

1.0 INTRODUCTION

1.1 This statement has been prepared as a Heritage Assessment and part of a staged assessment of the development potential of land between Princes Parade and the Royal Military Canal in Seabrook, Hythe. The proposal involves the siting of a new swimming pool and sports centre, following an identified need by the District Council, and an 'enabling' housing development together with an enlarged 'Seabrook Primary School' in which to replace the existing one-form entry school; a need as identified by Kent County Council.

1.2 Three locations for these combined facilities have been considered. No 1 to the eastern end of the site and near the Seabrook Sluice, No 2 in the centre of the site by the existing pedestrian bridge and No 3 at the Western end of the land owned by Shepway District Council and adjacent to the Seabrook Lodge Bridge and the Hythe Imperial Golf Club.

1.3 The Royal Military Canal (RMC) is a Scheduled Ancient Monument and is, therefore, a designated heritage asset of national significance. The National Planning Policy Framework (NPPF) provides the Government's policy stance in relation to designated heritage assets, advising that such assets should be conserved in a 'manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life for this and future generations'. The impact of any development adjacent to the RMC will, therefore, be a significant material planning consideration requiring a Heritage Impact Assessment.

1.4 This statement has been prepared in accordance with the guidance as provided by the National Planning Policy Framework, the PPS5 Practice Guide and English Heritage's recent consultation draft: 'Historic Environment - Good Practice Advice in Planning', Notes 1-3 (July 2014).

1.5 The PPS5 Practice Guide was prepared in conjunction with the former Planning Policy Statement 5 (Planning for the Historic Environment); superseded by the National Planning Policy Framework. However, until a new set of guidance has been produced, the Practice Guide is still endorsed by Government as appropriate Supplementary Planning Guidance.

1.6 The former Guide emphasised the need for an assessment of the significance of any heritage asset, and its setting, where development is proposed, to enable an informed decision making process. 'Significance' is defined, in the NPPF Glossary, as "the value of the heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic, or historical. Significance derives not only from a heritage asset's physical presence, but also its setting". The setting of the heritage asset is also clarified in the Glossary as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve".

1.7 English Heritage's recent consultation draft 'Historic Environment Good Practice Advice in Planning' Notes 3 (July 2014) sets out a "staged approach to proportionate decision making". The suggested stages are as follows:-

Step 1: identify which heritage assets and their settings are affected;

Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);

Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;

Step 4: explore the way to maximise enhancement and avoid or minimise harm;

Step 5: make and document the decision and monitor outcomes.

1.8 Although this stepped approach is currently only advocated in a draft consultation document, this Heritage Impact Assessment has been prepared in accordance with this new guidance. This, we believe, is the most current, and clearest, statement of good practice when considering the impact of a development on the setting of a heritage asset.

1.9 The National Planning Policy Framework (NPPF) provides relevant Development Management and policy formulation advice with regard to the impact of developments upon the historic environment. The NPPF, supported by Government guidance (The NPPG), advises that great weight should be given to the preservation or enhancement of heritage assets. The greater the significance of the asset, the greater the weight that should be given to its preservation. Such scrutiny will, however, include an assessment of any public benefits that the development may bring. The tests of balance, in line with relevant advice provided by the NPPF is, therefore, required in consideration of any development proposal impacting upon a heritage asset or its setting.

1.10 This statement has been prepared by Nicholas Lee Evans BSc (Hons), Msc, Dip Arch RIBA SCA who is a Specialist Conservation Architect on the RIBA Conservation Registry, in association with Karen Banks MRTPI an experienced Town Planning Consultant.

2.0 BACKGROUND

The Review of Alternative Sites

2.1 The NPPF requires that any applicant, proposing a development which would harm a designated heritage asset setting, needs to provide clear and convincing justification for why the proposed development is needed. Notwithstanding the work carried out to date by Shepway Council and Kent County Council, we understand that, as part of the Council's staged approach to assessment of the Princes Parade development, they are currently updating their review of the availability of alternative sites and the need for these facilities in preparation for a planning application. We also understand that this information will be fed into later discussions with English Heritage. In the meantime, the needs, as currently identified by the District and County Councils, are summarised below.

Leisure Facility Development Needs

2.2 Shepway Council has identified the need to improve sports facilities in the District and has been working towards this as a major strategic objective for several years. The nearest existing swimming pool facilities are at Hythe Swimming pool on South Road. They are, however, in a poor condition with a leaking roof, a cracked tank etc providing for concerns in relation to health and safety issues, and major expenditure is required in relation to the renewal of associated plant. The existing site is limited in size and specialist Leisure Consultants have identified the long term public benefit of replacing the pool facilities on a larger site and combining them with a café, sports hall, studio and fitness suite. A new facility on a different site could provide the District with an 'industry standard council facility' which meets local needs, operators' aspirations and revenue models

2.3 There are a limited number of sites within the urban area of Shepway capable of accommodating the required size of leisure facility and which would be easily accessible and

commercially sustainable. The Council, after taking advice from Leisure consultants has, therefore, concluded that the best site for the new facility is on the land adjacent to Princes Parade since it would be accessible easily to both the residents of Hythe and Folkestone and would, potentially provide a larger and more modern facility than the existing pool at Hythe. Current proposals, therefore, include the new facility at Princes Parade and the redevelopment of the old pool site in South Road in which to assist in funding the new public facility.

2.4 The only other large site considered was at Nickoll's Quarry, on the extreme western side of Hythe which would be more accessible for residents of the Marsh towns and villages. The Nickoll's Quarry site would, however, be relatively inaccessible for residents of the largest urban area of Folkestone.

2.5 The Princes Parade site is, therefore, considered as the most sustainable site; well located in conjunction with the more densely populated areas of Shepway and with excellent public transport links to a large catchment area of residents.

Seabrook Church of England Primary School – The Need for Replacement

2.6 Kent County Council, working with Shepway Council, has identified the need for a larger one-form entry primary school in the Seabrook area. The Current school is on a very small site between the canal and Seabrook Road. The school has no playing fields and very limited hard-surfaced play areas (in terms of size). The school is much smaller than the average-sized primary school with only 104 pupils on the roll at its last Ofsted inspection in 2011. New housing in the area is putting pressure on the school roll and although the school has performed well, in accordance with recent Ofsted Inspections, site area is well below the standards as recommended by the Education Funding Agency which would recommend a gross site area of around 6,324m² for a one-form entry school of 210 pupils, dependant upon the age profile of pupils and numbers. The existing School at Seabrook provides for a site area of 2,017m² and, therefore, 4,307m² less than current site area recommendations.

2.7 The only other potential site for the School relocation, aside from the Princes Parade site, is an area of public playing fields at Eversley Road to the north of the present school in a residential area. However, this site is less accessible than Princes Parade for much of the local community in Seabrook and the eastern end of Hythe and is not well served by public transport links. Development of the site would also reduce the area available for public playing fields and local recreational use. The Princes Parade site has been considered as a more sustainable site for the school for the reasons as outlined above.

THE NEED FOR HOUSING AT PRINCES PARADE

2.8 In order to mitigate the cost of building the new leisure facility and the School, the potential sale value of, at least, 12 low rise detached houses on 1 hectare of land of Princes Parade was considered by Council Property advisors GVA. Unlike the need for a new school or leisure centre, there would not appear to be any justifiable need for housing in this location.

2.9 The Council has, as part of the evidence base to the emerging 'Places and Policies Local Plan', identified its 5 year housing land supply outside of the allocation of this site. Previous representations seeking the allocation of the site for housing land, as part of historic Local Plan Reviews, have been rejected by past Inspectors employed to assess the District's Development Plan, on behalf of the Secretary of State although it is interesting to note that 'The Hythe Marina' proposal did obtain outline consent following the submission of a planning application in the late 1980's. However, it is not considered that clear and convincing justification exists for housing in this location.

2.10 Therefore, and given the close proximity of the site to the Scheduled Ancient Monument, and the potential for 'substantial harm' to the designated Heritage Asset, it is recommended that the proposed housing is deleted from the development scheme.



fig.01 Aerial Photograph showing pool, school and possible sites for now.

THE DEVELOPMENT SITE

2.11 The site currently under consideration as the most appropriate site for the identified development is a long strip of land lying between Princes Parade and the Royal Military Canal. The current character of the site is defined as being undeveloped and is covered with scrub with a significant number of, relatively, young trees. At the eastern end lies a car park and children's play area, accommodating some historic information boards about the Royal Military Canal, and a group of temporary metal cabins used by the local rowing club.

2.12 Land to the western end of the site widens considerably with a significant difference, in topographical terms, between this western end and the adjacent golf course of the Hythe Imperial Hotel.

2.13 To the north of the site lies the Royal Military Canal with its tow path some three metres below the level of the site considered for development. The land has been artificially 'built up' by around 4 metres so that it is now higher than the original ground level. The same can be said for Princes Parade which runs behind a 20th century concrete sea wall and pebble beach which leads down to the sea.

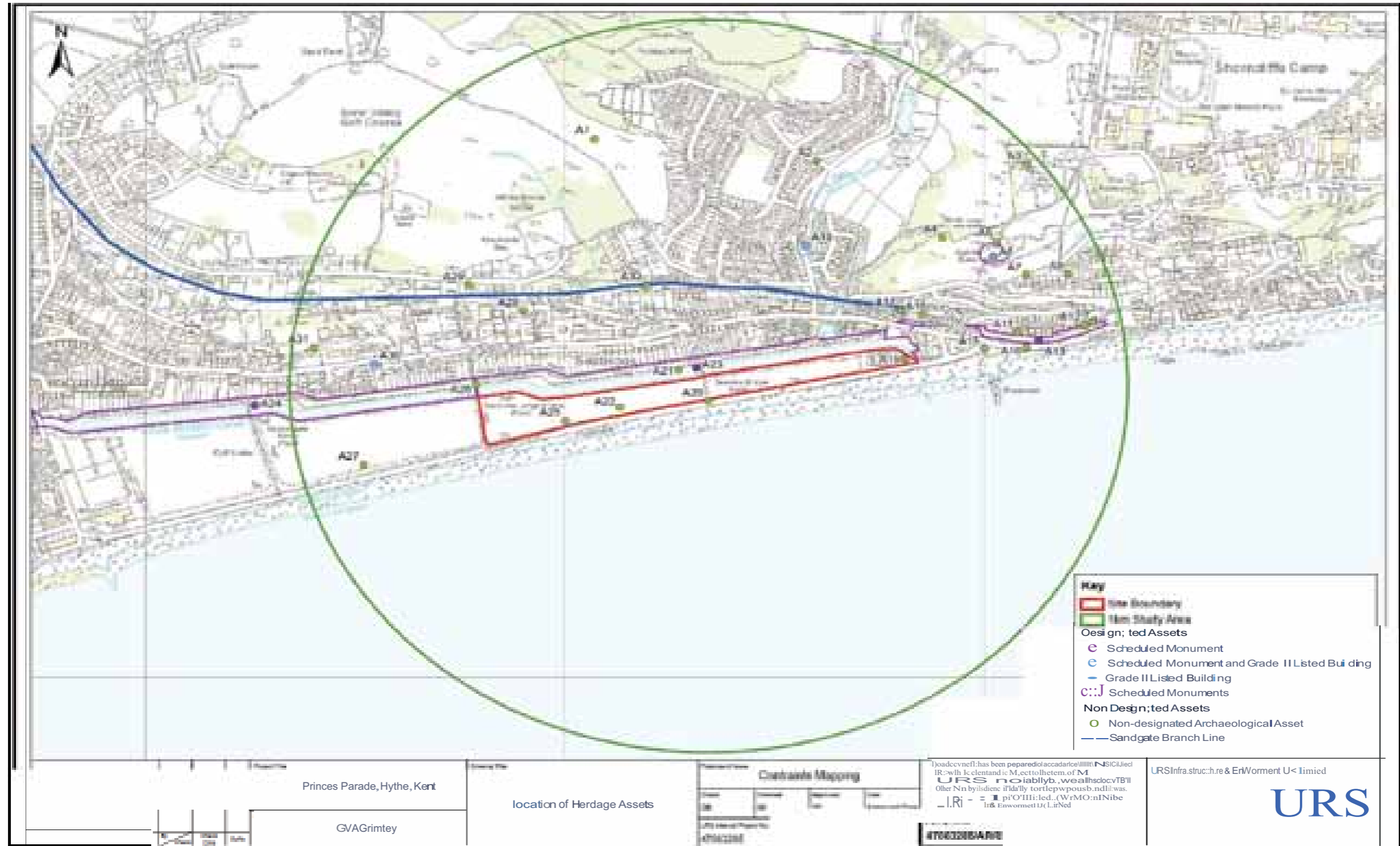
2.14 On the opposite bank of the canal, and to the north, is another embankment which was once part of the rampart and defences of the RMC. On top of which runs another publicly accessible path.

2.15 At the eastern end of the site, the canal widens and turns towards the sea. It then flows through sluice gates and out to sea. Beyond the site, to the eastern end, there are a series of 20th Century buildings including a petrol station and a new block of flats currently under construction.

2.16 The area between Princes Parade and the canal southern rampart is that of a former household waste tip used as such in the mid twentieth century. Since then, the area has not been used, except at the western end, where the car park, play area, visitor information boards and rowing club are located.

3.0 HERITAGE ASSETS IN SURROUNDING AREA OF THE DEVELOPMENT SITES UNDER CONSIDERATION.

fig. 02 Location of Heritage Assets surrounding the site



3.1 A review of the information held on the National Heritage List and Kent Heritage Records (KHER) was undertaken for a distance of 1km around the study area.

3.2 The Kent Heritage Environment Records (KHER) indicate that the site is adjacent to the Royal Military Canal as a Scheduled Monument (NHL No 1003260) and relatively close to the other scheduled monuments, including walls of the Shorncliffe Battery and Martello Towers No 9 (see Appendix 1).

3.3 The RMC continues as a scheduled monument (NHL No 1003127) as it runs to the east of the study site behind the Hythe Imperial Golf Course and between the Twiss Road Bridge and Seabrook Lodge Bridge. In this section of canal the banquette and parapet have been dropped and the ground widened on the northern side, leaving only a small steep bank to the level of the path. On the southern side of the canal, the low land of the golf course must remain similar in level to the time when the canal was built.

3.4 Some 75m east of the potential development site are two sections of the Shorncliffe Battery which are Scheduled Monuments (NHL No 1005117). The Battery predates the RMC and was constructed c1793 to have command over the beach and end of the sea wall and was originally “v” shaped. It originally had 10 and later 17 24-pound cannons. The battery was dismantled in 1817 but then rearmed in 1854 with 12 no. 24 pounders on traversing platforms which would have had an arc of fire across the RMC and the site under consideration but these are obscured by later buildings. The Battery formed the eastern end of the RMC defences, along with Martello Tower No. 9 further up the hill.

3.5 Martello Tower No 9 is also a scheduled monument (NHL No 1017226) which is built on rising ground north of Hospital Hill. The tower sits in a dry moat with outer glacis (steep sloping banks). The Tower is a grade II listed building as well (NHL No 1061167) and is now surrounded by a wooded area obscuring views towards the RMC. The tower survives to its original height of c10m from its base and

originally housed 24 men and an officer. On the circular roof was mounted a single 24-pound cannon which would have had a range around 1.5km and a 360 field of fire. The range from the cannon would have extended the majority of length of the study site and the RMC behind.

3.6 Within the site, along the banks of the RMC, the KHER records that on the adjacent beach there were a series of World War II defences, including pill boxes and beach defences. During both the First and Second World Wars the canal was commandeered by the military and the original 18 pound gun emplacements reused. Most of these defences have been removed or hidden by later tipping and sea defences and are, therefore, no longer visible.

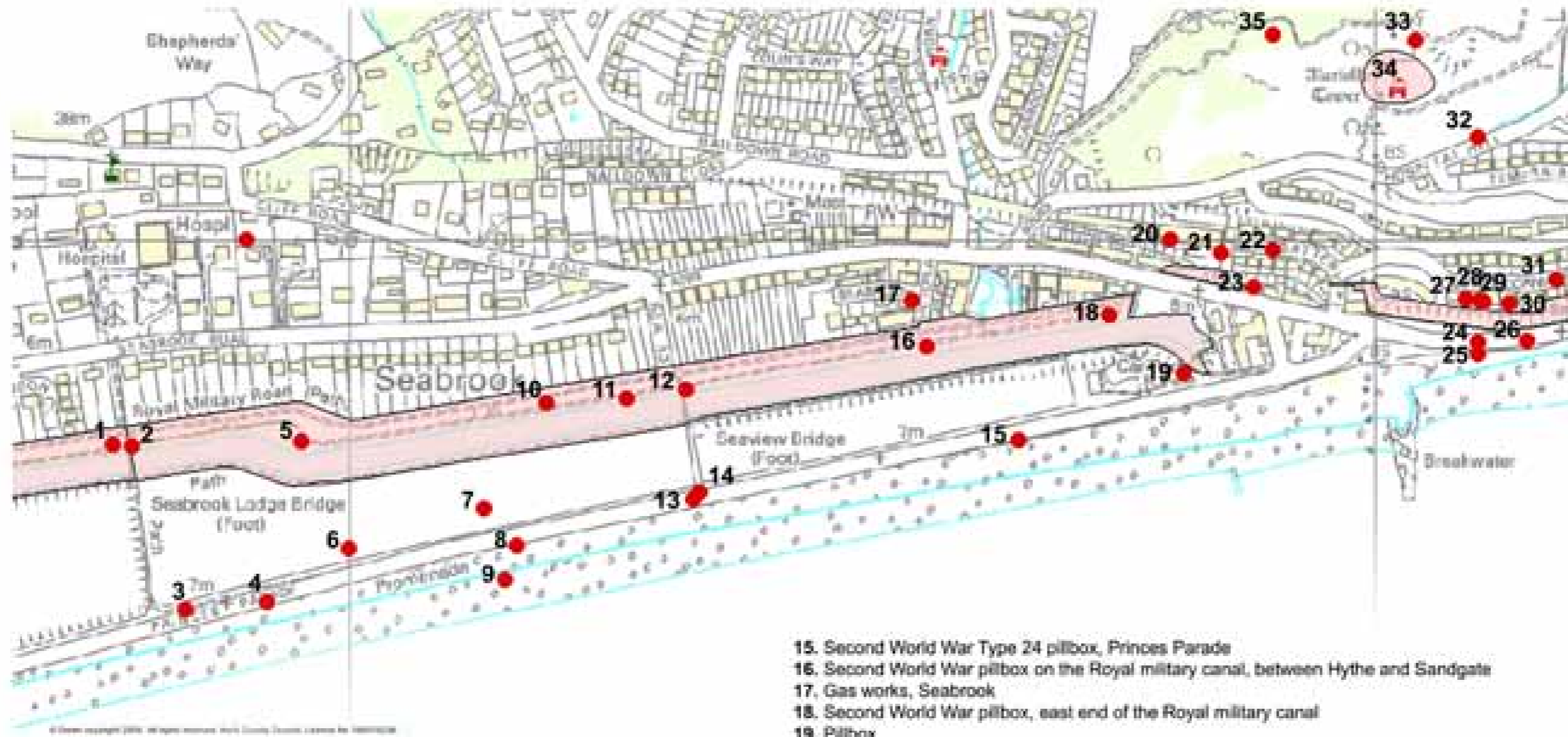
3.7 The KHER holds no Palaeolithic, Mesolithic, Neolithic or Bronze age (500-700BC) remains within a 1km study area

3.8 There are only a couple of Iron Age or Roman remains that have been recorded just outside the 1km study area. These were fragments of Belgian pottery dated between 50BC and 50AD and a Roman Tile found towards the top of the rising ground on Cliff Road, Hythe to the north west of the site.

