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Hythe Neighbourhood Forum Inaugural Meeting

Monday, 16th May, 2011

6-8 pm

Hythe Youth Centre

AGENDA

1. Welcome and Apologies
2. Introduction and information re the forum: adoption of the Terms of Reference
3. Report from KCC Highways on the following:
 - Results of the consultation regarding the new bus stop on Dymchurch Road
 - Update on problems relating to School Road Hythe/Saltwood
 - Speeding Traffic – Horn Street – (D Bushell)
 - The High Street – issues relating to the gate
 - Update on the resurfacing of Chapel Street
 - Drainage issues
4. Allotments in Hythe
A report from Hythe Town Council re numbers on waiting list and to explain covenants relating to Eaton Lands.
5. Update on 106 monies
A report from Ben Gearing, Shepway District Council including:
 - Improvements to the High Street
 - Updating the position of funding of Christmas Lights
6. Update on The High Street
A report from Chief Inspector Martin Bradley, Kent Police
7. The youth of Hythe
8. AOB
All members of the Forum will be asked to give an update for their area/organisation
9. Frequency/Date of next meeting



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APPENDIX 1 – SUGGESTED TERMS OF REFERENCE

Terms of reference

The following terms of reference are suggested: _

To undertake the following in respect of the forum area:-

- (i) identifying and meeting the needs of the community in the local area, via consultation with and involvement of the community and other appropriate bodies.
- (ii) consulting the community about any other issues that affect it and advising the appropriate council as appropriate on such issues.
- (iii) seeking agreement for changes from the appropriate council to services to meet local needs including seeking agreement to revenue and capital expenditure to meet any changes.
- (iv) monitoring local service delivery, considering the outcome of such monitoring and advising the appropriate cabinet and Overview and Scrutiny Overview Committee as appropriate.
- (v) acting as a community forum where the committee and members of the community can discuss issues of concern to them, such issues to include matters which are the direct responsibility of the participating councils and other issues which are the responsibility of other organisations.
- (vi) any other matter referred.

Values and Quality Expectations

- The neighbourhood forums will provide an opportunity for genuine dialogue and open discussion, enabling and encouraging an informal, participatory approach to community engagement.
- Feedback on outcomes and actions resulting from neighbourhood forums should be promoted and communicated to participants.
- The neighbourhood forums will deliver tangible outcomes and benefits for residents and for the community.
- Each council represented will not withhold from discussion matters of service delivery or local concern that are of genuine public interest.
- Members of the neighbourhood forums will make recommendations to their appropriate Portfolio Holder or Cabinet/Executive on behalf of the community.

Roles and responsibilities

- Members and officers will work together in a partnership that recognises parity of between the tiers of local government councils and seek the very best for the communities and residents of Shepway within the terms of reference and vision of the neighbourhood forums.
- To encourage other statutory body and voluntary/community sector participation where applicable.

APPENDIX 2 – SUGGESTED GOVERNANCE ARRANGEMENTS

Hythe Neighbourhood Forum

Governance arrangements

1. General

The neighbourhood forums shall be constituted under principles contained within the Local Government Act 2000 [i.e. similar principles to those of the Joint Transportation Boards and will be a non-statutory body];

The neighbourhood forums reflect the wishes of Hythe Town Council (HTC) and Kent County Council (KCC) to co-operate and work together on local public service issues within their remits;

The neighbourhood forums are accountable in an advisory capacity to KCC's Cabinet for KCC responsibilities and to HTC's for HTC responsibilities;
Each council shall bear its own costs incurred in the operation of the neighbourhood forums.

2. Membership

Membership will be as follows:

Hythe Area Forum

County division members: 1

Hythe Town Council member: 1

Hythe Civic Society: 1

Hythe Chamber of Commerce:1

Age Concern:1

SDC officer:1

Schools Rep:1

Representatives from each of the wards in Hythe – East, West, Central (e.g. Palmarsh – Colin Datchler):3

Hythe Town Council will appoint their representative as appropriate.

Co-options are at the discretion of the neighbourhood forum and can be general or for specific meetings; all co-options are non-voting.

The County Member will be appointed Chairman and Vice Chairman shall be elected from the remaining members.

3. Meetings

Full meetings of the neighbourhood forums shall be in public. The neighbourhood forums will generally meet four times during each year at times and venues agreed by the neighbourhood forum members

There will be no substitutes for representatives under these arrangements

The quorum shall be as follows.

Four representatives from any of the members involved.

Procedural Rules for neighbourhood forums shall apply as set out below in appendix 3

Copies of all agendas and discussion papers will be sent to neighbourhood forum members at least five clear days before the meeting.

There will be an opportunity for the public to ask questions at all full meetings of the neighbourhood forums

There may also be private meetings for the purposes of agenda planning and briefing of neighbourhood forum members.

The access to information rules shall apply to the neighbourhood forums as if they were a KCC or HTC committee.

All Councils will be responsible for publicising the neighbourhood forum meetings and will advertise as widely as possible.

APPENDIX 3 – SUGGESTED PROCEDURE RULES

Hythe Neighbourhood Forums Procedure Rules Public involvement

1. The neighbourhood forums will enable the public to raise oral or written questions on any matters falling within the remit of the neighbourhood forums. A summary of the questions asked and answers (if appropriate) given will be included in the neighbourhood forum minutes.
2. Meetings will be promoted as widely as possible to encourage involvement of the community in each neighbourhood forum area.

Members' Interests

3. All Members are expected to consider whether they have a personal and/or prejudicial interest in any matter under discussion on the agenda and declare it accordingly at the start of the meeting.

Attendance List

4. Members of the public will be asked to leave their contact details for future contact regarding meetings.
5. Members attending neighbourhood forum meetings must sign the attendance list or ensure officers record their presence.

Meeting planning

6. The Chairman and officers will liaise to prepare the agenda for the next meeting and a work programme for future meetings. The neighbourhood forums may also hold pre-meetings to consider business related to the neighbourhood forums (e.g. planning agendas, venues, actions) where the public/press are not invited.

Neighbourhood Forum meetings

7. The meetings of the neighbourhood forums will take place at venues in the local areas, in public, in general four times a year, on dates and at times agreed by each neighbourhood forum.
8. KCC Community Engagement Manager (CEM) will invite all voting and non-voting members to a neighbourhood forum meeting by sending an agenda and accompanying papers to each member's nominated address and normally be sent out at least seven clear working days before the meeting.

Agenda

9. The agenda for each meeting of a neighbourhood forum will normally include:

- minutes of the previous meeting for approval and signing;
- reports seeking a decision from the neighbourhood forum [if appropriate];
- any item which a member of the neighbourhood forum wishes to be included on the agenda provided it is relevant to the terms of reference and notice has been given to the chairman or CEM at least nine working days before the meeting.
- any item which a member of any constituent council, its cabinet or cabinet member wishes to be included on the agenda provided the prior approval of the Chairman has been given, it is relevant to the terms of reference and notice has been given to the CEM at least nine working days before the meeting.

10 The Chairman may decide that there are special circumstances that justify an item of business, not included on the agenda, being considered as a matter of urgency. The reasons for urgency must be stated at the meeting and the clerk shall record them in the minutes.

11 Neighbourhood forums will normally consider items in the order that they appear on the agenda. The Chairman may vary the order if it is thought appropriate and will explain their reasons to the neighbourhood forum.

Voting

12. If any Member requests, the Chairman will call a vote on any recommendation or a motion or amendment. The vote will be by a show of hands by voting members of the neighbourhood forum present.

13. If the votes for and against are equal, the Chairman does not have a casting vote and, therefore the recommendation, motion or amendment falls.

Rights to Attend and Speak

14 Members of the public will be encouraged to participate in all facets of the public part of the forum meetings and will be encouraged to suggest topics for discussion at future meetings.

13. If a member of the public interrupts a meeting or otherwise behaves irregularly, improperly or offensively, the Chairman may request that they leave the room or order that they are removed. In the event of a general disturbance, the Chairman may suspend the meeting or direct that the public be excluded from it. No-one so removed or excluded will be permitted to return to the meeting.

14. Any Member of any constituent Council are encouraged to attend any meeting of the neighbourhood forums, including those parts of the meeting from which the public and press are excluded. They do not have a right to vote or move a motion or amendment, but may speak on matters with the consent of the Chairman [such consent to be sought before the meeting and should not normally be withheld).

Attendance of officers at meetings

15. Cabinet members and council officers will be expected to attend any neighbourhood forum meeting when asked to do so by the Chairman. Such requests must be reasonable in terms of notice, demand and expectation.

16. A supporting officer from KCC will always be present at all neighbourhood forum meetings. They will help plan, manage and co-ordinate the business for the neighbourhood forum; provide procedural and constitutional advice; and will take notes of and actions arising from the meetings.

Actions

17. It is expected that neighbourhood forum Chairman will take the lead in pursuing actions resulting from meetings and reporting back to the neighbourhood forums.

Issues of interest to more than one neighbourhood forum

18. Any follow up work on issues involving more than one neighbourhood forum will be the responsibility of all Chairmen and officers involved.

Discussion of Individual Officers

19. No discussion shall take place in a meeting about the terms or conditions of employment or the performance, or conduct of any officer of any Council

E-Government

20. Copies of agendas, agenda items, notes and actions are published on the KCC website.

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HYTHE TOWN COUNCIL



ANNUAL REPORT – 2010/11

This report will be placed in full on the Town Council’s website – which is to be found at www.hythetowncouncil.gov.uk Details of all the Council’s operations can also be found in the Year Book – which is available to view and down load from the website.

Town Council’s Websites

The Town Council operates two websites: the Portal website is www.hythe-kent.com which gives general information about the Town and the community as a whole. The Town Council also has its own local government business website - www.hythetowncouncil.gov.uk The Town Council’s website is increasing in popularity with approaching 100,000 hits during the course of the past year. A large number of “hits” come from overseas (currently 46%) with the top countries being USA and China. The websites are updated weekly and even more regularly when required and provide public access to Agendas, Minutes and other Council documents, as well as facilities and hire arrangements.

Thanks go to the webmaster – the Town Council’s Finance Clerk - Mr Adrian Wilson for his work on both sites, into which he has put a considerable amount of time and effort.

Meetings

There have been 11 Council meetings during the course of this last year. Its principal Committees – Finance and General Purposes and Plans and Works have met 10 and 17 times respectively. Thanks are due to the respective Chairmen of both these Committees – Councillor John Schoner and Councillor Reg Belcourt. Other Committees and Sub-Committees of the Council and its Committees include the following which have all met during the course of the last year:

CCTV Committee
 Standing Orders Committee
 Internal Audit and Assets Sub-Committee
 Sports Pavilion User Group
 Allotments Working Group
 S106 Working Group
 Interreg Working Group

Some of the above Sub-Committees and Groups have included not only Town Councillors but also representatives from outside bodies. The Town Council has long subscribed to partnership working and it is very grateful for the external input and assistance which it receives in the conducting of its business. The S106 Working Group will be dealing with grants for events in and around Hythe High Street over the course of the next few years.

Charity Trustees

The Town Council is the Corporate Trustee for a number of Charities. There have been 4 meetings of the full Charity Trustees. These meetings are held separately to Council meetings. All Councillors are Trustees. The Town Council is responsible for the operation of four charities – Horn Street, Palmarsh, Eaton Lands and Davis Oaklands. It also provides the administrative support to the Wakefield Bequest, of which 4 serving Councillors are currently Trustees. The Town Council has recently completed its negotiations of the rent review for Hythe Library for the next five years, the rent on which it now passes over to the Davis Oaklands Charity so as to enable the Oaklands building and Oaklands grounds to become self-funding

Annual returns are undertaken by the Town Council for all the above Charities to the Charity Commission.

Oaklands – Local History Room / Museum

Mrs Janet Adamson continues in her role as the Hon Curator of the Museum and she usually frequents Oaklands on a fortnightly basis, fielding many and varied enquiries of an historical nature. She also ensures that archived material is catalogued. Janet provides a valued and much sought after service and grateful thanks are due to her.

Oaklands – Bandstand Concerts



The Town Council continues to run its popular band programme with 19 performances during the course of the last summer providing a large array of music. A similar programme is planned for the forthcoming season. The programme is planned to provide for a wide variety for musical tastes - from the Big Band sound to solo performers. Details of the band concerts are available on the two websites.

Town Hall



The Town Hall has held 14 events and 24 guided walks during the course of the year and it has been used by 9 organisations. It was a central point for the Hythe Festival in the summer of 2010 for which free use was granted for all events by the Town Council.

The Town Hall's Undercroft has been utilised on 31 occasions by charities and it is a focal point within the Town. Its use is free to local organisations and it is recognised as an effective public focal point and service.

The Civic Society hosts weekly tours of the Town Hall as part of their organised walks which take in the many facets of the Town's history – including Oaklands and its Museum.

Town Council Surgeries

These are available to be held on an appointment basis on a monthly rota.

Eaton Lands

The Town Council has now successfully completed the second phase of its Big Lottery Fund Breathing Places. This work has involved the production of a leaflet on Eaton Lands and also for surface improvements to the bridleway to the rear of Tanners Hill Gardens. The following provides a link to the leaflet on the Hythe Community Website – www.hythe-kent.com



The Town Council continues to liaise closely with the Hythe Civic Society regarding the environs of Eaton Lands.

The northern meadow area continues to be maintained, with the grass amenity area to the south regularly cut 12 times per year and the wildflower element to the north managed so as to try and ensure its sustainability. Paths are regularly cut through the meadow so that people can enjoy the area. Public Footpath HB 25 which runs through the meadow has been cut back and the woodland area's paths and steps have been refurbished.

Town Council Allotment Sites



Recent allotment inspections have revealed that the allotment sites are all in reasonably good shape and thanks are due to the Allotments Clerk, Mrs Jeni Lawford, for her regular inspections, ensuring that plots are in good order.

Allotments Working Group

The Town Council's **Allotments Working Group** works in close collaboration with the tenants and their representatives. The Town Council has recently undertaken a consultation exercise with all interested parties in regard to the allotment sites' being leased to the local allotment society. This could lead to the tenants' being able to apply for external grants for improvements.

Eaton Lands Allotments

There is a large area of Eaton Lands which is given over to three distinct allotment areas which are fully occupied with 97 plots and there is a waiting list of 48 “would-be” tenants. The Town Council rents these areas from the Charity. The allotments have been steadily improving over the years. With the long waiting lists there is now an even greater need to ensure that all the plots are properly cultivated. The new Eaton Lands Meadow allotment site is now in full operation.

Longbridge

This statutory allotment site of 12 plots is fully let with a waiting list of 26, having been formerly semi-derelict. A new entrance gate and fencing has been erected during the course of the last year.

Twiss Road

The Twiss Road site is fully occupied with 29 plots and a waiting list of 56. Mains water and a new tank have been installed at the site following the completion of the new football pitch. Hedge planting has commenced between the pitch and the allotments and this is the first step of the enclosure of the whole site by means of planting and fencing. The Town Council is pleased to be associated with the Transition Town Scheme of which this planting forms part.

There is currently an overall allotment waiting list of 86.

Hythe Green

This informal open space area – which is maintained by the Town Council - is the host to many activities including x 14 Boot Fairs inclusive of the Mayor’s Boot Fair. Local charities and organisations benefit from these events and it provides them the opportunity to boost their funds. Details of the forthcoming Summer Boot Fairs are on the Hythe community website.

There are also several circuses and funfairs which are stage regularly on the Green. There have been 4 during the course of the last year.

The Green is also used by the large biennial events – the Festival and the Fete as well as circuses and fun fairs. It provides free car parking provision in the form of the Portland Road Car Park, as well as a play area which is inspected on a weekly basis for defects.

Thanks are due to the membership of The Green Preservation Society which undertakes regular litter picking on the Green.

Property Matters

The Town Council has embarked on a further four year programme of upgrading its properties. The properties for which it is responsible are Oaklands, including the Museum and Hythe Library, Oaklands Grounds and Bandstand, the Town Hall, Sanford House, Sports Pavilion, the Hythe War Memorial and the Shepway Cross - together with its landholdings at the Green, Palmarsh, Horn Street and South Road Recreation Grounds and Eaton Lands. It also is responsible for the Hythe Skatepark, the Grove and it leases land to the Hythe Cricket and Squash Club and the Hythe Lawn Tennis Club.

It has recently undertaken a property survey on all of its properties. Oaklands will be the next property to have a facelift.

The Town Council is currently having a Tree Audit undertaken on all of its land so as to maintain and improve its tree stocks.

New fencing is planned for the Green and at South Road Recreation Ground.

Hythe Sports Pavilion



The new building was officially opened by the Mayor on the 7th August 2010. Since then it has been well used by cricketers, footballers and other organisations. This exciting project for the Town provides four changing rooms, officials' changing areas, a lift and disabled shower facilities and a first floor suite with a balcony and a fully-fitted kitchen and store areas. Externally, there is a car park for 32 vehicles and a kiosk to serve the tennis and bowls areas which lie adjacent.

The new football pitch has been created on land to the west of the Twiss Road allotment site and this will be brought into use for the next football season.

Hythe Skatepark

This much used resource is intended to be enhanced with some additional funds of £10,000 having been put aside by the Town Council over this year and next. The impetus for this project has come from the users themselves who have devised their own scheme with additional ramps.

CCTV

The Town Council operates the 11 cameras within the Hythe Town Centre system paying for both the maintenance and transmission costs and maintaining a capital CCTV Sinking Fund. The Town Council has recently successfully negotiated the transfer of the CCTV system from the Shepway Control Room to Ashford Borough Council's Control Room where it will be monitored on a 24 hour, 7 day per week basis.

Planning Matters

There have been several significant planning applications which have affected the Town during the course of the last year notably at Fisherman's Beach and ongoing conditions issues for the Sainsbury's supermarket. In total, 166 planning applications have been discussed by the Town Council's Plans and Works Committee.

Appointments to Outside Bodies

The Town Council also has appointees to other bodies and the Town Council is very grateful to those Members who have served this year on the following bodies :

Age Concern
Hythe Chamber of Commerce / Tourism Forum
Hythe Twinning Association
Kent Association of Local Councils
Shepway Tourist Action Group
Hospital of St Bartholomew and St John
Hythe Institute Fund
Hythe Sick Fund
Anne Peirson Trust
Newington Unknown Donor's Charity
Wakefield Bequest

From May this year the Town Council will also be involved in the Kent County Council's Neighbourhood Forum for Hythe.

Thanks are due to all the above local organisation and to the others that work so hard on the Town's behalf.

Staffing

The former Town Sergeant, Mr Graham Johnson, retired after 10 years of service. He has now become the Sports Pavilion caretaker. Thanks are due to him for his devoted service. He has been replaced by Mr Terry Reene who has been in post since October 2010. Other than that all other staff remain in post and are to be thanked for their hard work during the course of the past year.

PRESENT
- 1 DEED
No. 24311



This Conveyance

is made the
twenty eighth

day of *November* One thousand nine hundred and thirty nine BETWEEN
HERBERT WILLIAM DEEDES formerly of Saltwood Castle in the County of Kent
but now of 14 Marine Parade Hythe in the County of Kent Gentleman
FREDERICK WILLIAM BUTLER of Hythe aforesaid Estate Agent and ALBERT
EDWARD PALMER formerly of "Oakville" Hillcrest Road Hythe aforesaid but
now of "Old Orchard" Loose near Maidstone in the County of Kent Builder
and Contractor (hereinafter called "the Grantors") of the one part and
THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF HYTHE in the County
of Kent (hereinafter called "the Council") of the other part SUPPLEMENTED
to: -

(1) A Conveyance (hereinafter called "the Principal Deed") dated the
twenty second day of May One thousand nine hundred and twenty four and
made between the said Herbert William Deedes of the one part and the
Grantors and Edward Osborne (since deceased) of the other part whereby
certain land in the Borough of Hythe aforesaid was purported to be con-
veyed by the said Herbert William Deedes as Tenant for Life under the
Settlement created by the Will of Herbert George Deedes deceased to the
Grantors and the said Edward Osborne in fee simple subject to the stipu-
lations and conditions relating to building and user as set forth in the
Schedule thereto.

(2) An Order of the Chancery Division of the High Court of Justice
dated the twenty fourth day of May One thousand nine hundred and twenty
eight whereby for the purpose of removing doubts as to whether the estate
in fee simple in the said land was legally and validly conveyed by the
Principal Deed and upon an additional Trustee being appointed to act with
the said Herbert William Deedes as Trustee of the said Settlement and
upon payment of the further sum in the said Order mentioned it was
ordered that the said Herbert William Deedes be at liberty to execute a
Deed confirming the assurance of the fee simple of the said land expressed
to be made by the Principal Deed.

(3) A Deed of Appointment dated the fifth day of May One thousand
nine hundred and twenty eight and made between Rose Eleanor Deedes of the
first part the said Herbert William Deedes of the second part and Melesina
Gladys Deedes of the third part whereby the said Melesina Gladys Deedes
was appointed to be a Trustee of the said Settlement jointly with the
said Herbert William Deedes.

(4) A Confirmatory Conveyance dated the ninth day of July One thousand nine hundred and twenty eight made between the said Herbert William Deedes of the first part the said Herbert William Deedes and Melasina Gladys Deedes of the second part and the Grantors and the said Edward Osborne of the third part whereby the said Herbert William Deedes conveyed and confirmed unto the Grantors and the said Edward Osborne the land comprised in the Principal Deed Subject to the stipulations and conditions contained in the Principal Deed and by the said Conveyance such legal estates expressed to have been transferred or created by the Grantors and the said Edward Osborne since the date of the Principal Deed were legally confirmed.

