl has abutments with the Redoubt, when built there was a small garrison stationed at this point with the road (Seabrook Rd, A259) controlled by a military gatehouse.

This point represents the focal point of the RMC as a defensive structure, it is also the closes point that the re-routed road will be to the RMC, less than 13M. It will be impossible to stand and look at the Redoubt, the hammer head basin, as well as understanding how RMC works, in peace and tranquillity because the new road will be 13M away and 3M above the Canal Path. For most people, they will be looking at the underside of the vehicles that use the new road.

Over years the RMC has developed into an attractive waterway with a great deal of wildlife in and around the Canal. The BBC recently called the Royal Military Canal "the hidden jewel in the Crown of Kent" many local people and visitors enjoy walking along this section of the Canal because of the peace and tranquillity it offers but also its historic setting. Swans regularly nest and raise their young on this section of the Canal, many people walk along the tow path in to enjoy the complete peace. The peace and tranquillity of the Canal, together with its easy access became even more important to the wellbeing of local people in the recent lockdowns.

As the Lloyd Bore Ecological Mitigation Strategy makes clear, the new road will be closer than 13.19m to the RMC.

This is contrary to the recommendation from the Environment Agency in their letter dated 10 April 2018. They accepted that the 25m ecological buffer they had previously required was not

achievable in all locations. They believed that a buffer of 20m could be achieved and suggested a planning condition to that effect. As they stated *“development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential that this is protected.”*

For unknown reasons, that condition was not attached to the planning permission.

Prince's Parade is not a minor, little used road but one that carries a significant amount of traffic, the road offers an alternative route to the A259 and is much used, particularly when there are congestion problems on the A259. The re-routed road will experience increased traffic during the construction of the development and once the new homes are occupied. Allowing the road to run that close to the canal, less than 13M, will inevitably disturb the peace and quiet both for the wildlife and for people using the canal and its tow paths.

The report of the Design Review Meeting that took place on 23 November 2016 was not taken into account when determining the planning application. The panel was made up of some highly respected architects and urban designers, it is worth considering their views on the stopping up and diversion of the road.

In their view *“the proposal to re route Princes Parade to the north is misconceived, introduces unnecessary costs and undermines the character of the site”* and it *“potentially creates as many problems as it solves”*

They say *“it brings an intrusive roadway close to the scheduled ancient monument and to the series of trails and paths which run alongside it.”* *“The character of this site is of a vibrant sea-front and a quiet canal areas. 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.”*

According to the design panel, the main motivation for relocating the road was because homes with direct access to the beach would command a higher price. However, moving the road introduces considerably higher costs to the project so this justification makes little sense.

The design panel were not the only body who expressed their deep concerns. In their letter dated 26 October 2017 Historic England objected to the granting of the planning permission *“We believe that this proposal would cause serious and unjustified harm to the significance of the RMC and its associated monuments, as a consequence of the proposed major change affecting the setting.”*

Whereas much of this harm will be caused by the buildings, it must be the case that the closer the road is to the canal the more it harms its setting and the ability of the public to appreciate its historical significance.

There is scant information within the planning application detail regarding the construction of the re-routed road. It is very likely that there will need to be retaining wall or other structure to support the new road. A retaining wall in excess of 3M in height less than 13M from the RMC will be intrusive and this will interfere with the wildlife and potentially be unsightly to those using the canal and the tow paths. From the drawings it appears that a retaining structure will run for more than 500M and, along with the road that it retains, will dominate the RMC and its setting.

The May 2021 Buckles Stopping Up Report admits, there will be a substantial loss of seafront parking. The realignment of the road will cause a significant reduction in parking spaces. This will be a considerable inconvenience to users particularly the disabled, those with young children and those with heavy fishing equipment. Prince's Parade is one of the few places along our coast where disabled anglers can park and access the beach easily to fish. The same arguments surround many other beach uses: canoeists, kite surfers, paddle boarders, wind surfers and sailors.

There are no street lights along Princes Parade at the moment and the land at Princes Parade together with the Royal Military Canal also have no illumination. This means the beach directly in front of Princes Parade offers one of the few places along the coast where people can enjoy the dark night sky, with little light pollution. This is particularly important for people with limited mobility. The re-routed road and new promenade will introduce light pollution and ruin the opportunity to view the night sky.

In peak periods the loss of parking spaces will also cause a problem with displacement parking in the surrounding area/streets. This has already proved to be a significant problem following the introduction of parking charges along Princes Parade.

And as the design panel pointed out, "there would be problems of parking enforcement in the residential areas as visitors would want to get closer to the beach."