3.9 There are no medieval heritage assets or finds recorded in the Early Medieval and Medieval Periods (AD 410-1540) except for a chance isolated find of a single medieval silver penny near the seafront car park at the end of Princes Parade.

3.10 Prior to the construction of the Shorncliffe Battery and the Royal Military Canal there no recorded assets except Black Cottage in Seabrook Road, which is a Grade II listed dwelling dating back to the mid-18th century. The potential development site cannot be seen from the cottage.

fig. 03 Extract from KCC HER record plan showing non-designated assets and monuments (the purple areas are Scheduled Monuments, including the RMC, Shorncliffe Battery Walls and Martello Tower No 9)



- 01. Possible Second World War pillbox west of the Seabrook Lodge footbridge
- 02. Pillbox (TYPE FW3/24)
- 03. Second World War defended locality, Princess Parade
- 04. Second World War pillbox between Hythe and Sandgate
- 05. Second World War Type 24 pillbox
- 06. Pillbox
- 07. Pillbox
- 08. Second World War pillbox, between Hythe and Sandgate
- 09. Second World War beach defence
- 10. Second World War pillbox, on the Royal military canal, east of Hythe
- 11. Pillbox
- 12. Second World War pillbox, on the Royal military canal, between Hythe and Sandgate
- 13. Folkestone, Hythe and Sandgate Tramways
- 14. Pillbox

- 15. Second World War Type 24 pillbox, Princess Parade
- 16. Second World War pillbox on the Royal military canal, between Hythe and Sandgate
- 17. Gas works, Seabrook
- 18. Second World War pillbox, east end of the Royal military canal
- 19. Pillbox
- 20. Unknown
- 21. Site of Sandgate station
- 22. Second World War barbed wire obstructions
- 23. Hard standing, Shorncliffe Battery site, Seabrook Road
- 24. Pillbox
- 25. Unknown
- 26. Second World War roadblock at the western end of Sandgate Esplanade
- 27. West-flanking gun emplacements of the Napoleonic Shorncliffe Battery
- 28. Second World War trench system, Shorncliffe Battery
- 29. Shorncliffe Battery Wall
- 30. Unknown
- 31. Unknown
- 32. Fortified House
- 33. Firing range, Shorncliffe Redoubt
- 34. Martello Tower No9
- 35. Pillbox

3.11 The only other listed building is the 19th Century Mill Cottage on Horn Street which does not possess any views towards the study site and can not, therefore, be considered as part of its setting.

3.12 The Royal Military Canal between the Seabrook Sluice and the Seabrook Lodge Bridge (some 1.05km) remains largely intact except for some disturbance and decay. The canal survives as a water filled feature although it is silted up in places. The northern earth banquette is largely intact although the earth parapet is now largely lost towards the western end. The banquette slowly reduces in height from the water level from east to west. A path now runs along the top of the banquette or behind, what remains of, the parapet and redoubt at the eastern end. The northern banquette is covered with dense vegetation and trees, as does the remains of the parapet. This vegetation becomes denser towards the western end and the bridge obscuring views to the south. The description of the Scheduled Monument confirms that the Royal Military Road, behind the banquette and parapet on the northern side, is presumed to largely survive as buried remains. On the southern bank the tow path remains intact but a small defensive ditch which originally existed is no longer visible and has, presumably, been destroyed by the tipping operations carried out up until the 1970's.

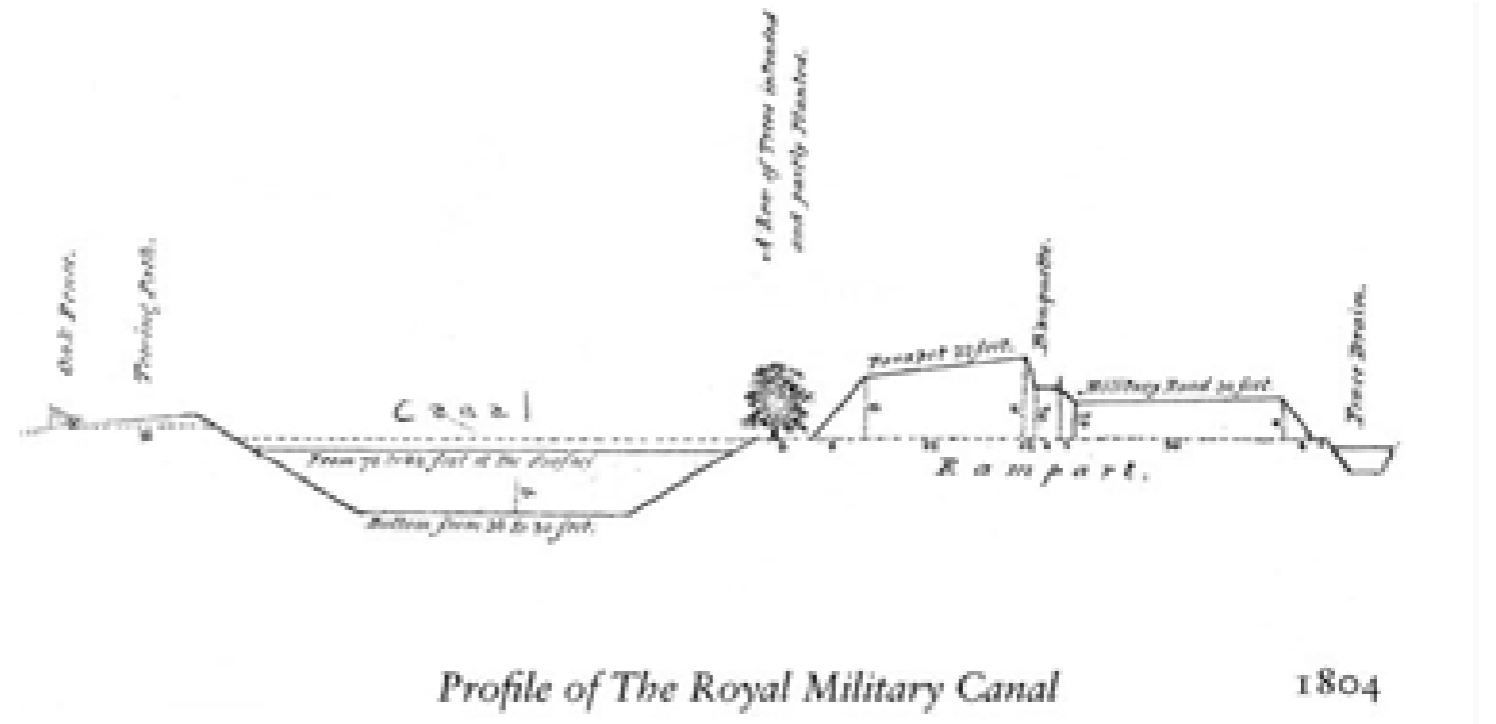
4.0 DEVELOPMENT OF THE AREA & ITS HISTORIC SIGNIFICANCE

4.1 The development of the landscape that can be seen today at Seabrook is largely the product of two periods of development. The first was the building of the Royal Military Canal between 1804 and 1808. The second phase of development came after the building of the railway station in Seabrook and, subsequently, development of housing (and a hospital) behind the RMC in the twentieth century. The study area was significantly altered in the second half of the 20th Century when it was used as a Council waste tip which resulted in the raising of the land between the Canal and Princes Parade. Some sources believe that there was also gravel extraction on the site prior to the tipping operations. Gravel 'hatchings' are shown north of the Canal in the 1907 Ordnance Survey map but the maps are ambiguous and do not confirm whether extraction had occurred on land to the south of the canal.

The Building of the Royal Military Canal

4.2 After the resumption of war with England in 1803, Napoleon Bonaparte decided to accumulate a force of some 180,000 troops, and assembled some 2000 boats around Boulogne, with a view to invading England. With the threat of invasion, defence of England's southern coast was becoming a priority for Pitt's new Government. First Shorncliffe Battery was built in 1783. Then, in 1804, it was decided to build a series of defensive Martello towers along the Southern Coast although Romney Marsh was left virtually undefended in the belief that it could be quickly made impassable by flooding upon the imminent threat of invasion. The low lying ground between the Marsh and the shelving beaches at Dungeness Peninsular provided an obvious landing site for a potential French invasion. Lt-Col John Brown, Commandant of the Royal Staff Corps, rejected the plan to flood Romney Marsh as impractical. He concluded that it would be very expensive to do and a plan that would take, around, ten days to execute – a period of warning time that simply would not be available if invasion was imminent. He, therefore, put forward an alternative plan to build a defensive canal with ramparts from the start of the higher ground at Seabrook in the east, to the River Rother at Rye. The Canal was originally to be 19m wide and 3m deep. The excavated soil was to be piled up on the northern bank to form a steep banquette and make an earth parapet from which soldiers could shoot across

the canal onto the lower ground on the seaward side. Behind this earth fortification there was a military road where soldiers could be moved without being seen. The canal itself was designed with kinks to allow enfilading fire along its length if the enemy attempted to cross it, as can be seen to the east of Seabrook Lodge Bridge.



Profile of The Royal Military Canal

1804

fig. 04 Profile of the Canal

4.3 The Duke of York, who was in charge of Britain's defences and the Prime Minister; William Pitt agreed, on 26 September 1804, to build the canal. John Rennie, a leading engineer of the time, and who had previously designed London and Waterloo bridges, was appointed as the Consultant Engineer to construct 28 miles of canal at a cost of £200,000. Pitt persuaded the local landowners that the ditch was not only a necessary military defence but would also contribute to the drainage of the Marsh by the canalisation of parts of the Rother and Brede Rivers.

4.4 Work started on October 30th, 1804 at Seabrook. However, progress was slow through the following winter principally because of severe flooding, lack of skilled navvies to build it and arguments with contractors. By May 1805 only 6 miles had been completed and concern was growing about the readiness of Napoleon's forces and the possibility of an imminent invasion.

4.5 Rennie was sacked and the project was transferred into the hands of the Army's Quartermaster General's Department under the command of Lt Col Brown. The navvies and private contractors built the canal whilst the military built the ramparts and banks. The work still suffered from flooding, and damage in storm surges, until steam pumps were brought in to prevent the trench filling with water. To reduce the time it was taking to build the canal the planned width was reduced for most of its length. The canal finely linked with the River Rother at Iden lock and was completed in April 1809.

4.6 Napoleon's plans for invasion of England suffered a major setback at the Battle of Trafalgar in 1805, when much of his fleet was destroyed making a sea invasion impractical. He, therefore, redeployed his forces in northern France and prepared for an invasion of Austria instead.

4.7 The final cost of the development was circa. £234,310 and a considerable embarrassment to Pitt's Government after success at Trafalgar meant that the canal was never needed. The Government, therefore, decided to recover some of the money by opening up the canal to navigation and the transportation of goods. The wharf at Seabrook was part of this initial commercial use of the canal and there was, for a short period, regular barge services running between Hythe and Rye. However, the canal was never particularly well used and when the railways came to East Kent and, in particular, the Ashford to Hastings Line in 1851 the use of the canal for commercial and passenger transportation declined further. In the 1860's, parts from the canal were sold to local landowners and by the late 19th century its use as a waterway was for pleasure boating only. The last toll was collected at Iden lock in 1909.

4.8 During World War I, and in the lead up to World War II, the canal was requisitioned by the War Department for defensive purposes. From 1935 the banks were lined with pill boxes in case of an invasion by Germany.

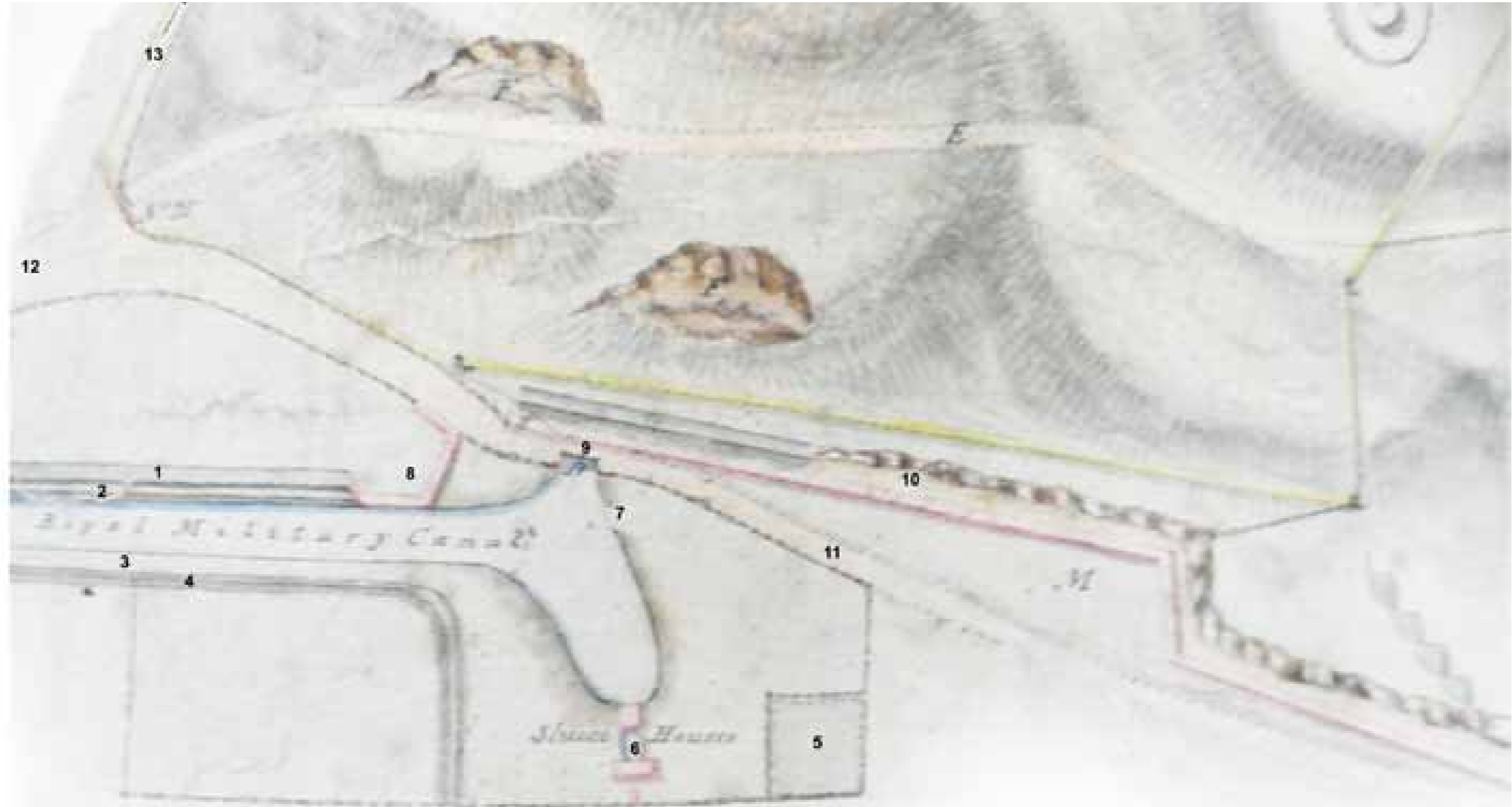
4.9 The Canal is currently managed by the Environment Agency and provides an important control of water levels in the Romney Marsh. In the winter months water is let out of the canal at Iden Lock

and at the Seabrook sluice in order to drain it away from the marshlands. In the summer, water can be pumped into it and then into the Marsh's drainage dishes to provide fresh water for livestock. Parts of the RMC are designated as being of Special Scientific Interest although the entire length of the RMC is a significant wildlife corridor. The canal provides an important recreational feature through Shepway, used by walkers, cyclists, fishermen etc.



fig. 05 Early 19th Century Map showing the canal at Seabrook and Shorncliffe Garrison and enlargement of the eastern end below.

fig.06 An early 19th century map shows the layout of the eastern end of the canal at Seabrook. Surviving features include the redoubt walls, the walls of the Shorncliffe Battery, the dock, base of the sluices (but not the houses), the northern parapet and Military Road, the southern tow path but not the embankment or ditch.



