



Department  
for Transport

Mr T Madden  
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Your Ref:

Our Ref: NATTRAN/SE/S247/3254

Date: 19 January 2022

Dear Mr Madden

## **TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247**

### **PROPOSED STOPPING UP AND DIVERSION OF HIGHWAYS AT PRINCES PARADE, FOLKESTONE CT21 6AQ OS GRID REFERENCE: E:618281, N:134781**

#### **SECRETARY OF STATE'S DECISION – ORDER TO BE MADE**

1. In accordance with Section 247 of the Town and Country Planning Act 1990, the Secretary of State for Transport (the Secretary of State) has decided that the application made by Folkestone and Hythe District Council (the Applicant) for a stopping up and diversion Order (the Order), should be approved.

#### **CONSIDERATIONS FOR DECISION**

2. Due to the objections that remained outstanding, the Secretary of State decided that a local Public Inquiry should be held for the purposes of hearing those objections and such an Inquiry was held on 19-22 October 2021 at Leas Cliff Hall, The Leas, Folkestone CT20 2DZ and on 3-4 November 2021 at Council Chamber, Civic Centre, Folkestone, CT20 2QY before Mr O S Woodward BA(Hons.) MA MRTPI, an independent Inspector appointed by the Secretary of State.
3. At the Inquiry an application for costs was made by Folkestone & Hythe District Council. This application is the subject of a separate report and will be issued to the relevant parties.
4. The Inspector considered the representations and objections about the Order during the Inquiry and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. References to the report within this letter are prefixed 'IR'. The Secretary of State has given careful consideration to the Inspector's report and also to a number of other relevant issues, in reaching his final decision on this Order. Namely;

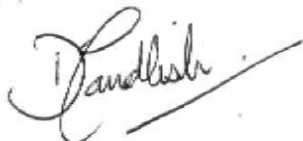
- Whether there is a valid planning permission
- Whether the area in question is public highway
- Whether the closure is necessary to allow development to take place in accordance with the planning permission
- Whether any disadvantages arising as a result of the stopping up outweigh the advantages of making the order

## CONCLUSION

5. The Secretary of State is satisfied that there is a valid planning permission in place which was granted by Folkestone and Hythe District Council, under reference Y17/1042/SH.
6. He is also satisfied that the area in question is highway and is needed to be stopped up to enable the development to take place (IR 10).
7. Overall, the Secretary of State is satisfied that the advantages of stopping up the area of highway conferred by the Order, would outweigh the disadvantages which have been put forward by the objectors.
8. The Secretary of State notes the concerns that have been raised by the Objectors in relation to seafront parking, highway safety, the sea front amenity, the setting of the Royal Military Canal and traffic congestion.
9. He also notes the Inspector's comments at IR 70 - IR 91 where he concludes that there would be some loss of convenience of parking for some users due to the reduced number of car parking spaces. Also the loss of some of the amenity views of the sea along with harm to the significance of the setting of the Royal Military Canal.
10. The Secretary of State agrees with the inspector's comments that the Order would bring many benefits, including safer and more varied car parking opportunities, improved car parking for the disabled, improved cycle routes, and improved highway safety.
11. The Secretary of State therefore agrees with the Inspector's recommendation at IR 92, that the Order be made. This is to enable the permitted development to be carried out, for which planning permission was granted by Folkestone and Hythe District Council, under reference Y17/1042/SH. The Order is therefore approved and is entitled "The Stopping Up and Diversion of Highways (South East) (No.2) Order 2022".
12. In making this Order, the Secretary of State has relied on the information that the parties have provided, as contained in the application and related plans, diagrams, statements and correspondence, as being factually correct.
13. A copy of this letter has been sent to the objectors. The Order will be advertised and copies will also be made available, on request, to any other persons directly concerned. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State to view any document appended to this report. This must be done by writing to the above address within 6 weeks of receipt of this letter. The Core documents relating to the Inquiry can also be found on the inquiry website and be accessed by the following link: <https://www.folkestone-hythe.gov.uk/princes-parade-inquiry-document-library>.

14. In accordance with section 287 of the Act, any person aggrieved by or desiring to question the validity of any provision within the Order, on the grounds that it is not within the powers of the above Act or that any requirement or regulation made has not been complied with, may within 6 weeks of when the Order is advertised, apply to the High Court for the suspension or quashing of the Order or of any provision included.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Dave Candlish", with a long horizontal flourish extending to the right.

**DAVE CANDLISH**

Authorised by the Secretary of State for Transport  
to sign in that behalf