



Department of the Environment

Lambeth Bridge House, Albert Embankment,
LONDON, SE1 7SB

Direct line 01-211 5004
Switchboard 01-211 3000

Messrs Moore and Blatch
Solicitors
21 Carlton Crescent
SOUTHAMPTON
SO9 1XS

Your reference

Our reference

Date 18 May 1988

Dear Sirs

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
PROPOSED WORKS AT ROYAL MILITARY CANAL, HYTHE, KENT
APPLICATION BY J S BLOOR LTD

1. The Secretary of State by letter of 9 November 1987 granted scheduled monument consent to your client for works proposed to fill in a length of approximately 1040 metres of the Royal Military Canal at the eastern end with a suitable fill material to enable a series of interlinking water basins with associated residential housing units and flats to be constructed. You will, I am sure, remember that it was originally the Department's intention to hold an inquiry into this application, jointly with the inquiry arranged to consider the related planning application which had been called-in for decision by the Secretary of State, but that in the event and following the withdrawal of objections to the scheduled monument application by the Historic Buildings and Monuments Commission the consent was given before the inquiry into the planning application began.

2. When the decision on the scheduled monument application was made the Department was not aware of any objections to the proposals except for those originally made, and subsequently withdrawn, by the Commission. It has subsequently been put to the Secretary of State, however, that other objectors might have been disadvantaged because the publicity given to the arrangements for the joint inquiry had led them to believe that they would have an opportunity of making representations on the scheduled monument consent application at that inquiry and prior to any decision being taken and that to that extent they were deprived of an opportunity of commenting on your client's application.

3. The consent granted on 9 November is, in the Secretary of State's view, valid and remains so unless either set aside by the courts or revoked by the Secretary of State under Section 4 of the 1979 Act.^{*} In this case as it is accepted that possible objectors might have been deprived of the opportunity of being heard in respect of your clients' scheduled monument consent application it is considered that it would be reasonable and proper for the Secretary of State to give such objectors the opportunity to make representations to him now so that he can make an assessment as to whether he should propose to revoke the consent. To enable this assessment to be made Lord

* no mention of National Heritage Act 1983, Section 29

Caithness, the Minister responsible for scheduled monuments matters, has written to the Member of Parliament representing the persons who felt aggrieved by being deprived of making their views known to the Secretary of State prior to his taking his decision on the scheduled monument consent application, saying that he will invite their representations. The Secretary of State is also arranging for publicity to be given which will provide that any representations should be addressed to officials at Heritage Sponsorship Division, Room 242, Lambeth Bridge House, London SE1. I enclose a copy of the relevant notice. Any representations will then be copied to you for your clients' observations. Only after this will the Secretary of State take a decision as to whether or not to set in hand the revocation procedures in Section 4 and Part II of Schedule 1 of the 1979 Act.

4. You will be aware of the terms of Section 9 of the Act concerning compensation. I do appreciate the concern which this letter is likely to cause your clients.

5. I am sending a copy of this letter to the Historic Buildings and Monuments Commission, to Shepway District Council and to the Member of Parliament for the objectors.

Yours faithfully

Paula Griffiths

PAULA GRIFFITHS

Conversation with
Inspector's Report

3.11.88 (Lockie Dept)
18 May 1988 !!



Department of the Environment

Room 244

Lambeth Bridge House London SE1 7SB

Telex 886598

Direct line 01-238 4312

Switchboard 01-238 3000

GTN 238

Moore and Blatch Solicitors
21 Carlton Crescent
Southampton
SO9 1XS

Your reference B ET 18 31

Our reference HSD9/2/1386

Date 10 August 1989

Sirs,

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT, 1979 (AS AMENDED) PROPOSED WORKS AT THE ROYAL MILITARY CANAL, HYTHE, KENT

1. I am directed by the Secretary of State to refer to the Department's letter of 18 May 1988 in which you were informed of the Secretary of State's intention to give objectors to proposed works at the Royal Military Canal an opportunity to make representations to enable him to assess whether or not he should set in hand the procedures, contained in Section 4 and Part II of Schedule I of the 1979 Act, for revoking the scheduled monument consent which was granted, subject to conditions, to your clients, J S Bloor Ltd, on 9 November 1987. (That consent related to works to fill in a length of approximately 1040 metres of the Royal Military Canal, Hythe at the eastern end with a suitable fill material to enable a series of interlinking water basins with associated residential housing units and flats to be constructed.)

2. A public notice dated 20 May 1988, giving all persons who wished to do so the opportunity of making representations to the Secretary of State, was published in the Folkestone Herald on 3 June 1988, copies were posted at the site of the development proposals and a copy was sent to each of the known objectors to the related planning application. Representations were requested by 1 July 1988.

REPRESENTATIONS RECEIVED

3. A total of 240 representations were received by the Department in response to that notice. The Secretary of State found particularly relevant to the question of whether he should set in train revocation procedures representations about (1) the historic interest of the canal; (2) the effect of the proposed works on the nation's heritage; (3) the uniqueness of the monument; (4) the procedures which were adopted in granting the scheduled monument consent; (5) the adequacy of the concessions made by your clients; and (6) the additional information provided by the Fortress Study Group. These aspects are commented on in detail in the following paragraphs.

4. Representations made in relation to the historic interest of the monument referred on the whole to the historical significance of the canal (as a defence against the Napoleonic threat and its relationship to other defensive features in the area); and, to the historical background relating to its conception and development (including details of its construction).
5. Representations made on the effect of the proposed works on the nation's heritage said that the canal should be protected for present and future generations to enjoy and in particular that it should be viewed as an entity which would be affected by the loss of any of its parts. Representations were also made to the effect that the development proposals would lead to the loss of the most historically important section of the canal which had been recognised as such, in that only that part had been scheduled.
6. Representations about the uniqueness of the canal stressed that it was constructed with bends at intervals to provide enfilading which enabled the canal to fulfil a dual function - as a defensive work and also as a means of land drainage - and that only two canals in Great Britain have royal designation, ie. the Royal Military Canal, Hythe and the Royal Caledonian Canal.
7. Representations were made about the procedures adopted in granting the scheduled monument consent, in which it was said that those who had expected to make their objections to the scheduled monument consent application known at the inquiry had been deprived of the opportunity of doing so; that the scheduled monument consent was thereby void or that there was thereby sufficient justification for the revocation of that consent.
8. Representations about the adequacy of the concessions agreed by your clients were to the effect that they would not offset the loss of this section of the canal. Doubts were expressed about the effectiveness of the concessions, particularly those affecting the redoubt, and that the provision of a museum/heritage centre, possibly sited in Hythe town centre, would not compensate for the loss of part of the canal itself.
9. One person making representations provided additional information, this being the proof of evidence of Mr R Crowdy of the Fortress Study Group, which had been presented at the inquiry held between 10 November and 10 December 1987 into the application for outline planning permission submitted by Southern Spas Ltd. That proof of evidence made reference to the revetted eastern wall of the redoubt which, it was understood, housed a tunnel, believed to lead from the redoubt, before passing beneath a road, to the Shornccliffe Battery.
10. The representations made in respect of the points referred to in paragraphs 4-9 above were copied to yourselves and to Shepway District Council (the owners of the land in question) on 5 July 1988, for comment.
11. You wrote to the Department on behalf of your clients on 22 July 1988 that the consent had been rightly given and indeed was consistent with independent expert advice which your clients had previously obtained. You also referred to the fact that representations relating to the scheduled monument had been allowed by the Inspector holding the inquiry into the called-in planning application (although, of course, by that time, as appreciated by the Inspector, the scheduled monument consent had already been given).
12. Shepway District Council wrote to the Department on 28 July stating that in their view the representations did not appear to contain any fresh issues not previously known to the Secretary of State. They said that some of the grounds of objection appeared to relate to planning issues and had been

discussed at the inquiry into the planning application. They submitted that, in the circumstances, revocation of the consent would not be appropriate and in addition made the following points:-

(a) The section of the canal within the proposed marina site was scheduled as an ancient monument two months after the planning application was lodged and was the only section of the canal to be scheduled. The Council accepted that the canal is an important historic feature but that its eastern end had been altered significantly over the years. The sluice, wharf, redoubt and bridges are not in their original state and, in the Council's opinion, their historic importance had been thereby lessened. As your clients had undertaken to refurbish the redoubt and any works to it will form the subject of separate application(s) for scheduled monument consent, the Council submitted that the redoubt is not now an issue. The Secretary of State had already recognised the historical significance of the canal by scheduling that section of it.