- | | |
|-------------------------|-------------------------------|
| 01. Royal Military Road | 08. Redoubt |
| 02. Parapet | 09. Drawbridge |
| 03. Towing Path | 10. Shorncliffe battery walls |
| 04. Ditch | 11. Road to Sandgate |
| 05. Guard House? | 12. Road to Hythe |
| 06. Sluice houses | 13. Shorncliffe Barracks |
| 07. Wharf | |

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fig. 08 The Seabrook Redoubt walls



fig. 07 The battery walls were roughly where the draw bridge was located.



14 fig. 09 The original dock walls by the sluices at Seabrook.

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4.10 The shape of the canal at its eastern tip has changed since it was originally constructed and a grassed public open space, accessible from Seabrook Road, now lies north of the sluices. Originally there would have been a water channel, in the area of the existing the grassed bank, which would have lead to the Shorncliffe Battery Walls. Over this channel was a drawbridge which was used to control access into the Garrison. Houses have been built on the top of the garrison walls as well in front of them, just east of the canal. The tops of the Battery walls, and the redoubt walls, are now overgrown with shrubs and small trees and these cumulative changes make it difficult to interpret the significance and original design of the scheduled monuments.



fig. 10 First Edition Ordnance Survey in 1870- 72 and enlargement of eastern end

4.11 The two local Martello towers, sited on the higher ground, overlooked the east end of the RMC providing clear firing lines. Tower No. 8 on Hospital Hill and No. 9 below the Garrison are now no longer visible from the canal, nor are there clear, uninterrupted views from them to the canal owing to the later development and the growth of trees further eroding the historic setting of the RMC.

The Late 19th Century

4.12 The area around Seabrook was still largely undeveloped by the time of the first Ordnance Survey mapping in 1870-1872 with little change since the early 19th Century military map was published. The canal still terminated in a “T” shape leading to, and north of, the sluices but the drawbridge had been replaced by a permanent road. A police station was built just outside the barracks and further to the west there were a few houses and the Fountain Inn by the Seabrook reservoir. A gas works had also been built in this small community to the west of the reservoir.

4.13 In 1874 a new three mile branch line was constructed, by South Eastern Railway, connecting Hythe to the new Sandgate Station situated above the western Shorncliffe Barracks at the eastern end of RMC. Not long after the railway line was complete, the new Seabrook Hotel (now the Hythe Imperial Hotel) was constructed as part of an ambitious development in which to provide a prestigious holiday destination. The development, to be known as the Seabrook Estate, was part of an original plan to develop the area now used as a golf course for these villas. The branch line and station closed in 1951.

4.14 Princes Parade was built, in the late 19th Century, in which to join Sandgate to the seafront in Hythe together with the first sea wall and a short promenade at the eastern end. The road and sea wall were higher than the land on the southern side of the canal, which would have presented clear views seaward from the north canal parapet, however the firing lines across the lower southern canal side towing path, and land behind, were still clearly visible.

4.15 There is some suggestion, in other reports, that the proposed development site was excavated

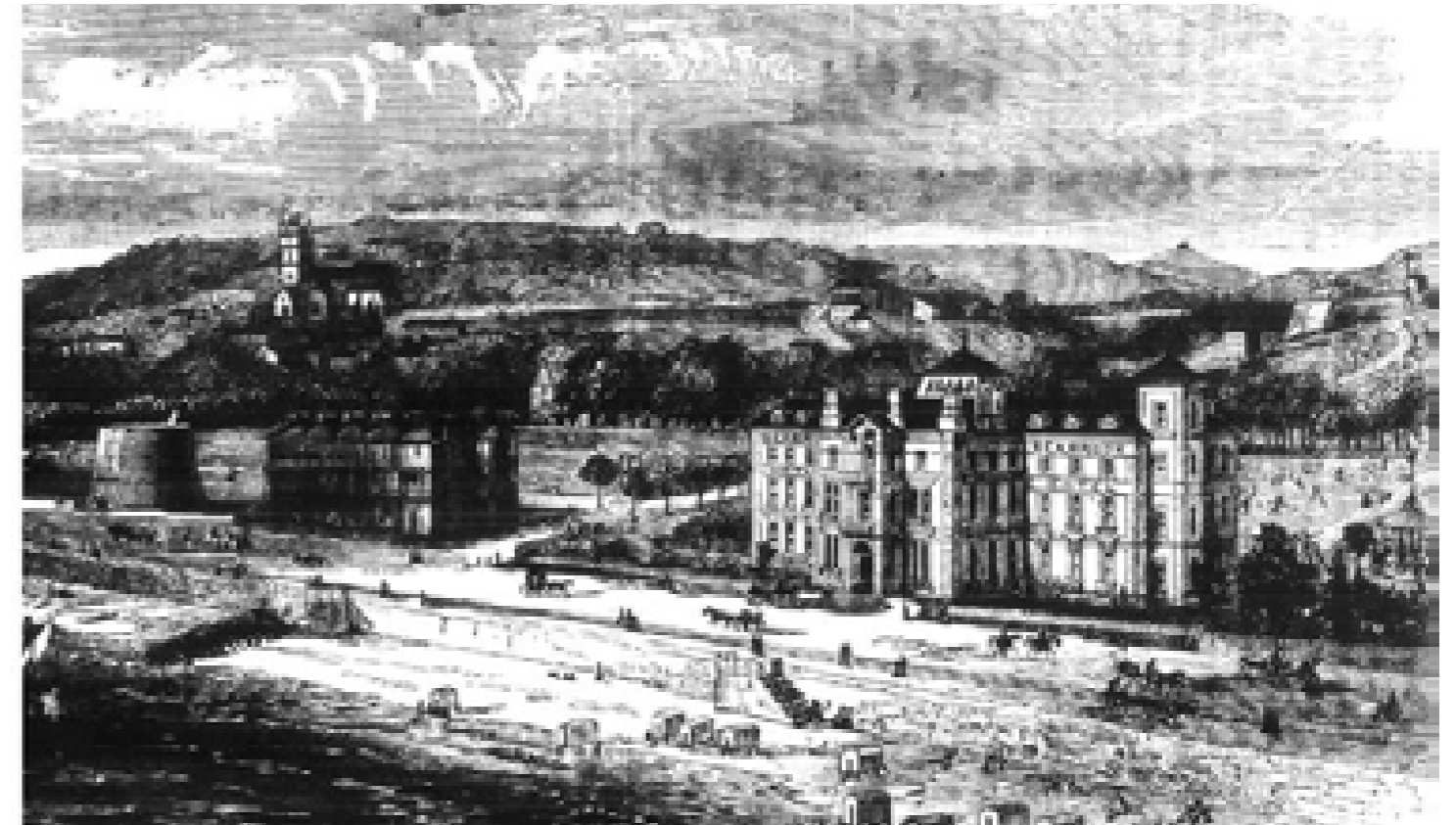


fig. 12 Seabrook Hotel (Hythe Imperial) in 1880

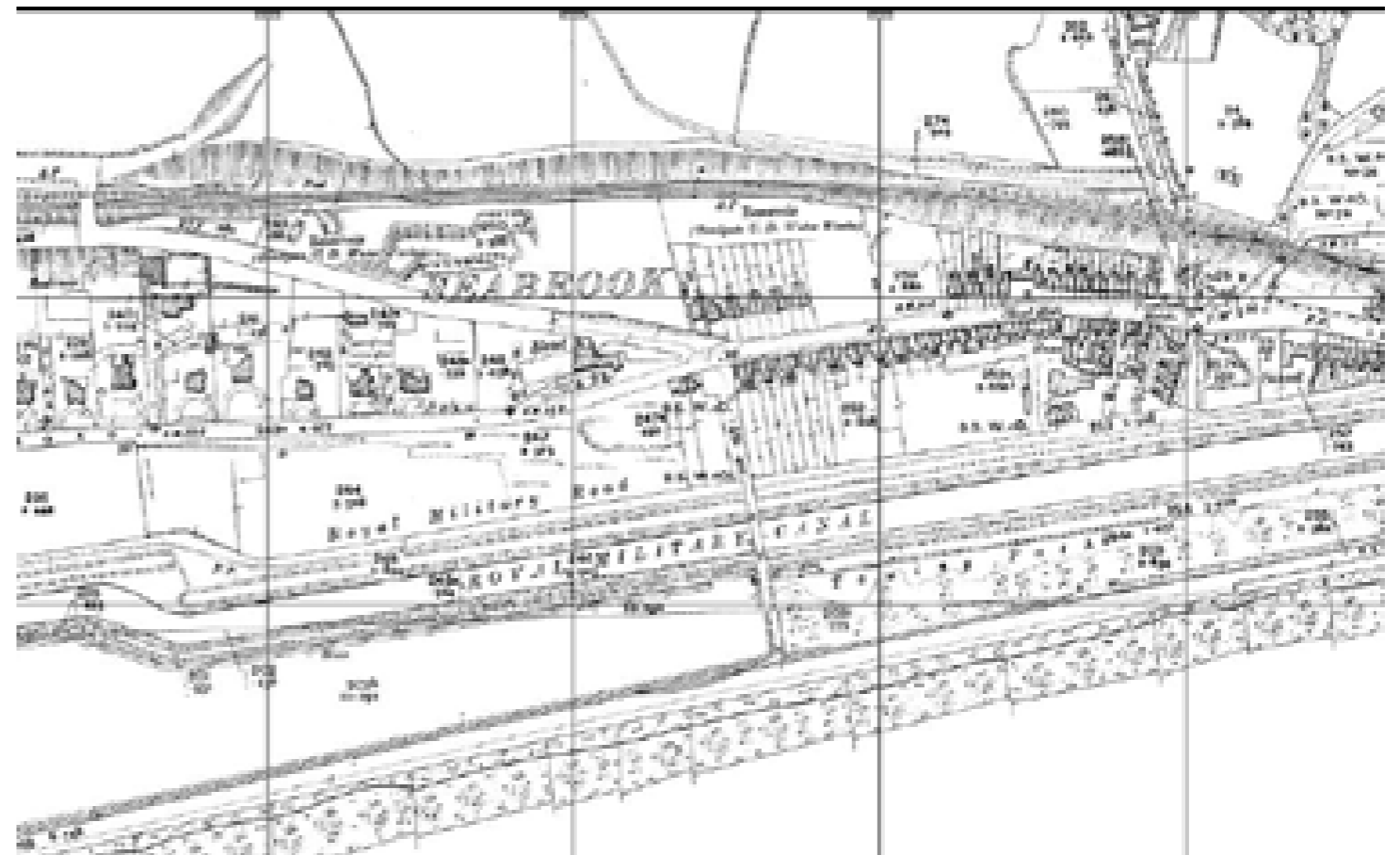


fig. 13 Ordnance Survey Map 1907

for gravel from the late 19th Century and Ordnance Survey plans do not appear to indicate this. It is not, however, clear that this was the case and no evidence has been found to corroborate this assertion.

The 20th Century

4.16 By the time of the publication of the 1931 Ordnance Survey, part of the western half of the site, adjacent to the footpath and bridge from Seabrook, was used as a recreation ground whilst the rest of the area may have been excavated for gravel. The significance of the Canal's military function was still clear to see, and as it was still believed that the RMC could function as a defence, it was requisitioned by the military in both World Wars I and II as part of the southern defences against the threat of invasion from Germany.

4.17 Seabrook slowly developed more housing in the early 20th Century but the RMC remained largely undisturbed until after the Second World War. Early postcards, and World War II aerial photographs, show views of the Canal from Sandgate Barracks and Hospital Hill and demonstrate that, at this time, the ramparts remained intact and that there was little vegetation growth. At this time, there was some development consisting of seaside villas at the western end towards Hythe, and some new housing on the northern side of the canal.

4.18 The 1958-59 Ordnance Survey shows the land south of the RMC as low lying land behind the elevated Princes Parade and sea wall. The firing lines were still apparent from the northern bank. Housing had been built in front, and above, the Battery walls at the eastern end of the Canal and the character of the area started to become more urban as the Districts of Hythe and Sandgate began to Coalesce. The recreation ground is no longer noted on the Ordnance survey plans at this time.

The Late 20th Century

4.19 In the 1970's and 1980's the lowland, south of the canal at its eastern end and beyond the



fig 14 1920's Post card showing the Royal Military Canal, at the eastern end from just above. Sandgate station, a view now lost by 20th century development.



17 fig 15 World War II reconnaissance photos showing the eastern end of the Royal Military Canal.

for household waste. The land was raised to the level of the sea wall and some two metres above the height of the original southern embankment; around 4 metres above the natural level of the ground. This change, together with the growth of trees and vegetation on each side of the Canal, has transformed the setting of the Royal Military Canal and obscured the original purpose of the canal. It is no longer possible to stand on the northern rampart and look out to sea at the eastern end of the Canal at Seabrook. The land of the golf course, to the west of the development site, is lower and one can still determine the sense of the relationship between the ramparts, the Canal and the open firing lines. One can also appreciate just how much the development land has been raised.

4.20 Most of the Pill Boxes and World War II defences on the land being considered for redevelopment, have been covered or destroyed in the process of creating the refuse tip.

4.21 More recently, a project to improve visitor information and interpretation of the Canal by Shepway Council, English Heritage and The Heritage Lottery has resulted in the installation of interpretation boards around a new car park on land at the eastern end of the Canal. A Canoe and Kayak Centre who regularly use the Canal, operate from green painted steel containers located close to the public car park at the eastern end of the Canal by the interpretation boards.

4.22 The tow paths and northern ramparts are now used as a recreational resource for walkers, cyclists and fishermen. Vegetation has flourished, as has the wildlife but silt build-up continues to present itself resulting in the Canal being very shallow in places. The condition of some of the stonework on the redoubt opposite the sluice gates is poor, and the growth of vegetation is slowly smothering many original features.

4.23 In November 1986, the District Council resolved to approve outline Planning Permission for the redevelopment of this part of the site as a Marina. Following 'call - in' by the secretary of state a public inquiry was held in November 1987.

The secretary of state granted outline permission following consideration of an agreement between the company and the council providing for certain undertakings to English Heritage.



fig 16 The 1958 Ordnance Survey Map .

These included the need for a museum area to be provided, as part of the overall scheme to promote a better understanding of the RMC and its associated works. A plan showing the proposed is attached at Appendix 3.

5.0 SIGNIFICANCE OF THE EASTERN END OF THE ROYAL MILITARY CANAL AT SEABROOK

Introduction

5.1 “Significance” is the term that Conservationists use to describe the value of a building to this and future generations. It can be used to describe the value of architectural and historical features, as identified by experts, but also the cultural value of a building or group of buildings to the history of the community. Historic fabric is a non-renewable resource which, when lost, cannot be truly replaced. However, some fabric is more significant than others. It is normal to make an assessment of how significant the fabric is in terms of local, regional, national & international importance. In assessing significance the following terminology is used:-

Exceptional	– important at national to international levels.
Considerable	– important at regional or sometimes higher level.
Some or Moderate	– usually of local value but may also be of regional significance or group value
Negligible	– of little heritage value and adds little or nothing to the value of a site
Negative	– detracts from the heritage value of the site

HISTORIC AND ARCHITECTURAL SIGNIFICANCE

5.2 The Royal Military Canal is a Scheduled Ancient Monument in recognition of its national significance as a major early 19th Century fortification against the threat of invasion from France. It was part of an integrated system of defences along the southern coast of England which included forts, towers, batteries and redoubts. The use of a canal was a novel approach to defence using new canal building technology and skills developed through the Georgian era. Its design was developed to exploit the range of the, then, current rifles and cannons through the careful positioning of Martello

Towers, parapets, batteries, redoubts and ‘kinks’ in the Canal alignment. Its defensive role was still seen as significant in World War II, when the length of the Canal was reinforced by a series of pillboxes in case of invasion.

5.3 The design and construction of the Seabrook end of the Canal was carried out by John Rennie and William Twiss RE, both of whom were nationally eminent military and civil engineers. This fact further reinforces the national significance of the RMC.

5.4 The creation of a new sealed road and sea wall in the 19th Century along Princes Parade would have reduced some of the effectiveness of the original defences through the reduction in visibility to the sea from the northern parapet. This would have had a negative impact on the significance of the Canal at Seabrook. Since then, the raising of the ground by using it as a refuse tip to the south of Canal has transformed one’s ability to appreciate the defensive logic of this part of the Canal and has a seriously negative impact on its significance as a historically important site. The growth planting plan each side of the Canal has further reduced one’s ability to “read” the original Military Engineer’s intentions. This may be reversible albeit that consideration needs to be given to the potential loss of wildlife habitat.

5.5 The Seabrook end of the Royal Military Canal is a particularly interesting section of the Canal and this interest reinforces the monument’s significance. Here the Canal terminates and the water is allowed through the sluice gates to enter the sea. It was thought to be particularly vulnerable from attack and was heavily defended by the redoubts on the Canal’s edge, as well as two Martello Towers and the Shorncliffe Battery mounted on walls behind and to the east.

5.6 However what we can read and interpret today is significantly changed from when it was built:-

- The bank and ground on the southern side of the RMC are now much higher than the original low ground which would have provided the firing lines from the north parapet.
- The ditch to the southern side of the tow path has, presumably, been destroyed by later tipping.

- At the east end of the canal there is a gently sloping grass bank on the northern side where there used to be a “T” shaped end to the canal leading to a drawbridge into the Battery.
- The eastern end of the canal below the Battery has been over-developed by 20th Century buildings including a petrol station and new housing under construction which has impacted on the Canal’s setting.
- The northern walls of the Battery have also been partially obscured by 20th century housing.
- The inside of the redoubt, opposite the sluices, has had houses built over it.
- Planting obscures the tops of the Battery and redoubt walls.
- The views to the Canal, from the two eastern Martello Towers, No’s 8 & 9, have been obscured by housing and trees.
- The sluice houses have been demolished and the sluices modernised.
- The banquette and parapet have suffered significant erosion to the western side.
- The Military Road line is still visible but was originally at a different level.

5.7 All of these changes have negatively impacted upon the historical and architectural significance of the Royal Military Canal at Seabrook. Although the Asset’s significance remains very high, it is not now quite as significant as it might have been if more features had remained unaltered.