WHEREAS :-

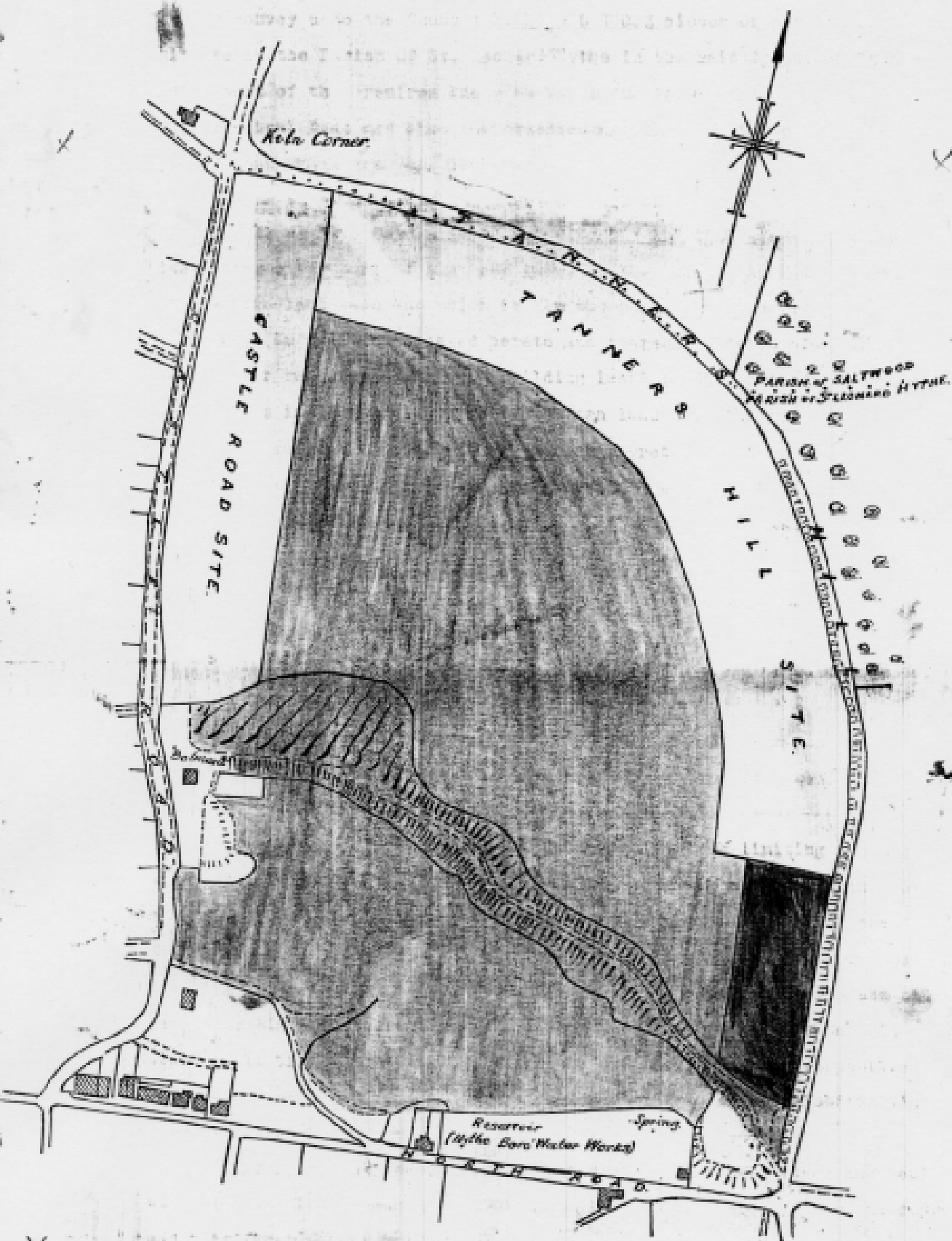
(1) Since the date of the Principal Deed and the last mentioned Conveyance the Grantors and the said Edward Osborne have allowed that part of the land described as garden land in the first part of the first Schedule to the Principal Deed to be used in accordance with the stipulations contained in the first part of the Schedule to the Principal Deed or for purposes as near thereto as circumstances would admit and have also sold or disposed of the building land as defined in the second part of the Schedule to the Principal Deed with the exception of that portion which is coloured pink on the plan annexed hereto and there is remaining in the hands of the Grantors the sum of _____ and also in their names the investment set out in the first Schedule hereto which represent moneys derived from (a) profits on the letting of the garden land and (b) sales of the building land after making all necessary provision for the development of the garden land and other matters relating thereto as set forth in the first part of the Schedule to the Principal Deed.

(2) The said Edward Osborne died on the *twenty-first* day of January One thousand nine hundred and thirty nine.

(3) The Grantors are desirous of conveying to the Council the property hereinafter described and also of transferring to the Council the said sum of cash (after payment of the expenses incidental to the preparation and completion of these presents) and the said investment upon the condition that the Council will hold the same in perpetuity on the terms relating thereto respectively as set forth in the Principal Deed and the Council have agreed to accept the same on the conditions aforesaid.

NOW THIS DEED WITNESSETH as follows :-

1. IN pursuance of the said agreement and in consideration of the



covenants by the Council hereinafter contained the Vendors as Settlers hereby convey unto the Council FIRST ALL THESE pieces or parcels of land situate in the Parish of St. Leonard Hythe in the said County of Kent and being part of the premises known as the Eaton Land firstly described in the Principal Deed and also the premises secondly and thirdly described therein and which are for the purpose of identification only delineated on the plan annexed hereto and thereon coloured green and are hereinafter referred to as "the Garden land" AND SECONDLY ALL THAT piece or parcel of land being other part of the land known as the Eaton Land firstly described in the Principal Deed and which is for the purpose of identification only delineated on the plan annexed hereto and thereon coloured pink and is hereinafter referred to as "the Building land" TO HOLD unto the Council and its assigns in fee simple as to the Garden land upon the trusts with the powers and subject to provisions relating thereto as set forth in the second Schedule hereto and as to the Building land upon the trusts with the powers and subject to the provisions relating thereto as set forth in the third Schedule hereto.

2. AS and when the said cash and investment mentioned in the first Schedule hereto shall be paid and transferred to the Council respectively the Council hereby declare that they will hold such cash and investment upon trust to apply the same and the income thereof upon and for any of the purposes declared by these presents in respect of the Garden land in such manner and for the benefit of such Garden land or otherwise as the Council in their discretion may think fit.

3. NOTWITHSTANDING the provision in the Principal Deed limiting the use of the Garden ground for allotment gardens for persons residing within the Borough of Hythe it is hereby agreed and declared that the use of the garden ground as allotment gardens shall be extended to include persons residing in the Parish of Saltwood and the Council for themselves and their successors in title hereby covenant with the Grantors that the Council will at all times hereafter indemnify the Grantors and their respective estates and effects from and against all claims demands and liability in respect of the same.

IN WITNESS whereof the Grantors have hereunto set their hands and seals and the Council has caused its Common Seal to be hereunto affixed the day and year first before written.

THE FIRST SCHEDULE before referred to

Particulars of Cash and Investment. <i>A mortgage of £250 by the Corporation of Maidstone</i>	
Cash at Lloyds Bank Limited Hythe Kent	£ 891. 7. 5
Less Costs of and incidental to the preparation and completion of these presents	£ 6. 7. 10
	<u>885. 0. 7</u>

THE FIRST SCHEDULE (Continued)

Investment in Maidstone Corporation £250 Mortgage of Rates bearing interest at 23.10.0. per centum per annum redeemable 8th January 1943.

THE SECOND SCHEDULE before referred to

Trusts powers and provisions relating to the Garden Land.

1. The Garden land may at the discretion of the Council be used for (a) allotment gardens for persons residing within the Borough of Hythe or Saltwood or (b) for recreation or pleasure grounds only. If the Garden land or any part thereof shall be used for allotments no buildings of any kind shall at any time be fixed or placed thereon with the exception of sheds not exceeding six feet in height to be used for the purpose of storing tools and implements only.

2. No part of the Garden land shall at any time be used for the purpose of rearing animals or live stock of any kind other than the quarried portion as hatched in that part of the land coloured green on the said plan.

THE THIRD SCHEDULE before referred to

Trusts powers and provisions relating to the Building land coloured pink on plan.

The Building Land shall be used for the erection of dwellinghouses for weekly wage earners or manual workers or persons employed in clerical work whether their wages or salary be paid weekly monthly or quarterly resident or employed within the Borough of Hythe.

SIGNED SEALED AND DELIVERED by the
before named Herbert William Deedes
in the presence of:-

Herbert William Deedes.

SIGNED SEALED AND DELIVERED by the
before named Frederick William
Butler in the presence of:-

F. W. Butler.

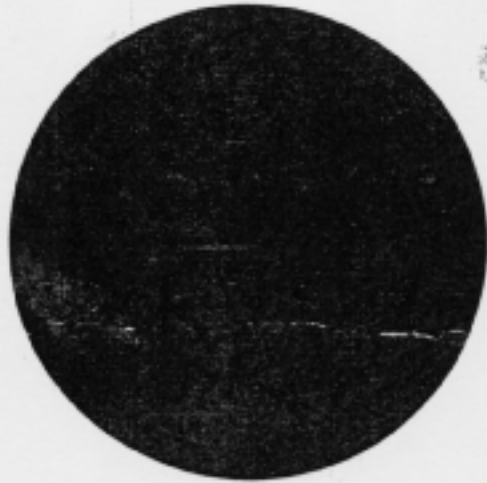
SIGNED SEALED AND DELIVERED by the
before named Albert Edward Palmer
in the presence of:-

Albert Edward Palmer.

*H. Reynolds
12, Hythe Road
Maidstone
Certified Accountant.*

THE COMMON SEAL of the Mayor Aldermen
and Burgesses of the Borough of Hythe
was hereunto affixed in the presence
of:-

Herbert Stanier
Town Clerk



THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

4TH MAY 2000

the following

SCHEME

will govern the charity previously known as

EATON TOWN LANDS

and now to be known as

EATON LANDS (1074528)

in

Hythe, Kent

Commissioners' References:

Sealing: 88(s)00

Case No: 139159



ASSISTANT COMMISSIONER

SCHEME

1. Definitions

In this scheme:

"the area of benefit" means the Town of Hythe, in the County of Kent, and the surrounding neighbourhood.

"the charity" means the charity identified at the beginning of this scheme.

"the governing document" means a conveyance made 28th November 1939.

"the trustee" means the trustee of the charity.

ADMINISTRATION

2. Administration

The charity is to be administered by the trustee in accordance with this scheme. This scheme replaces the governing document of the charity.

3. Name of the charity

The name of the charity is Eaton Lands.

OBJECT

4. Object of the charity

- (1) The object of the charity is, in the interests of social welfare, to improve the conditions of life for the inhabitants of the area of benefit without distinction of political, religious or other opinions by the provision and maintenance of a recreation ground.
- (2) The land belonging to the charity must be retained by the trustee for use for the object of the charity.

POWERS OF THE TRUSTEE

5. Powers of the trustee

In addition to any other powers which it has, the trustee may exercise the following powers in furtherance of the object of the charity:

- (1) Power to acquire or hire property and to maintain and equip it for use. (The property must be needed to further the object of the charity.)

- (2) Power to appoint staff (who must not be members or officers of the Town Council and Cinque Port of Hythe) and pay them reasonable remuneration, including pension provision for them and their dependants.
- (3) Power to co-operate with other charities, voluntary bodies and statutory authorities. The trustee may exchange information and advice with them.
- (4) Power to make rules and regulations consistent with this scheme for the management of the charity. The rules may include the terms and conditions upon which the recreation ground may be used by persons or bodies other than the trustee and the sum (if any) to be paid for such use.

TRUSTEE

6. Trustee

The Town Council of Hythe is the trustee of the charity.

CHARITY PROPERTY

7. Lease of land

Subject to the provisions of this clause and to the prior written approval of the Commissioners, the trustee may lease any part of the charity's land which is not required for use as a recreation ground. (The trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)

8. Use of income and capital

- (1) The trustee must firstly apply:
 - (a) the charity's income; and
 - (b) if the trustee thinks fit, expendable endowment; and
 - (c) when the expenditure can properly be charged to it, its permanent endowmentin meeting the proper costs of administering the charity and of managing its property.
- (2) After payment of these costs, the trustee must apply the remaining income in furthering the object of the charity.
- (3) The trustee may also apply for the object of the charity:
 - (a) expendable endowment; and

- (b) permanent endowment, but only on such terms for the replacement of the amount spent as the Commissioners may approve by order in advance.

GENERAL PROVISION

9. Questions relating to the scheme

The Commissioners may decide any question put to them concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

CHARITY PROPERTY

Application No: Y09/0627/SH

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Grant of Planning Permission to Develop Land

Sainsbury's Supermarkets Limited
C/o Mr S Wilson
WYG Planning & Design
100 St John Street
Farringdon
London
EC1M 4EH

Take notice that The Shepway District Council, the Local Planning Authority under the Town and Country Planning Acts has **GRANTED PERMISSION** for the development of land

situate at: SMITH INDUSTRIES MILITARY ROAD HYTHE KENT

and being: DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF A NEW 5573 SQUARE METRE RETAIL SUPERSTORE, TOGETHER WITH ASSOCIATED ENGINEERING OPERATIONS, CAR PARKING, DELIVERY YARD AND VEHICULAR ACCESS.

referred to in your application for permission for development received on 24th June 2009.

This Approval is subject to the following conditions:

CONDITIONS

- 1 The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 No development shall take place until samples of all materials (including colour and paving materials and a sample panel showing the construction detail of the Kentish Ragstone Wall) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity in accordance with policies SD1, BE1, BE4 and BE5 of the Shepway District Local Plan Review and BE1 and BE6 of the South East Plan

- 3 The development hereby permitted shall be constructed to secure an overall minimum "Very Good" rating for BREEAM standards. Full details shall be submitted, for consideration, to a BRE trained and licensed independent assessor, these details and the assessors report shall then be submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details before occupation.

Reason:

To ensure the development contributes to the principles of sustainable development as outlined in policy SD1 of the Shepway District Local Plan Review, , policies EN1 and CC4 of the South East Plan and Government advice contained in PPS1, "Planning and Climate Change- Supplement to PPS1" and PPS22.

- 4 Prior to the commencement of development details at a scale of 1:20 of all eaves treatments, the entrance canopy, windows, doors, external vents (including venting to roofs), ballustrading, railings, the plinth detail and other external fittings to the building shall be submitted to and approved in writing by the Local Planning Authority and no further alterations shall be made without subsequent prior approval.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity in accordance with policies SD1, BE1, BE4 and BE5 of the Shepway District Local Plan Review and BE1 and BE6 of the South East Plan

- 5 Prior to the commencement of development details of decentralised and renewable low/zero carbon technologies, to provide a minimum of 10% of the developments energy use shall be submitted to for approval by the Local Planning Authority. Such technologies shall be installed prior to the first opening of the development and thereafter be retained in use.

Reason:

To ensure the development contributes to the principles of sustainable development as outlined in policy SD1 of the Shepway District Local Plan Review, , policies EN1 and CC4 of the South East Plan and Government advice contained in PPS1, "Planning and Climate Change- Supplement to PPS1" and PPS22.

- 6 The foodstore hereby permitted shall not be open for trading outside the hours 0800 to 2200 Monday to Saturday and 1000 -1600 on Sundays unless otherwise agreed by the Local Planning Authority.

Reason

In accordance with the details of the application and in the interests of the residential amenity of the occupants of nearby dwellings and the requirements of policies SD1 and BE1 of the Shepway District Local Plan Review, PPS1 and PPG24

- 7 No deliveries shall take place to the store between 2200 and 0800 Monday to Friday and outside of the hours 1000 -2200 Saturdays and 1000 -1700 on Sundays and Bank Holidays and no unloading activity shall occur within the service/delivery yard after 2240 hours Monday to Saturday and 1740 on Sundays and Bank Holidays unless otherwise agreed by the Local Planning Authority in writing.

Reason

In accordance with the details of the application and in the interests of the residential amenity of the occupants of nearby dwellings and the requirements of policies SD1 and BE1 of the Shepway District Local Plan Review, PPS1 and PPG24

- 8 Prior to the commencement of development 1:50 drawings of any external trolley storage areas and shelters shall be submitted to and approved in writing by the LPA. All trolleys shall be stored within the approved locations which shall not be varied without the prior approval of the LPA.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity in accordance with policies SD1, BE1, BE4 and BE5 of the Shepway District Local Plan Review and BE1 and BE6 of the South East Plan

- 9 Prior to the commencement of development details of all external lighting to be installed, including details of light spill, levels of illumination and measures to reduce the impact of lighting on the wider landscape shall be submitted to the Local Planning Authority in writing for approval. The development shall thereafter be carried out in accordance with the approved details.

Reason

To ensure the development would not result in harm to the character and appearance of the countryside in accordance with policies SD1, BE1, BE4 and BE5 of the Shepway District Local Plan Review and Government guidance contained in PPS23.

- 10 Prior to the commencement of development a management plan for the operation of the car park (including details of on site staff car parking) to allow for its reasonable, uncharged short term use by the general public, for a minimum of 3 hours, shall be submitted to and approved by the LPA, such measures as approved to be implemented at the time of the first opening of the premises to the general public and permanently retained thereafter.

Reason

To ensure adequate off street parking is provided for customers and staff and encourage linked trips to the High Street, in accordance with policies SD1, TR12 and S2 of the Shepway District Local Plan Review and Government guidance contained in PPS6, draft PPS4 and the "Good Practice Guide."

- 11 Prior to the commencement of development, details of proposals for the provision of in-store information to members of the public regarding shopping opportunities in the High street shall be submitted to and approved in writing by the LPA, such measures as approved to be implemented at the time of the first opening of the premises to the general public and permanently retained thereafter.

Reason

To encourage linked trips to the High Street, in accordance with policies SD1, TR12 and S2 of the Shepway District Local Plan Review and Government guidance contained in PPS6, draft PPS4 and the "Good Practice Guide."

- 12 Prior to the commencement of development, details of noise attenuation measures and management arrangements for the service yard, delivery vehicles and external plant and equipment shall be submitted to and approved in writing by the LPA, such measures as approved to be implemented prior to the first use and retained thereafter.

Reason

In the interests of the residential amenity of nearby occupants, policy SD1 of the Shepway District Local Plan Review and Government advice contained in PPG24

- 13 The net retail sales area of the foodstore hereby approved shall not exceed 3508 sq/m without the prior approval of the local planning authority.

Reason

In accordance with the details of the application and to ensure the LPA retains control over the operation of the store, in accordance with policy S2 of the Shepway District Local Plan Review and Government guidance contained in PPS6, draft PPS4 and the "Good Practice Guide."

- 14 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order) the foodstore hereby permitted shall be used primarily for the sale of convenience goods and at no time shall more than 20% of the net retail sales area hereby approved be used for the sale of comparison goods without the prior written approval of the LPA.

Reason

In accordance with the details of the application and to ensure the LPA retains some control over the operation of the store, in accordance with policy S2 of the Shepway District Local Plan Review and Government guidance contained in PPS6, draft PPS4 and the "Good Practice Guide."

- 15 No part of the store hereby permitted shall be used as a café, coffee shop, restaurant, pharmacy or offer dry cleaning services, key cutting services, shoe repair, photographic services, opticians, or post office counter services without the prior written approval of the Local Planning Authority.

Reason

It is considered such ancillary uses would be of detriment to the vitality and viability of the High Street, reducing the likelihood of linked trips. The LPA therefore wish to restrict such uses in accordance with the details of the application and policy S2 of the Shepway District Local Plan Review and Government guidance contained in PPS6, draft PPS4 and the "Good Practice Guide."

- 16 Prior to the commencement of development details of secure, covered cycle parking facilities for staff and customers shall be submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the facilities provided shall be retained for cycle storage thereafter.

Reason

To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car in accordance with policy TR5 of the Shepway District Local Plan Review.

- 17 Prior to the commencement of development full details of acoustic enclosures for the air conditioning and condensing units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first use of the retail unit and retained and maintained at all times.

Reason

In the interests of the residential amenity of the occupants of nearby dwellings and the requirements of policies SD1 and BE1 of the Shepway District Local Plan Review, PPS1 and PPG24

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (and any Order revoking and re-enacting those Orders) (with or without modification), no additional openings shall be constructed within the building hereby approved.

Reason:

To safeguard the privacy of the occupants of adjoining dwellings and ensure the LPA retain control over the appearance of the building, in accordance with policies BE1 and SD1 of the Shepway District Local Plan Review.

- 19 No part of the foodstore hereby permitted shall be brought into first use unless and until a detailed Waste Management Plan (WMP) has been submitted to and approved by the Local Planning Authority. The detailed WMP shall cover the entire operation of the store and will include how the following matters are addressed:

- i. Separation of waste
- ii. Recycling of waste packaging
- iii. Recycling of waste food stuffs

The approved details shall be implemented at the store hereby permitted and shall thereafter be maintained, unless otherwise agreed by the Local Planning Authority.

Reason:

To ensure the development contributes to the principles of sustainable development as outlined in policy SD1 of the Shepway District Local Plan Review, , policies EN1 and CC4 of the South East Plan and Government advice contained in PPS1, "Planning and Climate Change- Supplement to PPS1" and PPS23.

- 20 Notwithstanding the provisions of the Town and Country Planning Control of Advertisement Regulations 1992 Schedule 3 part 1 Class J no advertisements shall be placed within 1 metres of any of the ground floor level windows to the foodstore contained within the south facing and south west facing "feature glazed corner" of the approved building and all glazing to such windows shall only be installed as clear glazing which shall thereafter be retained in perpetuity and shall not be obstructed at any time, unless otherwise agreed in writing by the LPA.

Reason

To ensure the building provides appropriate interaction with the street and to avoid the over proliferation of advertisements, in accordance with policies SD1, BE1 and BE4 of the Shepway District Local Plan Review and BE1 of the South East Plan.

- 21 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

In order to protect and enhance the appearance of the area in accordance with policies SD1, BE1, BE4 and BE16 of the Shepway District Local Plan Review.