(b) The Historic Buildings and Monuments Commission had objected to the proposals originally and the Secretary of State was aware of the original advice of the Commission when the scheduled monument consent was granted. The Commission had subsequently withdrawn their objection following undertakings from your clients: these included the provision of a heritage centre/museum. This would, in the Council's view, provide a setting for detailed display of material and artefacts of the canal and associated defence system. The benefits to be derived from the proposed heritage centre and the part played by the canal in the Napoleonic defences were known to the Secretary of State when scheduled monument consent was granted and the Council believed no new points had been raised since.

(c) The canal runs for 30 kilometres of which only 1040 metres were scheduled. The rest of the canal remained to be recognised as an entity worthy of scheduling. Passage was not possible along its entire length due to two dams.

(d) The tourist potential of the canal was also relevant to the scheduled monument aspects. The Council accepted that the canal had considerable tourist potential which they considered would be maximised by the marina proposals and the existence of the heritage centre.

The Council submitted that, in the circumstances, revocation of the consent would not be an appropriate course of action.

THE HISTORIC BUILDINGS AND MONUMENTS COMMISSION

13. The representations relating to the issues mentioned in paragraphs 4-9 above, together with your response and that of Shepway District Council, were copied to the Historic Buildings and Monuments Commission to consider whether, in the light of the representations and comments made, they wished to maintain the advice they had given in November 1987 to the Secretary of State that conditional scheduled monument consent be granted. The Secretary of State also asked the Commission for their view on whether the loss of the eastern end of the canal, some 1040m, albeit a small percentage of its total length, would be likely to diminish to an unacceptable degree the value of the interest of the monument as a whole.

The Commission advised the Secretary of State on 26 August 1988 as follows:

"We have studied these representations carefully with a view to assessing whether we wish to maintain the advice which we offered to the Secretary of State in November 1987 that consent should be given for the scheme. With the exception of evidence prepared by the Fortress Study Group for the Inquiry (and enclosed with the letter of 3 June from Mrs Williams) which refers to a tunnel leading from the redoubt under the Seabrook Road in the direction of the Shorncliffe Battery, the representations provided no new evidence on the historical significance of the scheduled area, and the potential damage to it from the proposed works. The tunnel, which is apparently threatened by the proposed access road to the site, is not scheduled. Nor is it evident that it could not be saved by some realignment of the access road, although we have not investigated this possibility with the developers. This new evidence does not in any case materially alter our assessment of the importance of the scheduled area, or therefore lead us to alter the advice which we have already given to the Secretary of State in relation to the proposed scheme.

It is evident that the loss of even part of the existing canal must diminish the interest of the monument as a whole although all the features originally associated with the defensive system have not survived intact. The developers have however agreed to preserve the redoubt which is an important but long neglected feature of the defensive works, and also to provide a museum to make good the current lack of any adequate explanation for the public of the purpose and significance of the canal. In the view of the Commission, these concessions mitigate the overall loss caused by the development sufficiently to make it acceptable."

FURTHER REPRESENTATIONS RECEIVED AFTER 1 JULY

14. After 1 July 1988, the closing date for submission of representations referred to in paragraph 2 above, further correspondence was received. This was taken into account insofar as it included any additional information relevant to the Secretary of State's consideration.

(1) It was claimed that a plan, which had been submitted to the Commission, showed, close to the redoubt, an area of land as open space; that this land had however been built over several years ago; and that this meant it would be difficult to get to the redoubt or for the heritage centre to be a focal point. It was also claimed that the proposed heritage centre would not fit into the redoubt; that your clients' consultants had said that it would be better sited elsewhere, possibly in the town centre; that the new access road to the development would cut through the remains of the redoubt; and that the concessions offered by your clients could not therefore be realised. The Commission's views were sought and they responded as follows:-

"The plan is plainly a sketch and not intended to be a measured survey. We agree it seems to be based upon an out of date map, it does not show Nos. 278-280 Seabrook Road; however, its purpose is to indicate schematically the location of new buildings and works and that it does. The proposed Heritage Centre could be fitted into the space allotted on the plan and we have already noted that the new access road will break through the wall of the Redoubt. If the developers receive the consents they seek, we shall be discussing with them precisely how the road and Heritage Centre can be arranged to do the least damage to what remains of the monument. We do not consider the drawing is misleading or that it provides a case for altering the views expressed in the earlier advice letter of 26 August 1988".

(2) A question about the effect of the rise in height of the level of water in the marina basin against the walls of the redoubt was raised. The Commission's views were again sought. They said that the question had been raised previously and that:-

"The redoubt is constructed of ashlar blocks which are, in the lower courses, about 1 ft deep. A rise in the water level of 7' 6" would mean the submerging of the redoubt below the top 4 or 5 courses. The monument would still remain as a substantial feature and we do not therefore wish to change the substance of our advice on the proposals. We would only wish to add that an assurance should be sought from the developers and their solicitors that 7' 6" would be the maximum rise in the water level as a rise beyond that would be another matter and require further consideration."

SECRETARY OF STATE'S CONSIDERATION

15. The Secretary of State has carefully considered all the representations, your response and that of Shepway District Council, the views expressed by the Commission and, insofar as it is relevant to the consideration of whether or not to revoke the scheduled monument consent, the Inspector's Report of the inquiry held into the called-in planning application.

16. With regard to the representations that the scheduled monument consent granted on 9 November 1987 was void as objectors had not been given the opportunity of being heard at an inquiry, the Secretary of State is satisfied, as set out in his letter to you of 18 May 1988, that the consent is valid and remains so unless set aside by the Courts or revoked under S.4 of the 1979 Act.

17. With regard to the representations made by the Fortress Study Group which provided additional information about the presence of a tunnel from the redoubt, the Secretary of State considers it relevant that in all probability the tunnel itself is not within the area of the scheduled monument. However, be that as it may, having considered the additional information about the tunnel, the Secretary of State is satisfied that even if the tunnel were to be found to be within the area of the scheduled monument, and even had he had the additional information relating to it before him when he reached his decision on the application for scheduled monument consent, he would not have been minded to give a decision other than the one that he did.

18. The Secretary of State has considered the representations made about the plan referred to in paragraph 14 above, the feasibility of providing the heritage centre at the redoubt and the effect of the access road on the redoubt. He has noted that whilst it is claimed that the heritage centre could not be fitted into the redoubt, the Commission take the view that it could. In any event, the Secretary of State notes that your clients' undertaking did not specify the precise location of the centre and he has no reason to believe that the undertaking as given could not be complied with.

19. With regard to the course of any new access road the Secretary of State has noted the undertakings given to the Commission at the time of the consideration of the application for scheduled monument consent that the layout be re-designed to preserve what is left of the redoubt and/or to incorporate it in a rebuilt or enhanced form in its present position and to make provision for the protection of the redoubt in an appropriate form with security railings or fencing and a public notice or plaque. The Secretary of State has also noted the finding of the Inspector that the new access road would involve construction through the redoubt and that he had received representations to

the same effect (see paragraph 14 above). He has also had regard to the comments of the Commission also given at paragraph 14 above that they had been aware that the new access road would break through the wall of the redoubt. In forming a view on this matter the Secretary of State has had regard to the fact that the plans presented to the inquiry which show that a new access road would breach the redoubt are submitted for illustrative purposes only and that no scheduled monument consent has been given for any works which would enable the wall of the redoubt to be broken through. A separate application for scheduled monument consent would be required for any such works or indeed any works which would damage the redoubt.