Cultural and Social Significance

5.8 The Royal Military Canal lies largely in the District of Shepway and is, not only, one of the most significant historical sites for the District but is also of social and cultural significance. The army has played a large part in shaping the urban areas in Hythe and Sandgate, and their presence is inexorably linked to the development of the town right up to the present day. Culturally, therefore, the community’s links with the military are very strong.

5.9 The RMC also serves as a principal drainage course for Romney Marsh and, for a time, was

used to transport goods until the coming of the railways. Later, the canal was also used for pleasure boating in the latter part of the 19th Century and social events, such as the annual Regatta (now known as the Hythe Venetian Fete), was held at Hythe. The paths on either side at Seabrook have been used for recreation use in recent years and since the closure, and capping, of the household refuse tip in 1975.

Environmental Significance

5.10 The sides of the Canal are now densely planted and small trees and shrubs are well established. They must surely be of some local environmental significance and possibly regional significance as part of a wildlife corridor running from Seabrook to Iden Lock. Ducks, Swans, Coots, Moorhens and Herring Gulls are all commonly visible from its banks as are various invertebrates, dragon flies etc.

5.11 Because of the lay of the land the Canal, when seen from many local high vantage points such as Hospital Hill, Shornccliffe Military Cemetery or Cliff Road and Naildown Road, is largely now obscured by the trees and vegetation on the northern and southern banks. The route of the canal can be normally read as a line of planting but the water in the canal is only visible in a handful of views. The surrounding 20th Century development planting on the banks of the Canal has reduced opportunities to appreciate the historic purpose and significance of the Canal.

5.12 The growth of this varied natural habitat has obscured and damaged the banks and parapets of the Canal’s historic defences reducing its architectural significance. This, however, needs to be balanced against the rise in importance of the Royal Military Canal as a significant local wildlife corridor in the District. Further along the canal there are several habitats which are now so significant that they have been given special protection designations by Natural England.

5.13 An ecological survey of the proposed development site was carried out in 2012, by URS and revealed that this land was far less ecologically rich than the Canal and its banks. It identified 3 types of common habitat:-

Tall ruderal (C3.1) Dominant plants include couch-grass, cocksfoot, hogweed, wild angelicas, cow parsley, dock etc. This is a common habitat but an important source of seeds for migrating birds.

Scrub (A2) Dominant plants include Blackthorn, Prunus spinosa, bramble, elder, common alder, goat and crack willow, etc. This is a common habitat which provides good nesting and foraging opportunities for birds.

Ephemeral (J1.3) on bare ground. The site may provide habitat for invertebrates and possibly amphibians but no reptiles, badgers, and small mammals were sighted at the time of the original survey.

5.14 None of these habitats are unusual and in the opinion of the Council's Ecological Consultants are of sufficient significance to prevent development.

6.0 THE SETTING OF THE ROYAL MILITARY CANAL

6.1 The setting of the Royal Military Canal in Seabrook contributes to the significance of it as a designated Heritage Asset. Most of the Canal runs through the flat ground of Romney Marsh although its eastern end is flanked, to the north, by the hills of North Downs as they diagonally run towards the coast and turn into the defensible cliffs of Folkestone and Dover. The Canal terminates at Seabrook because this is the point where the flat ground meets the hills and cliffs. Its setting at Seabrook is germane to our understanding of the role it played in the early 19th Century defences of our coast from Napoleonic invasion.

6.2 Up until the construction of the railway to Sandgate station in 1878, and the railway embankments and the bridge, the Canal would have been clearly visible from any of the surrounding hills from the eastern edge of Hythe town. This is also true of views from the hills to the north of the village of Seabrook, or from the fortifications, Martello Towers and the barracks at Shorncliffe. The setting of the Canal, and its purpose, would have been clearly visible from all of these surrounding areas; its military significance clear to see. Walking along the Canal parapet on the northern side at this time would have still afforded unobstructed views out to sea. Development and changing vegetation over the last 150 years has significantly compromised the views from the Canal tow path and the parapets, and from the surrounding hills looking back towards the Canal.

6.2 The first significant change was the construction of the elevated section of the track and bridge over Horn Street in the 1870's, which closed off the views from the Horn Street Valley and compromised the views from Tower No.9 in the lower part of the Shorncliffe Barracks.

6.3 Towards the end of the 19th Century, Princes Parade and the sea wall were built which would have obscured the views out to sea from the northern parapet of the Royal Military Canal. Around this time the roofs of the two- storey housing being built in Seabrook would have started to close the views from the north.



fig. 17 View looking west down the RMC showing the “enclosed” setting from which the housing and development of Seabrook can’t be seen.



fig. 18 View across the canal by the redoubt to the modern housing at Hospital Hill

6.4 The construction of the Seabrook Hotel (Hythe Imperial) together with the other new homes built in this area along Hythe Seafront would have closed off the views towards the Marsh from Shorncliffe Barracks and significantly changed the setting of the Canal.

6.5 The gradual development of new housing, and the school, in and around Seabrook Road in the first half of the 20th Century would have only marginally affected the setting of the Royal Military Canal since most buildings are only two-storey and no higher than the northern parapet. The northern parapet would, therefore, have obscured views from the houses except at the eastern end where the sluices were positioned and Seabrook Road begins to rise.

6.6 It was, however, the latter half of the 20th Century that witnessed the most dramatic change to the setting of the Canal and, in turn, the most significant compromise to the Canal's setting. Firstly the raising of the ground some 4 metres behind the sea wall and Princes Parade to provide the municipal rubbish tip dramatically altered the setting of the Canal as seen from the tow path. This has resulted in a "canyon" like space. Gone are the views of the sea, and views out to sea are no longer available either from the tow path or the parapet path on the northern side. In recent years, trees and vegetation on the northern bank have further reduced the availability of views to the south over the proposed development site from the northern parapet path. The path rises slowly to the eastern end and as vegetation is more sparse here, so more of the east end of the development site is visible than at the western end beyond the picnic area.

6.7 The Canal's setting has been further eroded as a result of the construction of new dwellings on, and served by, Hospital Hill. These flats and houses, together with the large banks of maturing trees have blocked the views and vistas from Martello Towers 8 and 9. These two Martello Towers would have been seen from the Canal and would have had clear vistas to it to enable unimpeded cannon fire towards it. Historically, the Towers would have been part of the layered defensive strategy against the French invasion which included the Battery and Royal Military Canal.

6.8 The construction of housing in front of, and over, the Shorncliffe Battery walls, together with



fig. 19 Views across the extreme eastern end of the RMC. The trees in the background obscure views from the Canal to Martello Tower No 9



fig. 20 Photograph showing the view along the northern parapet and demonstrating the lack of visibility across the Canal (to the left of the picture) for much of its length.

the presence of the petrol station and properties at the eastern end of the canal, have further provided for the erosion of the setting of the Canal.

6.9 The trees and planting on the banks of the Canal have hidden views of the open water and disguised the rigid geometry of the canal which, once, was visible from elevated positions such as Hospital Hill or Naildown Road.

6.10 The effect of all these cumulative changes has been to erode the historic setting of the RMC obscuring its original design logic.

7.0 ZONES OF VISUAL INFLUENCE

7.1 Three development site locations, in which to site the proposed Sports Facility and School, are currently under consideration:

- At the eastern end of the potential development strip (site 1),
- Centrally within the development strip (site 2), or
- At the western end where the 'kink' in the Canal provides a wider section of developable land (site 3).

7.2 The height of the sports hall would need to be, at least, 9.2m high plus roof structural thickness of, say, 0.8m if it is to cope with international standard trampoline events. Thus the sports facility is likely to comprise a building of, approximately, 10m in height.

7.3 The height over the swimming pool could be designed at a lower scale than the sports hall but would need to be between 6m and 9m provided that no diving pool is required.

7.4 With regard to the School, the Education Funding Agency's (EFA) design guidelines for assembly halls suggests a minimum hall height of 6.9m, plus roof structure, but recommends that it is normally built at 7.6m in height giving a typical height, with roof structure, of around 8m.

7.5 The school classrooms could be designed at a height significantly lower than the hall. If classrooms are only single storey, the EFA guidelines provide a minimum height of 2.7m but recommend 3m. This would result in the majority of the school at a height of around 3m - 4m, provided it had a relatively flat roof.

7.6 The visibility of the new buildings will vary and be dependent upon the chosen site and the height of the proposed buildings. A comprehensive examination of a number of potential viewpoints, in and around Seabrook, Hythe and Shorncliffe, has therefore been undertaken in which to establish the areas, or zones, of visual perception to, and from, to the RMC and related historic military structures.

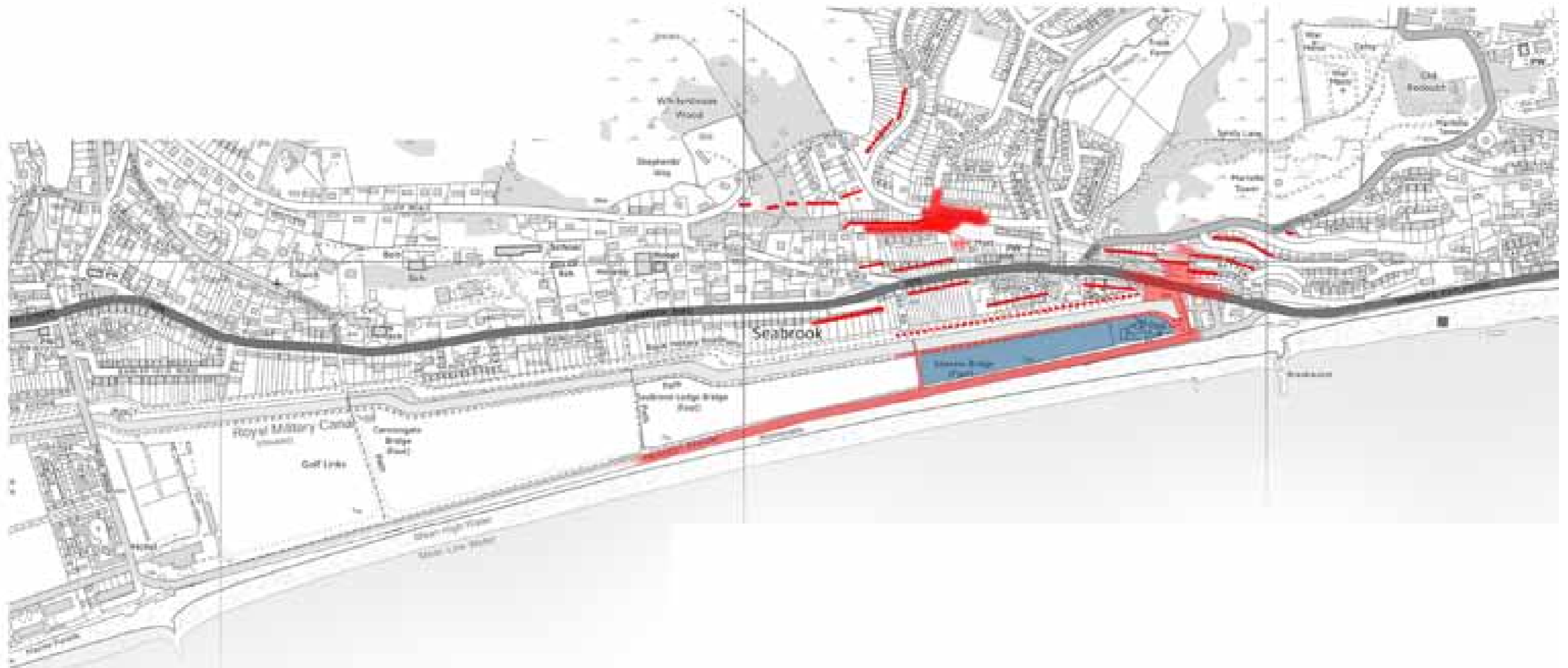
7.7 In seeking to establish the approximate size and scale of the proposed buildings, we have used the plan of the swimming pool and sports centre and ARC model design as provided by the Council's feasibility study. The shape and form of the school has been derived from an indicative school plan for a standard primary (210 pupil) school, as produced by Education Funding Agency.

7.8 Development site option 1 would concentrate development at the most urban and eastern end of the site where the Royal Military Canal terminates and the water runs into the sluices and out to sea. The developable land is narrow here and the path on the top of the parapet is relatively elevated with sparser vegetation and trees than on the same path further to the west. Opposite is a grassy bank where the RMC can be seen from the Seabrook Road. Hospital Hill rises behind the site with blocks of flats looking towards the canal. Currently there is a car park, play area and the steel storage cabins of the Canoe and Kayak Centre which are clearly visible from Seabrook Road. Taller buildings would, however, be even more visible.

7.9 To establish how visible each development site may be, a survey of the area has been undertaken using spot levels. In the area of Site 1, these levels show that a sports hall building close to the car park and, to a lesser extent, the school would be highly visible and also have a significant impact upon the setting of the Canal. The new buildings would be visible from the parapet path and behind the walls of the redoubt (if it was ever cleared of vegetation). As a result of the need to construct the sports hall close to the edge of the Canal bank, and in consideration of the orientation of the sun path, it is likely that the building would result in a reduction of light to the tow path.

7.10 Whilst the construction of the new facilities at the eastern end has the advantage that it concentrates new buildings in an area which has already undergone a significant cumulative erosion of the setting over the last 100 years, the introduction of two large buildings to the south of the Canal will, in my opinion, seriously and significantly harm the setting of the RMC as a Scheduled Ancient Monument.

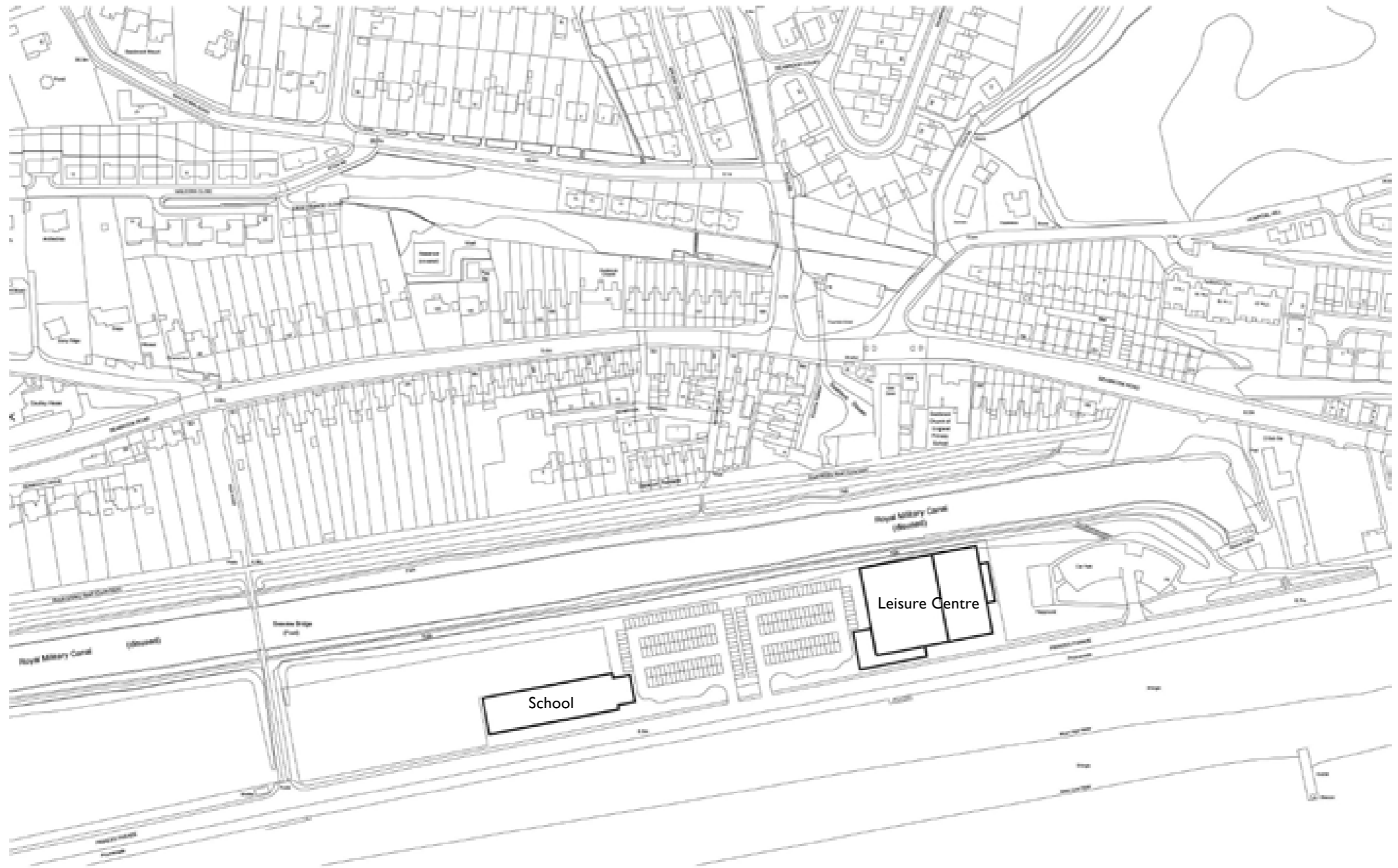
fig. 21 Zones of Visibility



Zone of Visibility Site 1

- Proposed Site
- Partial View
- View from ground level
- View from upper floors

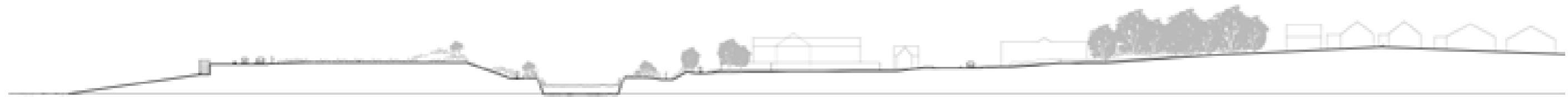
fig. 22 Development Site Option 1



Option 1
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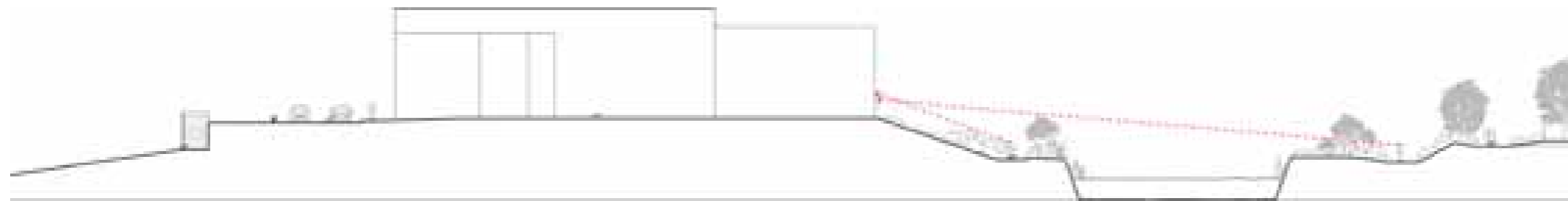
fig. 28 Development Site Option 1 Sections. Existing Section, Proposed Section, Enlargement of Proposed Section