- 22 Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason:

In order to protect and enhance the appearance of the area in accordance with policies SD1, BE1, BE4 and BE16 of the Shepway District Local Plan Review.

- 23 No development shall take place until full details of a biodiversity enhancement scheme have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall incorporate features which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The enhancement scheme shall be carried out in accordance with the approved details. The enhancement scheme shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

In order to enhance the biodiversity of the area in accordance with policy SD1 Shepway District Local Plan Review and government guidance in PPS9.

- 24 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to safeguard any remaining archaeological interest on the site in accordance with policies BE7 of the Shepway District Local Plan Review.

- 25 No development shall take place until measures to prevent debris and spoil being deposited on the public highway have been submitted to and approved by the Local Planning Authority in writing and installed and maintained in a functioning condition in accordance with these approved measures during the construction works. Any spoil or debris deposited on the public highway shall be cleared by the applicants or contractors as soon as is reasonably practicable.

Reason

In the interests of highway safety and the requirements of policy TR11 of the Shepway District Local Plan Review.

- 26 Details of acoustic fence and solid gates to be provided to service yard to be submitted to the LPA for approval prior to the commencement of development.

Reason

In the interests of the residential amenity of the occupants of nearby dwellings and the requirements of policies SD1 and BE1 of the Shepway District Local Plan Review, PPS1 and PPG24

- 27 Prior to works commencing full details of the demolition and construction works environmental management plan shall be submitted to the local planning authority for approval.

Reason

In the interests of the residential amenity of the occupants of nearby dwellings and the requirements of policies SD1 and BE1 of the Shepway District Local Plan Review, PPS1, PPS23 and PPG24.

- 28 Prior to the first opening to the public of the superstore hereby approved the plaque commemorating the former musket school shall be relocated in a position of public prominence, the location of which shall first be submitted to and approved by the LPA in writing.

Reason

To identify the historic use of the site and its relationship to the adjacent listed buildings and scheduled ancient monument.

- 29 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority.

1. A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant images, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

In order to avoid risk to the public when the site is developed in accordance with policies SD1 and U10a of the Shepway District Local Plan Review and Government advice contained on PPS23.

- 30 Prior to the first occupation of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason

In order to avoid risk to the public when the site is developed in accordance with policies SD1 and U10a of the Shepway District Local Plan Review and Government advice contained on PPS23.

- 31 If, during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on that part of the site affected by the newly found contamination until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

In order to avoid risk to the public when the site is developed in accordance with policies SD1 and U10a of the Shepway District Local Plan Review and Government advice contained on PPS23.

- 32 Before the development, including any site clearance works, is begun, tree protection measures in accordance with BS5837 : 2005 Trees in Relation to Construction - Recommendations shall be erected for each tree or group of trees to be retained on this site, or such measures as may be agreed with the Local Planning Authority shall be provided. The protection measure shall be retained in position at all times until the completion of the development, and the land so enclosed shall be kept clear of all contractors' materials and machinery. The existing soil levels around the boles of the trees shall not be altered.

Reason:

To ensure that the trees are not damaged during the period of construction in accordance with policies SD1 and BE16 of the Shepway District Local Plan Review.

- 33 Prior to the commencement of the development hereby approved, detailed drawings of all underground works and foundation details for the retaining wall to the Military Road frontage and any additional precautions necessary to prevent damage by root action, shall be submitted to and approved in writing by the Local Planning Authority such details to be in accordance with BS5837 : 2005 Trees in Relation to Construction - Recommendation. The development shall be carried out in accordance with the approved details.

Reason:

In order to prevent future pressure to remove the trees in the interests of visual amenity in accordance with policies SD1 and BE16 of the Shepway District Local Plan Review.

- 34 No goods waste or other materials shall be stored outside the buildings at any time unless within the designated service yard area.

Reason:

In the interests of visual amenity in accordance with policies BE1 of the Shepway District Local Plan Review.

- 35 Details of a trolley lock or similar system to prevent trolleys being taken outside of the car park shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented on site prior to the opening of the store.

Reason

In the interests of visual amenity and highway safety, as set out in policies SD1, BE1 and TR11 of the Shepway District Local Plan Review.

- 36 Full details of the proposed surface water drainage, a surface water attenuation scheme and sewage disposal arrangements shall be submitted to and approved by the Local Planning Authority before the development commences. The approved scheme shall be carried out prior to the occupation of the buildings and maintained in a functional condition.

Reason:

To ensure proper drainage and avoid pollution of the area surrounding the site in accordance with policies SD1, U1, U2, U3, U4 and U7 of the Shepway District Local Plan Review.

- 37 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans, numbers:

- 7495-000 – Site location plan
- 7495-002 'd' – Proposed site plan
- 7495-003 'b' – Proposed store plan
- 7495-004 'e' – Proposed elevations
- 7495-005 'a' – Site sections
- 7495-006 'a' – Proposed roof plan
- 7495-008 – Topographical survey
- 7495-009 'a'; – Stair, plinth and planter details
- 7495-010 'a' – Service yard and surrounding detail

Reason:

For the avoidance of doubt.

- 38 Prior to the commencement of development details of visibility splays shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with Kent Highways Services. The approved splays shall be provided either side of the proposed access(es) before the buildings are occupied and maintained so there is no obstruction in excess of 0.6 metres in height above the carriageway within the splay area.

Reason:

To secure adequate visibility for vehicles entering or leaving the site in the interests of highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

- 39 Before the new accesses are made available for use a scheme for the permanent closure of the existing accesses shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be implemented before the new access is made available for use.

Reason:

In the interests of highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

- 40 Prior to the commencement of any work, including site clearance works, details of a method of construction, including times of working, siting of compounds, site personnel parking and lorry routing shall be submitted to and approved by the Local Planning Authority and the construction of the development shall not be carried out otherwise than in strict accordance with the approved details.

Reason

In the interest of the amenities of nearby residents and in accordance with policy SD1 of the Shepway District Local Plan Review.

- 41 Prior to the first opening of the retail store hereby permitted, the provision of a pelican crossing across Military Road, located as shown on the approved plans shall be constructed and retained for use at all times. The details for the pelican crossing, including further traffic modelling shall be submitted to the Local Planning Authority for approval prior to the commencement of development, with all works carried out in accordance with the approved details.

Reason

In the interests of highway safety and to encourage pedestrian trips to the superstore, in accordance with policy TR11 of the Shepway District Local Plan Review.

- 42 Before any part of the development hereby permitted is occupied and/or first brought into use a Travel Plan indicating how it is intended to encourage and implement proposals at the site which will result in a reduction in the need for employees and customers to travel to and from the site by means of a private motor car shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the monitoring and periodic review of the measures being implemented and the scheme shall be carried out and implemented in accordance with the approved details immediately upon first occupation/use of the development hereby approved and shall be retained thereafter incorporating the details as may be amended upon review with the agreement in writing of the Local Planning Authority.

Reason

In the interests of sustainability and environmental impact of the development and in accordance with policies SD1, TR12 and TR13 of the Shepway District Local Plan Review.

INFORMATIVES

- 1 The proposed development is located at the former Smiths Industries site on Military Road which has a mixed unrestricted B1 (office/light industrial/research and development) B8 (storage and distribution) use. The application site is not afforded protection as Employment Land by the Shepway District Local Plan Review, nor other Development Plan policy.

A full appraisal of the development and decision is set out in the committee report of the 15th December 2009 together with the relevant meeting minutes. The proposal is considered to be in accordance with the Development Plan and National Planning Policy Guidance.

The site is classified as an "edge of centre site." It is considered that the application successfully meets the requirements of policies BE4 and SP3 of the South East Plan and policy S2 of the Local Plan. The building is considered to be of an appropriate sustainable design, meeting with policies SD1 and BE1 of the local plan and BE1, NRM11 and CC1, CC2, CC4 and CC6 of the South East Plan.

The application site is adjacent to listed properties and directly opposite the Hythe Town Centre Conservation Area and Scheduled Ancient Monument, the Royal Military Canal. It is considered, on balance that the development would not be detrimental to the character and setting of the adjacent listed buildings, Conservation Area and Scheduled Ancient Monument and therefore the development meets with local plan policies BE4 and BE5 and policy BE6 of the Southeast plan.

Kent Highways raise no objection to the proposal, which allows for access from a variety of modes of public and private transport. Further, it is not considered the proposal will be of detriment to the amenity of nearby residents. It has been demonstrated that the proposed development would not be at risk of flooding and appropriate decontamination measures can be achieved. Given the above the proposal is considered to comply with policies SD1, TR5, TR6, TR11, TR12, TR13, U2, U4, U10a and U15 of the Shepway District Local Plan Review.

- 2 This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.
- 3 The applicant is made aware that the detailed design of the feature canopy, required by condition 2 above should be of well considered, high quality design that gives some elegance to the building. It should be a strong feature demonstrating an imaginative use of materials and a considered application of structural principles.

In the view of the Local Planning Authority, and having taken into account all material planning considerations, there is insufficient demonstrable harm or conflict with policy arising from the proposal to warrant withholding planning permission.

In coming to this decision, regard has been had to the following policies:

The following policies of the Shepway District Local Plan Review – SD1, S2, BE1, BE2, BE4, BE5, U2, U4, U10a, U15, TR5, TR6, TR11, TR12, TR13.,

The following policies of the South East Plan – SP3, CC1, CC2, CC4, CC6, T4, NRM1, NRM4, NRM11, BE1, BE4, BE6,

The following Supplementary Planning Documents and Government Guidance apply:

PPS1 – Creating Sustainable Communities
PPS1 Supplement – Planning for Climate Change
PPS4 - Planning for Prosperous Economies
PPS6 – Planning for Town Centres
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPG15 – Planning and the Historic Environment
PPS22 – Renewable Energy
PPS23 - Planning and pollution control
PPG24 – Planning and Noise,
Planning for Town Centres – Good Practice Guide on Need, Impact and the Sequential Approach (living draft)

Note:

You are advised that there may be conditions attached to this permission which require the submission of further details to this Authority before the development hereby approved commences or by other specified periods. Such details must be approved by the Local Planning Authority before development commences, or by any other such period specified.

From the 1st June 2008, a fee is payable for the discharge of and compliance with conditions of £85.00 per request or £25.00 if relating to planning permission for extending or altering a dwelling house or other development in the curtilage of and ancillary to a dwelling house. (This does not apply to the discharge of conditions on listed building consents)

Requests must be made in writing and should be on the standard 1App form for Approval of Details Reserved by Condition which is enclosed. If a decision is not reached within 12 weeks of receipt of a valid submission the fee will be refunded.

Please ensure that all requests for discharge of and compliance with conditions are addressed to the Planning Manager and not sent to any other section of the Council and that they are clearly marked with the planning application reference number at the top of this decision notice.



Dated this 12th day of February 2010

Shepway District Council,
Civic Centre, Castle Hill Avenue,
Folkestone, Kent CT20 2QY

C Lewis
Head of Planning Services

DATED 24th December 2009

RECEIVED
04 JAN 2010
PLANNING

- (1) SAINSBURY'S SUPERMARKETS LTD
- (2) SHEPWAY DISTRICT COUNCIL

PLANNING OBLIGATION BY AGREEMENT
UNDER SECTION 106 OF
THE TOWN AND COUNTRY PLANNING ACT 1990
relating to land at
Military Road
Hythe
Kent
CT21 5BN

LG

THIS AGREEMENT is dated 24 December 2009
BETWEEN

- (1) **SAINSBURY'S SUPERMARKETS LTD** (Co Reg No. 3261722) of 33 High Holborn London EC1N 2HT ("the Owner") and
- (2) **SHEPWAY DISTRICT COUNCIL** of Civic Centre Castle Hill Avenue Folkestone CT20 2QY ("the Council")

WHEREAS:

- (A) The Council is the Local Planning Authority for the purposes of the 1990 Act for the area within which the Site is situated
- (B) The Owner owns the freehold interest in the Site registered at the Land Registry under title number K375897.
- (C) The Owner is willing to enter this Agreement in order to make contributions to mitigate the impact of the Development

NOW THIS DEED WITNESSETH as follows:

1. ENABLING POWERS

This Agreement is made pursuant to section 106 of the 1990 Act and is enforceable by the Council

2. DEFINITIONS

In this Agreement the following expressions shall have the meanings given to them in this clause:

"1990 Act" the Town and Country Planning Act 1990 or any statutory re-enactment thereof

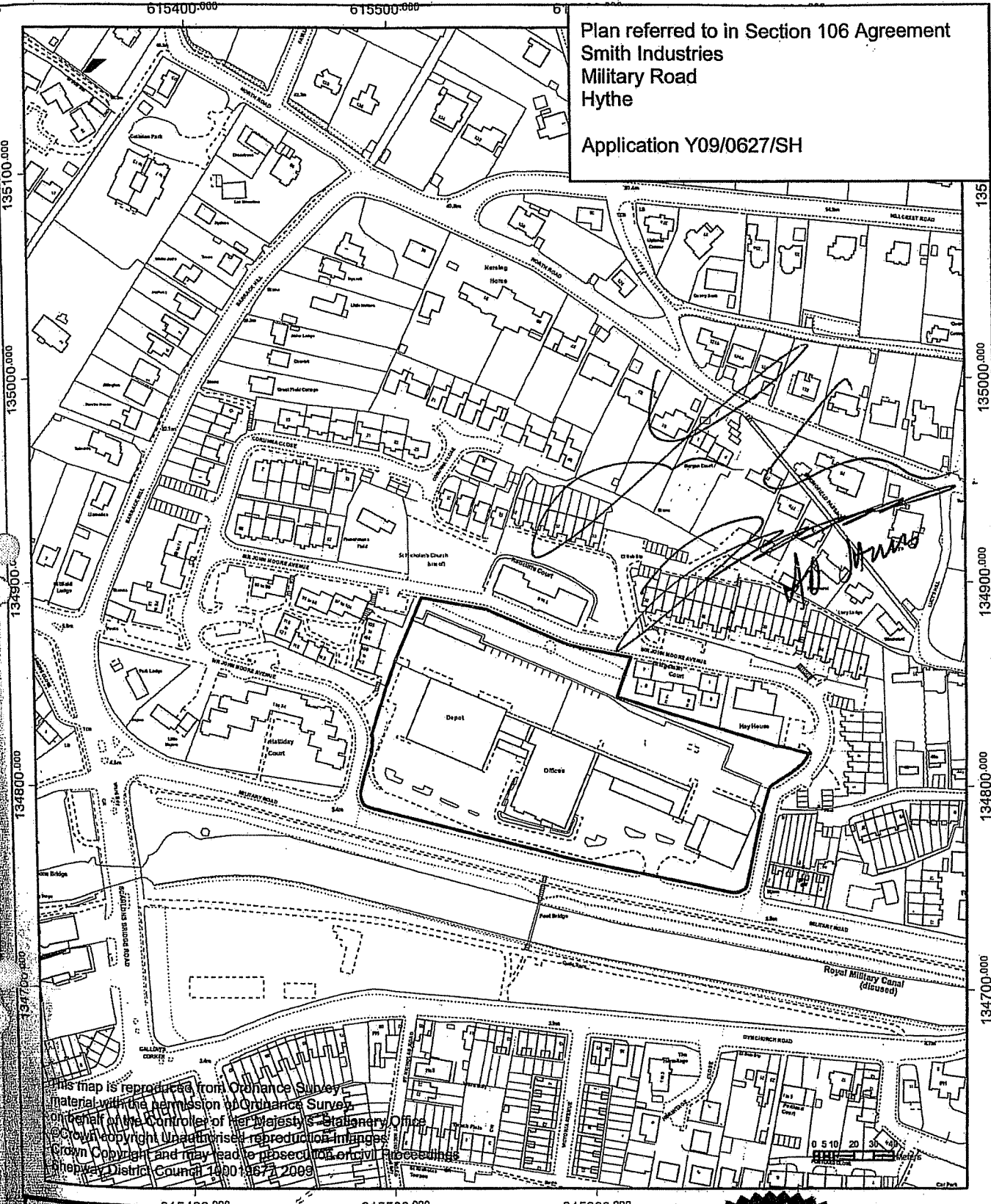
"Additional Sum" a sum equal to the difference between the Contribution and a sum arrived at by increasing the Contribution by the percentage by which the General Index of Retail Prices (all items) published by the Office of National Statistics or any successor office ministry or agency had increased between the date of this Deed and the date the Contribution is paid to the Council (and for the purpose of calculating the increase the General Index of Retail Prices (all items) for which most recent official figures published by the Office of National Statistics are available shall be deemed to be the Index prevailing at the date of payment) provided that in the event of any change after the date of this Deed in the reference base used to compile the said Index a figure taken to be shown in the said Index after such change shall be the figure which would have been shown in the said Index if the reference base current at the date of this Deed had been retained

"Application" the application for the Development submitted by the Owner and bearing reference YO9/0627/SH

"Development"	demolition of the existing buildings and construction of a new Class A1 retail store together with associated car parking, delivery yard and vehicular access
"Implementation Date"	the date on which the first Material Operation is carried out on the Site pursuant to the Planning Permission
"Material Operation"	<p>a material operation as defined by section 56(4) of the 1990 Act in relation to the Development but disregarding any of the following</p> <ul style="list-style-type: none"> (a) demolition of existing structures on the Site (b) decontamination treatment of the Site (c) site remediation work (d) ground works associated with decontamination treatment of the Site and site remediation works or archaeological investigation (e) the erection of boundary structures or other site security or safety measures (f) diversion and laying of services
"Occupation"	the opening for trade to the public of the Development
"Plan"	the plan annexed hereto
"Planning Permission"	planning permission granted pursuant to the Application under reference Y09/0627/SH
"Residential Improvement Contribution"	the sum of £85,000 to be used for the Residential Improvement Purposes
"Residential Improvement Contribution Purposes"	improvements to nearby residential properties in the amount of £10,000 for each of the properties at 3 5 7 9 11 13 15 and 17 Military Terrace and £5,000 for 1a Military Terrace in order to mitigate the effects of the Development
"Secretary of State"	the Secretary of State for Communities and Local Government or any other minister charged with performing the functions of the secretary of state under the 1990 Act
"Site"	the land edged red on the Plan
"Town Centre Contribution"	the sum of £200,000 to be used for Town Centre Purposes
"Town Centre Purposes"	(1) the establishment of a fund to enable the holding of public events in Hythe Town Centre (such fund to be administered by Hythe Town Council and Shepway District

Plan referred to in Section 106 Agreement
Smith Industries
Military Road
Hythe

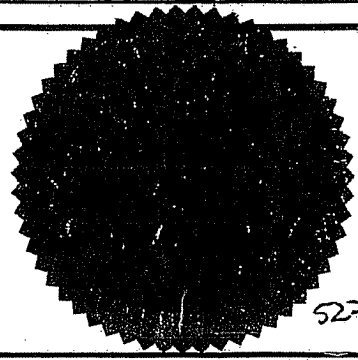
Application Y09/0627/SH



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THE COMMON SEAL OF THE DISTRICT OF SHEPWAY
was here unto affixed in the presence of:-

Solicitor



5271

Council) for a minimum period of 3 years

- (2) public realm improvements within Hythe Town Centre, to include road, pavement, street and decorative lighting, street furniture, public art and signage improvements

"Traffic Management Contribution" the sum of £35,000 to fund traffic management improvements at the Scallons Bridge/ Dymchurch Road Junction

Any reference in this Agreement to any Act of Parliament shall be deemed to include a reference to any Act amending or replacing the same

3. COVENANTS AND LEGAL EFFECT

3.1 This Agreement shall not take effect until:

3.1.1 the grant of the Planning Permission and

3.1.2 the implementation of the Planning Permission by the carrying out of a Material Operation by the Owner or by any other person authorised by it

3.1.3 No person shall be liable for any breach of the covenants restrictions or obligations contained in this Agreement occurring after it has parted with its interest in the Site or the part in respect of which such breach occurs (but without prejudice to the liability of such person for any breach occurring prior to its parting with such interest)

3.2 Nothing in this Agreement shall be construed as prohibiting limiting or affecting any right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted by the Council or the Secretary of State on appeal or by reference to him after the date of this Agreement and for the avoidance of doubt any operations works or development in accordance with such a planning permission shall not constitute a Material Operation under the terms of this Agreement

3.3 If the Planning Permission shall expire within the meaning of sections 91 92 and 93 of the 1990 Act or be quashed by a court of law revoked modified or otherwise withdrawn by the Council or the Secretary of State then (if the s so elect) this Agreement shall cease to have further effect

3.4 Where any approval licence consent or agreement is required pursuant to this Agreement such approval licence consent or agreement shall not be unreasonably withheld or delayed

4. COVENANTS BY THE OWNER

The Owner hereby covenants with the Council that it will not carry out continue or procure the Development without performing and observing the obligations stipulations and other matters set out in this Agreement and the schedule annexed hereto

5. PAYMENT

5.1 The Council covenants with the Owner that upon receipt of any payments under this Agreement they will apply the principal and interest of such sums exclusively towards the purposes set out in this Agreement only **PROVIDED THAT** if the whole

or any part of such sums have not been expended by the Council for the purposes set out in this Agreement at the expiration of a period of seven years from receipt of the payments the Council will forthwith pay the unexpended balance together with duly apportioned interest (such interest to be calculated from the date of payment to the Council to the date of repayment at the base rate from time to time of Lloyds TSB Bank plc) to the person who paid the financial contributions

- 5.2 The Council may either spend a contribution or sum it has received under this Deed itself for the purposes for which it was paid or pass it to a third party to spend on its behalf provided that such contribution or sum may only be applied by the third party for the purpose for which it was paid to the Council and the Council shall procure that the third party complies with the relevant terms of this Deed in relation to such sum or contribution

6. NOTICES

- 6.1 Any notice or other communication to be given under or in connection with this Agreement shall be in writing which for this purpose shall not include e-mail and may be addressed as provided in clause 6.3.