The Buckles report puts a lot of emphasis on the significance of the planning permission but the only benefit identified by the report arising directly from the stopping up of the road is the enhanced car free seafront. As the Design Panel pointed out there could be alternative approaches to calming the road. For example, through a series of public squares, tables, broad pedestrian crossings, build outs, parallel or perpendicular parking areas etc

The fact that so many local people have objected to the development and to the stopping up and diversion of the road, in particular, suggests to me that the public do not view an enhanced car free promenade as very much of a benefit.

Maintaining an improved 11 metre promenade over the entire length of Princes Parade, while closing it as a public highway is in my view unnecessary, unless the developer is at some time proposing it operates as a private access only. If they want to remove car traffic but retain pedestrian access then the appropriate route should be via a pedestrianisation order under section 249, not a section 247 of the T&CPA, in which case the route would be rightfully retained as a public highway. It would seem to me that no part is required sufficiently to require is closure, stopping up or abandonment as a public highway.

I also have some comments and concerns over the scheme design, there continues to be a significant concern regarding the impact on local and wider use of the proposed realigned route and increased dis-benefits to the ecological and environmental conditions in the immediate area, as well as restrictions to local access and the recreational uses of the existing route.

Whilst it has been difficult to accurately quantify, without reassessing all the traffic data and the parameters used to determine the results in the consultant's report, from a professional viewpoint I believe it is safe to assume that there will be a regular and reasonably noticeable increase in traffic from the residential development, more so the leisure facilities, that will impact on the surrounding network, particularly the uncontrolled junctions close to the proposed development. I

am not aware if the Local Planning Authority or Kent County Council highways have requested any stage 1 safety audits of the proposed new highway measures as well as the likely impacts on exiting junctions.

From the documents provided, I have not seen it stated explicitly anywhere that the proposed new route will be offered in exchange as public highway and whether the seafront route will be retained and maintained as public highway following development. It is unclear whether the LPA questioned whether this development could have been progressed without this closure application. From my experience it looks like it could have easily been achieved with the improvements being secured through a Section 106 agreement and the route remaining as public highway either with full access or pedestrianised. There appears no clarity as to whether the developer has indicated whether they want to or intend to retain the seafront route within their control, possibly gating it. This could severely hamper public access to the seafront over this length of existing public highway.

It is uncertain as to what safeguards the LPA may have put into place to ensure that the developer will not seek to appeal or seek reconsideration or substitution of the planning conditions, resulting in change to or abandonment of the delivery plan for the closure and its realignment, thereby possibly negating the necessity test at some stage.

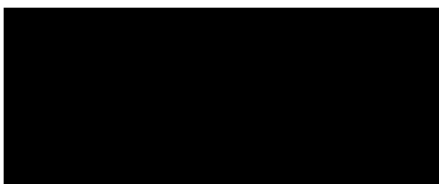
I am of the opinion that displaced parking will likely impact on the surrounding area at peak times during the year, affecting local safety and other environmental conditions. Whilst it may note the SoS (T) role to assess or consider scope for alternate designs and layouts, it is a function of the LPA to consider that and advise and seek the appropriate route and form of closure if it is necessitated by the application scheme. It would seem to me that the LPA has not done that, and if they have, from the limited paperwork I have seen, then they have not demonstrated it sufficiently to the objectors, Councillors or even the SoS(T).

In terms of parking demand and likely overspill impact, from the submitted parking figures the developer indicates that 353 spaces will be available. I seem to only be able to identify 312 (160+26+71+32+23), a possible short fall of 41 spaces on the figure cited in various reports. It is unclear whether these would all be publicly available. I doubt whether they would be and I would assume that the leisure centre parking and other areas under the control of other operators may well be privately managed with higher than normal parking charges.

On a quick viewing (without the benefit of the base data and calculation parameters) the Developer's consultants indicate vehicle flows movements in the order of 150+ per hour during late morning/afternoon periods, yet they cite queue lengths of zero with no delays at priority junctions. I suspect there is been some manipulation of base data in trip rates but without seeing how they have set up their modelling it is difficult to provide a counter analysis without resorting to a new modelling exercise. I suspect however, the actual impact on the surrounding network from the development and the potential closure/realignment would have a greater impact than that being predicted in the submitted assessments.

In design terms for the realigned road it also appears that a proposed chicane layout will conflict with the positioning of an on-street coach parking bay. The location and design of the access into the canoe centre is dangerous and will result in vehicles crossing the centre line of the road on a bend. Again, no safety audit appears to have been requested or provided.

I would respectfully ask the Inspector to consider these points and refuse the Section 249 application seeking the applicants to revisit the form and nature of the proposed closure.



5th October 2021