Section 1
0 10 20 30 40 50 60 70 80 90 100m



Section 1
0 10 20 30 40 50 60 70 80 90 100m



Section 1
0 10m 20m 30m 40m 50m

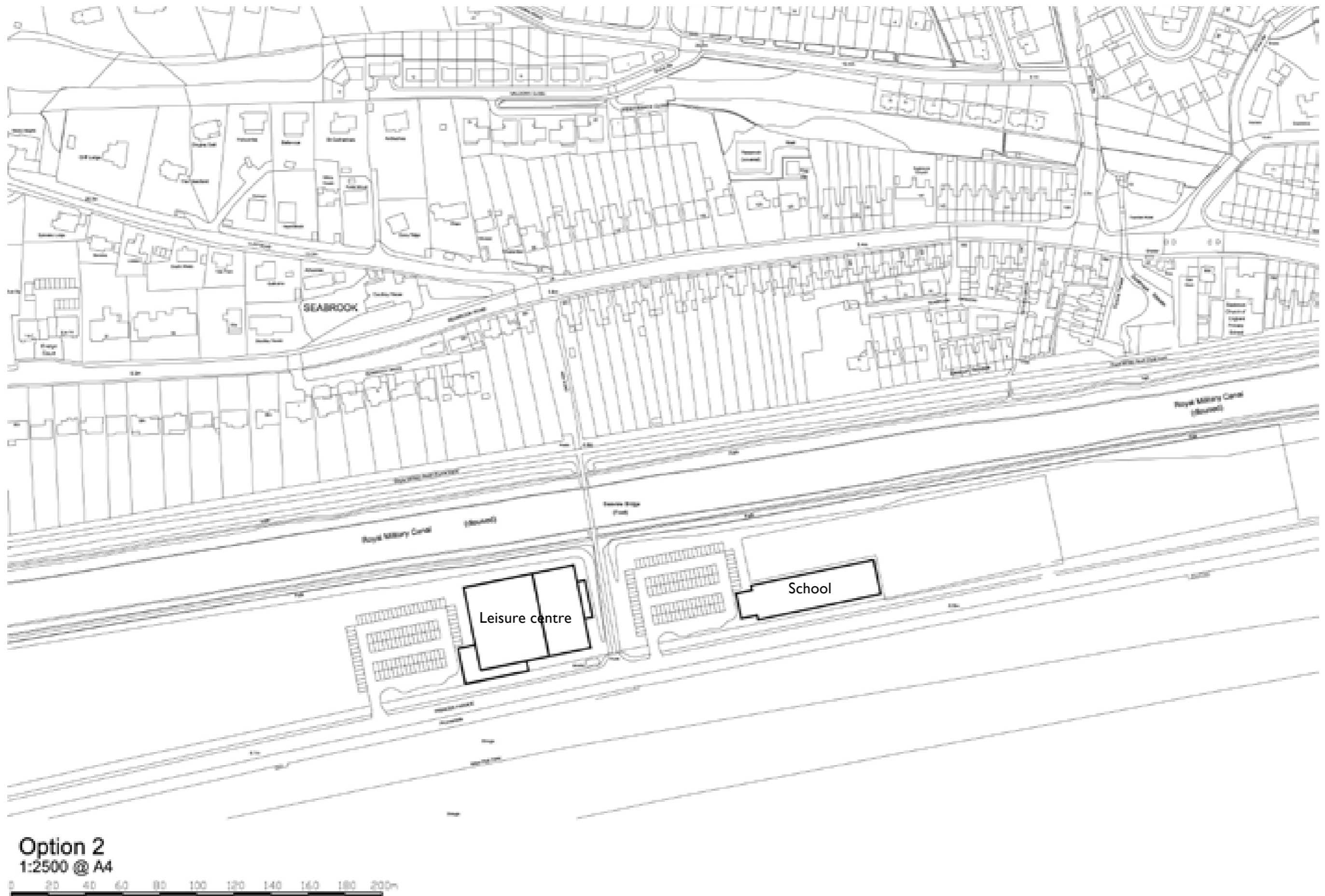
fig. 24 Zones of Visibility



Zone of Visibility Site 2

- Proposed Site
- ⋯ Partial View
- View from ground level
- - - View from upper floors

fig. 25 Development Site Option 2



7.11 Development Site option 2 lies to the centre of the coastal strip as owned by Shepway District Council. The parapets are relatively low on the northern side and are fairly open around the foot bridge. Houses up the hill and opposite the site in Naildown Close and Naildown Road would have direct views to the proposed sports hall and school buildings in this location. From these residential areas there are, relatively, unobstructed views towards the RMC. Views to the RMC, from the housing south of Seabrook Road, are limited as a result of the existence of the surrounding built form. Very distant views from Hospital Hill to the RMC are possible but are generally more focussed towards the furthest (westwards) part of the study site and beyond.

7.12 A section through the site shows that the new facilities would be visible from the north bank path where there are gaps in the vegetation. This would also apply to the area around the foot bridge. From the tow path, the new buildings would be slightly less visible than the impact of buildings on Site 1 as a result of study site widening at this point. The impact upon the Canal's setting would, it is considered, still be substantial.



fig. 26 View looking north along Sea View Bridge



fig. 27 View from Naildown Close which will soon be obscured by new housing, although a similar view will still be visible from these new dwellings

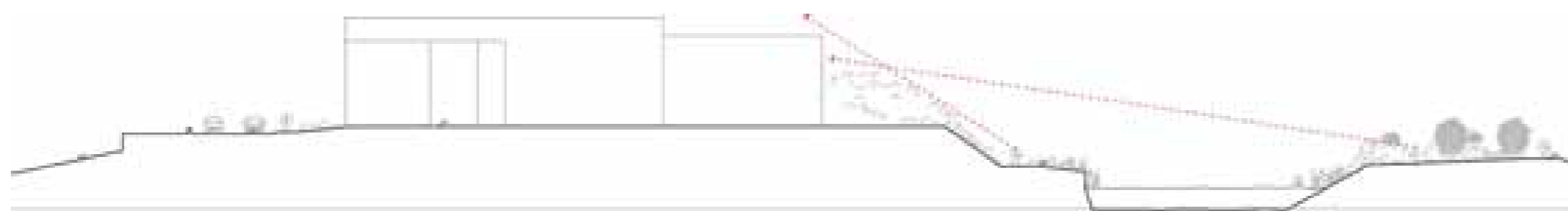
fig. 28 Development Site Option 2 sections. Existing Section, Proposed Section, Enlargement of Proposed Section



Section 2
0 10 20 30 40 50 60 70 80 90 100m

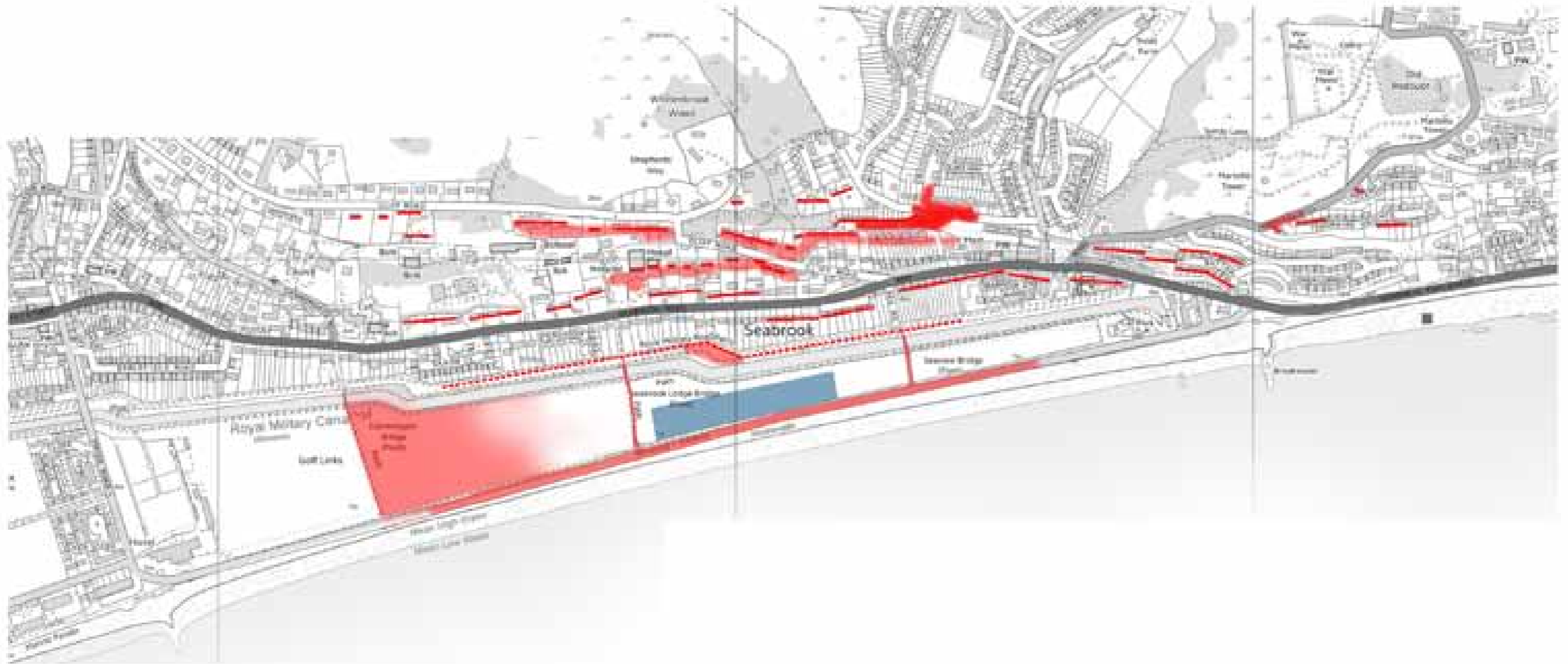


Section 2
0 10 20 30 40 50 60 70 80 90 100m



Section 2
0 10m 20m 30m 40m 50m

fig. 29 Zone of Visibility



Zone of Visibility 3

- Proposed Site
- Partial View
- View from ground level
- View from upper floors

7.13 Development site option 3 proposes the siting of the new sports centre and the school at the western end of the study area where it widens as a result of the first 'kink'. In this area, established trees (mostly willow, about 5m high) already screen the RMC from the study site and Princes Parade and will, in the short to medium term, grow to become a more established visual obstruction. The site is approximately one kilometre from the sluice gates and the redoubt and, therefore, some considerable distance from the more historical elements of the eastern end of the Canal. This site is more visible from Hospital Hill than Sites 1 and 2.

7.14 The view towards Site 3 from Naildown Road and Naildown Close is limited to the west by the roofs of houses lower down the escarpment.

7.15 There are also distant views of Site 3 from the second floor windows of some of the houses on Cliff Road and the Spires Hospital on Seabrook Road. The site is most visible at its western end when seen from the Hythe Imperial Golf Course.

7.16 The section through Site 3 indicates that development here would have the least visual impact when read from the tow paths and northern path inside the Scheduled Ancient Monument of the RMC. The banks and vegetation would screen both buildings.

7.17 Given that this site has limited visibility from the canal, the views of it from the surrounding area are distant. It is, therefore, my contention that Site 3 would have the least impact upon the setting of the Scheduled Monument. I would also contend, given that the setting has already been compromised by the filling and raising of the land in the 1970's, that it should be possible, with careful design, to develop Site 3 to provide the sports and school facilities required by KCC and the District Council without providing 'substantial harm' to the setting of the RMC.



fig. 30 View from halfway up Hospital Hill with the naked eye



fig. 31 Enlargement of View from Hospital Hill showing the existing screen bank obscuring site 3 (A telephoto camera lens has been used)

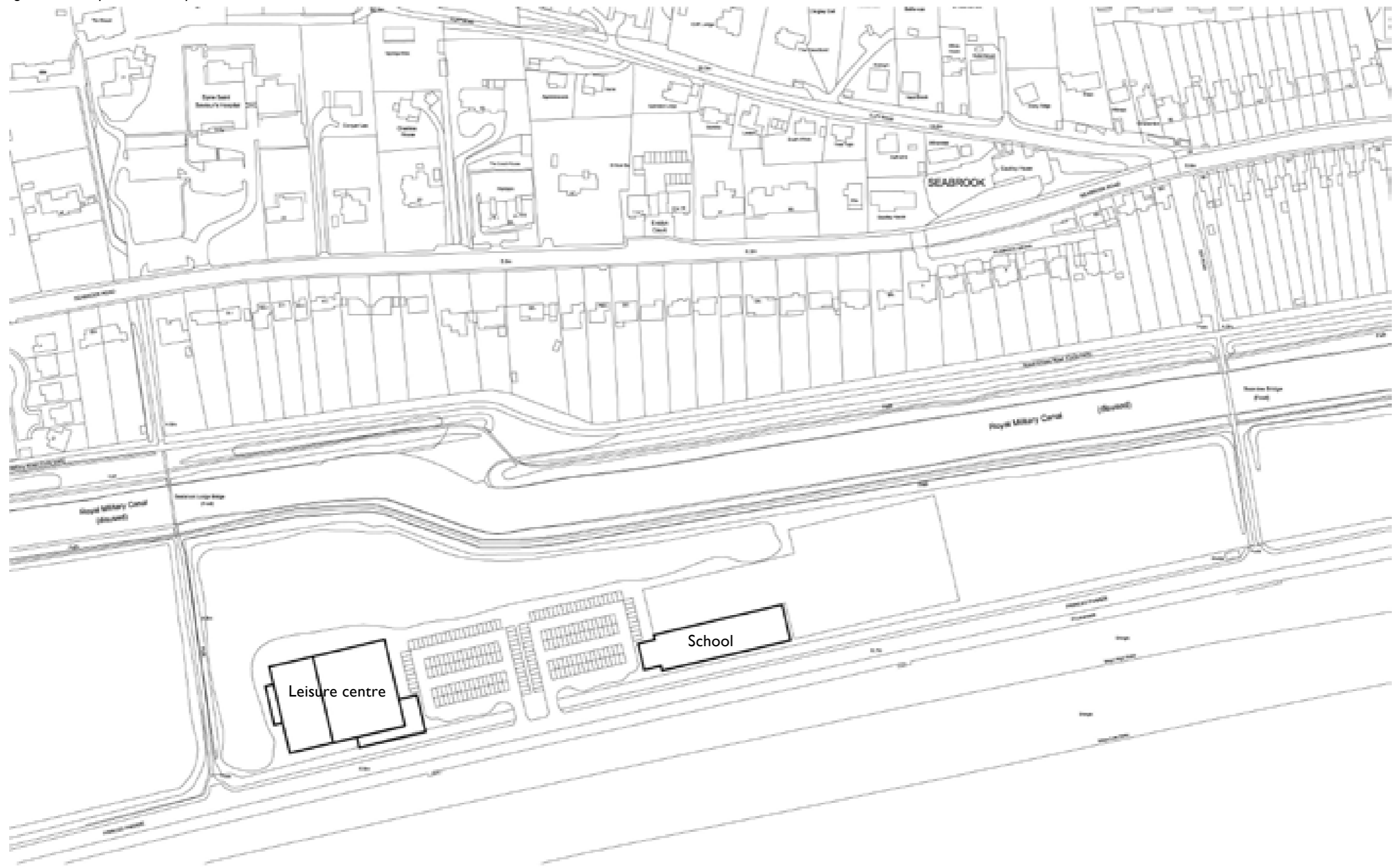


fig. 32 View from Hospital Hill by Temerarie Heights



fig. 33 View from Naildown Close looking towards Site 3

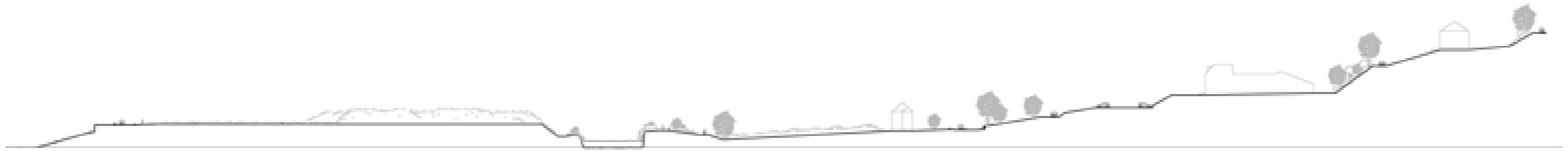
fig. 34 Development site Option 3



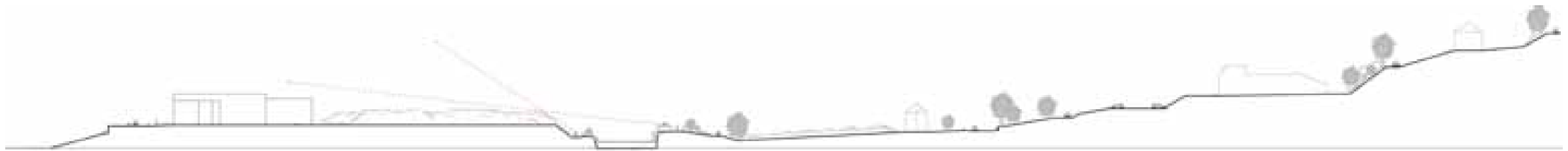
Option 3
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0 20 40 60 80 100 120 140 160 180 200m

fig. 35 Development site Option 3 Sections. Existing Section, Proposed Section, Enlargement of Proposed Section



Section 3 (range)
0 10 20 30 40 50 60 70 80 90 100m



Section 3 (range)
0 10 20 30 40 50 60 70 80 90 100m



Section 3 (range)
0 10 20 30 40 50 60 70 80 90 100m

8.0 RELEVANT CONSIDERATIONS AND THE POTENTIAL TO MAXIMISE ENHANCEMENT AND/OR MITIGATE HARM

8.1 This statement has, thus far, provided an assessment of the RMC as a nationally important Heritage Asset; describing its significance, examining its setting and assessing, in so far as it is possible without a detailed scheme, the impact as a consequence of a development on the study area.