20. The rise in water level in the marina basin against the walls of the redoubt has also been referred to in paragraph 14(2). In this respect the Secretary of State would point out that the plans submitted with the application for scheduled monument consent showed that there would be a rise in water level of up to 7'6", and that the Commission's advice is that at that level enough of the redoubt would remain visible for it to remain a substantial feature. The Secretary of State considers that were there to be a proposal which would involve any greater rise in the water level a fresh application for scheduled monument consent would be required.

21. The Secretary of State was, at the time of granting the scheduled monument consent for the proposed works, fully aware of the importance of the Royal Military Canal. He has accepted that the canal is important in the context of its entirety and, due to its strategic significance, that the eastern end of the canal, including the redoubt, is the most important part, even though the redoubt appears to have been long neglected and there are doubts about the extent to which features in this section of the monument have survived intact. Your clients' undertakings included the making of the provision for the preservation of what is left of the redoubt and/or its incorporation in a rebuilt or enhanced form and the provision of a museum within the development, which would in the Secretary of State's view make an important contribution to the appreciation and understanding of the historical and military significance of the Royal Military Canal and its associated defensive system, and these considerations were taken into account when the Secretary of State gave scheduled monument consent. However in the light of the representations now made, the Secretary of State has again weighed the importance of the ancient monument and its preservation against whether consent should have been given for the proposed works set out in the application for scheduled monument consent. In doing so, he has again had regard to the undertakings which were given. He has also taken into account all other material considerations including not only the representations made as the result of the Secretary of State's invitation of May 20 1988 (see paragraph 2) but also the Inspector's Report of the inquiry into the planning application heard between 10 November and 10 December 1987 insofar as it touched on matters which are relevant to his decision on whether or not to revoke the scheduled monument consent. (In this respect, he notes that any such matters, which were raised at the planning inquiry, appear to have been taken up in the representations). The Secretary of State has also noted the opinions in relation to the monument of the Inspector and Assessor as expressed in the Report and he has decided, having taken everything before him into consideration, that it would not be expedient for him to put in train revocation proceedings for the purpose of revoking the scheduled monument consent granted by him on 9 November 1987, being satisfied that the decision given by him was at that time, and remains, the right one.

22. A copy of this letter is sent to Mr Michael Howard, MP, Shepway District Council, the Historic Buildings and Monuments Commission and to those who submitted representations in response to the public notice dated 20 May 1988.

I am Sirs

Your obedient Servant

PAULA GRIFFITHS

Authorised by the Secretary of State
to sign in that behalf.



Department of the Environment

Lambeth Bridge House, Albert Embankment,
LONDON, SE1 7SB

Direct line 01-211 5004
Switchboard 01-211 3000

Messrs Moore and Blatch
Solicitors
21 Carlton Crescent
SOUTHAMPTON
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Your reference

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Date 18 May 1988

Dear Sirs

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
PROPOSED WORKS AT ROYAL MILITARY CANAL, HYTHE, KENT
APPLICATION BY J S BLOOR LTD

1. The Secretary of State by letter of 9 November 1987 granted scheduled monument consent to your client for works proposed to fill in a length of approximately 1040 metres of the Royal Military Canal at the eastern end with a suitable fill material to enable a series of interlinking water basins with associated residential housing units and flats to be constructed. You will, I am sure, remember that it was originally the Department's intention to hold an inquiry into this application, jointly with the inquiry arranged to consider the related planning application which had been called-in for decision by the Secretary of State, but that in the event and following the withdrawal of objections to the scheduled monument application by the Historic Buildings and Monuments Commission the consent was given before the inquiry into the planning application began.

2. When the decision on the scheduled monument application was made the Department was not aware of any objections to the proposals except for those originally made, and subsequently withdrawn, by the Commission. It has subsequently been put to the Secretary of State, however, that other objectors might have been disadvantaged because the publicity given to the arrangements for the joint inquiry had led them to believe that they would have an opportunity of making representations on the scheduled monument consent application at that inquiry and prior to any decision being taken and that to that extent they were deprived of an opportunity of commenting on your client's application.

3. The consent granted on 9 November is, in the Secretary of State's view, valid and remains so unless either set aside by the courts or revoked by the Secretary of State under Section 4 of the 1979 Act. In this case as it is accepted that possible objectors might have been deprived of the opportunity of being heard in respect of your clients' scheduled monument consent application it is considered that it would be reasonable and proper for the Secretary of State to give such objectors the opportunity to make representations to him now so that he can make an assessment as to whether he should propose to revoke the consent. To enable this assessment to be made Lord

* no mention of National Heritage Act 1983, Section 29

Caithness, the Minister responsible for scheduled monuments matters, has written to the Member of Parliament representing the persons who felt aggrieved by being deprived of making their views known to the Secretary of State prior to his taking his decision on the scheduled monument consent application, saying that he will invite their representations. The Secretary of State is also arranging for publicity to be given which will provide that any representations should be addressed to officials at Heritage Sponsorship Division, Room 242, Lambeth Bridge House, London SE1. I enclose a copy of the relevant notice. Any representations will then be copied to you for your clients' observations. Only after this will the Secretary of State take a decision as to whether or not to set in hand the revocation procedures in Section 4 and Part II of Schedule 1 of the 1979 Act.

4. You will be aware of the terms of Section 9 of the Act concerning compensation. I do appreciate the concern which this letter is likely to cause your clients.

5. I am sending a copy of this letter to the Historic Buildings and Monuments Commission, to Shepway District Council and to the Member of Parliament for the objectors.

Yours faithfully

Paula Griffiths

PAULA GRIFFITHS

Conversation with
Inspector's Report

3.11.88 (Lockie Dept)
18 May 1988 !!



English Heritage

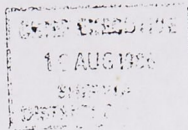
Historic Buildings & Monuments Commission for England

Room 238 Fortress House 23 Savile Row London W1X 2HE Telephone 01-734 6010 ext: 588

Your reference

Copy to *SES*
CTPS

Our reference
AA 53308/1



Date
18th August 1986

The Chief Executive
Shepway District Council
Civic Centre
Folkestone
CT20 2QY

Dear Sir

THE ROYAL MILITARY CANAL, HYTHE, KENT. COUNTY MONUMENT 396

I am requested by the Secretary of State for the Environment to inform your Council that he has included the above-mentioned monument in the Schedule compiled and maintained by him under Section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (as amended by the National Heritage Act 1983). A copy of the entry in the Schedule relating to the monument is enclosed. The site of the monument is shown outlined in red on the enclosed map.

The fact that this monument has been scheduled means that it appears to the Secretary of State for the Environment to be one of national importance. The object of scheduling a monument is primarily to protect it from damage, destruction or any unnecessary interference or if that is not possible, to ensure that the monument is not damaged or destroyed before an opportunity has been given for it to be examined by experts.

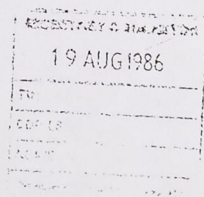
I also enclose a formal application in duplicate for the entry recording the inclusion of the monument in the Schedule to be registered as a local land charge in Part 4 of the appropriate local land charges register. In due course, would you please complete and sign the duplicate copy of the application in the space provided at its foot and return it to me. A pre-paid label is enclosed for your use.

The application contains a description of the charge and the necessary particulars to enable your Council to register the charge in accordance with the Local Land Charge Rules 1977. The offices of the Historic Buildings and Monuments Commission at the above address may be referred to in the register as the place where the relevant documents may be inspected but it would be appreciated if you could arrange for the copy of the entry in the Schedule which is enclosed with this letter to be made available at your Council's offices for inspection upon request.

