



Historic England

Mr Robert Allan
Shepway District Council
Civic Centre
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Kent
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Direct Dial: 0207 973 3639

Our ref: P00666110

19 June 2019

Dear Mr Allan

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**PRINCES PARADE PROMENADE, PRINCES PARADE, HYTHE, KENT
Application No. Y17/1042/SH**

Thank you for your letter of 21 May 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Summary

The revised drainage proposal now introduces the need for Scheduled Monument Consent. Before this can be advised about by Historic England and before your Council can decide about planning permission more information is needed. It is very disappointing that the need for consent and other additional heritage issues raised by the revised proposal are not covered by the addendum to the Environmental Statement.

We have objected to this planning application and we now sustain this objection. We think that based on the information now before us the revised proposal will cause some increased harm to the significance of the Royal Military Canal as a scheduled monument. We also think that one of the public benefits claimed for the project i.e. enhanced public open space will be reduced. In these circumstances we think that despite your Council's existing resolution to grant planning permission you need to first understand the full consequences of the proposed changes and then consider whether the harm to be caused to historic significance is clearly and convincingly justified by the revised public benefits.

We will need more detailed information before we can advise whether Scheduled Monument Consent can be recommended.



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Historic England Advice

The addendum to the Environmental Statement describes an alternative solution to surface water discharge from that proposed in the original application. This is for three discharge points directly into the canal in lieu of disposal to the sea and as part of this creation of a new pond at the western end of the site in land previously identified as public open space. We understand that the preferred drainage solution remains discharge to the sea, subject to agreement by the Environment Agency, and that the alternative now proposed is a fall back in case it is not possible to achieve this. We must now advise about this revised proposal.

We are disappointed that the addendum has not identified heritage as a key consideration and focusses instead on drainage and ecological concerns. This is despite the proposed works now having a direct impact upon the scheduled monument (something which the previous proposals did not) and representing additional change within the setting of the Royal Military Canal (RMC). Scheduled Monument Consent (SMC) will be required for works which physically alter the monument. Issues about setting are not controlled by SMC but remain a material consideration for how planning permission should be decided.

SMC and planning permission are based on different legislation and can be decided separately to one another, but best practice is for these to be progressed in parallel. For planning permission you are advised by NPPF 193 to give great weight to the conservation of designated heritage assets irrespective of the level of harm that a proposal might entail. You are also advised by NPPF 190 to look for ways to avoid or minimise any harm to heritage assets and by NPPF 194 to ensure that any harm has clear and convincing justification. It seems clear to us that in order to decide if the revised drainage proposal is acceptable for planning permission you need to first understand much more about the precise works that will be required and their effect upon the significance of the RMC as a scheduled monument. SMC cannot be obtained for outline proposals and we need the same detailed information as you now require for planning permission before we can advise about the principle of SMC.

We think that the revised drainage proposal has the potential to cause additional harm to the significance of the RMC in two ways, by

- direct effects from works within the scheduled area, and
- indirect effects arising from works within its setting.

Excavation for a drainage connection between the development and the canal must disturb part of the scheduled area and damage any archaeological evidence it contains. The part of the monument affected is the tow path and front drain of the canal. These are long linear features and only short parts of them are likely to be affected. If so it is likely that harm might be mitigated by archaeological recording as part of agreed drainage works. This would be a condition of any SMC granted.



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No detailed information is provided for how the proposed drainage connections would be formed and thus critically for how these would appear as a finished result. This is an important issue for the character and appearance of the RMC as a historic canal. We anticipate that three outfalls would be visible on its south side and hence in key views from the northern bank where its historic character is best preserved and thus most appreciable. We will need to see details for the proposed works before we might say whether the principle of these is acceptable for SMC. We think that NPPF 189 requires applicants to describe impact upon the significance of heritage assets (including any contribution made by their setting) and we do not think as decision maker your Council has sufficient detailed information with which to determine the revised planning application.