8.2 Using the draft consultation document '*Historic Environment Good Practice Advice in Planning*' Notes 3 (July 2014), this statement now considers the potential to maximise any enhancement to the Heritage Asset and/or mitigate any harm arising as a result of the proposed development of land at Princes Parade. However, to do this first requires an explanation of the statutory provisions relating to such a development and the need for the Authority as Land Owner and Decision Maker (or, at least, 'recommendation maker') to properly assess the development against relevant planning provisions.

The Scheduled Ancient Monument and the need for Permission/Consent

8.3 The RMC was 'scheduled' in December 1986 with a minor enhancement to the record on 12 August 2014. The extent of the Scheduled Monument is shown on the Scheduling Plan, attached at Appendix 1. This plan clearly demonstrates that the curtilage of the monument extends from the north bank of the canal including the former 'Royal Military Road', to the south bank. Land to the south of the Monument (the proposed development site) does not form part of the Scheduled Monument.

8.4 Section 61(10)(a) of the 1979 Ancient Monuments and Archaeological Areas Act identifies that a 'monument' includes its 'site' which can also include land adjacent which, in the opinion of English Heritage, (or the Secretary of State) is essential for the monument's support or preservation, (section 61(9)). In this case the Statement of Significance as provided by English Heritage dated 2 July 2014, confirms the position with regard to the study site:

"Unless works are proposed within the area of the scheduled monument it is planning permission and not scheduled monument consent under the 1979 Act that will be required for development. Should works affect the scheduled monument then consent will be required..."

8.5 At this time, and without knowledge of a detailed scheme, it is anticipated that Scheduled Monument Consent will not be required. Whether or not this position changes, as the scheme is developed, it is recommended that the Authority continues to engage with English Heritage as the statutory advisor to the DCMS. If it is determined that public benefits may arise as a result of works taking place within the curtilage of the Scheduled Monument, then the Authority should bear in mind the need for a further assessment of any impact upon the RMC as a Scheduled Monument.

The Current Position of English Heritage

8.6 This statement has been prepared with the benefit of preliminary advice provided by English Heritage (letter and accompanying Statement of Significance dated 2nd July 2014 – Appendix 2). In this initial advice, English Heritage has confirmed their concerns which relate to the principle of development of the study site. It is understood that, in providing their advice, English Heritage has had sight of the initial concept scheme, as promoted by the District Council¹. Further consideration of the principle of the intended scheme will be undertaken following a site visit by representatives of English Heritage and their Advisory Committee on 27th August 2014.

8.7 The position of English Heritage can be summarised as follows:

"The Significance of the RMC as a designated heritage asset (scheduled monument) for its entire length from Seabrook to Cliffs End (East Sussex), some 28 miles, the RMC is a scheduled monument and thus by definition of national importance. It is unique and should be understood as a fortification and not simply as a canal."

"In this case we think the erosion of openness between the RMC and the sea would seriously harm the ability to understand why it was located here as a defensive monument and how it was intended to be used. Our preliminary view (to be tested by consultation of our advisory committee) is that the level of harm likely to be caused by the proposed development would be substantial."

(Statement of Significance, Mr P Kendall, on behalf of English Heritage, 2nd July 2014)

¹ www.princesparade.co.uk

Relevant Planning Policy Considerations

8.8 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise². The National Planning Policy Framework (NPPF) must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.9 Paragraph 196 of the NPPF confirms this legislative provision:

*“The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. **This Framework is a material consideration in planning decisions.**”*

(My emphasis in bold)

8.10 Notwithstanding all other relevant Planning Policy Considerations, the impact of the intended development upon the RMC, as a Scheduled Monument, will be paramount in determining:

- the appropriateness of development in principle,
- the type of development to be considered,
- the location of the development and
- the character, design and form of the development

8.11 In assessing the impact of any development upon the setting of the RMC it will be necessary to refer to, and meet the relevant tests of, the following planning policy and supplementary guidance:

- The National Planning Policy Framework (NPPF) and its related Planning Practice Guidance (NPPG);
- Relevant Policies of the Shepway Core Strategy Local Plan and the saved policies of the 2006 Shepway Local Plan, and
- Relevant guidance as produced by English Heritage, notably - ‘The Setting of Heritage Assets’.

8.12 Case Law, where relevant, will also need to be taken into consideration and, indeed, recent determinations under legislative provisions will be applicable, in part, to the consideration of development at Princes Parade. This is discussed further below.

The National Planning Policy Framework (NPPF)

8.13 Relevant to the consideration of the development at Princes Parade will be the following policy provisions of the NPPF, and as supplemented by the Government’s Practice Guidance, now commonly referred to as the NPPG:

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. (NPPF, Paragraph 14)*

8.14 There are three dimensions to sustainable development:

- **an economic role**
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment...” (NPPF, Paragraph 7)

8.15 Core Planning Principles are provided at paragraph 17. In relevance to the intended development, these include the need for Planning to:

- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations, and*

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*

8.16 Section 12 of the NPPF is specifically concerned with the conservation and enhancement of the historic environment. In this regard, the overall strategy of this section of the NPPF is summarised at paragraph 126 which seeks to conserve assets in a manner appropriate to their significance.

8.17 Paragraph 128 of the NPPF requires an appropriate assessment of the significance of any heritage assets affected by development; paragraph 129 requires the Local Planning Authority to make an appropriate assessment of the impact upon the development of the Heritage Asset and paragraph 131 carries forward the aims and objectives of paragraph 126.

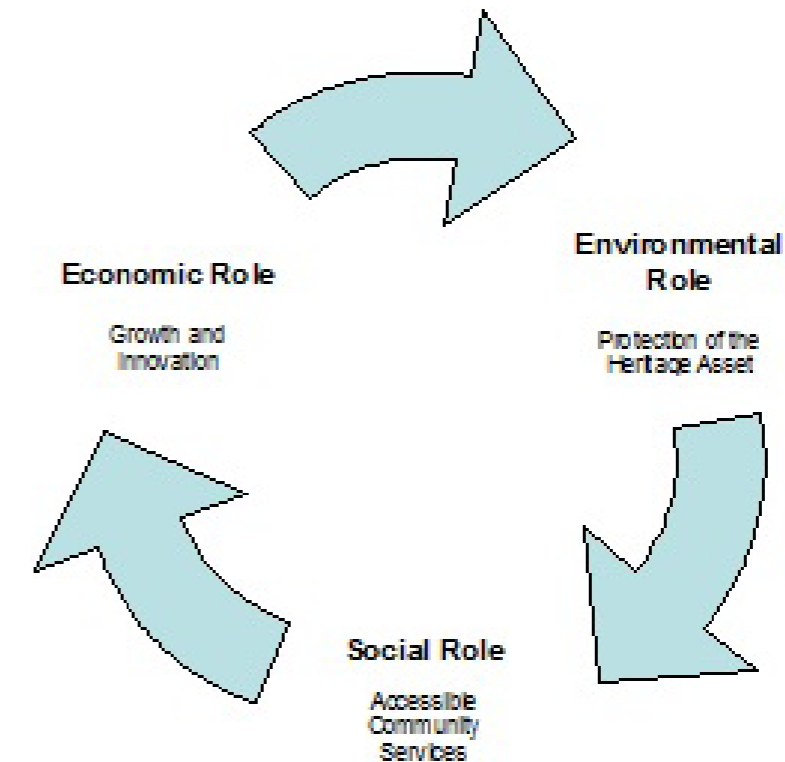
8.18 It is, however, paragraphs 132 to 134 that will be particularly relevant in determining how the development at Princes Parade will be assessed bearing in mind that the policy advice given by the NPPF provides for a 'material consideration' in the determination of formal development proposals:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.... Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments ... should be wholly exceptional.”

(Paragraph 132)

8.19 Where harm to the significance of heritage assets may be likely to occur, it will be necessary to assess the development against the tests of balance as provided by paragraphs 133 and 134. These particular policy provisions are considered in detail below.

8.20 It is, therefore, evident that the policies and principles of the NPPF will need to be carefully balanced as a consequence of the context of development site and the form of development being proposed; *“the policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”*³



The Three Dimensions to Sustainable Development (NPPF, Paragraph 7) as they relate to the proposed development at Princes Parade

Recent Case Law

8.21 English Heritage, in the Statement of Significance of 2nd July 2014, highlighted the recent, and relevant, Court of Appeal judgement (*The Barnwell Manor Case*⁴ issued on 18 February 2014). The appeal was brought against the previous High Court in March 2012 which quashed a Planning Inspector’s decision to allow an appeal for the construction of four wind turbines on land in Northamptonshire which were in the setting of a number of Heritage Assets.

³ Paragraph 6 of the NPPF

⁴ Case No: C1/2013/0843 - Court of Appeal ruling in *East Northamptonshire Council and Others v Secretary of State for Communities and Local Government and Another*

8.22 The Case is known to the Council as a result of its reference by English Heritage and so the details are not set out again here. The conclusions of the Court of Appeal will, however, form a consideration in the determination of any formal application at the Princes Parade site, particularly with regard to the matters of ‘heritage setting’, and the assessment of relative harm to heritage assets. Notably, the Court of Appeal decision found that:

- The intention in enacting Section 66(1)[2]⁵ was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.
- Even when the harm to heritage assets is less than substantial, the balancing exercise required by national policy cannot ignore the over arching statutory duty imposed by Section 66(1).
- A ‘less than substantial harm’ to the setting of heritage assets should not mean a less than substantial objection to the grant of planning permission.
- In this particular judgement the Inspector, at no stage, had acknowledged the need to give considerable weight to the desirability of preserving the setting of those buildings.

8.23 Having regard to the above, and taking into account the preliminary advice as provided by English Heritage, I discuss the implications of Heritage Assessment’s conclusions against the identified Policy provisions and material considerations.

The Principle of the Development of this site

8.24 English Heritage has identified that the development site, as a whole, forms part of the setting of the RMC and this is not disputed by the Council. However, having regard to the historical and architectural significance of the RMC’s setting, as discussed above, it is evident that much has changed since the construction of the RMC and its ancillary developments and that these changes, both physical and social, have had an impact upon the significance of the heritage asset.

⁵ Of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

“When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change...”
(NPPG Paragraph: 013Reference ID: 18a-013-20140306)

8.25 I have identified that development of Site Options 1 & 2 is likely to lead to substantial harm to the setting of the RMC, principally owing to proximity of the buildings to the Canal and, therefore, their visual impact from the canal. This will be as a result of the likely scale of development and, therefore, the inability for appropriate interpretation of the origins of this important coastal defence. I am further concerned about the impact upon the more historical elements of the eastern end of the Canal principally the former Battery, and what I would consider to be an unacceptable sense of enclosure when viewed from the open, grassed areas to the northern bank located to the eastern end of the Canal.

8.26 The development of Site Option 3 will, in my opinion, have the capacity to provide for less than substantial harm. My reasoning for this is two-fold. Firstly, the option 3 site is wider at this point, providing the ability to set the building back from the canal edge. In doing so, the development has the potential to remain unseen from the southern tow path along the Canal. Secondly, a wider developable area will provide for the potential to reduce the scale and bulk of the built development, particularly the leisure facility, thereby reducing the overall visual impact from those identified key viewing points and Princes Parade itself.

8.27 It is, however, acknowledged that ‘harm’ is not necessarily caused as a result of ‘visual impact’ and it would appear that the principal objection, as it stands, is to the principle of the development on this site:

“The effect of the proposed development is very likely to amount to Substantial Harm. Past development around the SMC has been cumulatively harmful but the location of and the scale of the change now proposed constitutes a “tipping point” at which the level of harm would in our view become unacceptable. There are no significant buildings at the seaward end of the canal between it and the sea i.e. the historic openness though changed

*still remains. Such openness is important in understanding why the canal is where it is and how it would have been used.”*⁶

8.28 The Ancient Monuments and Archaeological Areas Act 1979 contains no reference to setting. Although it is acknowledged that the study site was historically, a key contributory element to the importance of the Asset, (by reason of its openness). This openness has long since ceased to be present.

8.29 The impact of the later 20th Century development and the physical changes to the surrounding area, particularly with regard to the construction of the Sea Wall and tipping of waste, have all contributed to the reduction in the significance of this key element of this part of the Asset. The use of the land as a landfill refuse site, and its consequential change in character over the years, has led to the canal becoming ‘lost’; visually inconsequential in terms of its perception as a historic defence installation and with no inter-visibility to the coastline which it was designed to protect.

8.30 The setting of the RMC in this context has already been harmed. The land form and subsequent screening that now exists between canal and coast has impacted, to the detriment, upon the historical functionality of the asset. The development area is not particularly usable as a public open space; does not afford wider views across it to the RMC, or its historic environment, and its physical appearance and topographical character detracts from any ability to interpret the Asset’s significance.

8.31 NPPG guidance does advise that the contribution that a ‘setting’ will make to the significance of the heritage asset does not depend on there being public rights of way to, or an ability to access or experience, that setting. However, in having regard to overall impact of historical changes to this particular setting, English Heritage and its Advisors are asked to consider the reduction in the significance of the Asset as a consequence of changes that have occurred and as highlighted above.

⁶Page 5, Statement of Significance dated 2nd July 2014, English Heritage

In this regard, I am mindful of relevant advice as provided by the NPPG:

*“Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised.”*⁷

8.32 It is, of course, necessary to assess the development, whether considered as providing for substantial harm or less than substantial harm, against paragraphs 133 and 134 of the NPPF. In this regard, and in continuing to assert that the historic reduction in the significance of the RMC will lessen the harm of any development of this site, I turn to the necessary balancing tests.

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.”*

(Paragraph 133)

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

(Paragraph 134)

⁷ NPPG, Paragraph: 015Reference ID: 18a-015-20140306

Public Benefits

8.33 To properly and appropriately assess the development of the site against the NPPF tests, further detailed design work is required. In terms of visual impact, I have highlighted the ability for Development Option Site 3 to accommodate a development of lesser scale, bulk and height than the other sites and this, in itself, will provide for less harm than, perhaps, the feasibility scheme as promoted thus far.

8.34 I have recommended that the scheme deletes reference to housing. The arguments put forward for such an element to provide an 'enabling development' would appear weak when assessed against other possible funding opportunities and an emerging, and sound, District housing land supply.

8.35 Some work has been carried out by the District Authority with regard to an alternative site assessment for the leisure centre and School, focussing upon sites at Nickoll's Quarry, the existing Hythe Pool site and Eversley Road. For numerous reasons it has been established that these are not viable, appropriate or developable sites. It would, however, appear that further and more detailed work is required to appropriately address relevant planning policy provisions and, indeed, ensure that the NPPF tests, at Paragraph 133, can be met.

8.36 What is evident from the work undertaken so far is the ability to provide significantly enhanced public and community facilities, on publicly owned land and in a sustainable location promoting inclusive access. The site will remain accessible from 'the Marsh'; it will serve the existing catchment area that the Hythe Pool now serves and will provide better accessibility for users in the largest urban area of the District; Folkestone. The School will have the capacity to accommodate a further intake of students each year; addressing an identified shortfall in this area.

8.37 There is the potential to incorporate the adjoining 'Canoe and Kayak Club' as part of the proposed leisure/education facility or incorporate water based activities as part of the new leisure

centre. It is noted that the existing club operate from temporary accommodation (in the form of containers) and in the knowledge that this club has been in operation at this site (or adjoining land) for some considerable time, it is considered that incorporation of the club and removal of the, somewhat, incongruous containers, will potentially bring further benefits to the appearance of the area and the setting of the RMC. It is recommended that this potential is explored further.

8.38 The principal, but preliminary, objection from English Heritage relates to the development of the site in principle. If this site's character, topography and setting remained as it were at the time of the construction of the RMC and, perhaps, as it remained in the early part of the 20th Century as a strategic defensive barrier, then it is considered that the public benefits against the site's redevelopment would weigh more heavily.

8.39 It is, however, the case that the proposed development, in principle, has the ability to 'un-do' some of the historic harm to the RMC's setting. A reduction in levels of an area, or areas, throughout the site and the insertion of pedestrian 'swales' or vista points would significantly enhance the interpretation of the Canal and the remains of the former Battery buildings etc., capitalising and expanding upon the interpretation work that has already been implemented by the Authority in association with English Heritage⁸. The District Authority has already sanctioned the inclusion of a public park, as part of the development⁹. This public park has considerable potential to reinforce the importance and significance of the setting as part of the Scheduled Ancient Monument.

8.40 In this regard, I am mindful of the NPPF's strategy at paragraph 126:

"Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment ..."