Yours faithfully

Mimi Fenshawe

H J P WEBB



HISTORIC BUILDINGS AND MONUMENTS
COMMISSION FOR ENGLAND

1.
COPY to be retained/returned

ENTRY IN THE SCHEDULE OF MONUMENTS COMPILED AND MAINTAINED BY THE SECRETARY OF STATE FOR THE ENVIRONMENT UNDER SECTION 1 OF THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 AS AMENDED BY THE NATIONAL HERITAGE ACT 1983

MONUMENT ROYAL MILITARY CANAL
PARISH Hythe
DISTRICT Shepway NATIONAL GRID REFERENCE TR178348-186349
COUNTY Kent COUNTY NUMBER 396(u)

DESCRIPTION OF MONUMENT AND ASSESSMENT OF ITS IMPORTANCE

In 1812 the defence of the left flank at Shorncliffe was completed by excavating the canal under a projecting escarpment to a depth of 22ft. A drawbridge was built to carry the Hythe-Folkestone Road across the cut. The contiguous battery, begun by General Twiss in 1809 was left incomplete. The drawbridge over the seabrook was removed in 1840 and the unfinished defence work blocking part of the Sandgate-Hythe road was removed in 1841.

The canal here is a slightly silted up, broad water course. South of the canal south bank a scarp rises to the level of rough ground between the canal and the sea road. North of the canal the parapet is still evident, largely vegetation free but with some new trees planted along its north edge. A path runs along behind. Evidence of a concrete gun emplacement survives near the north-east end of the canal and the north bank of the canal is stone revetted here.

Part of a grand defensive strategy for coastal defence in South East England against the threatened invasion of Napoleon Buonaparte. Associated with the Martello Tower system and the defensible camp for the field army on the Western Heights, Dover. The canal, by cutting off Romney Marsh, was intended to trap the invaders in the Marsh and prevent them from quickly obtaining a foothold on the higher ground to the north.

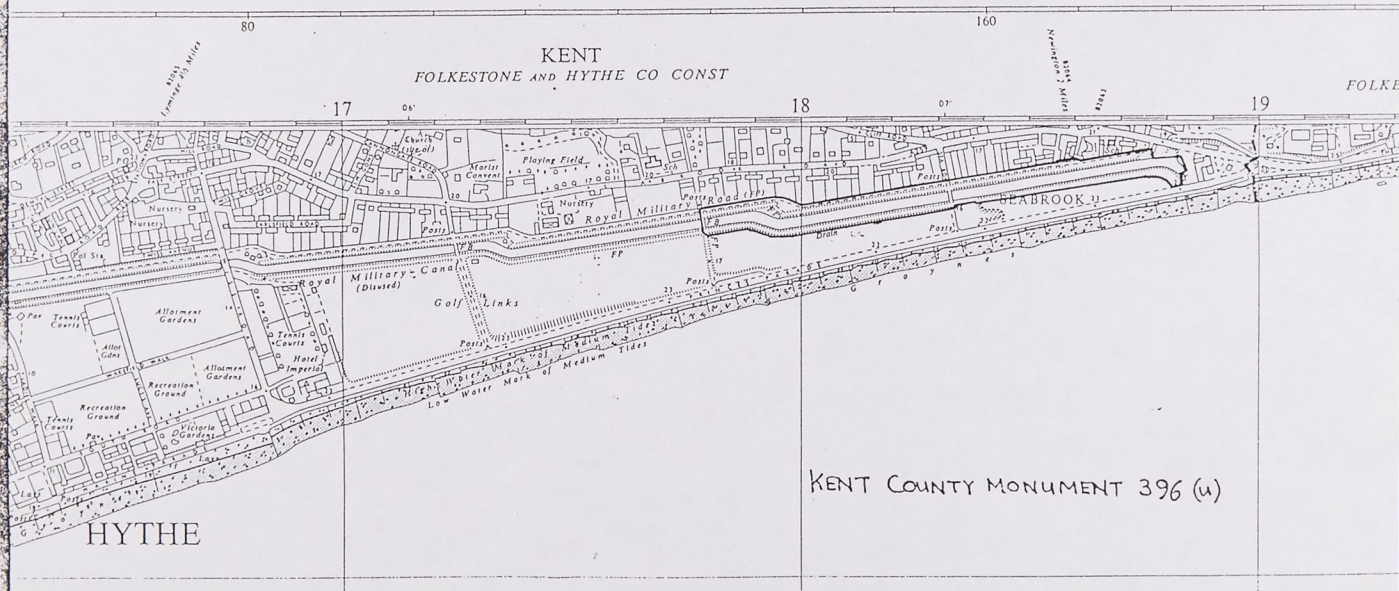
The site of the monument is shown on the attached map outlined in red.

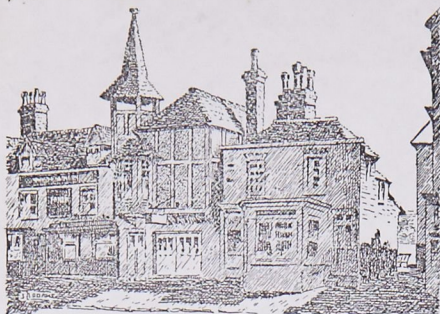
MONUMENT INCLUDED IN SCHEDULE ON 14 August 1986 SIGNED R. J. [Signature]

ORDNANCE SURVEY

Scale 1:10,560 or 6 Inches to 1 Mile

KENT
FOLKESTONE AND HYTHE CO CONST





THE SANDGATE SOCIETY

*Affiliated to:—
Kent Federation of Amenity Societies
Committee for the Preservation of Rural Kent
The Civic Trust*

Hon. Treasurer

C. H. Bryant, Esq

Chairman

G. C. Edmunds, Esq. MA.FCIT

Hon. Secretary

Mrs. J. Thompson

FOLKESTONE AND HYTHE LOCAL PLAN - FIRST ALTERATIONS

Public Local Inquiry 18 September 1990

Sandgate Society (Mrs L. René-Martin) appearing as

Witness for Seabrook Association

in support of objections to

Policy T 8 (Page 32, 33)

under the heading of 'Tourism and Recreation'

Evidence appended shows that Policy and site plan also fail to respect

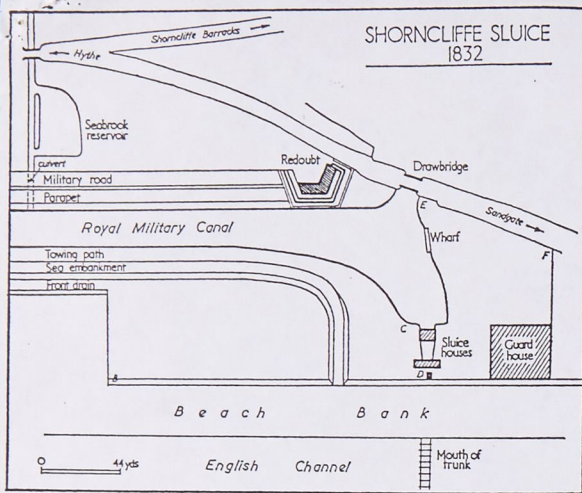
1. The Open Space Needs of Sandgate, and
2. The historical significance of the Royal Military Canal, its banks and associated works, for Sandgate and the Nation-at-large. (See Appendix 1)
3. The acquisition and purposes of the site, including MOD rights in perpetuity (See Appendix 2)