The ES addendum discusses the capacity of the canal to receive attenuated discharge of water from the development. We are not expert in such matters but interpret the report as indicating that the canal is capable of taking discharge, including for predictable storm or tidal events. SMC is required for works or activities as set out in S2 of the 1979 Ancient Monuments and Archaeological Area Act and one of the issues specifically referenced there is control of flooding of a scheduled monument. This has less relevance here to a type of monument intended to receive and hold water than it would have for terrestrial sites, but we require an explicit assessment as to whether use of the canal to receive run-off will place it at any enhanced risk of harm. If for example there is a great amount of run-off at a time that the canal is tide locked for discharge to the sea, what is the risk of increased water levels in the canal causing more erosion of its banks. The ecological value of the canal is not part of its historic significance but we do think it is part of how the canal is enjoyed and experienced by visitors and so we think that control of pollutants so that only "clean" water can enter the canal is a concern for planning permission. Water quality within the canal may affect its appearance and hence the contribution this makes to it as a monument based upon a water body.

Two of the proposed drainage connections look to us to be connected to buried attenuation tanks but the third at the western end of the site is connected to a proposed newly introduced large pond. This pond will appear within the setting of the RMC and in our opinion will further increase the level of harm for what we already consider a very harmful proposal. Our assessment is based on the fact that historically there were no water bodies south of the canal and the introduction of one now will be yet more confusing for an understanding of how the canal was designed to act as a fortification. Harm is increased by the fact that the pond is proposed in land directly opposite the step in the trace of the canal where a field gun was intended to be positioned so as to fire along the canal and seawards. Due to changes in ground level the pond may not be visible from the gun position on the north side of the canal but in the reverse view from the south side of the canal looking down upon the gun position the pond will be intrusive to an experience of this historic feature of the monument.



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One of the public benefits stated for the development was the creation of enhanced public open green space. The construction of a pond appears to us to reduce the amount of useable public space and hence to alter the public benefit of this.

We have assessed the development as previously proposed, as causing less than substantial harm to the significance of the RMC as a scheduled monument. We have however also said that the harm to be caused would be at the highest end of the *less than substantial* spectrum and that this is sufficient for us to judge that this harm cannot be justified and hence for our objection to the granting of planning permission. We think that the proposed pond now further increases the level of harm to the setting of the canal. We think that the level of overall harm remains at less than substantial because the monument itself is not directly affected by most of the proposal but it continues to be very serious and to be made worse by the new drainage proposals

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in this advice letter need to be addressed in order for the application to meet the requirements of the NPPF and specifically the paragraphs referenced above. We think this can only be resolved by specific assessment of the historic environment issues raised by the revised drainage proposals and that it was wrong not to include these in the ES addendum. Only when the consequences of the revised drainage proposal for the scheduled monument and its setting is better understood will it then be possible for your Council to decide about planning permission and Historic England about SMC.

We sustain our objection to this planning application. We note that the position of your Council before these revisions was a resolution to grant planning permission. The revised drainage works have in our view changed to some degree consideration of the proposal overall. They have marginally increased the level of harm to the historic environment for what is an already very harmful project and at the same time may have reduced the amount of open green space as a key public benefit claimed for the proposal. In these circumstances we think it is for your Council to fully understand these issues and to then ensure that the balance between harm and benefit, central to appropriate application of NPPF 196, remains in favour of approval of the project should the significantly different solution for drainage come to be the one that is relied upon.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this letter as confirmation of our continued objection.



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Please contact me if we can be of further assistance.

Yours sincerely

Peter Kendall

Principal Inspector of Ancient Monuments

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cc:Heritage Conservation - Kent CC - Ben Found



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Flood and Water Management

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Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SDC/2019/072015
Date: 25 June 2019

Application No: Y18/1617/FH

Location: Three Hills Sports Park, Cheriton Road, Folkestone, Kent

Proposal: Installation of athletic running track and field events sports facility, pavilion, 2 x football pitches and associated parking together with the relocation of dog walking facility

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have reviewed Herrington Consulting Response to EA comments and have no comments to make on this document.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Daniel Hoare
Flood Risk Project Officer
Flood and Water Management