- 6.2 Any such notice or other communication, if so addressed, shall be deemed to have been received as follows:

- 6.2.1 if delivered by hand, upon delivery at the relevant address;

- 6.2.2 if sent by first class post, at 9.00 a.m. on the second working day after the date of posting; and

- 6.3 The address for service of any such notice consent or approval as aforesaid shall be Civic Centre Castle Hill Avenue Folkestone Kent CT20 2QY and any such notice or other communication shall be addressed to the Planning Manager

7. REGISTRATION

The covenants on behalf of the parties hereto to be observed and performed under this Agreement shall be treated as Local Land Charges and registered at the Local Land Charges Registry for the purposes of the Local Land Charges Act 1975

8. THIRD PARTY RIGHTS

The provisions of this Agreement shall not be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person (other than the Council) not a party to it

9. CLAUSE HEADINGS ETC

- 9.1 The clause headings within this Agreement and the schedule hereto are intended for ease of reference only and shall not be deemed to affect the meaning thereof

- 9.2 Reference in this Agreement to clauses are (unless otherwise expressly provided) references to the relevant clauses contained in this Agreement

- 9.3 Words importing the singular include the plural and vice versa and words importing the masculine neuter or feminine genders shall include the other such genders

10. VAT

All consideration given in accordance with the terms of this Agreement shall be exclusive of any value added tax properly payable

11. INTEREST

If any payment due under this Agreement is paid late interest will be payable from the date payment is due to the date of payment at the rate of 4% above the Bank of England's base rate

IN WITNESS whereof this Agreement has been executed as a deed by the parties hereto and is intended to be and is hereby delivered on the date first before written

SCHEDULE

1. To pay to the Council on the date hereof its reasonable legal costs in relation to negotiation and completion of this Agreement
2. To pay to the Council the Residential Improvement Contribution and the Additional Sum prior to the first opening for trade of the Development
3. To pay to the Council the Town Centre Contribution and the Additional Sum prior to the first opening for trade of the Development
4. To pay the Council the Traffic Management Contribution and the Additional Sum prior to the first opening for trade of the Development
5. To pay the Council upon the Implementation Date the monitoring fee of £3,000 being the reasonable estimate of the cost to the Council of monitoring compliance with this agreement

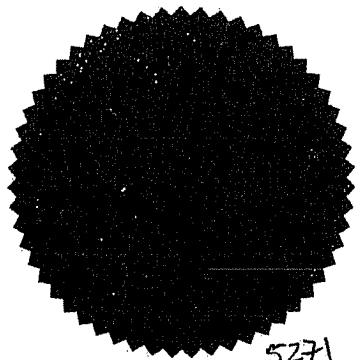
Executed as a deed by affixing the common seal of **SAINSBURY'S SUPERMARKETS LTD** in the presence of:

[Handwritten Signature]
.....
Authorised Signatory

[Handwritten Signature]
.....
Authorised Signatory

The common seal of **SHEPWAY DISTRICT COUNCIL** was hereto affixed in the presence of:

[Handwritten Signature]
.....
.....



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ROAD TRAFFIC REGULATION ACT 1984
KENT COUNTY COUNCIL
THE HYTHE HIGH STREET PEDESTRIANISATION
SCHEME
ONE EXPERIMENTAL ORDER
PUBLIC LOCAL INQUIRY
INSPECTOR'S REPORT

INSPECTOR: SIR PETER BAIRSTO KBE, CB, AFC, DL, CI Mgt

DATE OF INQUIRY: 14-17 JUNE 1994

FILE REFERENCE: 6deR/2057/11D/1

The Chief Executive
Kent County Council
County Hall
Maidstone
Kent
ME14 1XQ

Dear Sir

On 14 June 1994, I opened a Public Local Inquiry at the Hythe Imperial Hotel, Prince's Parade, Hythe for the purpose of hearing objections and representations relating to the following Experimental Traffic Order, made by the Kent County Council on 15 July 1993, in exercise of its powers under the Road Traffic Regulation Act 1984, Sections 9 and 10 and which introduced in Hythe High Street, a Scheme which the Authority proposes to make permanent:

**'THE KENT COUNTY COUNCIL
(VARIOUS ROADS HYTHE)
(EXPERIMENTAL REGULATION OF TRAFFIC)
ORDER 1993'**

The Inquiry continued for four sitting days and closed on 17 June 1994. Prior to the Inquiry I held a Pre-Inquiry meeting at the Portex Social Club, Hythe, on 26 April 1994. I made an informal site visit to the Order's Lands prior to the Inquiry; a formal accompanied site inspection was completed on 17 June 1994.

PREAMBLE

PURPOSE OF THE ORDER

1. The Kent County Council (KCC) introduced the scheme embodied in the Experimental Order in order to test the efficacy of modifications to a pedestrian priority scheme implemented in Hythe High Street in March 1992, which had generated much adverse comment from users, including residents and local traders. If made permanent the scheme presently in place in Hythe would have the following elements:

- a. Traffic flow on High Street one-way east to west from Prospect Road roundabout to the junction with Malthouse Hill.
- b. High Street closed to motor vehicles (except for certain emergency categories) between 11am and 3pm Monday to Saturday, from Douglas Avenue to Bank Street.
- c. Prohibition of access to/from the restricted part of High Street from/to all side roads, at all times.
- d. Traffic flow on Douglas Avenue to be one-way southbound, and on Bank Street to be one-way northbound.
- e. Waiting restrictions over the entire length of High Street, but with some parking allowed on the street and on the fringes of the pedestrianised area.
- f. Traffic calming ramps in High Street.

OBJECTIONS

2. At the opening of the Inquiry the following correspondence had been received from objectors:
 - a. Some 85 written objections received before the Statutory Period expired on 26 January 1994.
 - b. Some 586 further written objections received after 26 January 1994.
 - c. Of the total 671 written objections received, 611 were in the form of pre-printed text of a number of standard formats, individually signed.
 - d. There was some duplication of correspondence from objectors.
3. The main grounds of objection were as follows:
 - a. Adverse effect on business in the town, including access for delivery vehicles.
 - b. Preference for traffic flow in the High Street to be west to east in the interest of trade and access.
 - c. Traffic free zone to apply on Saturdays only.
 - d. Scheme causing congestion on associated roads.
 - e. Inadequate parking arrangements for the disabled.
 - f. Scheme creating road safety hazards.
 - g. Inadequate car parking facilities.

FORMAT OF THE REPORT

4. The report includes the gist of submissions made, my findings of fact, conclusions and recommendations.
5. The following Annexes are attached:
 - Annex A. - Appearances
 - Annex B - Lists of Documents, Plans and Photographs, sub-divided into:
 - Appendix 1 - List of Documents recorded at the Inquiry by the Inspector. Prefix 'S'.
 - Appendix 2 - List of Documents, Proofs and Rebuttals, or extracts of some, selected by the Inspector for inclusion with the Inquiry Report. Prefix 'E'.
6. In compiling this Report I adopt the procedure normally used in documents of this nature for the use of terminology and abbreviation. Except where I use abbreviations in common use (e.g. HGV, dB(A), Vpd, AADT) all titles and terms are written in full when first used, with immediately following in brackets the abbreviations used thereafter in this Report. I use the abbreviation KCC throughout in referring to the Order Making Authority, the Kent County Council.

FORMALITIES

7. At the opening of the Inquiry, Counsel for the KCC confirmed that all the statutory formalities relevant to the Inquiry had been complied with. No points were raised.

THE CASE FOR THE KCC

The material points were as follows:

GOVERNMENT POLICY ON PEDESTRIANISATION

8. It was Government Policy to give clear encouragement to the pedestrianisation of town and city centres, and this had most recently been positively affirmed in the joint Planning Policy Guidelines on Transport set by the Department of Transport and the Department of the Environment in their PPG Note 13 issued in March 1994 (Doc E1/7). This Note made a number of points on retailing and pedestrian issues:

- a. To maintain the effectiveness of the transport system, there were good reasons to place more weight on policies promoting acceptable alternatives to the private car.
- b. Shopping should be promoted in existing centres which were more likely to offer a choice of access, particularly for those without the use of a private car.
- c. Local Authorities should maintain and revitalise existing central and suburban shopping centres, and encourage local convenience shopping by ensuring such areas were attractive and readily accessible on foot or by bicycle.
- d. Local Authorities should make areas and developments safer and more attractive to pedestrians, and take account of the fact that pedestrian schemes can boost the attractiveness of local centres for shopping, employment and entertainment.
- e. Traffic management measures could be a useful tool in encouraging walking and cycling, and making the streets safer.

KCC POLICY ON PEDESTRIANISATION

9. KCC was committed to protecting the environment of town centres from the damaging effects of traffic. The 1993 Approved Transport Plan for Kent (Doc E1/5) stated (TPP 5.7) that streets would be pedestrianised where environmental benefits could be achieved without interruption to essential traffic, and that where access for essential goods vehicle servicing and emergency vehicles could be maintained at an appropriate level, the pedestrianisation of town centres could create a pleasant environment for both visitors and local residents.

10. It was the KCC's policy to attempt to reduce the community's dependence upon the private car, and to promote and encourage non-vehicular alternatives. Walking was considered to be a very important means of transport, and highway users who chose to walk rather than use a car had equal status with vehicles. It was the KCC's policy to seek to improve the environment for the pedestrian by the construction of facilities to segregate walkers from vehicular traffic (Doc E1/5, TPP 1.20). The safety of the more vulnerable road users, such as pedestrians, was given a high priority by the Authority as a specific aim for road safety. With few exceptions the town centres in Kent had pedestrianised areas, and those that did not exhibited accident problems.

11. The Transport Plan for Kent 1993 (Doc E1/5) had two specific policies relating to the vulnerability and safety of pedestrians: Policy 3.4 stated that pedestrianisation was included in a package of measures possible for use as accident remedial measures; and Policy 3.9 stated that traffic management measures would be provided in shopping and residential areas, and small settlements, to deter non-essential traffic.

12. The policies adopted by the Authority set the framework for providing an improvement scheme in Hythe High Street. The key objectives of such schemes in Kent were:

- a. The reduction of reliance upon the private car and its impact on the environment.
- b. Improving road safety.
- c. Specifically improving conditions for pedestrians.

The scheme developed for Hythe sought to balance the conflicting needs that existed in the town, and incorporated elements of all the KCC's relevant policies to ensure its success.

NEED FOR THE SCHEME

13. Nature of Hythe High Street. Hythe was an old town with a very narrow High Street, with equally narrow footways and with little facility for back delivery to or loading from shop premises. Some years ago, the south bypass (Prospect Road) was built to carry through traffic. For many years up to the 1992 scheme, most of the High Street had been one-way west to east.

14. Accident Records. Due to the various pedestrianisation schemes that had been introduced in the town, the accident history for the most recent three year period was rather confusing, hence the records studied included PIAs in the High Street since January 1986. This gave data for a full five year period when no pedestrianised zone was in force, and nearly two years data with the zone in force as currently obtained. The pertinent data was shown at Doc E2, App 1, and the KCC had the following comments on the figures:

a. In the five year period without the zone, there had been some nine PIAs of which seven involved injuries to pedestrians. Five of these pedestrian accidents occurred between 11am and 3pm Monday to Saturday, i.e. during the restricted period which the current scheme covered. The two accidents which did not involve pedestrians both occurred in the period when the first experimental pedestrianisation scheme (introduced by Shepway District Council) was operative, but the incidents were both outside the restricted core hours of that scheme. Although some of the accidents occurred in those parts of the High Street which were outside the pedestrianised zone, it was thought relevant to consider the figures for the whole of the street as being indicative of the general trend.

b. Since the pedestrianisation schemes were introduced, including the reversal of the traffic flow in the High Street there had been one PIA reported to the Kent Police. This involved a cyclist riding the wrong way along the High Street being in collision with a pedestrian.

c. The level of accidents occurring prior to the Scheme being implemented gave cause for concern, particularly in view of the pedestrian involvement in the majority of the incidents. The accident rate for the High Street prior to the Scheme being introduced had been calculated to be 4.48 accidents/million vehicle kilometres. Compared with the 'normal' expected values published by the DTP this was over 4 times the expected rate of accidents for a road of this type (Doc E1/9, Para 2.4.2, Table, showed the value '1' for an 'Urban' 'other' highway).

d. The contrasting accident record for the most recent period since the Scheme was introduced showed that the High Street was significantly safer and the risk to pedestrians in particular had been dramatically reduced.

15. Vehicle-Pedestrian Conflict. Prior to the Scheme being implemented there had been significant conflict between vehicles and pedestrians, as could be seen from the following data:

a. Prior to pedestrianisation, some 2,400 vpd (12 hour) entered the High Street, but with the introduction of pedestrianisation this had been reduced to 640 vpd; this being due in the main to reversal of the traffic flow.

b. Prior to pedestrianisation, some 10,000 pedestrians per day (8 hour) entered the High Street (Tues, Fri, Sat Survey). After the Scheme was introduced, almost 10,000 entered on a Sat, but the Tues flow had fallen to almost 7,000. The overall reduction could be accounted for by seasonal variations, since the 'before' count was done in August and the 'after' count was taken in October.

It was suggested that from these figures it could be deduced that vehicle/pedestrian conflict had been reduced dramatically due to reduction in vehicular traffic flow with the Scheme.

16. Pedestrian Environment. The quality of the environment for pedestrians in a town was particularly difficult to assess, being based largely on subjective judgements. Given the narrow highway and narrow footways, together with the traffic flow levels, it was contended that the conditions for pedestrians in the High Street could hardly have been satisfactory before traffic regulations and other work was undertaken. Apart from the pedestrianisation schemes, some areas of very narrow footway had been widened slightly, and crossing points at footway level had been placed at strategic locations. It was considered that the various measures, taken together, had made the shopping area more pleasant for pedestrians.

TESTS OF PUBLIC OPINION

17. Public Perception Survey. In August 1988, the University of Kent was commissioned to carry out a Public Perception Survey (Doc E1/10), after a first experimental period of pedestrianisation in the High Street. A number of comments were made by people surveyed, including: shopping was safer; people could walk in the road and have more space to walk; and pedestrianisation gave more attractive and pleasant shopping. Conversely, those who did not like the principle of the Scheme commented that: Hythe would suffer a change of character; and shopkeepers would lose trade. Such diverse comments only served to illustrate how subjectivity made it extremely difficult to balance the weight of arguments for and against such a scheme. To rationalise this subjectivity, KCC had used public consultation to judge public opinion on pedestrianisation for the High Street, and during the development of the Scheme before the Inquiry there had been three major tests of public opinion, including the University of Kent Survey already referred to.

DEVELOPMENT OF THE SCHEME

18. Poll by Town Council (HTC). In 1985 HTC carried out a test poll of public opinion in accordance with the Local Government Act 1972, on the possibility of an experimental form of pedestrians priority in the High Street. Some 2590 eligible people registered a vote, which represented a circa 20% response. 57.5% of the responses were in favour of a scheme, with the remainder against.

19. 1988 Scheme. Prior to March 1988, a one-way traffic scheme operated in the High Street and side roads, with kerbside no-waiting restrictions. Shepway District Council (SDC) introduced a 6 month experimental pedestrian priority scheme in March 1988, after a public exhibition. The Scheme provided for vehicles to be excluded during the daytime period from 9am to 5pm, Monday to Saturday. Exceptions were made for shop delivery, private loading and disabled passenger vehicles with permits. The SDC also waived the parking charges in the Prospect Road car park in response to concern over loss of parking spaces in the High Street. The Scheme was abandoned prematurely after 3 months of operation in June 1988. Reasons were attributed to vehement opposition by member of the public. The benefits of the pedestrian only scheme were not thought to compensate for the loss of public car parking revenue. The Scheme had also effectively excluded vehicles from the town centre. From June 1988 to March 1992, the former one-way traffic scheme operated with limited waiting and no parking restrictions along the High Street. The University of Kent Survey of this scheme, after it was abandoned, was a 1:10 sample of Hythe residents and a three day survey of shoppers in the High Street (not when pedestrianisation was in operation). The household sample results were obtained from a 66% response rate to the 984 forms sent out. This was a high response rate for such a survey and may have been indicative of the high interest created locally in the Scheme. The interview survey carried out with shoppers surveyed 742 people over a three day period in August 1988. Both surveys showed 58% of people in favour of pedestrianisation, a clear majority. But they also revealed strong feelings on the subject with a substantial proportion of people (although a minority) clearly against a scheme (37 to 38%).

20. 1992 Scheme. After much consideration (Doc E1/12), consultation and exhibition, and in the light of the University of Kent's Survey, in November 1990 KCC gave approval for a pedestrian priority scheme to be implemented in the High Street. A detailed scheme was then developed, Traffic Regulation Orders were advertised, and consequential objections were considered by the KCC. As a result of this process the Scheme was implemented in March 1992. Underlining the KCC's decisions on the introduction of this Scheme, was a public consultation exercise on the options in June 1990 which showed 68-69% of 3,728 responses to 19,000 distributed leaflets (Doc E1/11) in favour of a scheme, and 31-32% against (Doc E2, App 3). This Scheme had the following characteristics:

- a. Reversal of one-way traffic flow from west-east to east-west direction running from Prospect Road roundabout to the junction with Malthouse Hill.
- b. Prohibition of access to/from the High Street from/to all side roads.
- c. Closure of the High Street to motor vehicles (except delivery and disabled passenger vehicles) from 10am to 4pm Monday to Saturday.
- d. Waiting restrictions over the entire length of the High Street.
- e. Installation of traffic calming ramps to reduce vehicle speeds.

21. Advisory Liaison Panel. In preparing the 1992 Scheme, the KCC recognised that whilst consultation had indicated that a scheme should be provided along the whole length of Hythe High Street, there were particular access difficulties for servicing traffic destined to the High Street shops. Accordingly, it was decided that the 1992 Scheme should be a lower key scheme, incorporating 'traffic calming' measures rather than a full traditional style pedestrianisation scheme; hence, delivery vehicles were allowed access to the High Street at all times. The KCC also agreed to the setting up of an Advisory Liaison Panel (ALP), including members of the County, District and Town Councils, and representatives from the Hythe Chamber of Commerce and Industry, to provide co-ordination on the issues ensuing from the implementation of the scheme (Doc E1/18).

22. Modification of the 1992 Scheme. Following the introduction of the 1992 Scheme, a number of objections and representations were considered by the ALP at a series of meetings between July 1992 and February 1993 (Doc E1/18). The upshot of this work was agreement by the KCC in March 1993 to shorten the length of pedestrianisation in High Street to that between Douglas Avenue and Bank Street, and to shorten the 'core' period to apply between 11am and 3pm. Furthermore, the exemptions for access, applicable to delivery and disabled passenger vehicles, were to be removed.

23. The Current Experimental Scheme. As a consequence of the deliberations on the 1992 Scheme, the Current Experimental Scheme was implemented on 26 July 1993 and would expire on 26 January 1995. Rather than undertake a specific Public Consultation Exercise on the Current Scheme, it was decided to test public opinion of it by consideration of the objections to and support for it through this Public Inquiry process; the outcome of this Inquiry being used to help determine the further action to be taken by the KCC before the Traffic Regulation Order governing the Current Scheme expired.

DETAIL OF THE DEVELOPMENT OF THE CURRENT EXPERIMENTAL SCHEME.

24. General. During the process of developing a pedestrianisation scheme for the High Street, culminating in the Current Experimental Scheme, public responses to consultation identified a number of generic topics which had to be addressed. These are dealt with in the following paragraphs.

25. Deliveries. The 1988 Scheme had specific times available for delivery vehicles to access the High Street separated from 'normal' traffic (9am to 11am and 4pm to 5pm). These times were difficult to illustrate clearly on standard traffic signs and the information on the signing provided was confusing to the general public. The KCC expressly wished to avoid confusion and to reduce unnecessary street furniture at the pedestrian zone entry point. The restriction times were therefore simplified to between 10am and 4pm and due to the difficulties for delivery access, loading vehicles were exempted from the restrictions. However, delivery vehicles became a significant problem for pedestrians in the High Street, shown by many complaints that vehicles were entering the zone claiming to need loading when in fact they were not doing so. It was extremely difficult to substantiate the problem objectively and discussions with the Police indicated that an exemption for loading in places such as main shopping streets very difficult effectively to enforce. The KCC was concerned that loading should be given due consideration but believed that the needs of pedestrians should be paramount. It was thus decided when drafting the Current Experimental Order to remove the exemption for loading, but to compensate by reducing the core time by two hours, to be operative between 11am and 3pm to allow extra time for deliveries to take place.

26. The Disabled. With the 1988 Scheme, similar access conditions to those applicable to delivery vehicles applied to the disabled. However, the disabled also caused significant difficulties in that from the 1990 public consultation, views were evenly split on the issue of allowing disabled drivers into the zone. It had to be remembered that many disabled people could walk and preferred to do so in a traffic free environment. This comment also applied to the many elderly people in Hythe, who whilst not being disabled, nevertheless had difficulty in getting about. It was therefore decided that disabled drivers would not be exempt from the restrictions of the Current Experimental Order but, to compensate this category of person, a total of 11 disabled parking places were provided at five sites at the edge of the zone, thus reducing the overall walking distance they would be faced with.

27. Car Parking. Car Parking was closely monitored during the 1988 Scheme by SDC. To make some allowance for vehicles displaced from the High Street, the town's main car park at Prospect Road was made free of charge for the duration of the Scheme. This resulted in a loss of income to SDC (who owned and ran the car parks) and also resulted in all day parking taking place (i.e. workers in the town rather than shoppers). Although free car parking was attractive from the users point of view, it had little advantage for shoppers and visitors to the town who had to compete for spaces with other motorists. It was not an effective method of managing car parking demand and was not reintroduced for the 1992 Scheme, nor for the Current Experimental Scheme. Additional car parking was provided in Hythe by SDC in the 'The Paddocks' close to the High Street and the on-street parking restrictions were revised to ascertain if any additional spaces would be provided. Discussions with SDC were initiated over the charges levied in the town's car parks to see if any improved management regimes could be introduced.