1. RECREATION AND OPEN SPACE NEEDS (p.34 and 35)

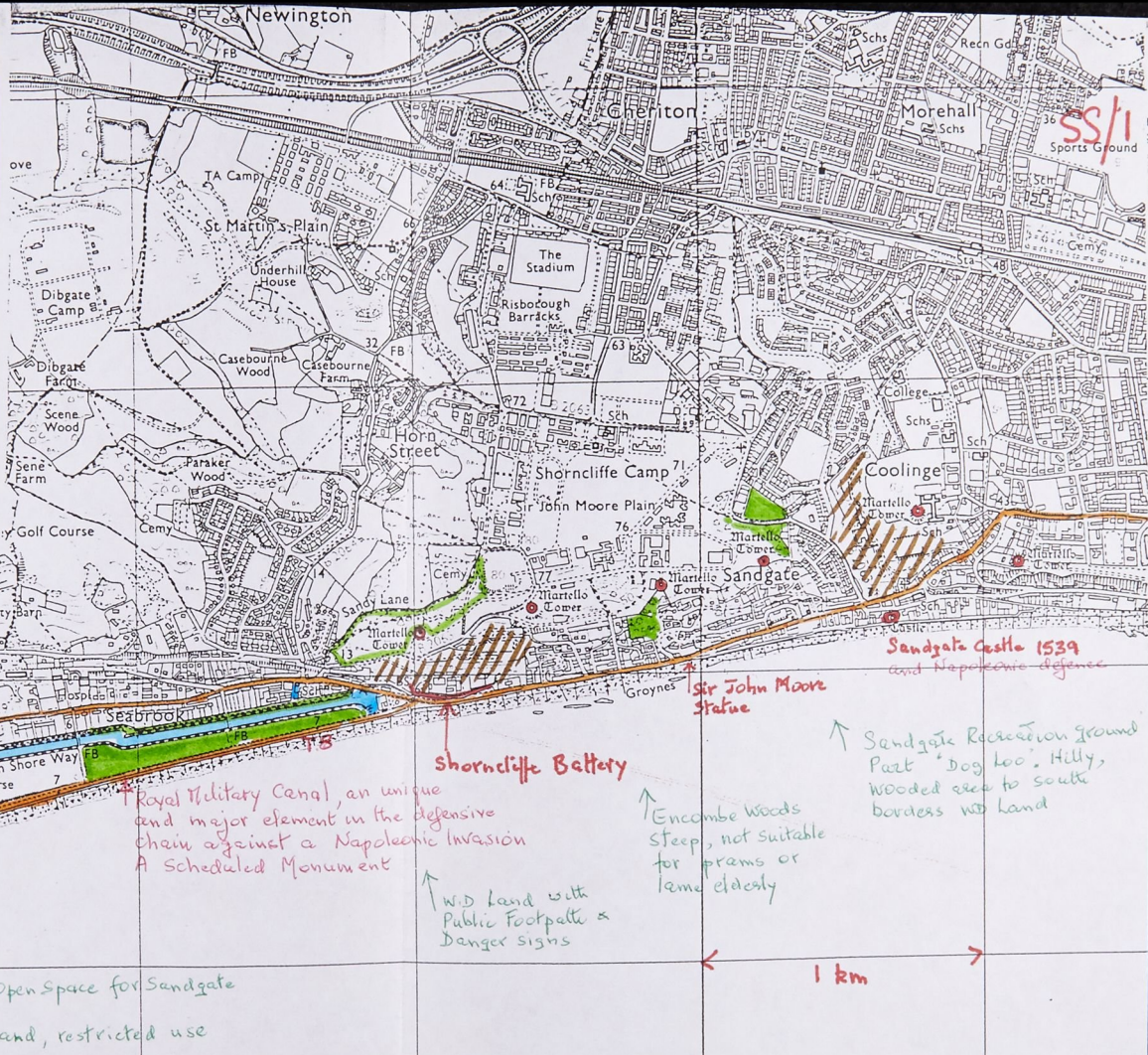
- 1.1 Par: 7.11.1 states that 'the area is generally well supplied with facilities for both formal and informal recreation but there are a number of identified deficiencies and more may be identified from time to time'
- 1.2 Sandgate's deficiencies within the urban area and its 'Open Space Needs' were defined in 1975 in the Sandgate Study an Informal District Plan published by Shepway District Council in conformity with the Local Government Act of 1972. Section 15 (p.75), Sandgate, pays no regard.
- 1.3 The boundaries of Sandgate are defined naturally by Army land, the coast and Radnor Cliff (p.2). Under the heading Public Open Space, the District Plan (ibid) stated (p.14) 'Clearly, it would not be practicable to meet completely all open space needs within the small area of Sandgate, and a full range of facilities can only be achieved by looking to the surrounding areas' and it added 'the open area on the landward side of the coast road Prince's Parade west of Seabrook does much to offset local deficiencies' (p.14) ← p 15
- 1.4 Since the Sandgate Study was drawn up, Sandgate's Open Space Needs have become all the more acute. Since 1986 alone, over 700 housing units have been built or planned within the Sandgate area. This unprecedented upsurge follows upon demolition and intensive redevelopment of old property, by infill, and by the release of 18 acres of MOD land on Hospital Hill for housing, and an approved residential complex on the 27 acre wooded Enbrook estate close to the village centre. The Sandgate Study addressed the possible use of part of these grounds for public recreation (p.41 and 57) but this is now ruled out.
- 1.5 The full extent of the maintenance gangway fronting the Sandgate seawall is unusable in storm conditions and at some high tides, and is not dedicated to Public Use. Bicycling is forbidden (Exhibit 3) Part of the small Sandgate Recreation Ground on Military Road is reserved for a 'dog loo' and is unsuitable for children (Exhibit 1)
- 1.6 Under Tourism and Recreation the Sandgate Study states (p.13) 'Reference has been made previously to the extent to which kerbside parking is available along the Esplanade and Prince's Parade towards Hythe, and the general adequacy of this provision for parking requirements associated with the coast. As it happens, there are no suitable opportunities for making further arrangements within the Study area and should a future need arise it will only be possible to consider this in relation to Prince's Parade.' On fine weekends, the increasing congestion alongside the A 259 on Sandgate Esplanade underlines this need.

1.7 Site Plan T 8 includes a section of the roadway known as Prince's Parade. This is an essential road link between Sandgate and Hythe and provides a convenient alternative to the congested Seabrook Road (A 259). It must be excluded from the site plan and remain open.

1.8 In view of Sandgate's limitations, the Prince's Parade site, a flat area between the golf course and the Little Chef is all the more essential for walking, fishing, canoeing and informal recreation for all age groups. The designated long distance footpath, the Saxon Shoreway (Exhibit 3) runs along the south side of the Canal and provides a sheltered scenic walk. Referring to the birds and wildlife, the Chairman of the recent Parliamentary Select Committee found the site 'absolutely fascinating'. The Sandgate Society supports the Seabrook Association's requests for amendment and revision to the Folkestone and Hythe Local Plan.