⁸ The interpretation boards in the car park located at the eastern end of the Canal

⁹ Report to Cabinet No. C/14/01 – 28 May 2014

In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place.*

The Relevance of the Northamptonshire Court of Appeal Decision

8.41 The Court of Appeal judgement, as referred to above and by English Heritage, will be relevant in consideration of this development but not, perhaps, in terms of establishing whether the development site is indeed part of the setting of the Scheduled Monument as this is not in dispute. It is helpful in reinforcing the fact that where development will provide less than substantial harm, this will not provide for a lesser objection to the impact.

8.42 It is also useful in reinforcing the duty of decision makers to have special regard to the significance of a designated heritage asset¹⁰. In this case, the harm to the significance of the Asset cannot be ‘undone’ without significant investment in the site. The damage to the RMC’s setting, particularly that of the landfill works in the 1960’s and 1970’s, would not have been subject to the level of scrutiny that would occur under today’s policy provisions. This being the case, the District Authority, in proposing to redevelop land within public ownership, for the benefit of the community at large would not, it is submitted, be properly discharging their duty under the provisions of the NPPF if it did not seize upon this opportunity to enhance the setting of the RMC, in this location.

¹⁰ Paragraph 132 of the NPPF

8.43 Notwithstanding the ability to provide high quality, accessible and well-designed public facilities, the development will present the opportunity to ‘open-up’ and reduce, in level, sections of the site for access and vistas to, and a better interpretation of, this nationally important Heritage Asset. The significance of the RMC’s setting could be enhanced and this must be balanced against the perceived level of harm that would result, once details of the development come forward.

8.44 It is, therefore, submitted that opportunities do exist in which to enhance the setting of the RMC and considerably reduce the harm that would ensue as a result of the development of the study site. I am, again, mindful of advice as provided by the NPPG¹¹

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit....

Public benefits may include heritage benefits, such as:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation”*

¹¹ Paragraph: 020 Reference ID: 18a-020-20140306

In Conclusion

8.45 I provide the Authority and English Heritage with an initial Heritage Assessment which considers the significance of the RMC as a Scheduled Ancient Monument and the historic changes to it and its setting.

8.46 Although relevant legislation relating to Scheduled Monuments does not mention 'setting', it is acknowledged that the development site forms part of the significance of the RMC as a designated Heritage Asset of national importance.

8.47 It is asserted that this significance has been significantly eroded over the years and the openness between the Canal and the sea, that the site once afforded, is no longer. As a result, it is difficult for the RMC's significance to be understood and interpreted. Furthermore, the Canal is only visible from the surrounding area from a few viewpoints, (mostly from private residential developments) and the impact of the development upon the setting is not as consequential as once it would have been.

8.48 The development will cause harm to the Scheduled Monument but this harm can be reduced through careful siting and high quality design. The potential for mitigation is considerable and the public benefits have the potential to 'tip the balance' in favour of granting a planning permission. There may be the potential to further enhance the setting of the Canal through the integration of the adjoining, and long-standing, water based recreation activities. Should any proposal require works to the Scheduled Monument itself, this will require further, robust, scrutiny and consultation with English Heritage.

8.49 There is significant potential to enhance the significance of the Scheduled Monument through work to 'undo' past harm. The potential to provide a public park, improving views, vistas and ground levels between Canal and coast will provide a considerable public benefit and meet the over-arching strategic requirements of the NPPF in considering developments affecting Heritage Assets.

8.50 Further detailed design work does need to be under-taken and the District Council is advised that a more robust analysis of alternative sites for the development is imperative. Further detailed financial considerations need also to be given, particularly having regard to the past history of the site and in terms of providing the additional public benefits identified here.

8.51 It is recommended that the Authority acknowledges the requirement for further work to English Heritage and continues to engage with English Heritage as the results of additional work becomes available.

Nicholas Lee-Evans, Msc, Dip Arch RIBA, SCA
 August 2014

- Application SH/86/757 - Outline Application for the provision of a Marina and associated residential, commercial and leisure facilities
- English Heritage, National Heritage List
- Kent County Council, Historic Environment Records
- The Royal Military Canal website (www.royalmilitarycanal.com)
- Ordnance Survey historic maps
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- Department of Education, Education Funding Agency, 2014, BB103, p43 Annex A and B, site and building areas.
- H R Pratt-Boorman, 1957, Kent and the Cinque Ports, Headley Bros, Ashford
- Ground solutions Group Ltd, 2002, Geo-environmental Investigation, 'Princes Parade Seabrook'

APPENDICES

- 01 Schedule area of RMC at Seabrook, Designated Heritage Assets, National Heritage List Entry
- 02 Letter and accompanying Statement of Significance dated 2nd July 2014
- 03 Site Layout Port Hythe
- 04 Education Funding Agency Primary School Design. Indicative Plan
- 05 Indicative Leisure Centre plan, from Strategic Leisure Feasibility Study

APPENDIX 1

Scheduled area of RMC at Seabrook



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Date	02/07/2014
Scale	1:5,000
Map Centre	618319,134872

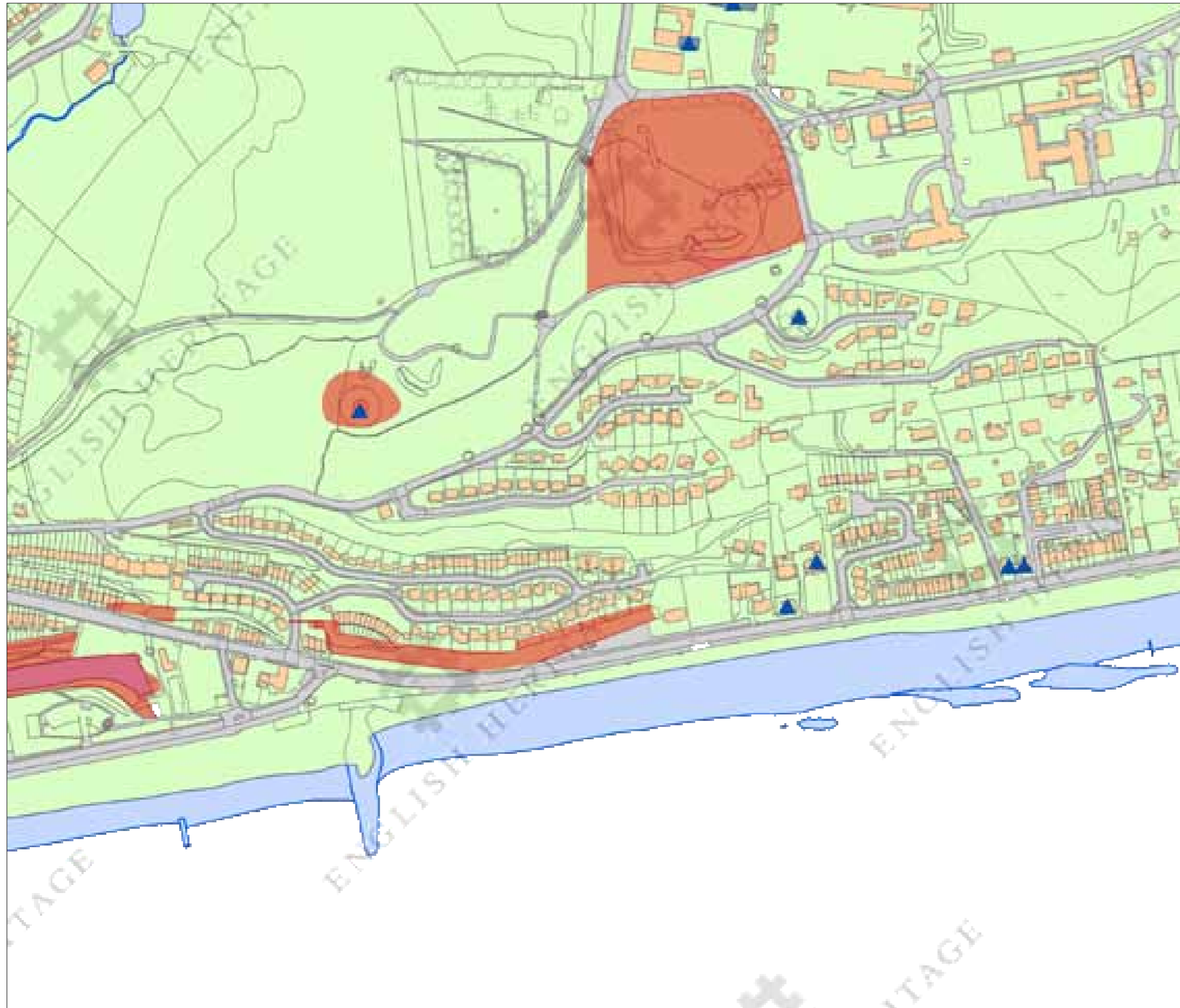
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ENGLISH HERITAGE

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Designated Heritage Assets Nr RMC Seabrook



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List Entry Summary

This monument is scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended as it appears to the Secretary of State to be of national importance. This entry is a copy, the original is held by the Department for Culture, Media and Sport.

Name: Royal Military Canal, Seabrook Lodge Bridge to Seabrook Sluice

List Entry Number: 1003260

Location

The monument may lie within the boundary of more than one authority.

County: Kent

District: Shepway

District Type: District Authority

Parish: Hythe

National Park: Not applicable to this List entry.

Grade: Not applicable to this List entry.

Date first scheduled: 17-Dec-1986

Date of most recent amendment: Not applicable to this List entry.

Legacy System Information

The contents of this record have been generated from a legacy data system.

Legacy System: RSM - OCN

UID: KE 396 U

Asset Groupings

This List entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

List Entry Description

Summary of Monument

A 1.05km length of the Royal Military Canal running NNE from Seabrook Lodge Bridge to Seabrook Sluice.

Reasons for Designation

The Royal Military Canal was a massive coastal defence work constructed between 1804 and 1809. Its purpose was to separate the expected landing and deployment of Napoleon's troops upon the coast of Romney Marsh and Walland Marsh from the interior of the country. The Government initially considered flooding the marsh but favoured the canal, which was the idea of Lt. Col. Brown, the Assistant Quartermaster-General. He carried out a survey and work commenced in 1804 at the height of the invasion scare, with John Rennie as consulting engineer (until 1805). The canal ran a total of about 28 miles from Shornccliffe Camp via Hythe inland to Appledore, to join the Eastern River Rother at Iden lock, from where it became part of first the Rother and then the River Brede, turning into a canal again from Winchelsea to Cliff End on the coast. Excavated earth formed the banquette and parapet on the landward side of the canal and behind this was an army supply route, the Royal Military Road. On the opposite side were the tow path and wharves. It also included a back and a front drain. The canal and parapets were so built that gun positions could be provided at the end of each length to flank the crossings. However by the time the canal was completed in 1809, the threat of invasion had passed, following Napoleon's defeat at the Battle of Trafalgar, and it was to some extent obsolete. In 1810, the canal was opened for public use and tolls were also collected for use of the Royal Military Road. In the later 19th century public use declined. The last toll was collected at Iden Lock in December 1909. Today Iden lock is a sluice, so the main part of the canal is isolated. The eastern section of the canal is still in use for pleasure boats.

The Royal Military Canal was an important element in the Napoleonic defences of south-east England and is the only military canal in the country. It is a unique defensive work that bears significant testament to a period when modern Britain faced the most serious threat of invasion prior to the major conflicts of the 20th century.

Despite some disturbance and damage, the 1.05km length of the Royal Military Canal running NNE from Seabrook Lodge Bridge to Seabrook Sluice survives relatively well. It will contain archaeological information relating to its construction and use.

History

See Details.

Details

This record was the subject of a minor enhancement on 12 August 2014. The record has been generated from an "old county number" (OCN) scheduling record. These are monuments that were not reviewed under the Monuments Protection Programme and are some of our oldest designation records.

The monument includes a length of the Royal Military Canal, an early 19th century defensive work, situated on low-lying ground near the seafront at Seabrook. It runs broadly ENE for 1.05km from Seabrook Lodge Bridge to Seabrook Sluice. At the west end is a 'kink' in the canal, designed to allow enfilading fire if the enemy attempted to cross it.

The length of canal is water-filled and the surviving features include the parapet, a bank on the north side, and the Royal Military Road which largely survives as buried remains.

The eastern end of the Royal Military Canal was originally excavated under a projecting escarpment and a drawbridge, removed in 1840, which carried the Hythe to Folkstone Road across the cut. It was protected by Shornccliffe Battery to the east.

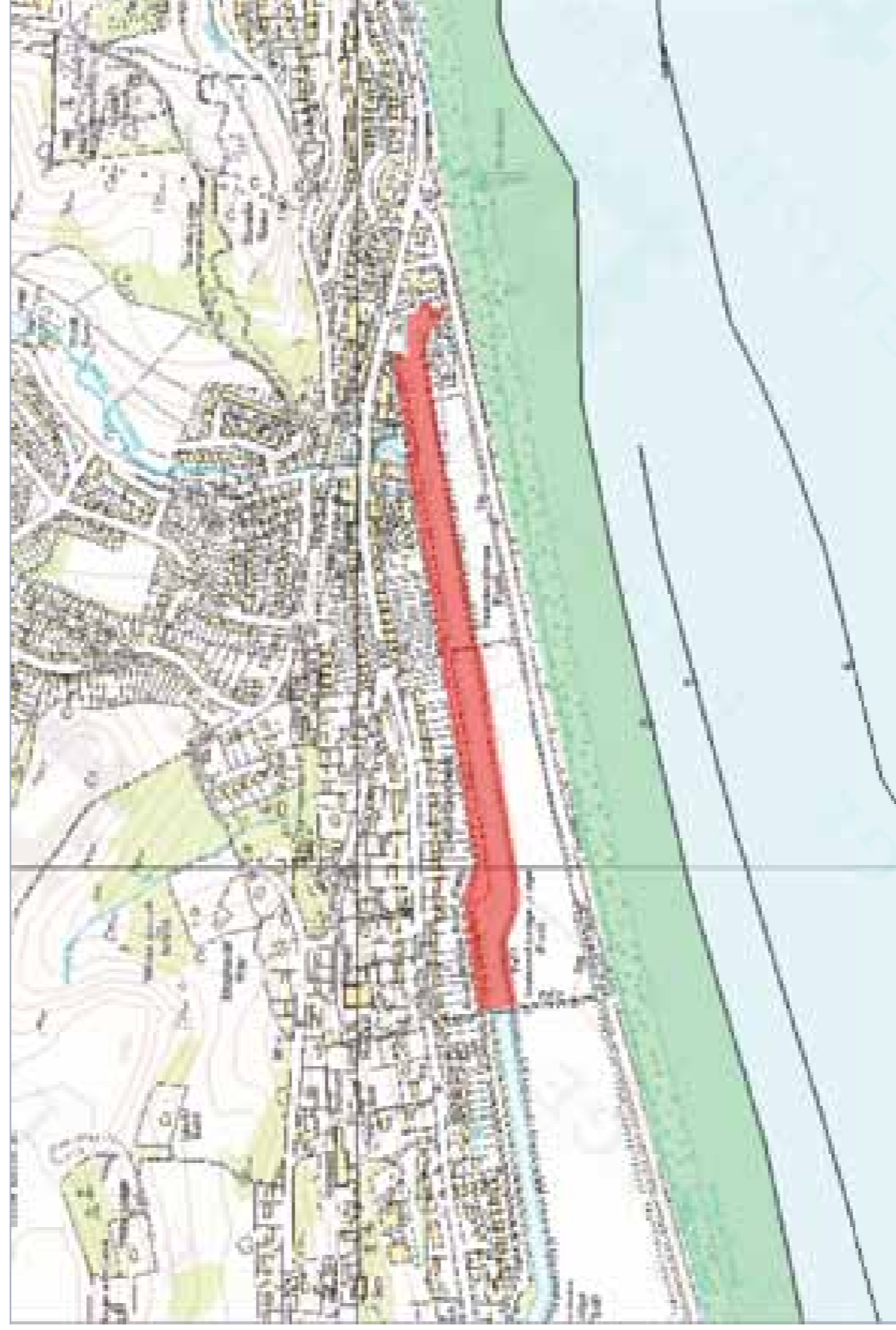
Selected Sources

1. **Website Reference** - *Title:* Romney Marsh Countryside Project: Royal Military Canal website - *Date:* 2 June 2009 - *URL:* <http://www.royalmilitarycanal.com/pages/index.asp>
2. **Other Reference** - *Description:* NMR LINEAR38. PastScape 1042908.

Map

National Grid Reference: TR 18313 34846

The below map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - [1003260.pdf](#) - **The pdf will be generated from our live systems and may take a few minutes to download depending on how busy our servers are. We apologise for this delay.**

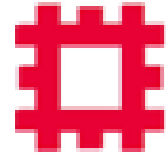


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APPENDIX 2



ENGLISH HERITAGE

SOUTH EAST

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Kent
CT20 2QY

Our ref: AA053364/2-4
Your ref:

Telephone 01483 252038
Mobile 0771 867 9697

02 July 2014

Dear Mr Chambers,

PRINCES PARADE and ROYAL MILITARY Canal - proposals for development

I apologise for the time it has taken but I can now propose a date when members of our advisory committee (EHAC) might visit Princes Parade to discuss your emerging proposals for it. This would be Wednesday 27th August.

The purpose of a visit would be fact finding so that visiting members of our committee could fully understand the issues relevant to the site and the proposals and thus be able to lead discussion of the matter at a subsequent meeting of the full committee during September. Once the advice of our advisory committee has been considered by Commission, we would then be able to confirm a formal English Heritage pre-application position, something that I hope all parties would find useful.

I have explained that development at Princes Parade is not a matter that English Heritage can easily accept and so we would be asking our committee for advice about the principle of any development, based upon how the NPPF as Government advice should be applied in this case. If it is thought that development might be made acceptable then a secondary issue would be whether one option could be preferable over the other. The issue being an eastern option close to the end of the canal and a western option closer to the golf course. I do need to be clear that the proposed development is likely to raise such issues for the setting of the canal as a scheduled monument that English Heritage may choose to object to it as a principle, in which case consulting our committee could be an essential first step in a formal objection to any subsequent planning application, including, should it be necessary, a request that this be called in for decision by Government.