- b. The objections were believed to have been encouraged by a small number of vociferous shopkeepers who had misrepresented the facts, and overstated any loss of trade.
- c. It was considered that any drop in sales over the recent years was due to the national recession in trade, which had affected all townships, rather than the Scheme.
- d. There was satisfaction with the car parking arrangements in the town.
- e. Mothers with children felt much more secure in the High Street.
- f. A number of supporters wanted to see the core hours extended, and several wanted to see a barrier in the High Street to enforce the Scheme in the core period.
- g. Some 40 disabled people, whilst in favour of the Scheme wanted provision for disabled parking in the High Street during the core period.

SUPPORT FROM THE PEDESTRIANS ASSOCIATION HYTHE BRANCH

One appearance was made, Mr G.B. Binns, Chairman. The material points, including those set out at Doc E3/Encl 19, 30 and 31, were as follows:

THE ASSOCIATION

34. The Hythe Branch consisted of some 110 members, and was a fairly loose organisation, mainly due to the age of its members, which had not held meetings recently. However, 107 members of the Branch were paid up members and the Branch was affiliated to the National Association. The business of the Branch was conducted mainly by correspondence, and the Chairman believed he was fully mandated by the Branch members, who had conducted a long campaign for pedestrianisation of Hythe High Street.

NATURE OF SUPPORT

35. The Branch fully supported the KCC's Current Experimental Scheme which had brought about a welcome daily traffic free period in the High Street. There was no reason for not having a traffic ban in the High Street for at least part of the day, since the town had an adequate bypass, sufficient nearby car parks, and no difficulty with delivery vehicles because they had a seven hour time span in the day within which to deliver goods in the High Street. Back in 1984, Hythe High Street had been a thoroughly unsafe place to shop because of vehicle speeds, the pressure of heavy lorries, cars and motorbikes, and narrow footways filled with walkers, pushchairs and shopping trolleys.

STATUTORY POLL

36. In 1984 the Hythe Branch had been part of a campaign for a Statutory Poll which was eventually lawfully conducted in the Hythe Polling Districts on 10 October 1985. The official results of the Poll, which asked Hythe voters if they were for or against choosing 'to have an experimental form of pedestrian priority in Hythe High Street between Bank Street and Douglas Avenue for a trial period with public consultation to follow' resulted in 1489 votes for the question and 1101 votes against.

CONSULTANCY VIEWS

37. Professor C. Hass-Klau, a consultant based in the UK and specialising in the field of Environmental and Transport Planning, including strong credentials in city centre traffic and pedestrianisation called as a witness by the Branch, proffered the following views relevant to the Hythe Pedestrian Scheme (Doc E4).
38. Pedestrianisation was a well established transport policy all over Europe. It was common experience that retailers, especially independent retailers, would resist the implementation of pedestrianisation. However, they virtually never campaigned for the abandonment of a scheme once it had been in operation for some time.
39. Experience of a significant number of British and foreign towns, including very detailed studies of a small number of towns all over Europe, had shown that a well designed pedestrianisation scheme resulted in a substantial increase in the number of pedestrians visiting the area. A 20-40% increase in the first year was not uncommon. It was felt that properly publicised, the Hythe Scheme would be an asset to the town. It was more difficult to determine how much more money the additional pedestrians brought to town centres.
40. There was strong research evidence from Germany to show that with pedestrianisation, a majority of shops (83%) showed an increase in turnover, only 3% showed a drop. Taken together with other research in Germany, it could be concluded that in that country, with pedestrianisation the majority, but not all, of retailers enjoyed an increase in turnover of the order of 5-20%, be the town small or large. Comparative research in the UK was sparse, but there was some evidence to show that turnover increased with pedestrianisation, not least after an initial decline in trade which could last up to a year. It was true that some types of business were adversely affected by pedestrianisation, e.g. food takeaway, but such were usually replaced by specialist outlets, e.g. antiques businesses.
41. Important studies in the UK of market rents prevailing in the prime shopping sites of over 400 towns in 1987-88, indicated that the highest rents were commanded in pedestrianised streets.
42. It was confirmed that most shops in Hythe High Street seemed to be doing relatively well (May 1994) although they did not appear to be booming. It was considered very likely that for some years there had been a decline in retailing turnover in the High Street, due to an increase in car ownership which had made it easier to drive to other nearby town centres or large food outlets.
43. The number of pedestrians observed on the High Street in May 1994 did not appear to be extremely high for a town the size of Hythe. It should be noted that the KCC pedestrian counts carried out in October 1993, after the Current Experimental Scheme was introduced, were not considered reliable, as an insufficient period of time had elapsed since the introduction of the Scheme to allow for adjustment of shopping practises by all concerned.
44. The High Street had been closed to traffic between 11am and 3pm for about 10 months. If there were any negative effects on retailing as a result of pedestrianisation they should be eliminated by now. However, there were three points to bear in mind:
- a. The closure of the High Street started during a period of recession which must have affected most retailers.
 - b. The High Street was not closed during all the important shopping hours. A much more positive effect could be achieved by extending the core hours to 11am to 5pm.
 - c. If it were correct that there was a decline of retailing turnover as a result of pedestrianisation (as the traders claim) with no restrictions on motor vehicle traffic this decline would have been significantly higher.

28. Pedestrian Crossing Points. For the 1992 Scheme, the locations of the pedestrian crossing points were incorporated in vehicular 'traffic calming' ramps deliberately placed to mark the ends of the High Street (in accordance with the principles set out by the DTP for 'formal' traffic calming) and at pedestrian entry points to the High Street (i.e. the side roads). The side roads were all closed to vehicular traffic at their junctions with the High Street and paving materials were extended down the side roads to emphasise the pedestrianised nature of the area to drivers and pedestrians not approaching via the main through junctions. For the Current Experimental Scheme the crossing points were reviewed to see if their locations were appropriate and no significant alterations were considered necessary. The shortening of the restriction times would cause some disadvantage to pedestrians but the removal of the exempted traffic between 11am and 3pm would go some way towards balancing this disbenefit.

29. Enforcement. Enforcement of the 1992 Scheme was discussed with the Kent Constabulary and the issue of some form of barrier to deter vehicular traffic was considered. Due to the exemptions allowed for loading and the disabled, a simple barrier was impractical to operate and some other method of assisting enforcement was sought. In addition, the desire to break the long established habits of local drivers was necessary to re-emphasise that the High Street had changed its status. This was particularly important in view of the aborted 1988 Scheme: a distinct and dramatic difference was needed to avoid further confusion for local people. It was therefore decided to reverse the flow of traffic in the High Street to east to west. It was hoped that this would have a significant psychological impact on regular drivers in High Street and break the long established traffic patterns in the town. It also enabled a significantly clearer signing scheme to be developed to give better information to drivers, assist enforcement and reduce street clutter. With the exemptions removed and the restricted hours reduced for the Current Experimental Scheme, enforcement of the zone became inherently easier. It would also have been possible to install a barrier to reinforce the restrictions, and allowing the traffic flow in the High Street to revert to the original direction was an additional option. However, it was decided that a barrier would not be provided, but that 'gateway' style feature would be introduced by positioning of the restriction signs. Regarding reversal of the traffic flows, the advantage gained by initially reversing the traffic flow was very significant in traffic management terms and it was not considered desirable to lose this. The potential risk of confusion with the aborted 1988 Scheme was also a factor, since the new restriction start time was 11am, the same as that of the 1988 Scheme. There were no traffic management advantages to reversing the traffic flow again. There would be both practical difficulties and potential road safety problems with a reversal of flow which would be directly hazardous to pedestrians.

SCHEME MONITORING

30. Since the results of the 1988 Public Perception Survey and the 1990 Public Consultation Exercise were broadly similar, and the objections followed a similar pattern, the Public Perception Survey was not repeated for the 1992 and Current Experimental Schemes. Instead, monitoring of the Schemes had taken the form of surveys of traffic flows, pedestrian flows, illegal entry into the restricted area, and general monitoring of car parking problems. Investigation of accident problems was on-going, as against specific surveys which tended to give a 'snap shot' impression. This work had revealed the following:

- a. Accidents. The accident rate since the KCC's Schemes had been in force had been extremely encouraging (Doc E2, App 1) with only one PIA sustained since March 1992. Representations had been made that the extremities of the High Street not covered by the restrictions were less safe than the central core and because these lengths of street carried more traffic it was accepted that there must be a greater risk. However, traffic speeds were observably low in these areas, and the accident records available did not show any difference in actual safety performance of these sections, compared to the core of the High Street.
- b. Traffic Flows. Traffic flows in the pedestrian zone had dropped to approximately a quarter of their levels prior to the scheme being implemented. Pedestrian flows had remained broadly similar to those prior to the scheme. Pedestrian vehicle conflict has therefore dramatically reduced as a result.

c. **Enforcement.** Enforcement of the restricted area was carried out by the Kent Police using both Police Officers and Traffic Wardens. The Police had reported no specific problems with enforcement of the regulations in force, and compliance with the Traffic Regulation Orders was good with approximately 4 to 6 fixed Penalty Notices per day being issued by the Police for contravening the restrictions. On the day traffic surveys were carried out, some 12 vehicles were counted entering the pedestrian zone during the restricted hours. It was likely that up to half of these vehicles would have been issued Fixed Penalty Notices as a result of Police action.

d. **Car Parking.** Car parking had been monitored on an informal basis by observations on-street, in the off-street car parks and by inspection of the revenue statistics held by SDC in respect of their off-street car parks in Hythe. No formal parking surveys had been carried out. Off-street car parking was available at four locations immediately adjacent to the High Street (within approximately 100 metres walk to gain access to the High Street) and there was a total of 292 spaces available for use. Of these all were available for short stay use (up to 3 hours parking) and 93 were for long stay use. The charging tariffs for the car parks varied and had been changed since the KCC's pedestrianisation scheme was introduced to reflect the need for short stay shoppers usage. Observations revealed that generally there were spaces available in car parks in Hythe although competition for spaces in the Mount Street car park was fairly common, and queuing in the aisles occurred. The main car park at Prospect Road was rarely full to capacity and parking opportunities were generally available there. The Public Perception Survey carried out by the University of Kent in 1988 asked whether people found any difficulty in parking and 89% of people interviewed stated they had no problems. There was no reason to suspect that the situation had changed significantly since that time. No significant changes in parking levels or patterns could be determined from examination of the revenue collected by SDC from car parking in Hythe. On-street parking had exhibited some changes in the last few years, with greater pressure evident in certain streets, particularly to the south of the town. However, no particular problems were evident, and the spaces available on-street had been able to accommodate demand without causing congestion or road safety problems.

SUMMARY

31. The KCC took the view that under the provisions of the Current Experimental Order, which had been put into place after a very long period of extensive consultations and studies aimed at getting it right, the pedestrianisation scheme in Hythe High Street was working as it was intended to do. Traffic flows had reduced; pedestrian flows had remained largely unaffected; enforcement was effective; car parking in the town was not overloaded; and accident problems had reduced as a result of the changes. The KCC believed that it would be in the best interests of Hythe if the provisions of the Current Experimental Scheme were made permanent.

THE CASE FOR THE SUPPORTERS

LETTERS IN SUPPORT

32. Some 21 written letters in support of the Current Experimental Scheme were received within the Statutory Period up to 26 January 1994; a further 30 letters in support were received by the opening of the Inquiry (Doc E3).

33. The letters in support included the following main points:

a. The Scheme had brought about a very significant improvement in the environment of the very narrow High Street for pedestrians and shoppers, which had been suffering from traffic congestion and pollution.

45. So far as car parking was concerned, there appeared to be free spaces in the car parks over the lunch period in May 1994. To argue that parking in the High Street would be better for turnover was a case often expressed by retailers elsewhere, but there was no proof that it was a correct assumption. There was, however, evidence to show a tendency to negative correlation between car parking and retail turnover. It was known that car drivers spent more money than other shoppers, but it could be they made one shopping visit for, say, every three visits a pedestrian made.

THE OBJECTIONS

OBJECTION BY HYTHE TOWN COUNCIL (HTC)

One appearance was made, Mr J.D. Button, Clerk to the Council. The material points, including those set out at Doc E5, Vol 2, Obj 672, were as follows:

THE OBJECTION

46. HTC did not object to the Current Experimental Traffic Scheme in principle, but objected to two of its provisions and thus wished to see certain changes to the detail of the Scheme, in the light of experience of its operation.

DIRECTION OF TRAFFIC FLOW

47. Effects on Trade. The Romney Marsh area to the west of Hythe was an important source of business for traders in the High Street. Essentially, Hythe was not a seaside resort, but a shopping town adjacent to the Marsh, whose traders also depended upon tourists in the season who were attracted not to just Hythe's historic interests, e.g. the Miniature Railway, but who stayed in the Marsh area itself and for whom Hythe was the nearest shopping centre. Throughout the year, the resident population of the Marsh was an important source of business. There was overwhelming evidence that the majority of motorists coming to Hythe entered from the west and would therefore like to proceed down the High Street from west to east. With the Current Experimental Scheme and its east to west flow in the High Street, traffic entering Hythe from the west was directed eastwards along Prospect Road, bypassing the centre of Hythe; hence, when drivers reached the Prospect Road roundabout they had already passed the main shopping area of the town, were reluctant to turn back into the High Street, and tended to go on to shop in Sandgate or Folkestone. Whilst it was accepted that the direction of flow in the 'core' period was not relevant to their cases, HTC could see no valid highway or traffic reason for changing the direction of flow from the original west to east direction and wished to see the Scheme modified accordingly. The KCC had said that the purpose of changing the flow was to break the traffic patterns that had been long established in the town, but this was not a valid highway or traffic reason for disrupting the flow of traffic which brought vital trade into the town.

48. Road Safety. In the view of HTC there were persuasive road safety reasons for reverting to a west to east flow of traffic in the High Street. The current westwards exit from the High Street at Red Lion Square into Prospect Road (A259) was a direct T-Junction, adjacent to a blind bend on a trunk road. Vehicles turning right to head west from the High Street found this movement extremely hazardous, since they had not only to cross the traffic travelling from west to east but also cut into traffic that was coming round a blind bend from the east. The KCC had recognised this problem by putting a box junction at the entrance to Chapel Street. If the Scheme were modified to revert to west to east flow in the High Street, the exit would be eastwards at the Prospect Road roundabout, which would provide a less hazardous movement for vehicles in all directions. This was an added argument for reverting to the historic west to east flow of traffic in Hythe High Street.

WAITING RESTRICTIONS

49. The HTC objected to the waiting restrictions imposed in the Order (Section 8a) affecting certain roads in the town, on the grounds that they were too restrictive. It was considered that more areas could be allocated for vehicle parking in the High Street, with waiting limited to one hour in three in the areas.

SIGNING

50. In order to persuade people to park their cars in the peripheral car parks, there should be signs in the Military Road/Seabrook Road and Blackhorse Hill indicating the closure of the High Street during the core period. In addition there should be some similar lighted indication of the traffic restriction at the entrance to the Scheme.

PARKING FOR THE DISABLED

51. It was considered that some of the parking places provided for the disabled were underused and thus incorrectly sited; of special note were those in Dental Street at the junction with Kings Head Lane, since the latter passage was a fairly steep, narrow approach to the High Street from Dental Street which was unsuitable for use by the disabled.

REPLY BY KCC

52. **Direction of Traffic Flow.** Whilst it was appreciated that the earlier long standing direction of flow was of benefit for those travelling in from the catchment area to the west of Hythe the new entry point at the eastern end of the High Street and the east-west traffic flow was adequately signed and had been in existence for a little over 2 years. It was therefore well established in the minds of drivers and pedestrians. The change was made when the pedestrian priority scheme was introduced in March 1992 as a means of emphasising the changed situation at Hythe and was considered to have achieved its objective and was maintaining it. There was concern over the risk of accidents from the change, but there had not been an accident problem as a result. To make the second change to the direction would be confusing and would create a potential risk for accidents which, coupled with the additional cost involved, could not be justified. The following detailed points also be applied to this issue:

- a. **High Street Exit at Red Lion Square.** When the Current Experimental Scheme was introduced, concern over delay at this junction was recognised and the direction of travel in Chapel Street was reversed so as to allow a second option for traffic exiting onto the A259 trunk road. Information from Hythe Civic Society was that drivers wishing to turn right into Chapel Street were having difficulty because of the presence of traffic waiting to exit at Red Lion Square and the 'Keep Clear' markings were put on the road to ease this problem. The A259 trunk road was usually busy and, given the limited sight line to the left, drivers exiting the High Street at Red Lion Square could experience some delay. There was no traffic accident evidence to support the claim that the exit at Red Lion Square was extremely hazardous, or that it was more dangerous than an East Street exit. Since reversal of flow was introduced in March 1992, there had been 2 PIAs at Red Lion Square, both of which involved difficulties at the pedestrian crossing and were not related to traffic flow emerging from the High Street. It was also important to note that the visibility distances available to motorists emerging from Red Lion Square onto the A259 were above minimum DTP standards for new junctions to the west, and only slightly below the standards to the east (Doc S13).

b. Traffic Flow at Red Lion Square. There had been no physical alterations to the traffic flow at Red Lion Square consequent on the Current Experimental Scheme. The junction of High Street with the A259 always having been a 'two-way' priority layout. Prior to the scheme, the flow was 16,645 Vpd (12 hour, May 1991) of which 362 were emerging from the High Street; post scheme, comparable figures did not exist, but observation suggested a 900 vpd flow from the High Street (Doc S13).

c. Roundabout geometry at Prospect Road. The visibility to the right for traffic emerging from the High Street on to the roundabout at the Prospect Road end was well below standard, and there was inadequate deflection available (Doc S13).

53. Waiting Restrictions. The following obtained:

a. Disabled Access. Of the 11 on-street parking spaces converted to dedicated use by the disabled, three were in Dental Street at the junction with Kings Head Lane. Admittedly, the access to these spaces was up a modest incline when returning from the shops, but not all disabled people were able to negotiate such an incline. Overall, the numbers and locations of the dedicated spaces were considered to be reasonable.

b. Availability of parking space in the High Street. Except for the loss of nine spaces on the section of High Street between Red Lion Square and Malthouse Hill, there had been little change to the parking space in the High Street with only three spaces lost between the Prospect Road roundabout and Malthouse Hill. Overall, allowing for gains and losses, the scheme had reduced the available spaces in the town by 17. The pattern of double yellow lines remained much as it was before, with no waiting at all along the north side of the High Street, and only minor changes on the south side. The double yellow lines regulated traffic in the High Street in two particular ways: first they protected the narrow sections from obstruction by parked vehicles; and where the street was wider provided the opportunity for delivery vehicles to unload. Although the KCC considered there was no scope at present to increase on-street parking in the immediate town area, it was a matter which must be reviewed from time to time. For instance the DTP was currently reviewing on-street parking on Rampart Road with a proposal for approximately 100m of limited waiting where long term parking existed at present. This was relatively close to the west end of the High Street and would be of benefit to quick-stop shoppers in that area.

c. Advance Information Signing. This problem had been addressed, and the three main entry points into the town had been suitably signed.

d. Signed Control of Entry. The signing which enforced the prohibition at the entry point into the zone immediately west of Douglas Avenue was clearly visible and positioned at a ramp where the road space had been narrowed, and thus there would be little excuse for drivers who ignored the prohibition. The use of traffic light signals would not be appropriate. The provision of a barrier at the entry point had also been suggested in the past but the presence of barriers created practical difficulties, and since most other schemes operated with the combination of signing and enforcement, it was expected the same would apply at Hythe. Nevertheless a barrier remained an option for consideration in the future and if it did become necessary then the existing entry point would be a suitable site because there was sufficient space to admit the entry of emergency vehicles across the wide footway on the south side of the road without the need for the barrier to be unlocked and lifted. This may not be possible if the flow were reversed and the entry point were sited elsewhere.

OBJECTION BY HYTHE CHAMBER OF COMMERCE AND INDUSTRY

One appearance was made, Mr G.A.D. Egan, Vice-Chairman, who also appeared on his own behalf. The material points, including those set out at Doc E5, Vol 1, Obj. 33, were as follows:

THE CHAMBER (HCCI)

54. HCCI had 70 members and had mandated the objector, at an Executive Meeting on 21 April 1994, to represent the organisation at the Inquiry. The organisation had fulfilled the role of town centre management to some degree for a number of years. HCCI had made known its views on the pedestrianisation of Hythe High Street through its regular attendance and active role at the SDC Business Ratepayers Meeting held each quarter, in a proposal made to the KCC for traffic calming in Hythe High Street prior to the commencement of the 1988 Scheme, and in a proposal to KCC and SDC for a town centre car park on the site of the old United Reform Church, together with land from Sun Lane Surgery and the Hythe Police Station. Incidentally, if the latter were provided, HCCI would view the Current Experimental Scheme in a different light. The HCCI was active in promoting the town in a number of ways, from producing an distributing a free Town Guide, decorating the High Street at festive times, co-ordinating an annual High Street fair and active involvement with a Hythe Festival Week. The HCCI had not promoted the Current Experimental Scheme (i.e. Hythe High Street as a pedestrianised area) because of its temporary nature.

THE EFFECT OF THE SCHEME ON THE TOWN

55. Loss of Business. As a working town, Hythe served the surrounding community with a High Street having some 187 business outlets representing 82 trades. Commerce in the town depended upon easy and quick access to vehicles and people, with 'quick stop' shopping a normal practice; such access was needed, for example, to the six cash tills in the High Street. KCC statistics showed there were some 2,500 vehicles passing through the town daily, with an average stay of 14 minutes per vehicle; during eight hours on 12 August 1988, a Friday, some 10,600 pedestrians used the High Street (Doc E6, App B). With the Scheme, shoppers were having to pre-plan their quick stop visits to the High Street in a vehicle, to take place outside the core period. Consequently, there had been a drop in vehicles entering the High Street of some 72%, with no counter balance shown by an increase in the number of pedestrians; indeed, KCC statistics showed a decrease in numbers using the High Street in 1993 (Doc E6, AppB). It was concluded from this that people were shopping elsewhere, and during the winter months particularly this was self evident from the lack of pedestrians in the High Street during the core period. On a recent survey conducted by HCCI some 65% of shopkeepers said their trade had taken a further dip in the period since 26 July 1993. It was not accepted that the economic recession was the cause, since that adverse effect on trade had obtained for some years.