MAP 6 Shorncliffe Sluice, 1832



HYTHE



Public open space for Sandgate



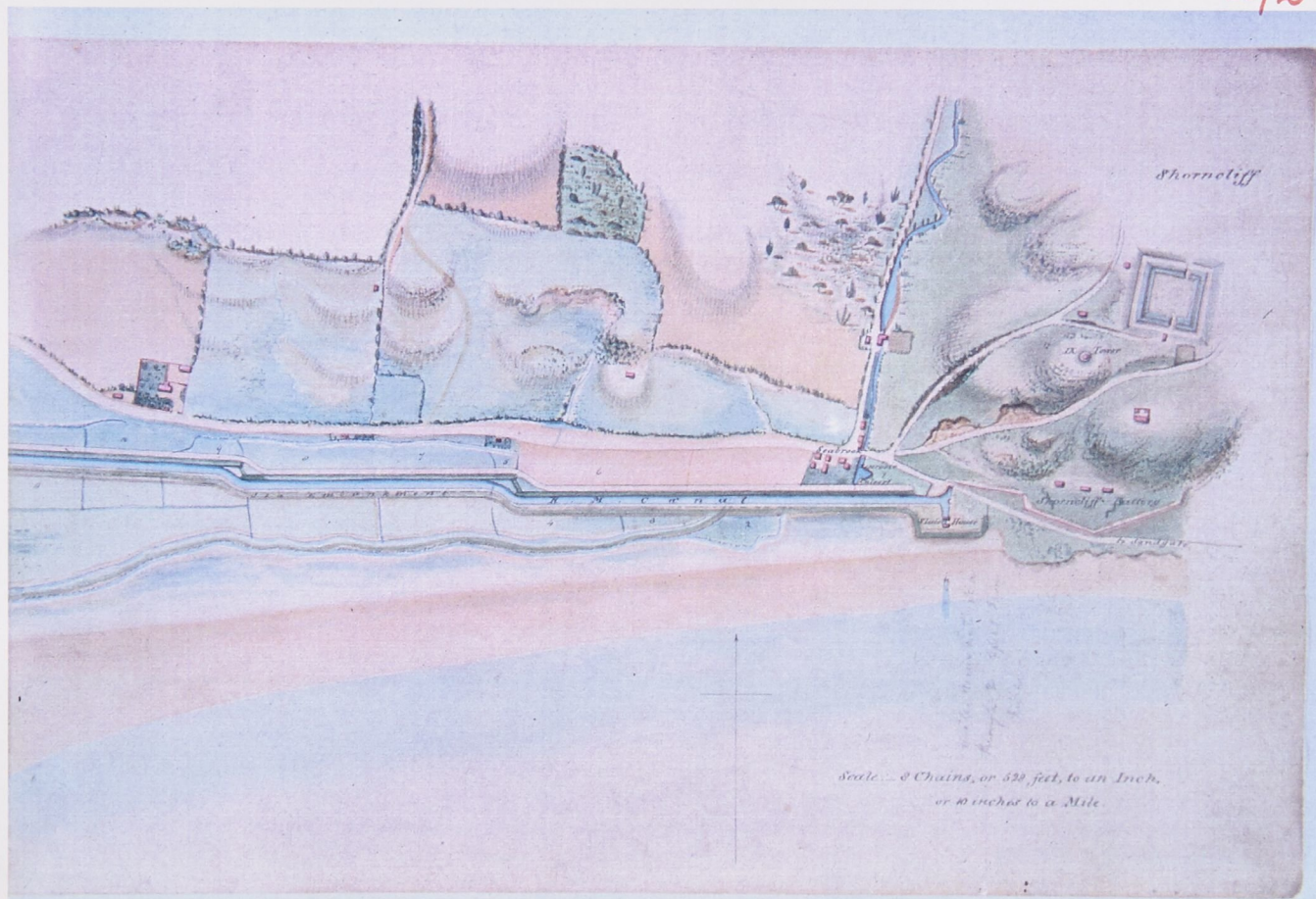
WD Land, restricted use



Intensive Development



Road Links - sandgate to Hythe



Public Records Office: One of a series of 20 sections of Royal Military Canal. (undated) c. 1812. Also Shorncliffe Battery



Princes' Parade Site: (Sept 1987)

Above: Public Walks & Pleasure Grounds

Above: Saxon Shoreway marker



Sandgate 'Promenade' from Radnor Cliff (East) to Sir John Moore Statue (West, below Encombe)



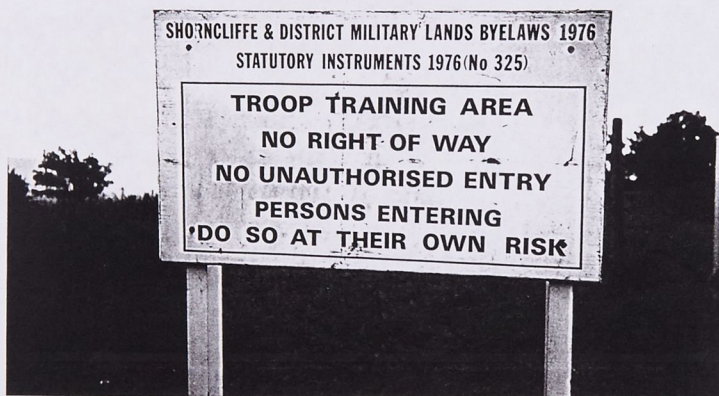
Prince's Parade Site

Recreation Use :

1. Walking
2. Fishing
3. Canoeing
4. Bird
Watching
etc.



SS/4



AN ENTRY IN THE SCHEDULE OF MONUMENTS COMPILED AND
MAINTAINED BY THE SECRETARY OF STATE FOR THE ENVIRONMENT UNDER
SECTION 1 OF THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
AS AMENDED BY THE NATIONAL HERITAGE ACT 1983

MONUMENT Royal Military Canal, Town Bridge to Twiss Road Bridge

PARISH Hythe

DISTRICT Shepway

COUNTY Kent

COUNTY NUMBER 396 (S)

NATIONAL GRID REFERENCE(S) TR 160 346 - TR 167 347

DESCRIPTION OF MONUMENT

The Canal was planned as a massive coastal defence, the purpose of which was to separate an enemy landed upon the coast of Romney Marsh from the interior of the country. John Rennie was the consulting engineer. The line of the canal was to stretch from beneath the cliffs of Sandgate through Hythe and along the edge of Romney Marsh until it joined the River Rother at Iden. Here the channel of the Rother was to be used to form the defence work as far as the river's junction with the Tillingham at Rye, the channel of the Tillingham till its junction with the Brede as far as Winchelsea. From Strand bridge the canal was to stretch across Pett Level to Cliff End. Excavated earth was to form the banquette and parapet on the north side of the canal and behind this was to be built the military road. On the south side were to be the tow path and wharves. The canal and parapets were to be so built that gun positions would be provided at the end of each length to flank the crossings. The canal was begun in 1804 and completed by April 1809.

In the section of canal from Town Bridge to Twiss Road Bridge, with the exception of the small section of public garden W of the war memorial, a prominent parapet survives. There is a tarmacadamed path to its rear, along the course of the military road, and a surfaced path running along the top with seating provided for the public. To the S of the canal is a tarmacadamed footpath with, by the recreation ground, evidence of a slight counter scarp to S. Further E, where an area of new housing immediately abuts the path, there is no evidence of counter scarp. The public garden fittings, bandstand, seating and tarmacadam surfaced paths are excluded from the scheduling, but the land beneath them is scheduled.

The iron footbridge at TR 1653 3462 is excluded from this scheduling, although the canal remains over which it spans are included.

continued overleaf

SIGNED.....
on behalf of the Secretary of State for the Environment

ASSESSMENT OF IMPORTANCE

The Canal is an important element in the Napoleonic defences of SE England and is the only military canal in the country.

The site of the monument is shown on the attached map, outlined in black and highlighted in red.