I must not prejudge what the advice of our committee is likely to be and I look forward to hearing whether your Council wishes to host an EHAC visit on 27th August, in which case we can then jointly develop the arrangements.

EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

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www.english-heritage.org.uk

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If a visit does go ahead it would probably be relevant for your planner colleagues to also attend. It might also be helpful for you to provide some illustrated assessment, perhaps based on block models, of how the proposed development for both options would appear in selected views that we could first agree. I can confirm that EHAC visits are not made public knowledge and I think it would be best that a visit here be kept low key and overall numbers of attendees controlled, in order that the best discussions possible can be had on the day.

When we met in early June with Susan Priest, you asked me for a summary statement of why English Heritage feels as strongly as it does about this matter and I attach this.

Please feel able to contact me to discuss anything that is unclear and I look forward to hearing whether your Council wishes to take up the opportunity for a visit.

Yours sincerely

Peter Kendall
Principal Inspector of Ancient Monuments
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PROPOSED DEVELOPMENT AT PRINCES PARADE, Nr HYTHE, KENT Issues for the Royal Military Canal as a scheduled monument.

The Significance of the RMC as a designated heritage asset (scheduled monument)

For its entire length from Seabrook to Cliffs End (East Sussex), some 28 miles, the RMC is a scheduled monument and thus by definition of national importance. It is unique and should be understood as a fortification and not simply as a canal. It formed a water filled obstacle to invasion and was designed for active use by defending troops. It thus was sited so that it could command the land immediately associated with it in terms of musket and artillery fire. Key components include an earth rampart on its northern side and the way that the alignment of the canal is staggered so as to create positions for field artillery that could fire along lengths of the water. The RMC formed part of a multi layered system of defence that was developed in the late 18th and early 19th centuries to resist invasion by France and it must be considered alongside the contemporary military installations of Martello towers, batteries, redoubts and barracks.

The RMC has historic illustrative values to demonstrate a major period in British history and the response made then to the fear of invasion. It illustrates a unique approach to the design of a fortification as a long linear water filled obstacle but also contemporary military theory for batteries and gun towers. The canal has historic associations with pre-eminent military and civil engineers of the period e.g. Sir John Rennie and William Twiss RE. The RMC has a strong design quality that provides it with an aesthetic value derived from its sense of a deliberate barrier separating areas of land. In an area that has seen substantial recent development the land associated with the RMC provides green open space and the open character is both a part of its deliberate design and how it can be appreciated and understood. The RMC is something unique to this part of the SE and is largely located in Shepway DC where it is promoted as part of the district's identity and tourism offer. The RMC has communal value for the many residents and visitors who use it, some of who appreciate its historic purpose whilst others enjoy it as public open space available for leisure purposes.

The RMC at Seabrook

A map of the scheduled area of the RMC at Seabrook is attached. Here the canal made connection to the sea below the large military camp at Shorncliffe. This location was considered particularly vulnerable to attack by an enemy that might have landed nearer Sandgate and sought to get behind the RMC. In response the seaward end of the canal was heavily defended as per the attached map that shows how the defensive elements are all scheduled as monuments. On the heights there were the Martello towers and Shorncliffe redoubt and at beach level there was the large masonry gun battery (Shorncliffe battery). This was connected by a masonry wall to a much smaller still extant stone battery that commanded the end of the canal proper. The

defensive scheme at Seabrook appears not to have been completed but the attached map shows how it appeared by the end of the Napoleonic wars. The very major changes had yet to take place and gives a good idea of how the canal was designed to function in relation to land south of it.

Today there has been very major change around the RMC scheduled monument at Seabrook. The coast road and seawall – Princes Parade – has been constructed. Major residential development has taken place, including up the escarpment and above Shorncliffe battery. Use of the land between the end of the canal and the sea as a rubbish dump has resulted in significant raised ground levels and a changed relationship of this land to the canal. Standing on the northern side of the canal it is no longer possible to have the same views seaward as a defender of the canal was intended to have. The golf course to the west of the proposed development site provides a better indication of the intended relationship between the canal, open land and the sea. There are however no major new buildings between the canal and the sea until the Imperial Hotel west of the golf course is reached.

The proposed development is not yet designed but is understood to comprise a swimming pool and leisure centre, a relocated primary school, 36 single houses for sale and dedication of the remaining open space as parkland, intended to open up the setting of the canal.

The statutory position, NPPF and other advice

Unless works are proposed within the area of the scheduled monument it is planning permission and not scheduled monument consent under the 1979 Act that will be required for development. Should works affect the scheduled monument then consent will be required and English Heritage will be the statutory adviser to the Secretary of State at DCMS as to whether this should be given. DCMS has issued a statement (October 2013) about how scheduled monuments should be considered. This is consistent with the NPPF and explains that the significance of scheduled monuments may be affected by changes in their setting but that works impacting upon that setting but not the monument itself do not require consent. They may require planning permission and English Heritage will be a statutory consultee for any planning application. We will offer advice to Shepway DC and also, given the ownership of the land by the local authority, potentially to DCLG.

Under the NPPF it is a **core planning principle** to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para 17). When considering the impact of proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset **or by development within its setting** (paras 129 and 132). As heritage assets are irreplaceable, **any harm or loss**

should require clear and convincing justification (para 132). The onus is therefore on local planning authorities to rigorously test the necessity of any harmful works.

Local planning authorities should also aim to achieve sustainable development, seeking economic, social and environmental gains jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions (para 8). Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment (para 9). Authorities should therefore seek to improve proposals so that they avoid or minimise harm to the significance of designated heritage assets. They should also look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (para 137). Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

If a proposal cannot be amended to avoid all harm, then if the proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para132). Where a proposed development would lead to **substantial harm** to or total loss of significance, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is **necessary** to achieve substantial public benefits that outweigh that harm or loss, or all the tests at para 133 of NPPG apply.

Substantial harm to or loss of a scheduled monument, including through change to its setting, should be **wholly exceptional** (para 132).

The issue of setting is likely to be central to how proposed development is considered. NPPF defines the **setting of a heritage asset** as - the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Guidance about implementation of NPPF advice is provided by the online Planning Policy Guidance - <http://planningguidance.planningportal.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/>

This includes advice about how to consider issues of setting.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by

reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

English Heritage also publishes its own guidance entitled *The setting of Heritage Assets* - <http://www.english-heritage.org.uk/publications/setting-heritage-assets/>

There have been recent appeal decisions and judicial review outcomes that are very relevant to how issues of setting should be taken into account as part of development proposals. You might wish to consider

[http://www.ftb.eu.com/pdf-](http://www.ftb.eu.com/pdf-downloads/barnwellveastnorthamptonshiredcfinaljudgment.pdf)

[downloads/barnwellveastnorthamptonshiredcfinaljudgment.pdf](http://www.ftb.eu.com/pdf-downloads/barnwellveastnorthamptonshiredcfinaljudgment.pdf) for the

clarification it provides that the **great weight** that must be applied to the conservation of designated heritage assets, includes for the harm that might be caused to setting through development proposals.

The setting of the RMC at Seabrook

The setting of military monuments can be easier to determine than for other types of heritage asset. These were designed by the military engineers as a specific response to local geography so as to control land and with intentional lines of fire and sight that help define a setting. Land raising for the refuse dump has had a negative impact on the seaward end of the RMC such that when at canal or rampart level within the scheduled monument the views towards the sea have been largely closed off. Nevertheless we do not consider that this is the only way in which the RMC can be appreciated and understood. Open land between it and the sea remains very important to understanding why the canal is there and how it was to be used as a defensive structure. Views of the site can be obtained from the coast looking landward and from the parts of the canal beginning at the golf course area that still approximate to how the canal and its setting would have been seen when first constructed. There is also a functional and historic relationship between the RMC and fortifications on the higher ground such as the Martello towers. Some views are available from this higher ground and the slopes of the escarpment and these permit the design and historic purpose of the canal to be appreciated despite the undeniable changes that have already taken place to it and its surrounds. The views that show the canal in relation to the sea as a long linear feature with a staggered trace are important and a major

factor in this is the undeveloped green appearance of land between the sea and the canal.

The position of English Heritage

The Princes Parade site forms part of the setting of the RMC as a designated heritage asset and the significance of the canal as a scheduled monument could be seriously harmed by changes to it.

Such a substantial building and its associated parking as a swimming pool and leisure centre would, even without the accompanying proposed school and new houses, be very visible as an interruption to the present undeveloped character of the land at the seaward end of the canal and running as far as the Imperial Hotel near Hythe.

The effect of the proposed development is very likely to amount to Substantial Harm. Past development around the SMC has been cumulatively harmful but the location of and the scale of the change now proposed constitutes a “tipping point” at which the level of harm would in our view become unacceptable. There are no significant buildings at the seaward end of the canal between it and the sea i.e. the historic openness though changed still remains. Such openness is important in understanding why the canal is where it is and how it would have been used.

The online Planning Policy Guidance provides some advice about when harm might be substantial harm. It says

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

We consider that to be substantial harm a development must adversely effect to a major extent a key reason why a historic monument is considered to be so significant as to be deserving of the status of a designated heritage asset. In this case we think the erosion of openness between the RMC and the sea would seriously harm the ability to understand why it was located here as a defensive monument and how it was intended to be used. Our preliminary view (to be tested by consultation of our advisory committee) is that the level of harm likely to be caused by the proposed development would be substantial.

We do not dispute that there could be public benefits arising from the proposal for new public sports facilities, a new school and enhanced green space but we do not think that these are likely to be sufficient to decisively outweigh the harm that would be caused. This is a test for the NPPF which also requires

consideration of the necessity of causing the harm. If there are alternatives that might provide the same or similar public benefits without incurring the harm then these must be given serious consideration. Whilst Princes Parade might be your Council's preferred location for development it is in our view not the only option.

We think that first as promoters of a project for Princes Parade on land it owns and then in its role as planning authority your Council needs to consider the level of harm to the setting of the scheduled monument and to explore to what extent that harm can be avoided e.g. by design or delivery in alternative ways. When the level of harm to be caused can be seen as incapable of reduction then you must weigh that "residual harm" with the public benefits that would be secured. Where residual harm is considered to be substantial harm within the terms of the NPPF then the tests of necessity must be applied and the statement that such harm should be wholly exceptional must be taken into account.

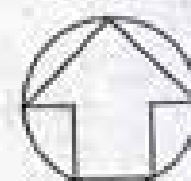
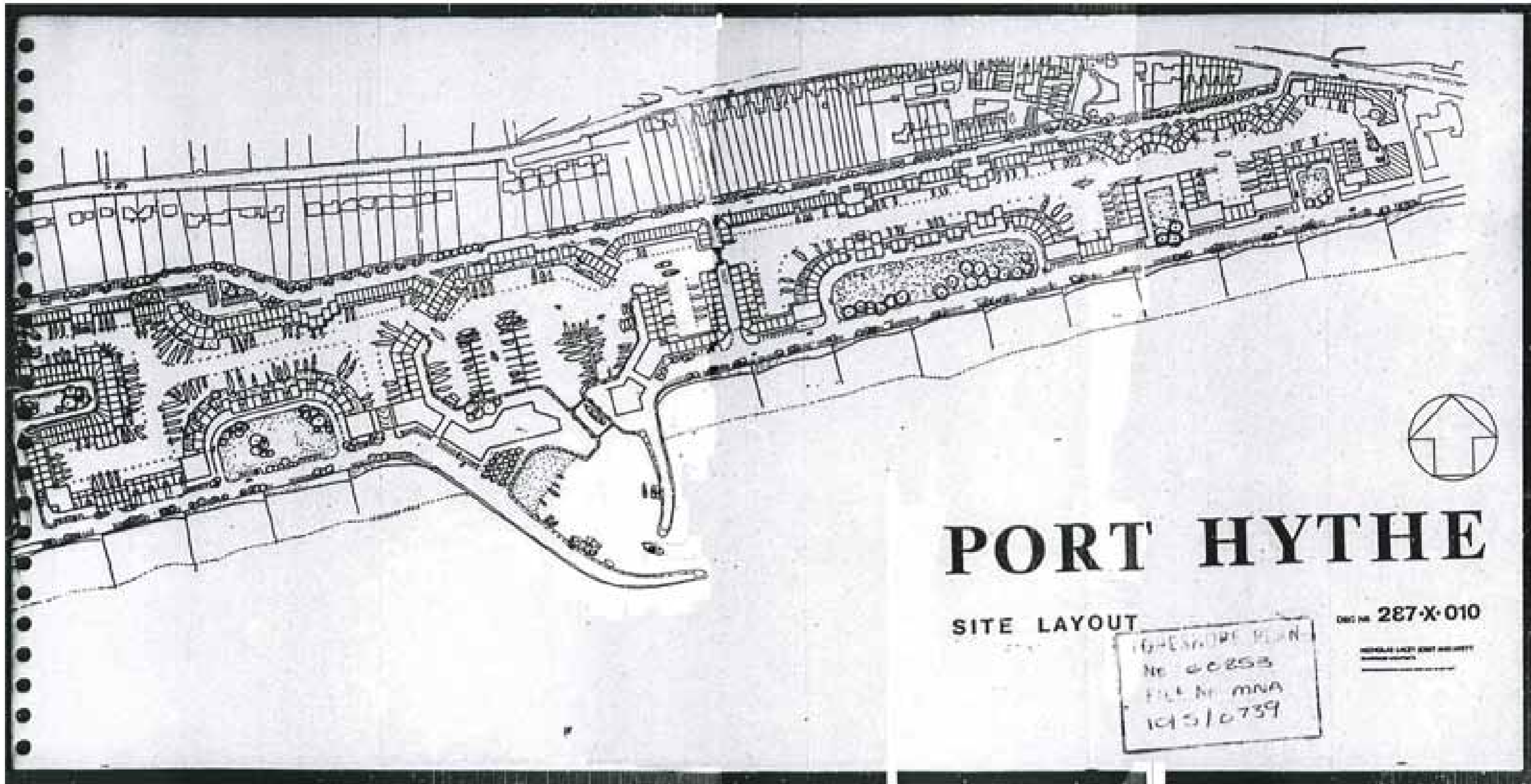
English Heritage accepts that the RMC at Princes Parade is in an unsatisfactory condition and we think that it could be greatly enhanced for its conservation and enjoyment by the public. What we would dispute is that a major development offers the only way to secure such improvements, particularly as in the process we think the significance of the heritage asset would itself be seriously harmed.

Peter Kendall

Principal Inspector of Ancient Monuments
English Heritage

2nd July 2014

APPENDIX 3



PORT HYTHER

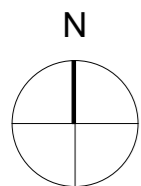
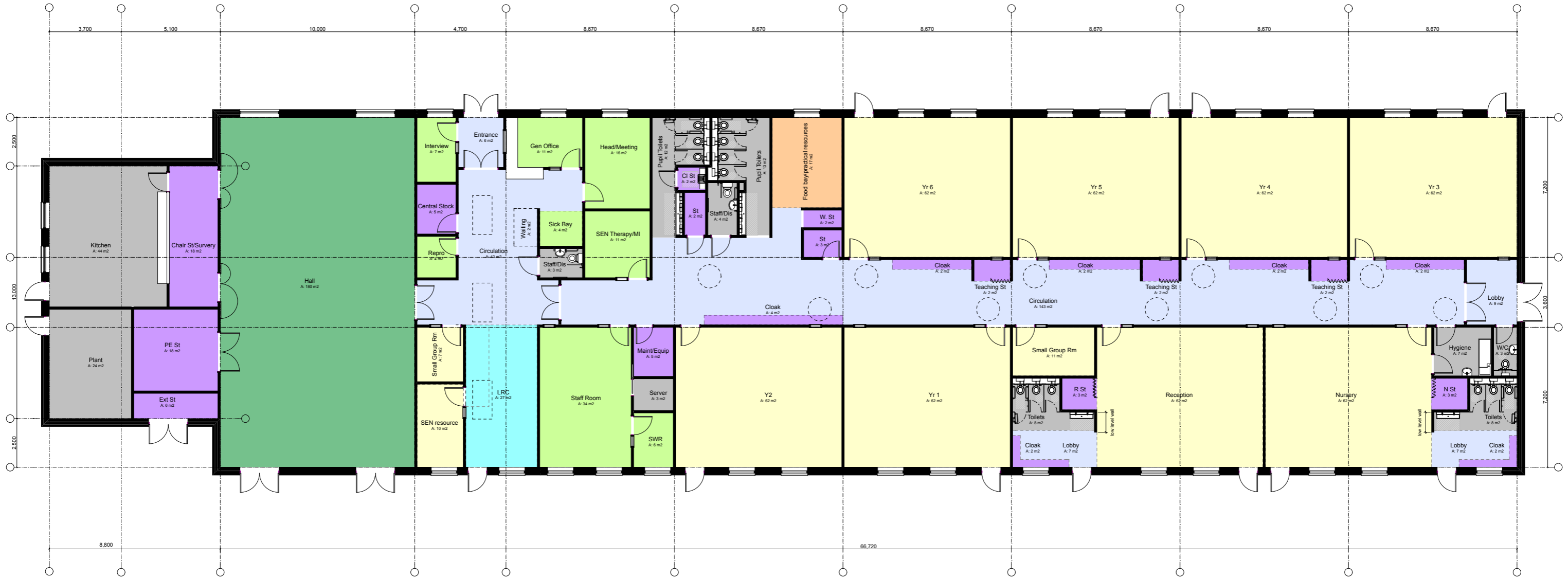
SITE LAYOUT

DRG NO. 287-X-010

DESIGNED BY
NO. 60253
FILE NO. MNA
10/5/0739

SCALE: 1/4" = 1'-0"

APPENDIX 4



GIFA

1FE 210 Place
JMI Primary School

Target Area 1315m²



Education Funding Agency
PRIMARY SCHOOLS Designs

1FE 210 Place JMI Primary School
4 - 11 Typical Curriculum

Scale: 1:200@A3
Dwg. No.: 1.01.003



APPENDIX 5