56. Loss of Car Parking Space. The loss of the 45 car parking spaces on the High Street during the core period did not seem to be a factor considered by KCC when planning the Scheme. Although there were four car parks in the town, all controlled by SDC, there had been no provision made for additional parking facilities in close proximity to the High Street. Mount Street (55 places) and The Paddocks (23 places) car parks had the highest usage, with frequent queues waiting to find places on many days in the week. These parks were the nearest to the High Street and also the closest to the Somerfield Supermarket. Military Road car park (52 places) was at one end of the High Street and therefore had limited appeal to the shopper, also it was behind the Portex office block at No.1 High Street who had 26 season tickets for the benefit of their staff. The Prospect Road car park (168 places) was on the other side of the A259 and although there was a pelican crossing there, traffic on the trunk road was believed to deter many people who might use it to make a quick shopping visit to the High Street. More parking space in close proximity to the High Street was required if any pedestrianisation scheme was to be a viable proposition for the town.

57. Reversal of Traffic Flow. Reversal of the traffic flow in the High Street coupled with the 'No Access' signs had proved to be disastrous for trade in the town. The previous west to east flow provided an easy entry point to the High Street at Red Lion Square, and a convenient exit down one of the side roads or at the roundabout at Prospect Road. Thus the people from the large catchment area of Romney Marsh were able to call in to the town and break a journey with little upset or inconvenience. With the Current Experimental Scheme there were instances where businesses on Romney March who wished to visit the banks with large amounts of cash had had to park and walk in to the town. This was just one example of a whole range of situations which were causing people to look elsewhere for their services. The out of town supermarkets which were situated at Cheriton and Park Farm in Folkestone, and at Willesborough in Ashford, were not many minutes driving time away, and provided free parking with one-stop shopping. An upset such as pedestrianisation of the High Street would easily change many people's shopping habits, bringing the out-of-town developments sharply into focus.

58. On-Street Parking. It was considered that the five disabled parking spaces in Bartholomew Street and Dental Street were little used and merely wasted traffic warden's time in policing them. It was considered sensible to convert them for general use by everyday shoppers. It was also held that there should be a further careful look at the possibility of providing more on-street parking along the length of the road at the town centre and also at the section at the west end. Reinstatement of the former west to east traffic flow would enable the parking spaces outside No.1 High Street to be reinstated, since the loss of these had had a direct effect on trade at that section of the High Street. Chapel Street reversal of flow had seen the loss of parking space opposite the taxi rank, and the reversal would appear to serve no useful purpose other than substituting the difficulties of joining the A259 at the end of Bank Street where it met the flow of traffic leaving the Mount Street car park, for the difficulties of joining the A259 at Red Lion Square.

59. Deliveries to Shops. The core period restrictions were putting an undue strain on the goods delivery services into shops and business premises in the High Street. Lorries were now forced to complete their deliveries and be clear of the High Street by 11am which provided only two hours access at the start of the day; after 3pm there were fewer deliveries. The KCC statistics (Doc E6, App B) showed the total number of goods vehicles using the High Street in 1988 was some 300 daily, in 1993 this had dropped to the 100 mark. Presumably, as trade in the High Street had suffered under the current scheme there was less need for delivery lorries to re-supply the shops, or they were using the narrow side roads. Numbers of delivery vehicles were seen by the HCCI to be using the side streets; in particular, Newmans furniture shop was now taking all deliveries via Bank Street instead of the High Street. As many as 5 lorries a day could be seen calling there, frequently holding up the traffic in Bank Street. Marine Walk Street and Theatre Street, which were both off the centre section, were used by delivery lorries right up to the full articulated size. The drivers having either to reverse into or out of the side street, wasted time in manoeuvring and then again in carrying or trolleying the goods to the shop. Securicor also had to deliver amounts of money by the same system, being unable to use the High Street in the core period. The National Westminster Bank and two major Building Societies were in the centre section. Between Douglas Avenue and Bank Street there were only 14 shop premises with suitable rear access for deliveries. Dental Street and Bartholomew Street, which were parallel to the High Street, were now used by far more shoppers for a quick stop. Delivery vehicles using Dental Street were adding to the traffic congestion along that route, by causing hold-ups in the narrow sections. Shopping traffic had been observed higher up the hill towards the church on Hillside Street. All this added to the nuisance factor for residents in those areas.

ACCIDENTS

60. KCC had persistently stressed that the High Street was dangerous for pedestrians, but the records for the period 1 January 1982 to 31 December 1992 suggested that was not the case (Doc E6, App C). During the period there were only 12 accidents on the High Street, only eight of which involved a pedestrian, and only two of which were classed as serious; hence, it could not be claimed that the High Street was dangerous.

EXPERIENCE OF OTHER TOWNS

61. As shown at Doc E6, App F, there was evidence to show that pedestrianisation could be giving great difficulties for traders. For example, at Wells, a town of some 10,000 people and thus not dissimilar from Hythe, a number of traders in the city centre were gravely concerned about the effects of pedestrianisation on their business. At York, the experience was that some shops were lost and replaced by specialist shops; however, Hythe did not attract the same volume of tourists as York, hence a plethora of shops of the type used by the tourist would not survive there. In November 1992 HCCI carried out a survey of the pedestrianised areas of Rochester, Faversham and Herne Bay, these towns having been pedestrianised for differing numbers of years, with Rochester the longest. The survey found as follows:

	Businesses	Trades	Empty Shops
Rochester	164	54	18
Faversham	143	64	12
Herne Bay	77	41	4
Hythe	183	82	9 (at Nov 1992)

62. Hythe now had 14 empty shops, and the knock-on effect of this had yet to be experienced. Furthermore, the HCCI had information that at least 10 more going concerns were for sale in Hythe. It should be borne in mind that as many as 800 people were taking a living wage from Hythe High Street, so if shops closed jobs and livelihoods would be lost.

THE OBJECTION

63. The objection of HCCI could be summarised as loss of trade in the High Street due to: the restrictions of the core period; lack of additional parking to replace on-street parking in the Hythe Street in the core period; and the reversal of traffic flow in the High Street. Furthermore, the scheme afforded a trading advantage to out of town supermarkets because of: the difficulties caused to vehicle borne shoppers unable to access the High Street at their own convenience; the lack of free parking close to the High Street; and changes to traffic flow disrupting the normal access pattern of shoppers from the Romney Marsh area. Finally, there were the difficulties experienced by vehicles delivering goods to shops due to: their exclusion from the High Street in the core period; side street approaches being very narrow and congested; and only 14 shops in the High Street having rear access suitable for deliveries.

THE SOLUTION

64. The HCCI was firmly of the opinion that the scheme as it currently existed should be discontinued. Instead, whilst retaining the ramps between Douglas Avenue and Bank Street, but returning the flow of traffic to the original west to east, there should be a pedestrianisation scheme from Bank Street to Douglas Avenue operative only on Saturdays from 11am to 3pm.

PUBLIC OPINION

65. The Pedestrian Association, Hythe Branch as Supporters of KCC and as witnessed by Mr G.B. Binns, had referred to the results of a referendum conducted in 1985; however, there was some doubt in the objector's minds as to the validity of the referendum due to the length of notice given to the public.

66. The HCCI was not convinced the views of public opinion produced by the Supporters was a valid representation of the attitude of the people of Hythe to the existing Experimental Scheme. A petition (Docs 57 and 10) organised by Ms. S. Simmons in December 1992 attracted over 2000 signatures, of which 96.99% were against pedestrianisation, was a more accurate indication of the feelings of people who used the shops in Hythe High Street.

REPLY BY KCC

ROLE OF THE CHAMBER

67. Whilst the HCCI was reasonably active in the town it did not represent all the interests of Hythe. There was no overall cohesive town centre management strategy for Hythe, encompassing all aspects of the community and their relationship to the town centre. The proposal for traffic calming suggested by the Chamber of Commerce was a simple photomontage showing the principle of widened footways and ramp locations where the traders would accept them. This was not designed at all and had not been sketched onto a plan to test its feasibility. The ramp locations proposed were more for the convenience of traders rather than being an effective control on traffic or of benefit to pedestrians. The proposal for a car park on the old church site at Sun Lane again had not been investigated in any depth to test its feasibility. No account was taken of the size or layout of the site nor of its inadequate access from the A259. In short the proposal by itself was not adequate for an assessment to be made and its likelihood of being successful very small. Moreover, there was a valid Planning Permission for a sheltered housing scheme on the site. There were a number of proposals for various developments in and around the town centre, including new supermarkets, community centres and other users. These types of development were promoted on a commercial basis and the two councils as Planning and Highway Authorities would negotiate on any proposals that were brought forward for consideration. The High Street Fair which was promoted by the HCCI required the High Street to be closed to traffic, and it would take on a very different character if the road were open to traffic; pedestrianisation tended to stimulate activity of this nature.

LOSS OF BUSINESS

68. Economic Considerations. KCC had studied the economic and commercial factors which affected business in Hythe, both in relation to National and County level trends, and in the light of the circumstances that were local to Hythe. The study had had two main objectives: to provide evidence on the factors affecting trading levels in Hythe; and to explore whether the role of the town had changed markedly over the life of the pedestrian scheme. The results of this work were fully detailed at Doc E7. The main conclusion of this study was that during the lifetime of the pedestrianisation scheme, Hythe retail trade had been affected by changing economic conditions at national and local levels, and by the opening of out-of-town superstores at Ashford and Folkestone. Such developments were not exceptional to Hythe, since every part of the county and the United Kingdom were similarly affected to varying degrees. It was estimated for example, that the superstore in Folkestone, which was opened in 1992 coinciding with the introduction of the pedestrianisation scheme, had reduced Hythe convenience turnover from £10.9 m in 1991 to £8.8 m (1987 prices), i.e. a 19.5% reduction.

69. Bank Survey. In 1992, KCC conducted a questionnaire survey of branches of banks in Kent's small shopping centres, including Hythe. The survey sought to compare changes in retail business in Hythe with those of other small towns. In answering the questions, banks were asked to comment on their impressions of total retail turnover in the surveyed towns. The results of the survey were as follows:

- a. 96% of the respondents indicated that there was a noticeable change in 1992 compared to the previous 12 months in the problems encountered by local retailers.

- b. Most respondents (92%) cited a reduction in sales as a major problem confronting the local retail business with cash-flow problems, squeeze in profit margins and a reduction in customer base coming second, third and fourth respectively.
- c. All those responding to the questionnaires expressed a general decline in retail sales with an average reduction value of between 11 and 15 per cent, but the decline in Hythe was suggested to be in the range of 15-25 per cent.
- d. The majority (62%) attributed the problem only partly to national economic recession while the rest thought it was caused entirely by national economic conditions.
- e. Of those attributing the problem partly to economic recession, two thirds cited increased competition from out-of-town retail developments as the major source of sales erosion from smaller town such as Hythe.

There was no significant difference between respondents from Hythe and those from other towns on the degree to which a reduction in trading levels could be attributed to the impact of out-of town developments. There was general agreement that it was the main contributory factor for loss of sales from the town centres other than national trading conditions. However, the problem of pedestrianisation was mentioned by respondents from Hythe as a secondary factor. The circa 20% loss of convenience spending referred to above was similar to the result from the bank survey for overall loss in 1992. 1992 was a very bad year nationally for retail sales. The problem was compounded by local job losses and the opening of out-of-town superstores. However, as the economy began to grow and as the increased emphasis at national and local policy levels on the role and importance of town centres began to have the effect of reducing further out-of-town developments, prospects for the Hythe economy looked increasingly better, particularly bearing in mind the prospective above average population growth rate for its catchment area, together with the higher than average per capita expenditure stemming from the higher socio-economic profile of the local population.

70. General Conclusion of the KCC Study. In spite of the changes, in the Hythe economy brought about by out-of-town developments and the recession, the economic prospects for Hythe, helped by a loyal and apparently growing local customer base, remained relatively buoyant. There was no significant difference in vacancy levels before and after pedestrianisation, and there had been little or no change in the structure and composition of business represented in the town. Therefore, there was no evidence to suggest that pedestrianisation had had an adverse impact on the Hythe businesses. There might, however, have been an impact from the scheme on traders dependent on 'quick-stop and passing-vehicle' such as confectioners, newsagents and tobacconists, but these represented a very small proportion of shops in the High Street. Any loss of trade would also represent an insignificant amount compared to the overall town's turnover, and should be redeemed by the improved environment for shopping.

OTHER CONSIDERATIONS ON THE ECONOMY OF THE TOWN

71. Short Stay Parking. 'Quick-stop' shopping had been cited as fundamental to the economy of the town. This view was based upon the perceptions of traders, but was not supported by objective figures. Of the six cash tills referred to, only three were located in the pedestrian zone and these were only denied to vehicles from 11am to 3pm. KCC had not produced evidence to show that the average stay of vehicles was 14 minutes prior to the scheme being introduced. Limited waiting had been available in the High Street but Police advice was that fixed penalty notices for motorists overstaying the time limits had been enforced, which suggested that short duration parking did not take place. The decrease in the numbers of people entering the High Street could be attributed in part to seasonal variation; however, the figures could not be compared on a direct basis, but gave broad indications only. Whilst HCCI had said that 65% of traders polled had experienced a 'dip' in trade, they had not been willing to support this assessment with clear data for reasons of commercial confidentiality.

72. General Car Parking. So far as car parking was concerned, prior to the scheme, 17 kerbside spaces were available in the core area; with the scheme there were 16 such places, and these were unavailable for only 4 hours each day. There was adequate parking available in off-street car parks within 100m from the High Street; further, there was extensive on-street parking available immediately adjacent to the town centre. The scheme had removed only 17 kerbside spaces from the town centre. The largest car park, Prospect Road, was immediately adjacent to the main A259 trunk road, with a Pelican Crossing linking it to Sun Lane and direct access to the pedestrianised zone; the car park was just over 100m from the High Street.

73. Reversal of Traffic Flow. There was no 'natural' flow of traffic in the High Street. Whilst the demand for car travel may be weighted towards the Romney Marsh, the previous west to east flow was 'natural' for purely historic reasons. The KCC had studied travel distances and times between selected points in the catchment area and the town centre (Doc S12) which showed that comparing the two High Street flow directions, most vehicles coming to Hythe to shop would have had no reduction in their overall journey distance if the flow were reversed. The only traffic to benefit significantly from reversal would be traffic which travelled from the west through Hythe and on to Folkestone before returning. There was no reason to believe such traffic was a substantial proportion of the whole, and the advantage to such traffic would be hardly great. Whilst KCC accepted that the reversal of flow appeared to have had a significant effect on the drop in flow to 640 vpd, this could be partly accounted for by vehicles now being prohibited altogether from the High Street for four hours per day, together with the availability of the A259 bypass very near to the High Street. Overall, the argument against reversing the flow again hinged on:

- a. At an additional £28k cost, over and above the £241k already spent on pedestrianisation of Hythe High Street (including the 1988 scheme, the 1992 scheme and the modifications which brought about the Current Experimental Scheme) there would have to be strong arguments in favour of further change.
- b. Fortunately, the 1992 reversal did not bring any accidents, but it was considered a risk would arise from another reversal.
- c. Some confusion was avoided with the first reversal because of the concurrent introduction of a number of visible signs, but with a return to the east to west flow such visible signs (ramps, bollards, special paving) would not change.
- d. There could be some risk of public resentment of a second reversal of flow so soon after the first change.
- e. In later years the scheme could not be extended westward in High Street if the scheme were reversed, since it would restrict access to the north of the town from Red Lion Square during the core period; this was a measure recommended by the Supporter's specialist witness (Doc E4).
- f. The position on the better exit onto the A259 from the Red Lion Square and Chapel Street rather than the East Street roundabout end obtained.
- g. A practical consideration when introducing the scheme was that the eastern end at the Prospect Road roundabout provided a particularly suitable site for the signing of the prohibition, since the roundabout provided a good 'escape' route with the prohibition in force; at the west end, those who failed to note warning signs would have to exit via Malthouse Hill and Bartholomew Street. Whilst this point lost significance when the scheme was shortened, since the 'escape' route with a west to east flow would be via Bank Street, a further traffic problem could arise in the area if an entry point at Red Lion Square attracted an increase in traffic emerging from the west in anticipation of finding on-street parking.

74. On-Street Parking. The loss of 17 on-street spaces, and the conversion of 11 spaces to disabled parking had been carefully thought through. The disabled spaces had been provided to compensate for the lack of an exemption to the restrictions for orange badge holders. They were positioned as close to the entry points to the High Street as was practicable, whilst spreading the overall impact of the dedicated parking around the town centre. The disabled spaces were used, but at some times of the day there were spaces vacant. It was considered this type of reserved space should be generally available for use by the disabled at all times, otherwise there was little point in giving preference to them. The loss of 9 on-street spaces in the section of High Street between Red Lion Square and Malthouse Hill was to accommodate two-way traffic on that section. The loss of one space in the central section of the High Street (the pedestrianised area) was because of the presence of a ramp, and similarly the loss of four spaces in the High Street east of Douglas Avenue was because of the presence of a ramp, however two additional spaces were made at the western end of the High Street. The loss of three spaces in Chapel Street was to protect the swept path of vehicles turning left from the High Street when Chapel Street traffic flow was reversed and the two spaces in Douglas Avenue were lost as a result of the changing traffic pattern which requires all traffic to turn left from the High Street into Douglas Avenue during the core period. Other double yellow line restrictions were added on the narrow sections at Mount Street and Marine Walk Street, but this was a rationalisation exercise and did not effect normal parking patterns. The reversal of flow in Chapel Street was done in response to representations made primarily by the HCCI who opined that there would be overwhelming congestion at Red Lion Square. To give a 'relief valve' to any such congestion seemed a sensible provision and had encountered no significant operational difficulties.

75. Deliveries. It was accepted that with the current scheme deliveries were more constrained than they were before. Hythe was only one town amongst very many across the country that had pedestrianised areas, many of which had similarities with delivery problems. It was recognised that deliveries would be a problem particularly, as from the 1990 Public Consultation, some 58% of people responding did not want deliveries to be exempt from the restrictions. It was common practise in many towns for deliveries to be made where vehicles were parked at the fringes of pedestrian zones and the goods carried or trolleyed to the shop. Whilst particular problems may occur to individual operations, this had to be balanced against the benefits derived from removing these vehicles from the pedestrian area. No direct complaints had been received from haulage companies or their representative associations in respect of the scheme at Hythe. Bullion vehicles were not exempt from the restrictions, but there was the capability within the Traffic Regulation Order for the Police to operate discretion in appropriate circumstances. KCC was not aware that either the Banks, Building Societies or Security Firms had experienced particular problems with the current scheme. The provision of rear servicing to all shops in the High Street would be very difficult to achieve due to both the historic nature of most of the buildings (some were listed structures and there was an extensive conservation area) and the level problems on the northern side of the town, where access would effectively be at first floor level. The cost of any such improvements had not been fully investigated, but was likely to be prohibitive. Some limited congestion did occur infrequently in adjacent roads such as Dental Street and Bartholomew Street. Congestion had always occurred in these roads to a minor extent (even when the High Street was not restricted) and whilst it was recognised this caused irritation and difficulty, it had not led to any road safety problems. The Police were aware of this issue and they monitored conditions on an ongoing basis. If enforcement action became necessary due to obstruction being caused then they would address the problem as appropriate.

76. Accidents. The KCC stood by its primary evidence on the reduction in accidents with the scheme. There was no question that there was a very substantial reduction of conflict between pedestrians and vehicles as a result of the whole scheme, including the reversal of flow and traffic calming measures, which must make the High Street a safer place for motorists and pedestrians.

77. Comparisons with Other Towns. The objector had made some comparisons on pedestrianisation between Hythe and certain other towns. These were based upon general reporter's articles in national newspapers, but to quote these as fact was not a scientific or objective basis on which to proceed. As an example of the misleading nature of this evidence it should be borne in mind that Rochester was not pedestrianised; the town had environmental improvements and a traffic management scheme involving one-way streets and waiting restrictions to control traffic. Access was open to all users. A restriction on vehicles obtained on Saturdays and during local festivals, where the street was closed to vehicular traffic. It was worth recording that the nearest car part to the centre of Wells was 400 yards away. Neither Faversham nor Herne Bay were fully pedestrianised, since in both cases the pedestrian zone was the core of the town and there were shopping premises in normally trafficked streets. It was worthy of note that the research carried out by HCCI showed that shop vacancy levels in the town were better than for generally comparable towns in Kent.

78. Loss of Jobs. KCC had firmly established policies, based upon Government Guidance that the car should not be favoured as much as it was in the past. A change of emphasis from car driving to other more environmentally friendly forms of transport was the aim, and pedestrianisation of key areas in town centres was the best method of achieving priority for pedestrians over cars. The evidence available on retailing was that in the longer term pedestrianised centres thrive and could find a market niche to compete with other centres. KCC therefore considered that pedestrianisation and environmental improvements in town centres were the best method of improving local environments to enable them to survive in the face of competition from out-of-town developments.

79. The HCCI's Proposals. The HCCI's solution would effectively remove the scheme as it currently existed, retaining the ramps between Douglas Avenue and Bank Street, with a pedestrianisation Order of Saturdays only between 11am and 3pm. Although the HCCI had put this proposal to the Inquiry on behalf of their members, the organisation had supplied no evidence to suggest that these proposals had widespread support in the town, or that they had consulted the public in an objective fashion to measure opinion. Indeed, there was some evidence to show that in consulting their members, the HCCI had been less than objective since their witness had admitted during cross-examination at the Inquiry that a consultative document circulated in April 1994 (Doc S6) contained a question to traders which would have left no doubt in their mind as to the required answer.