MONUMENT INCLUDED IN THE SCHEDULE ON..... 8 October 1990

SIGNED..... *J. H. Stey*

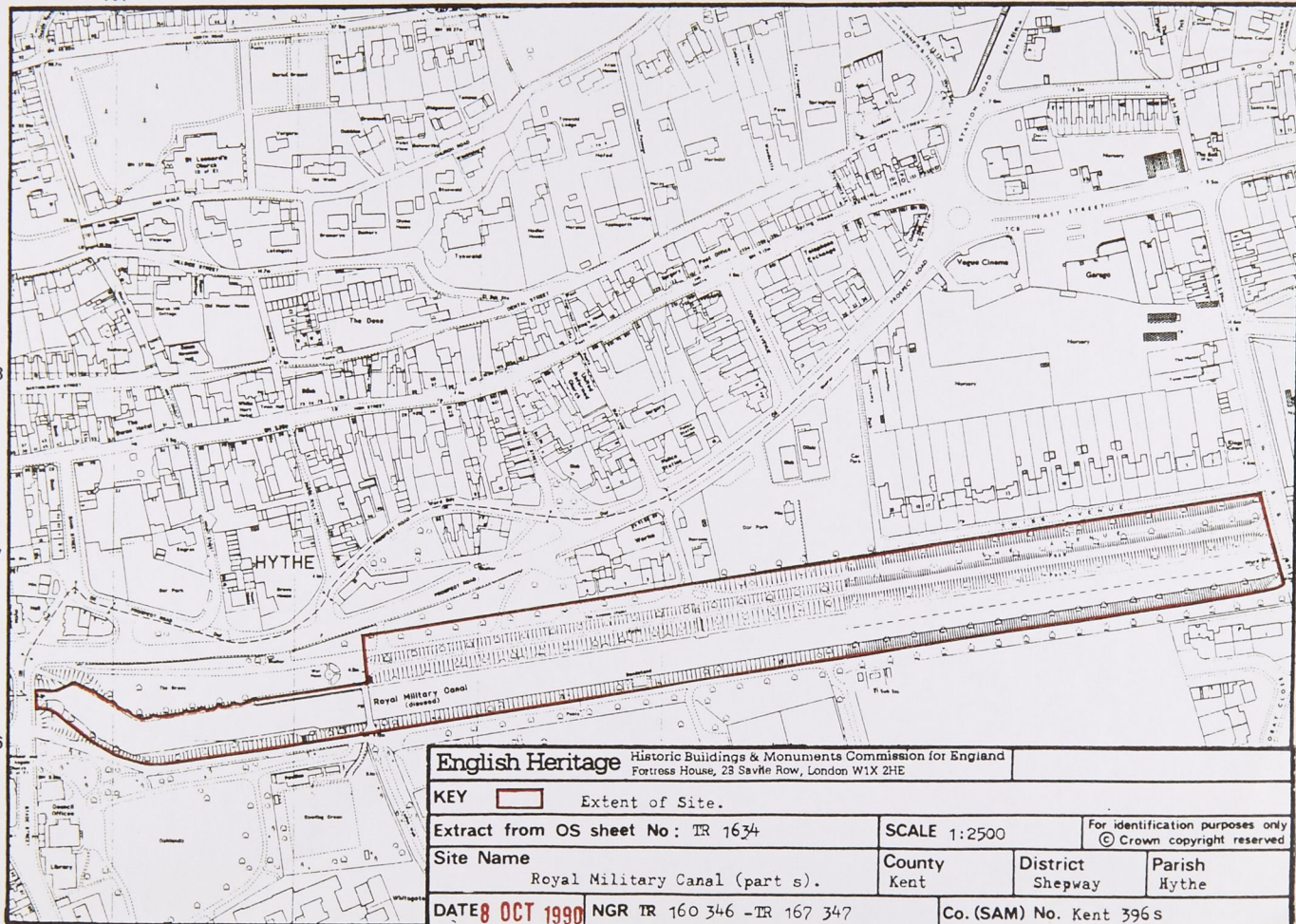
on behalf of the Secretary of State for the Environment



348


347

346



English Heritage Historic Buildings & Monuments Commission for England
Fortress House, 23 Savile Row, London W1X 2HE

Fortress House, 23 Savile Row, London W1X 2HE

KEY  Extent of Site.

Extract from OS sheet No: TR 1634

SCALE 1:2500

For identification purposes only
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Site Name

Royal Military Canal (part s).

County
Kent

Kent

District
Shepway

Sheepway

Parish
Hythe

Hythe

DATE 8 OCT 1990

DATE 8 OCT 1990 NGR TR 160 346 -TR 167 347

Co. (SAM) No. Kent 396 s

Sandgate Society's and the Seabrook Association's representations that the proposed Hythe Marina project should not go ahead, questions have continued about the cost to taxpayers of Shepway Council's involvement in this project, and future plans for this important site.

11
"Hythe Marina"
Shepway's Chairman of the Policy and Resources Committee said on 26 September that the "Scheduled Monument Consent Order" which would have allowed the first half-mile of the Royal Military Canal to be filled in will expire in November 1992 - "unless before that time it is implemented, renewed or revoked". The decision was "without doubt a setback to the progress of the development", and what is to happen in future "will need careful consideration taking into account the legal relationship between the Council and the marina developer".

As to costs, the major item of expenditure (lawyers' fees?) is "of the order of £60,000", but not all accounts have yet been submitted. It is confirmed that they are being shared equally between the Council and the marina company, giving a total so far of about £120,000.

Meanwhile some welcome landscaping and tidying up is being done on what would have been the Marina site, and one can only hope that this will survive as a recreational area, and not follow the disastrous trend along Kent's coastline of continuous building right up to the water's edge. The canal is also being dredged and cleaned up, so that it will be a healthier and more wholesome waterway for the canoeists and other users.

DOGS

Shepway Council responded to protests about the fenced dog exercise area in Sandgate Recreation Ground off Military Hill by changing its position and making it smaller. It is still said to be "reasonably well used", though the Editor has yet to observe either man or his best friend inside the fences. That could be because the fences are still being vandalised, although as yet there has been no prosecution.

A proposed new by-law banning dogs from East Cliff sands, Folkestone, may well be extended to Sandgate Beaches. Visitors to Florida may have noticed that dogs are banned on most beaches there, together with alcohol and glass containers - although Americans appear to be no more law-abiding than many Persons of Kent.

PARKING IN SANDGATE

No decisions have been announced yet on the objections by the Sandgate Society, shopkeepers, antique dealers and residents, to proposals to halve the 73 parking spaces in the High Street by extended yellow lines.

In the meantime Shepway's Planning Officer has prepared three alternative schemes to create a new car park behind the War Memorial

Submitted to DoE Local Enquiry SE/5281/219/3

Subject Marina and Residential Development, Prince's Parade, Hythe.

Prepared by Mrs. L. René-Martin on behalf of Sandgate Society

Date November 1987.

ROYAL MILITARY

CANAL

Historical significance to the nation and
in the Sandgate context

with Maps

The Sandgate Society is affiliated to: Kent Federation of Amenity Societies, Committee for the Preservation of Rural Kent and the Civic Trust, and has over 400 members. Mrs. René-Martin will say: I am a founder member of the Society (1962). During my working life I was with UNICEF in Paris; later I was Production Manager Shell Aviation News and then for Scientific Publications at the Zoological Society of London. Since retirement my interests are directed to conservation matters and local history. Articles in 'Country Life' and 'Kent Life', and first Chairman, Sandgate Heritage Trust. In World War II, I was a Plotter, WRNS.

- 1.0 ROYAL MILITARY CANAL -- Historical significance to the nation and
in the Sandgate context
- 1.1 It was with surprise and dismay that it was learned from Counsel for the developers that English Heritage had withdrawn their objections to the proposed development and that the Secretary of State for the Environment (9 Nov 1987 to Moore and Blatch) had given Scheduled Monument consent in advance of the Public Enquiry to which the matter had already been referred.
- 1.2 It is understood that several discussions had taken place between the developers and English Heritage during 1987, at which other interested parties were given no chance to present their views. To pre-empt the findings of the Public Enquiry seems a regrettable action.
- 1.3. Under these peculiar circumstances, I trust that you will consider it in order for me to make such submission as was my intention had this Enquiry proceeded on the lines originally proposed.
- 1.4. Shorncliffe Camp is part of Sandgate. From 1794 it was the Command HQ from Deal to Dungeness. The garrison was responsible for the defence of the Canal and stood watch at the Redoubt. It is therefore fitting to consider the 'Royal Military Canal in the context of local military history.
- 1.5. We appreciate Mr. Vine's historic assessment, but in our view he gives less than sufficient emphasis to the preservation of the eastern end of the Canal and the Redoubt area.

2.0 HISTORICAL SIGNIFICANCE

- 2.1 Romans, Saxons, Danes, Normans -- all have landed on this Kentish shore. Now, since 900 years, the Shepway shoreline has been England's first line of defence against invasion, and safeguard of our liberty. *effective*
- 2.2 The map attached shows that more tangible evidence of our history is concentrated in this small area of Shepway than anywhere else in the district. The following features, situated in and around Sandgate, form a living reminder of our national heritage. They are high in educational and tourist value and should be regarded in relation to each other and not as disparate entities.

- A The Saxon Shore Way (see O/S Pathfinder map TR 13/23) generally follows the old Roman coast road round Britain. Where possible these ways ran alongside rivers and streams; the course of the RMC from Shornccliffe to the west of Hythe almost exactly follows the former course of the Sea Brook. (Appendix 1)

- B Saxon Church of St Martin's, top of Horn Street. This is the Parish Church of Cheriton. Since all of Sandgate west of the Enbrook Stream came within this Parish, many Sandgate people are buried there.

- C Sandgate Castle: Built in 1539 as one of a chain round the Kent coast to ward off attacks from France and Spain and repel a Spanish Armada. *by the way*
Castle modified and re-fortified in the early 1800's as part of a defensive network against a Napoleonic invasion. *with a mounting for a 24-pounder*

- D Martello Towers: Seventy four were built along the Kent and Sussex coast of which only 28 are standing. Six of these (Nos 4 - 9) are visible above Sandgate. Inside they have a mushroom form, marvels of brick construction.

- E Sir John Moore Memorial erected 1909 on Sandgate Esplanade, one hundred years after his death at Corunna. While stationed on the heights above at Shornccliffe Camp (1803-05), he commanded the forces from Deal to Dungeness. His lodgings were close to this memorial.

- F The Royal Military Canal, Military Road and Redoubt, planned 1804 and begun early 1805 from Shornccliffe to Cliffe End in Sussex. The works were entrusted to John Rennie FRS (1761-1821), distinguished civil engineer (canals, bridges, docks). He was engineer-in-chief until his resignation and Lt.Col John Brown took over.

2.3 The Canal cannot be seen in isolation. It was an integral part of the network of defence against Napoleon. H.R.H. Frederick Duke of York, Commander-in-Chief of the forces, wrote that 'when complete ... may be considered as an almost insurmountable barrier against an enemy penetrating into the country'.

2.4. The eastern stretch of the Canal and sluice gate immediately beneath Shorncliffe was, strategically, of first importance. This stretch utilised the course of the Sea Brook to Hythe and beyond, and was also the first and most difficult section to be constructed. More recently, in World War II, it was surrounded by pill-boxes (some real, some dummy) against Hitler's panzer divisions, in the event of a landing.

2.5. In 1812, William Wilberforce wrote from Sandgate: 'About a mile from us begins a canal which was formed when the alarm concerning invasion was the most generally prevalent. It runs parallel with the shore for about twenty-five miles ... Seriously I am told that two millions sterling must have been expended [this included towers] ... Really the French coast appears so near, that I can scarcely wonder at our being somewhat excessive in our preparations to receive an enemy who was said to have 100,000 men within four hours sail of us'.

2.6. No stretch of this 19-mile canal is quite so clearly and beautifully revealed as from the vantage of No 9 Martello Tower above Hospital Hill. The tower takes in a 340° sweep, surveying the Channel, the curving bay to Dungeness, the hinterland to the north including Shorncliffe Heights, and in the foreground just over 2 kms of the Canal and enfilades, from the Magistrates Court to the Hotel Imperial. It is a mighty view and one of the finest on the SE coast of England.

3.0 UNIQUE AMONG CANALS

3.1 G.W.Robinson MA (Oxon) MICE, MIWE, River Manager, Kent Division, Southern Water Authority, described the Royal Military Canal as 'military defence work, highway, land drain, fishery, and a thing of great beauty'. (AOA Gazette, Summer 1984) Among the waterways of England this alone makes it unique.

3.2 English Heritage (quoted by Shepway District Council. Consultations Report Oct 1986): 'The Canal and Redoubt were integral parts of a grand strategic design for the coastal defence of England against the threatened invasion of South East England, and as such they are unique'.

3.3 The Royal Military Canal is totally different from any other inland waterway in England. Apart from the Royal Caledonian Canal built to convey frigates across Scotland during the Napoleonic Wars, this is the only canal with the Royal designation. *connotation. It recalls the fact*

- 3.4 It is wrong to maintain that, if the Marina/housing project goes ahead because a mere eightieth of the Canal will be lost, this is of no importance. One does not remove the portcullis from a Castle and pretend that this is immaterial to the whole edifice.
- 3.5 It is a pity that this Canal does not come under the aegis of the British Waterways Board, which accords so much protection to historic structures within its jurisdiction.
- 3.6 Furthermore, it has been established that the higher water levels in the Marina will considerably reduce the visible portion of the Redoubt walls, which are also planned to be affected by the new North access road. See SS/6
- 4.0 SUPPLEMENTARY INFORMATION Royal Military Canal, ^{Land} Drainage Purposes: Maps appended
- 4.1 The Kentish Gazette, 19 October 1804, supported the building of the Canal: 'The great merit of this plan is, that it combines defence with utility. It will act as a catch-water drain and greatly relieve the waters below from the highland water'. Pitt, also, explained how the Canal would intercept the floods from the hills in heavy rains, and the benefits this would bring to many thousands of acres of agricultural land in wet and dry seasons.
- 4.2 The O/S maps (scale 1:2500) 1872 revised 1898 shows the location of many springs above Seabrook. The 1909 map also shows the location of the Sandgate Urban District Reservoirs in use from 1855 to 1964. These were fed by the Honeywood springs and gave Seabrook and parts of Sandgate a good supply of pure water.
- 4.3 Some of the reservoirs which were located between Seabrook Road and the old Railway Line, have been filled in for building land. One, however, is densely overgrown, very boggy at the bottom and probably still acts as a catchpit.
- 4.4. The dispersal of ground and surface water is unknown, but it is certain that the Canal still acts as a good land-drain for the water from the hills to the north. Concern is felt that a number of minor flows into the Canal have not been identified and which, with the heightened water table resulting from the Marina, might well back-up and flood properties adjacent to the Seabrook Road.

SPRINGS See letters from
Fred Willmott 14.11.87
Arthur Sandfield

5.0 ASSOCIATED MARTELLO CHAIN

- 5.1 It has been said in evidence, that the remaining martello towers are empty, ruined and useless. Several, in fact, have been converted into homes, and the Martello on the East Cliff Folkestone was granted £20,000¹⁵ towards conversion because of its 'landscape value'. Other towers on Shorncliffe are used for assault course training.

6.0 SANDGATE SOCIETY - Supplementary Statement -- Section D

- 6.1 We deplore the acceptance by Shepway District Council, land-owners of the Seabrook site (under 1974 LGA) and planning authority, of the destruction of an historic monument in their ownership.
- 6.2 Following talks with the developers held by Shepway District Council on 23 September 1987, at which Mr Paul Vine was present, it appears that Shepway's agreement (and no doubt that of Hythe Town Council, if indeed they were consulted) paved the way for the decision by English Heritage to withdraw their objections to the proposed works as shown in the letter of October 22 1987 from the Chairman of English Heritage to Ms Angela Williams, solicitor to the Seabrook Association.
- 6.3 Subsequently, the Minister of State for the Environment has said that the objections, which English Heritage had put forward, were withdrawn following discussions with the Developers. (See letter 9 Nov 1987 to Moore and Blatch, of which the Inspector has a copy).
- 6.4 It has emerged in the course of this Enquiry that:
1. The new north access road will cut through part of the Redoubt
 2. The proposed new water level of the Marina will rise 7' 6" higher against the walls of the Redoubt
 3. The maintenance of a through access to 'the canal and museum display' is no longer valid, since the Canal in its recognisable form will have disappeared completely.
 4. In the view of the developer's witness and consultant, Mr Paul Vine, the Museum would be better sited elsewhere. Further, there is no car park planned.
- 6.5 This means that the 'important concessions' offered by the developers (see letter from English Heritage 22 October 1987) are unlikely to be realised. ↙
- 6.6 It is therefore questionable whether English Heritage would now regard the situation as being ^asatisfactory outcome of their negotiations with the developers, and whether the sacrifice of the major historic interest can be justified.