80. The Issue. The objector's case was based upon the unsubstantiated claim that the scheme was having disastrous consequences for traders in the High Street, yet it had been revealed by the objector at the Inquiry that the traders had not been continuing to make monthly returns to the HCCI. It was considered pertinent to suggest that the supporters expert witness' findings that initial opposition to a pedestrianisation scheme by traders melted away once the benefits of the scheme begin to be felt, was having its effect in Hythe. It was noted that of the 83 business outlets within the boundary of the scheme, 29 had objected; whilst of the 103 Hythe business outlets outside the scheme, 16 had objected (Doc S15).

OTHER OBJECTIONS BY APPEARANCE

Six appearances were made: Mr R.N. Collick, Ms J. Fuller, Mr B. Gilbert, Mr M. Sandford, Mr D. Bramley and Mr R. Reesby.

The material points, including those set out at Docs E5, Vol 1, Objs 80, 3, 76, 68, 17 and 38 respectively, were as follows:

GENERAL

81. Apart from Mr Reesby, who was retired, having practised in nearby Folkestone as a Chiropodist for 20 years, and had come to live in Hythe four years ago, the objectors were in business in Hythe High Street. Mr Reesby took issue with most aspects of the scheme, believing that it was very seriously affecting trade in the town, and that it was fundamentally flawed, not least in the reversal of traffic in the High Street, which had broken the natural pattern of traffic in the town and created severe congestion for vehicles exiting via Red Lion Square. Mr Reesby also asserted that the creation of a restricted zone in Hythe was contrary to the provisions of the Department of the Environment's PPG6 for Town Centres and Retail Developments.

LOSS OF BUSINESS

82. The businessmen all objected to the scheme on grounds that it had caused a serious deterioration in their trading levels. Mr Collick, of the White Hart Hotel said that his food trade had suffered a 50% reduction at lunch time, since a former service of some 30 to 40 lunches per day had dropped off to some 6 to 12 being served; his evening business had not been affected. Mr Collick attributed this problem to access difficulties for his guests, many of whom were elderly or disabled people who were formerly able to access his premises directly by vehicle at his High Street entrance at all hours, but now did not like to face the walk from car parking space. These access problems also applied to guests staying at the hotel who were arriving or departing in the core period, and to vehicles delivering to the hotel. Ms Fuller, whose business was mainly in furnishings and fabrics, said her business had decreased to the tune of some 15 to 20% and she attributed this to potential customers being no longer able to use their cars in the High Street during the core period for 'pop-in' shopping. Mr Gilbert had a Fish and Chip takeaway and restaurant business in the High Street, and produced two sets of accounts figures dated 30 October 1992 and 19 May 1994 (Doc E8) relating to his claim that his business had lost revenue as a consequence of the motorist being unable to use High Street access to 'pop-in' to his business in the core period. Mr Gilbert's Accountant had shown that whilst in the years to 31 January 1992 sales had been increasing despite the recession, by October 1992 he was indicating a fall in anticipated sales. Mr Gilbert's own figures in May 1994 suggested that his gross annual turnover had decreased in the years to January 1993 and 1994, with the latter decrease amounting to as much as 20%; the figures also showed a reduction in gross takeaway sales since July 1993. However, all these figures had to be viewed in the light of the takeaway part of the business having been inoperative for three months up to 26 October 1993. Mr Sandford operated a long standing Drapers business, which was the largest independent store in the town. He also claimed that the scheme had adversely affected his business; he was not, however, able to supply figures to show the extent of this effect for reasons of commercial confidence. Mr Bramley, whose business was in Ladies Fashion in the High Street, also said he had lost business since the pedestrianisation scheme was introduced, quoting 30% lost business over the last two years, of which he attributed 15% lost to the effects of the scheme; here again, figures in support of this claim were not forthcoming for reasons of commercial confidence.

DIFFICULTIES WITH DELIVERIES

83. Several of the businessmen cited difficulties with deliveries to their premises as a consequence of the scheme, both during the core period when merchandise had to be carried over varying distances, and outside the core period when the streets tended to be congested because of the reduced time available for delivery during the working day. It was held that some carriers now refused to call at shops in the High Street. Mr Collick said that some firms did not like to deliver in the afternoon, and in any case his premises were closed at that time of the day. Ms Fuller's carriers had difficulty with delivering heavy goods, and her customers had problems with collecting bulky items during the core period.

CAR PARKING

84. Mr Gilbert developed the argument on inadequate car parking in Hythe, particularly on its being too remote from High Street (a problem which was accentuated for the disabled). His case was echoed by Mr Sandford and Ms Fuller who depicted the loss of car parking spaces in the town as a consequence of the scheme.

CYCLISTS

85. Mr Gilbert and Mr Sandford drew attention to the practise of some cyclists who treated the High Street as if it were a two-way route, which was extremely dangerous to pedestrians.

REVERSAL OF THE TRAFFIC FLOW

86. Mr Gilbert and Mr Sandford, together with Mr Bramley, could see no merit in the KCC's decision to reverse the traffic flow, which was illogical, caused traffic congestion, and safety problems for vehicles exiting at Red Lion Square.

CONCERN FOR THE DISABLED

87. The businessmen expressed great concern for the disabled, whom they believed to have much greater difficulty in accessing their premises. There were problems of the remoteness of disabled spaces from the shops.

OTHER PROBLEMS

88. Mr Collick had private parking at the hotel, but experienced difficulties in making use of it. Mr Gilbert was dissatisfied with the materials and methods used in constructing the footways and ramped areas, and also criticised the parking and other signage. He also showed concern about the possibility of further out-of-town retail development (Safeway) near Hythe. Mr Sandford strongly challenged the support for the scheme which he believed to be a minority pressure group, who did not have the best interests of the town at heart. Mr Bramley thought the full economic effects of the scheme would become apparent as shop leases came up for renewal.

PROPOSED ALTERNATIVE

89. The businessmen generally wanted to see an end to the existing Experimental Scheme, including a return to the west to east flow. A Saturday only ban on traffic throughout the town was all that was considered necessary.

REPLY BY KCC

GENERAL

90. The KCC believed that adequate answers to the majority of matters raised by these objectors had already been covered in earlier rebuttals. This applied particularly to general issues pertaining to the affects of the scheme on trade, the reversal of traffic flow and car parking.

POLICY GUIDANCE

91. The environment news release referred to by Mr Reesby highlighted the Department of Environment Planning Policy Guidance for Town Centres and Retail Developments (PPG6). This document set out the Governments Policies on aspects that Planning Authorities should take into account. Although it was intended for those involved in the planning process, it had aims that mirror traffic management objectives, such as the reduction of through traffic, providing traffic calming measures, improved public transport and the like. In particular, it identified the need for measures to improve the pedestrian environment, taking into account the need to deliver goods to shops and to maintain some activity in central areas outside the shopping hours. The present scheme at Hythe was a balance between providing a period during which the pedestrians could shop in comfort and safety on the one hand, whilst maintaining sufficient opportunity for access for deliveries and car borne shoppers on the other.

LOSS OF TRADE

92. The KCC was unable to comment on the commercial position of individual businesses in the High Street, but it was observed that some traders may find it necessary to take commercial decisions to restructure aspects of their business. However, from the research work referred to at the Inquiry, it was held that the recession and out-of-town developments were the major influence as the overall economic situation in Hythe. During his evidence, Mr Gilbert had made it clear that the opposition to the scheme which he sensed a year or so ago had given way to apathy on the part of traders, which was one of a number of indications that the suggestion that the scheme was having disastrous consequences for trade in Hythe was unsupportable. It was worthy of note that two of these objectors claimed that they had lost money over the sale of meals; however, the supporters' expert witness had accepted that takeaway operations would suffer from such pedestrianisation as applied at Hythe. Such effects were to be regretted, especially in respect of the White Hart Hotel with its elderly and disabled clientele - but it was believed that the scheme was to the overall benefit to the general public in Hythe.

THE DISABLED

93. The KCC had kept the needs of the disabled very much in mind during the development of the Current Experimental Scheme. It was accepted that some car borne disabled people may experience difficulty with no exemptions for access but this had to be balanced against the improvement for those who could walk (possibly with difficulty) and preferred to do so in a traffic free environment. The question of how to address the problems for the disabled was very difficult. In the Public Consultation carried out in 1990, there was no clear indication given in response to whether or not disabled people should be exempt from the restrictions. The 1992 scheme had an exemption for disabled drivers (and delivery vehicles) which posed serious enforcement problems for the Police and received significant criticism from local people (both for and against the scheme). The Current Scheme therefore removed the exemptions but reduced the length of street restricted and the core hours of the restriction, and also allowed specific disabled parking spaces to be provided as close to the town centre shops as possible.

ACCESS TO THE WHITE HART HOTEL

94. In response to concerns expressed by the owner and the proprietor the following steps had been taken in respect of access for the hotel:

- a. A pedestrian barrier at the south end of Market Hill has been resited so as to allow sufficient space for a car to park immediately north of the Hotel premises in Dental Street, in order to pick up or set down passengers and load or unload the vehicle. Although this location was in a 'no waiting' area, the standard exemption for such purposes applied. This would also accommodate taxi's servicing the hotel.

b. SDC had agreed a special arrangement whereby the White Hart Hotel would be allocated up to four public car park permits for use by management and guests. There would be a charge for the permits.

c. Because of the special circumstances of the White Hart Hotel in that vehicles parked at the hotel could only exit through the High Street, the Police had exercised their authority under the Experimental Traffic Regulation Order by granting permission for management and residents to drive from the hotel during the traffic free period.

POP-IN SHOPPING

95. 'Pop-in' shopping had been claimed as fundamental to the economy of Hythe, according to the perceptions of traders. No objective figures had been produced to substantiate this, hence any analysis based on this premise was effectively speculation.

DELIVERIES

96. As with all pedestrianisation schemes there would be pressure on carriers in respect of premises which did not have rear loading facilities for adjustments to be made so deliveries occurred outside the traffic free period. The KCC recognised that if this was not possible it created difficulties for drivers of delivery vehicles, who then had to carry or trolley the goods to the business premises. Although KCC was not aware of any direct objections to the scheme being made by carrier companies or their representatives, the difficulties for the operators who had written to Ms Fuller and Mr Egan were understood. However, any delay this generated must be balanced against the benefits of there being a period in the day in which pedestrians could shop in comfort and safety without the intrusion of vehicles. From the 1990 Public Consultation some 58% of people responding did not want deliveries to be exempt from the restrictions. It was common practise in many towns for deliveries to be made where vehicles were parked at the fringes of pedestrian zones and the goods carried or trolleyed to the shop.

CYCLISTS

97. There had been one PIA in the High Street since the scheme was introduced and this did involve a cyclist travelling against the correct direction of traffic flow. Cyclists were not exempt from the Traffic Regulation Order so any cyclist riding inside the zone during the restricted hours was committing an offence and to ride the wrong way up a one way street was a further offence. It was a matter for the Police to address and this aspect of concern has been brought to their attention.

CONSTRUCTION

98. The materials used in scheme were advised by planning officers from both SDC and KCC as being appropriate for Hythe. Construction of the footways and ramped areas had had to take into account particular difficulties for surface water drainage and the worst aspect of any ponding problems had been addressed.

99. The ramps installed in Hythe were intended to be dual purpose in that they had a minor traffic calming effect, but more importantly were an aid to pedestrians in extending a level surface across the carriageway of the High Street at footway height. The bollards installed at these ramps were to prevent vehicles, once at footway height, from driving along adjacent sections of footway. The positions of the ramps had been specifically determined as being at the side road entry points to the High Street where pedestrians 'filter' into the pedestrian area.

OUT OF TOWN RETAILING

100. The possibility of additional development adjacent to the town centre was noted. The SDC as local Planning Authority had to make the decisions on any planning applications received. No application existed in respect of a 'Safeway' development. Government Guidance on out-of-town developments had recently been revised with increased emphasis on the role and importance of town centres, and it was anticipated that SDC would take this into account when making any decisions.

SUPPORT FOR THE SCHEME

101. The KCC did not believe the comment on support for the scheme to be relevant. A significant amount of general debate both for and against the scheme had taken place locally, and there had been three separate tests of public opinion all showing broadly similar results, with a majority of people in favour of pedestrianisation.

SATURDAY ONLY RESTRICTIONS

102. Saturdays only restrictions had been considered by KCC following representations from the HCCI. Such a scheme had not been pursued as the results from the Public Consultations did not support it and there was no public mandate to suggest it would be generally acceptable to the majority of people.

WRITTEN OBJECTIONS

103. The written objections to the Current Experimental Scheme, as set out at Doc E5, Vols 1 and 2 reiterated in the main the points raised by the Objectors who appeared. Effects of the Scheme on trade in the town, direction of traffic flow including exit onto Red Lion Square, car parking and traffic congestion and concern about facilities for the disabled, all figured as points of major importance to those who wrote to the KCC during or after the Statutory Period, or directly to the Inspector. Many of the written objections favoured a 'Saturday only' traffic ban in the High Street from 11am to 4pm. The great mass of the written objections were submitted by use of one of eight pre-printed standard formats produced and circulated by interests in the High Street, notably Mr B.C. Gilbert of Torbay Foods. The KCC had responded to all the material points raised by the written objections, when dealing with the appearances; however, the main points of rebuttal are summarised at Doc E9.

FINDINGS OF FACT

GENERAL

104. Having regard to all the foregoing considerations, I find the following facts, which are referenced to their sources by paragraph numbers in parenthesis.

PURPOSE OF THE ORDER

105. The purpose of the Order is to test the efficacy of modifications to a pedestrianisation priority scheme implemented in Hythe High Street in March 1992 (1).

EFFECT OF THE SCHEME IF MADE PERMANENT

106. If the Scheme were made permanent, it would have the following effects:
- a. Traffic flow on High Street would be one-way east to west from Prospect Road roundabout to the junction with Malthouse Hill.
 - b. High Street would be closed to motor vehicles (except for certain emergency categories) between 11am and 3pm Monday to Saturday from Douglas Avenue to Bank Street.
 - c. Access to/from the restricted part of High Street from/to all side roads would be prohibited at all times.
 - d. Traffic flows on Douglas Avenue would be one-way southbound, and on Bank Street would be one-way northbound.
 - e. There would be waiting restrictions over the entire length of High Street, but with some parking allowed on the street and on the fringes of the pedestrian area.
 - f. There would be traffic calming ramps in the High Street (1).

POLICY

107. It is Government Policy to encourage the pedestrianisation of town centres (8).
108. The Government's Policy on pedestrianisation was recently affirmed in the joint Planning Policy Guidance on Transport set by the Department of Transport and the Department of the Environment in their Note PPG13 issued in March 1994. This note underlined the following points:
- a. To maintain the effectiveness of the transport system, there was good reason to place more weight on policies promoting acceptable alternatives to the private car.
 - b. Shopping should be promoted in existing centres which were more likely to offer a choice of access, particularly for those without the use of a private car.
 - c. Local Authorities should: revitalise existing shopping centres; encourage local convenience shopping by making it more attractive to those on foot; make shopping areas safer and take account of the fact that pedestrianisation schemes could boost the attractiveness of local centres for shopping, employment and entertainment.
 - d. Traffic management measures could be a useful tool in encouraging walking and cycling, and making the streets safer (8).
109. KCC's Policy is to protect the environment of town centres from the damaging effect of traffic, and its Transport Plan provides for streets to be pedestrianised where environmental benefits would be achieved without interruption to essential traffic. It is also KCC's Policy to reduce the community's dependence upon the private car by encouraging non-vehicular alternatives, including walking, which entailed the construction of facilities to segregate walkers from vehicular traffic (9 and 10).
110. With few exceptions the town centres in Kent have pedestrianised areas, and those that do not exhibit accident problems (10).
111. KCC's Transport Plan has specific policies relating to the vulnerability and safety of pedestrians, including for measures to deter non-essential traffic from shopping areas (11).

CONDITIONS IN HYTHE HIGH STREET

112. Hythe is an old town with a very narrow High Street, with equally narrow footways, and little facility for back delivery or loading from shop premises (13, 16, 33a and 35).

113. Prior to pedestrianisation some 2,400 vpd (12 hour) entered the High Street, and some 10,000 pedestrians per day (8 hour) were present (15).

114. The accident rate in the whole of the High Street prior to the 1992 Scheme being implemented was over four times the expected rate of PIA accidents for a highway of its type (5 year rate from 1986-1991) (14).

115. Prior to the 1992 Scheme being implemented, the traffic flow in the High Street was one-way west to east (13).

116. Some years ago, a bypass was built (Rampart Road/Prospect Road) taking through traffic away from the High Street (13).

TEST OF PUBLIC OPINION

117. There were three tests of public opinion during the development of the Current Experimental Scheme which was the subject of the Inquiry (17).

118. In 1985 a test poll carried out by HTC under the provisions of the Local Government Act 1972 resulted in a 20% response, with 57.5% of people in favour of developing a scheme for Hythe, and the remainder against (18).

119. In 1988 the University of Kent conducted a Public Perception Survey after a first experimental period of pedestrianisation in the High Street. The survey produced a diversity of subjective comment, which made it extremely difficult to balance the weight of argument for and against pedestrianisation in Hythe; however, the two methods used resulted in 58% of people in favour of pedestrianisation and 37-38% against (17 and 19).

120. In June 1990, in the run up to a second scheme a Public Consultation by leaflet showed 68-69% of 3,728 responses to be in favour of a pedestrianisation scheme, with 31-32% against (20).

121. Public opinion was also fed into the process of devising the Current Experimental Scheme, by the appointment of an Advisory Liaison Panel through membership of which County, District and Town Councillors, together with representation from Hythe Chamber of Commerce and Industry, were able to co-ordinate implementation (21).

DEVELOPMENT OF THE CURRENT EXPERIMENTAL SCHEME

122. The scheme which was current in the town at the time of the Inquiry followed a long process of consultation and study beginning in 1985, together with experience of the two earlier schemes (17-29).

123. Prior to March 1988, a one-way (west to east in High Street) traffic scheme operated in Hythe, with kerbside 'no-waiting' restriction (19).

124. In March 1988, SDC introduced a 6 month experimental pedestrianisation priority scheme, with vehicles excluded from the High Street from 9am to 5pm, Monday to Saturday. Exceptions were made for shop delivery, private loading and disabled passenger vehicles with permits. The scheme was abandoned after three months due to vehement opposition by the public (19).

125. In March 1992 KCC, as Highway Authority, implemented a pedestrianisation scheme in the High Street, with the following characteristics:

- a. Reversal of one-way traffic to the east to west direction, running from Prospect Road roundabout to the junction with Malthouse Hill.
- b. Prohibition of access to/from the High Street from/to all side roads.
- c. Closure of the High Street to motor vehicles (except delivery and disabled passenger vehicles) from 10am to 4pm Monday to Friday.
- d. Waiting restrictions over the entire length of the High Street.
- e. Installation of traffic calming ramps to reduce vehicle speeds (20).

126. The 1992 Scheme was a lower key scheme, incorporating traffic calming measures, rather than full pedestrianisation, allowing delivery vehicles access at all times because of the particular access difficulties to shops in the High Street (21).

127. In the light of experience, and consideration by the Advisory Liaison Panel of a number of objections and representations in March 1993, the scheme was modified as follows:

- a. The length of pedestrianisation was shortened to that between Douglas Avenue and Bank Street.
- b. The core period was shortened to apply between 11am and 3pm.
- c. The exemptions for access, applicable to delivery and disabled passenger vehicles were removed (22).

128. The Current Experimental Scheme i.e. the modified March 1992 Scheme, was implemented on 26 July 1993; it will expire on 26 January 1995 (23).

129. There has been no specific public consultation exercise on the current scheme, the KCC preferring to use the Public Inquiry process to help determine further action on the future of the Traffic Regulation Order (23).

SPECIAL CONSIDERATIONS

130. During the development of the Current Experimental Scheme, certain generic topics were given special consideration as follows:

- a. Deliveries. During the earlier schemes, delivery vehicles became a significant problem for pedestrians due to many vehicles entering the zone claiming to need loading when they did not; the exemption was one that was difficult to enforce. Hence, deliveries in the current core period were stopped, but the core period was shortened by two hours (25).
- b. The Disabled. A similar problem, and consequent action, obtained in the case of the disabled (26).
- c. Car Parking. To make allowance for vehicles displaced from High Street, the Prospect Road car park was initially made free, but this arrangement does not obtain with the current scheme, since it has little advantage for shoppers and visitors. Additional car parking is provided in The Paddocks close to High Street (27).

d. **Pedestrian Crossing Points.** The crossing points are incorporated in traffic calming ramps placed to mark the ends of the High Street. The side roads are all closed to vehicular traffic at their junction with High Street and paving material is extended down the side roads to emphasise the pedestrianised nature of the area to drivers and pedestrians not entering at either end of the Scheme (28).

e. **Enforcement.** A simple barrier was impracticable with the 1992 Scheme, because of exemption for loading and disabled; hence some other method of assisting enforcement was sought. In addition, the desire to break the long established habits of local drivers was necessary to re-emphasise that High Street had changed its status; this was particularly apposite in the light of the aborted 1988 Scheme. Accordingly, as a psychological measure it was decided to reverse the traffic flow (29).

f. **Advantages of Reversed Flow.** With the restricted hours reduced and the exemptions removed for the Current Scheme, enforcement of the zone became inherently easier, and with the installation of a barrier to reinforce the restriction, the traffic flow could have reverted to the original direction. The KCC decided not to do this because the advantage gained from the reversal was and remains, very significant in traffic management terms, and the potential for confusion with the 1988 Scheme was considered to be and remains, an important factor given the restriction start time for both schemes is 11 am. The reversed flow is also retained because the KCC believes there are potential road safety hazards for pedestrians in a further reversal (29).

CURRENT EXPERIMENTAL SCHEME MONITORING

131. Given the broadly similar results of the 1988 and 1990 surveys of public opinion and the similar pattern of the objections, the public's perception of the 1992 and Current Schemes has not been canvassed (30).

132. Surveys of the Current Scheme in operation by officials have revealed the following:

a. **Accidents.** The accident rate has improved, with only one PIA sustained since March 1992. Traffic speeds in the High Street sections outside the core zone are observably low, and accident records show no difference in the accident performance of those sections from that of the core zone (14 and 30a).

b. **Traffic Flows.** Traffic flows in the core zone at 640 vpd (12 hour) have dropped to a quarter of the original (15a and 30b).

c. **Pedestrian Flows.** Allowing for seasonal variations, there are indications that pedestrian flows have remained broadly similar to those obtained before the Scheme was introduced (15b and 30b).

d. **Enforcement.** Enforcement of the core zone by Police and Traffic Wardens has revealed no specific problems, with relatively few infringements of the regulations reported (30c).

e. **Car Parking.** A total of 292 spaces is available in four off-street car parks within approximately 100m walk to the High Street. Generally there are spaces available for motorists, but competition for space in Mount Street is fairly common; conversely, the main car park at Prospect Road is rarely full. On-street parking spaces are able to accommodate demand without causing congestion or road safety problems (30d).

SUPPORT

133. General.

- a. A fair number of supporters consider the Scheme has brought about a significant improvement in the environment of High Street for pedestrians and shoppers (33a).
- b. Much of the support was orchestrated over the long history of the Scheme by the Pedestrian Association, Hythe Branch. Although the Chairman of the Branch has been very active and involved in the development of the Scheme, the Branch of some 100 members is not very active due to the age of its members, who are contacted by correspondence (34).
- c. The Association was active in seeking the 1985 Statutory Poll (36).

134. Consultant. The Association engaged the services of a UK based consultant with strong credentials in city centre traffic and pedestrianisation. The consultant opined as follows:

- a. Common experience showed that retailers, especially independent retailers, resist the implementation of pedestrianisation, but virtually never campaign for the abandonment of such schemes, which are well established transport policy all over Europe (37).
- b. Experience of pedestrianisation has shown that a well designed scheme results in a substantial increase in pedestrian usage; 20-40% increase being not uncommon (39).
- c. Properly publicised, the Hythe Scheme would be an asset to the town (39).
- d. Research into pedestrianisation in Germany showed 83% of shops experiencing an increase in turnover, with only 3% experiencing a drop (40).
- e. Research in Germany showed a majority of retailers enjoying a 5-20% increase in turnover (40).
- f. Comparative research in the UK is sparse, but there is some evidence to show that after an initial decline in trade, which could last up to a year, turnover increases with pedestrianisation (40).
- g. Some business types are adversely affected by pedestrianisation, e.g. food takeaway, but such are usually replaced by specialist shops e.g. antiques businesses (40).
- h. Studies in the UK showed that market rents prevailing in the prime shopping sites of over 400 towns in 1987-1988 were highest in pedestrianised streets (41).
- j. In May 1994 the consultant observed that most shops in Hythe High Street were doing well, but were not 'booming'. This was put down to increased car ownership and the attraction of large out-of-town outlets (42).
- k. In May 1994 the consultant observed that pedestrian flow in the High Street was not extremely high for a town the size of Hythe (43).
- l. At the time of the consultant's observations, the 11am to 3pm restriction had been in force for about 10 months, by which time any negative result on retailing should have been eliminated (44).
- m. The pedestrian scheme in Hythe started during a recession, which must have affected retailers (44).
- n. A more positive effect of the Current Scheme would be to extend the restrictions to 5pm to cover all the important shopping hours (44).

- o. With no restriction on motor vehicles in Hythe High Street, any decline in retail turnover claimed for pedestrianisation by traders would have been significantly higher (44).
- p. There is no proof that retailer's claims that car parking in the High Street would be better for trade (45).

OBJECTION BY HYTHE TOWN COUNCIL

- 135. HTC does not object to the Scheme in principle (46).
- 136. The Romney Marsh area is an important catchment for shopping trade in Hythe, throughout the year (47).
- 137. Because of concern over delay at the Red Lion Square exit to the A259, the direction of flow in Chapel Street was reversed to give a second exit option for drivers (52a).
- 138. Accident statistics do not support the claim that the Red Lion Square exit is extremely hazardous (52a).
- 139. The visibility distance available to motorists emerging from Red Lion Square onto the A259 are above minimum DTP standards for new junction towards the west, and only slightly below the standards to the east (52a).
- 140. There have been no physical alterations to the traffic flow at Red Lion Square consequent on the Scheme (52b).
- 141. There are indications that the Scheme has resulted in the emerging traffic flow from the High Street having increased from 362 vpd (12 hour) pre-Scheme to 900 vpd with the Scheme (52b).
- 142. Visibility to the right for traffic emerging from High Street onto the Prospect Road roundabout is well below standard, and there is inadequate deflection available (52c).
- 143. Of the 11 on-street car parking spaces converted to dedicated use by the disabled, three are in Dental Street and approached on foot from the High Street up the short length of modestly inclined Kings Head Lane (53a).
- 144. The Scheme has caused the loss of nine on-street parking spaces on the section of High Street between Red Lion Square and Malthouse Hill. Three spaces have been lost between the Prospect Road roundabout and Malthouse Hill (53b).
- 145. Allowing for gains and losses, the Scheme has reduced the available on-street parking spaces in the town by 17 (53b).
- 146. The pattern of double yellow lines remains much as it was (53b).
- 147. The KCC considers there is no scope at present to increase on-street car parking in the town, but the DTP is currently examining on-street parking on the A259 (Rampart Road) over 100m approx for limited waiting where long term parking currently exists (53b).
- 148. Advance information signing has now been provided at the three main entry points into the town (53c).
- 149. The signing of the zone entry points is considered to be adequate by KCC (53d).
- 150. Traffic signal control of the entry points would not be appropriate (53d).

151. A barrier control of entry remains an option for the future, if found necessary, and the existing entry point would be the more suitable site for one (53d).

OBJECTION BY HYTHE CHAMBER OF COMMERCE AND INDUSTRY

152. HCCI has not promoted the Hythe High Street as a pedestrianised shopping area because of the temporary nature of the Current Experimental Scheme (74).

153. A recent survey of its 70 members suggested that 65% had taken a further dip in their trade since July 1993. Although not accepting that this reduction in business was due to the economic recession for reasons of commercial confidentiality the HCCI did not produce any financial evidence to support the contention that the Scheme was the cause of this problem (55).

154. There is some evidence that the Scheme is causing difficulties for delivery vehicles to shops in the High Street, particularly in the period before 11am, only 14 having rear access (59 and 63).

155. Hythe had 14 empty shops at the time of the Inquiry, and the HCCI had undisclosed evidence that at least 10 more going concerns were for sale (62).

156. HCCI opined that as many as 800 people are taking a living wage from Hythe High Street (62).

157. A petition in December 1992 attracted over 2000 signatures, of which 96.99% were against pedestrianisation (66).

158. HCCI's proposal for alternative traffic calming as an alternative to the Scheme has no design support, and the suggested ramp locations are orientated to the convenience of traders rather than to the effective control of traffic or to the benefit of pedestrians (67).

159. HCCI's proposal for a car park on the Sun Lane site does not take account of its inadequate access from the A259 (67).

160. There is a valid Planning Permission for sheltered housing on the Sun Lane site (67).

161. A study by KCC Planning Department (Economic Policy and Research) of the economic and commercial factors which affect business in Hythe revealed the following:

a. The main conclusion of the study is that during the lifetime of the Scheme, Hythe retail trade has been affected by changing economic conditions at national and local level, and by the opening of out-of-town superstores at Ashford and Folkestone (68).

b. The superstore in Folkestone opened in 1992, and is estimated to have reduced Hythe convenience turnover from £10.9 m in 1991 to £8.8 m (68).

c. In June 1992, KCC conducted a questionnaire survey of branches of banks in Kent's small shopping centres, including Hythe, seeking to compare changes in retail business in Hythe with those in other small towns, with reference to total retail turnover in the surveyed towns. The results of the survey support the KCC's belief that as elsewhere in the County, the recession and the opening of out-of-town superstores are major factors affecting economic conditions in Hythe. Pedestrianisation was mentioned by Hythe respondents as a secondary factor. Respondents expressed an average decline in sales of 11-15% with that at Hythe suggested to be 15-25% (69).

d. There is no significant difference in shop vacancy levels in Hythe before and after pedestrianisation (70).

- e. Hythe has a prospective above average population growth rate for its catchment area, and a higher than average per capita expenditure from its higher socio-economic population profile (70).
162. Prior to the Scheme 17 kerbside parking spaces were available in the core zone; these were reduced to 16 with the Scheme (72).
163. Comparing the two High Street traffic flow directions, most vehicles coming to Hythe for shopping purposes would have no reduction in their overall journey distance if the flow were reversed to the west to east direction (73).
164. The pedestrianisation schemes in Hythe have cost £241k; reversing the traffic flow would cost an additional £28k (73).
165. Whilst the 1992 reversal did not cause any accidents, there are strong indications that a further reversal could do so (73).
166. A return to the west to east flow would preclude extension of the Scheme westward in High Street, as recommended by the Supporter's specialist witness (73).
167. KCC acknowledge that at certain times of the day, parking spaces for the disabled may be vacant, including those in Dental Street, but believes this to be an inherent characteristic of such facilities (74).
168. There are good traffic management reasons for the loss of nine on-street car parking spaces to the Scheme, and for the reversal of traffic flow in Chapel Street (74).
169. The arrangements for deliveries in Hythe with pedestrianisation are similar to those elsewhere (75).
170. KCC has received no direct complaints from hauliers or their representative associations about conditions in Hythe with the Scheme (75).
171. The Police have legal discretion on deliveries in the core period, which could be applied to bullion vehicles; none has been requested (75).
172. Of the 83 Hythe businesses within the boundary of the Scheme, 29 submitted objections; of the 103 business outside the Scheme, 16 objected (80).

OTHER OBJECTORS WHO APPEARED

173. Lunch time food trade at the White Hart Hotel has reduced by 50% with the Scheme; evening trade has not been affected (82).
174. There is evidence that the gross annual turnover of a Fish and Chip Restaurant and Takeaway business in the core zone reduced in the two trading years to January 1993 and 1994; for the year to January 1994, the reduction was as much as 20%. However, the Takeaway business was inoperative in the three months to 26 October 1993 (82).
175. Other traders who appeared laid claim to a significant loss of business from the Scheme (up to 15% was quoted) but were not prepared to release relevant accounts for reasons of commercial confidentiality (82).
176. There is some evidence that cyclists are using the High Street as a two-way route and the practise has caused one PIA since the Scheme was introduced (85 and 97).

177. The Supporter's expert witness acknowledged that takeaway traders suffer from a pedestrianisation scheme such as that applied to Hythe (92).

178. As a consequence of representations about the Scheme from the White Hart Hotel, certain measures have been taken to aid access to the hotel (94).

179. Traders produced no objective figures to support their contention that 'pop-in' shopping is fundamental to the economy of Hythe (95).

180. The consultative process revealed no public mandate to suggest Saturday only pedestrianisation in Hythe would be generally acceptable to a majority of people (102).

CONCLUSIONS

GENERAL

181. Having regard to the foregoing findings of fact I have reached the conclusions set out in the following paragraphs. But before doing so I should like to record my appreciation of the work of my Programme Officer, Ms Claire Banks, who undertook her duties with proper care and consideration for the public. I should also like to thank the Kent County Council witnesses for presenting their cases with clarity, and for providing every assistance to the Objectors. I am also most grateful for the courteous and concise manner in which Supporters and Objectors presented their cases.

LEGAL ISSUE

182. It is not my business to comment on legal issues raised at the Inquiry. However, I draw your attention to the Hythe Chamber of Commerce and Industry having called into question the validity of the Poll conducted by Hythe Town Council in 1985, due to the length of notice given to the public. Whilst making no comment on this legal issue, I believe it would be helpful for me to point out that the outcome of any investigation into the matter would in no way alter my conclusions on the Scheme.

THE CASE FOR MAKING THE EXPERIMENTAL SCHEME PERMANENT

183. Having carefully considered all the evidence presented at the Inquiry, both orally and in writing, I have absolutely no hesitation in concluding that the Scheme, to which the 1993 Experimental Traffic Order currently gives effect in Hythe High Street should be made permanent as soon as possible.

184. The Scheme represents the end result of a long period of careful consultation with the public of Hythe, which strongly indicates that there is a majority who favour such a form of pedestrianisation. Equally, the Scheme is the product of painstaking study by KCC, together with practical experience of two earlier pedestrianisation arrangements in the High Street. As is usual with pedestrianisation of an old town, the Scheme is a compromise between the needs of pedestrians, motor vehicles and other road users, commercial interests, and inadequate thoroughfares which do not favour modern shopping practices; I think it is a reasonable solution in all the circumstances. I also think the evidence makes it quite clear that a Saturday only pedestrianisation scheme would be quite inadequate for the circumstances in the town.

185. In my view, KCC were entirely correct in drawing attention to the very serious pedestrian/vehicle conflict which existed prior to pedestrianisation in Hythe High Street, and which has been dramatically reduced in the core zone in the restricted hours. Moreover, such action, already applied extensively elsewhere in Kent, is entirely consonant with Government Policy on separating pedestrians and shoppers in town centres, which is fully backed by the County's Policies. I feel that Hythe High Street must have cried out for pedestrianisation, and the Current Experimental Order vividly demonstrates the advantages of such a measure.

THE OBJECTIONS

186. Loss of Trade. Fundamentally, the Objector's case hinged on the beliefs of some traders that their businesses had suffered seriously from the Scheme. I do not doubt for one moment that these were genuine perceptions, however, on the evidence at the Inquiry, I feel bound to conclude that these perceptions were flawed. In coming to this conclusion, I take particular account of the evidence presented by Professor C. Hass Klau on behalf of the Supporters, and Mr F.A.O. Raji for KCC. I believe that between them these two expert witnesses put the economic situation in Hythe into proper perspective and their evidence was not effectively challenged by either the Hythe Chamber of Commerce and Industry, the Town Council or any of the individual Objectors. I do not believe it possible to reject their evidence that loss of trade in Hythe is mainly due to the national recession and out-of-town developments near to the town, and that as elsewhere Hythe is likely to benefit economically from pedestrianisation of its High Street in due time. I have great sympathy for those whom it is acknowledged are likely to suffer from pedestrianisation, e.g. takeaway food outlets, but I have to agree with the KCC that these are consequences that must be accepted in the wider interests of the environment of the centre of the town. It would perhaps be some comfort to these Objectors should their cases be substantiated that Hythe has potential for increasing prosperity, and therefore new trading outlets, by virtue of its prospective increase in population and higher than average per capita expenditure.

187. Reversal of Traffic Flow in the High Street. It was a major plank of the Objector's case that the east to west traffic flow with the Scheme is detrimental to business in the High Street. However, the case was not sustainable in the light of the facts, which the Objectors did not counter successfully. In terms of traffic conditions, there is no question that Red Lion Square is the safer exit to the A259, and that access from the Prospect Road roundabout provides a better arrangement particularly with its convenient 'abort' route via the roundabout. It could be that some traffic from the Marsh continues on to the most preferred shopping venue to the east of Hythe, rather than turning back westwards from the Prospect Road roundabout, but in terms of distance travelled per round trip, and in the absence of any traffic flow evidence from the Objectors to support their contention, it is difficult to see why the direction of flow should make any difference to shoppers from the west.

188. Deliveries. Any pedestrianisation scheme brings with it difficulties for delivery and collection from shops, particularly where there is no rear access. However, although there was some evidence from Objectors that some carriers were concerned about this, the lack of complaint from carrier's organisations suggests that the problem is manageable at Hythe. Bearing this in mind, and with only four hours of restrictions during the working day, I would not regard problems of delivery to shops or other premises as any good reason to change the Current Scheme in the High Street. After all, the two hour reduction in the core period, which this Scheme introduced was aimed at easing the potential problems of carriers.

189. Effects on the Disabled. It seems to me that the KCC has gone to very reasonable lengths to provide for those disabled who must access the High Street during the core period, not least by the allocation of a significant number of dedicated parking spaces close to the area. Moreover, I do not think it at all unreasonable to expect the majority of Orange Badge Holders to make their visits to the core zone outside the four hour core period; their interest was also taken into account in setting the core period of this Scheme.

190. Car Parking. All the evidence suggests that with the Scheme there is sufficient on and off-street car parking close to the centre of Hythe, such that despite the modest loss of spaces the general public are not unduly inconvenienced for what amounts to a very significant improvement in the town centre environment for those on foot during four hours per working day. Some quick stop shopping may now be precluded during the core hours, if some 100 yards is too long a distance for those on foot, but it is a price which must be paid in the wider interest.

191. Enforcement. Despite the KCC's claim that enforcement is effective, there was an indication during the Inquiry that enforcement of the Scheme could be tighter, due to a tendency for cyclists to ignore the regulations having already produced one PIA. Whilst I accept the KCC's argument that at least for the time being, barrier control of access would not be appropriate, I believe it is a topic which the Authority would want to take up vigorously with the Kent Constabulary, with the aim of improved enforcement by appropriate Officers.

SUMMARY

192. My conclusion on this Inquiry may well be a disappointment to the Objectors who, from their business perspective in Hythe, believe the Current Experimental Scheme is detrimental to their interests. I sympathise with them, for the national recession has obviously brought plenty of trouble for traders in the UK in recent years, as has out-of-town shopping resulted in powerful competition for the High Street, not least from recent large store developments around Hythe. However, from the evidence at the Inquiry, I believe that in assessing the cause of their difficulties most traders have placed too much emphasis on the effects of the Scheme in the High Street, and underrated the major considerations. There are strong indications that whilst some specialist food outlets can be expected to suffer from the Scheme, most businesses will not lose in the long run, particularly if the benefits of the Scheme are widely publicised. Meanwhile, the Current Experimental Scheme in accordance with Government and County Policy brings a welcome relief from traffic in Hythe High Street for the pedestrian during about half the working day and in my view the Scheme should continue in perpetuity.

RECOMMENDATION

193. I recommend that the Experimental Pedestrianisation Scheme in Hythe High Street, authorised by the under-mentioned Order, be made permanent without modification:

'THE KENT COUNTY COUNCIL

(VARIOUS ROADS HYTHE)

(EXPERIMENTAL REGULATION OF TRAFFIC)

ORDER 1993'

Yours faithfully

Peter Bairsto

August 1994

Annexes:

A - Appearances

B - List of Documents, Plans and Photographs, sub-divided into:

Appendix 1 - List of Documents recorded at the Inquiry by the Inspector

Appendix 2 - List of Documents, Proofs and Rebuttals, or Extracts of same, selected by the Inspector for inclusion in the Inquiry Report.

LIST OF APPEARANCES

A. For Kent County Council:

Simon Blackford of Counsel

Instructed By:

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He called:

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**Mr G. Newton
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**Mr F.A.O. Raji BA PhD
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**Principle Planning Officer
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B. For the Supporters:

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He called:

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3. For the Objectors:

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Mr R. Collick

Mr R.N. Collick
White Hart Hotel
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Ms. J. Fuller

Barleycorn
76 High Street
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Mr B. Gilbert

Torbay of Hythe
81 High Street
Hythe

Mr D. Bramley

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Hythe

Mr M. Sandford

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Bartholomew Close
8 Altwood
Hythe

Mr R. Reesby

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Hythe

**LIST OF DOCUMENTS, PROOFS AND REBUTTALS
OR EXTRACTS OF SAME, SELECTED FOR
INCLUSION WITH THE INQUIRY REPORT**

Document	Title
E1	- List of Deposit Documents
E2	- Proof of Evidence G. Chandler - Kent County Council
E3	- Folder of Letters in Support of the Current Experimental Scheme - Kent County Council
E4	- Proof of Evidence Professor C. Hass-Klau - Pedestrian Association, Hythe Branch
E5	- Folder of Objections to the Scheme (2 vols) - Kent County Council
E6	- Proof of Evidence G.A.D. Egan Esq. - Hythe Chamber of Commerce and Industry
E7	- Proof of Evidence Mr F.A.O. Raji - Kent County Council
E8	- Proof of Evidence Mr B. Gilbert, Torbay Foods Co.
E9	- General Rebuttal of Written Objections - Kent County Council

LIST OF DOCUMENTS ENTERED**AT THE INQUIRY**

Document	Title
S1	- Attendance List
S2	- Bundle of correspondence with Hythe Town Council relating to matters before the Inquiry - Kent County Council
S3	- Note from MV SH Roberts concerning one way traffic in Hythe
S4	- Details of total numbers of objections and letters of support submitted at the opening of the Inquiry - Kent County Council
S5	- Two cuttings from newspapers concerning pedestrianisations elsewhere
S6	- Copy of Notice to Traders, April 1994 - Hythe Chamber of Commerce and Industry
S7	- Petition of 2001 signatures to a document entitled 'Pedestrian Scheme in Hythe - Save our Street'
S8	- Hythe Chamber of Commerce and Industry Newsletter - February 1991 - Kent County Council
S9	- Photograph of Traffic Signing in Faversham - Mr Reesby
S10	- Petition, Hythe Chamber of Commerce and Industry to Kent County Council, January 1993
S11	- Response by Kent County Council to Doc S3
S12	- Table and Plan of Local Journeys using East-West and West-East flows - Kent County Council
S13	- Information of sighting distances at Red Lion Square Junction - Kent County Council
S14	- Note of feasibility of roundabout junction at Red Lion Square - Kent County Council
S15	- Note on Businesses registering an objection to the Order - Kent County Council
S16	- Note by Kent County Council on Statutory Procedures concerning the Inquiry