
REPRESENTATIONS ON BEHALF OF FORDWICH RESIDENTS AND FORDWICH TOWN COUNCIL

Executive Summary

1. In evaluating the Eastern Movement Corridor (“the Eastern Bypass Route”), Canterbury City Council (CCC) has failed to adequately assess alternatives by weighing the benefits and harms of each alternative, as required. In particular, the problems associated with the proposed Eastern Bypass Route identified below have not been properly considered.
2. The Western Route alternative appears to have been discounted solely because there is a potential impact on the Chequer’s Wood and Old Park Site of Special Scientific Interest (SSSI). Still, the potential impact on the SSSI has not been ascertained. In failing to assess reasonable alternatives, CCC has seemingly decided to go for Eastern Bypass Route simply because it has the least impact on the SSSI without considering any other factors.
3. The Draft Local Plan and associated policies are legally flawed and not sound. There has been a failure to comply with the common law requirements of consultation and the requirements of the Strategic Environmental Assessment Regulations and Habitats Regulations.
4. Furthermore, the area west of Fordwich should be a designated strategic/green gap protective policy. The plan should take steps in its early stages to restrict the traffic, particularly heavy goods vehicles, passing through Fordwich.

Flawed Approach to Objectively Assessed Need (OAN)

5. The Draft Local Plan is driven by the misconception that the Objectively Assessed Need (OAN) for new houses must be met at all costs, even when extremely negative effects are apparent. Despite changes to the National Planning Policy Framework 2021 (NPPF) making it easier for local authorities not to meet OAN when it is justified, at no point has CCC considered attempting to mitigate or decrease these negative effects by not meeting the OAN.
6. The Levelling Up and Regeneration Bill reinforces the need to consider alternatives to the OAN, not just attempt to meet OAN without any thought.
7. The failure to consider not meeting OAN also means that the Draft Local Plan is not sound. It is impossible to say that Policy SS3 of the Draft Local Plan is ‘justified’ when the evidence base has not considered such an obvious alternative.

8. The Draft Local Plan's approach to habitats of international importance is also flawed. By including 'generic' mitigation measures at the screening stage, the assessment undertaken on behalf of the CCC has erred in law.

Flawed Basis for the Transportation Strategy

9. CCC's transportation strategy is not supported by any evidence beyond a baseless hope that there will be a 'modal shift' once the Draft Local Plan succeeds in worsening traffic throughout the district. It is not effective, and it will lead to an increase in pollution and traffic congestion. There is no sound evidence for the foundation of this strategy and its reliance on 'modal shift'.
10. CCC's own modelling report concluded that the Ghent-like Zoning Scheme would increase journey times by car, not just in the City Centre but also in the rest of the district.

Specific Objections to the Eastern Bypass Route

11. The proposed location of the Eastern Bypass Route is not supported by any evidence and is not based on a genuine consideration of alternatives or lawful assessment. CCC cannot lawfully continue with the current version of the Draft Local Plan without wasting further time and resources.
12. It is apparent that the preferred Eastern Bypass Route was simply a line drawn on a map by Ruth Goudie [Senior Transportation Officer, CCC]. There is no evidence base and no justification for the location of the Eastern Bypass Route.
13. The evidence demonstrates that of all the routes suggested by the CCC, the currently preferred Fordwich route is by far the worst in environmental, heritage, archaeology, viability, flooding, agricultural, and landscape terms.

Archaeology

14. The high ground south of Fordwich contains some of Britain's most important Palaeolithic archaeology. The Palaeolithic artefacts recovered from these deposits represent the earliest evidence of the Acheulean stone tool industry in Britain and probably the earliest and most northern location for this industry.
15. The damage the Eastern Bypass Route would cause to this internationally important Palaeolithic site cannot be mitigated. Still, even if it could, no account has been made of the cost and the delay caused by such mitigation.

Heritage

16. The entire town of Fordwich is a Conservation Area, an area CCC has recognised as being of special architectural and historical interest. The Fordwich Conservation Area was extended in 1993 expressly to recognise the broader character of Fordwich and the importance of the land included within the extended area, necessary to preserve the historic character of Fordwich.

17. The Eastern Bypass Route would decimate the conservation area and is entirely inconsistent with its statutory protection – it would cause substantial harm to threaten the justification of the Conservation Area designation itself. CCC has not considered heritage impacts in deciding on the Eastern Bypass Route. The proposed Eastern Bypass Route is inconsistent with national policy or CCC’s statutory duty.

Environment/Ecology

18. The Eastern Bypass Route will have significant adverse effects on the environment and ecology, which were discounted at the outset when this option was chosen.

19. The Eastern Bypass Route would sever ecological connectivity between the Chequer’s Wood and Old Park SSSI and the Stodmarsh National Nature Reserve (NNR)

20. The Eastern Bypass Route would go against the objectives of Policies SS1 and DS21 in destroying green infrastructure, harming the Stodmarsh NNR and imperilling the ability of development across the district to deliver a minimum 20% biodiversity net gain.

21. CCC has failed to properly assess reasonable alternatives by not considering the environmental harms associated with the Eastern Bypass Route.

Ancient Woodland

22. The Eastern Bypass Route would go straight through ancient and semi-natural woodland in Trenley Park Woods, destroying this irreplaceable habitat.

23. The Eastern Bypass Route would decimate Sandpit Wood, an area of woodlands subject to a Tree Preservation Order, designated by CCC as being of high landscape value. The Preservation Order further notes that the woodlands are of local importance for nature conservation.

Viability

24. The Eastern Bypass Route is the most expensive of the three options. However, if the Eastern Bypass Route were chosen, the presence of highly sensitive and irreplaceable archaeological sites means that the costs of any necessary mitigation would significantly increase the cost of the Eastern Bypass Route beyond what is contemplated in the Feasibility Study. There are significant concerns that the Eastern Bypass Route is unviable.

Severance of Footpaths and Cycleways

25. The Eastern Bypass Route affects three footpaths, an ancient pilgrim path [The Old Way] and a cycle track in Fordwich Parish. No consideration has been made in the Draft Local Plan regarding how the proposed Eastern Bypass Route will allow continued use of these paths.

Transport

26. The Eastern Bypass Route is the longest of the three options by some margin and, therefore, the least efficient in transport terms.
27. Most importantly, the 'Zoning Scheme' is flawed and inappropriate for a city the size of Canterbury. It will discourage people from travelling into the City Centre when it is already in decline, with less footfall and empty shops.

Loss of Agricultural Land

28. The Feasibility Study notes that the Eastern Bypass Route will adversely affect Grade 1 agricultural land and orchards and the additional loss caused by the severance of existing agricultural land holdings. Again, this impact has not been quantified or assessed and has not been considered.

Landscape

29. CCC has not assessed the impact of the Eastern Bypass Route on the landscape surrounding Fordwich.
30. The Landscape and Biodiversity Assessment recommends preserving the local distinctiveness of historic buildings and their settings within Fordwich. Further east, for Trenley Park Woodlands, the same assessment states that the 'Complex of ancient woodland contributes towards providing a historic wooded landscape setting' to settlements, including the Fordwich Conservation Area.

Flooding

31. The Eastern Bypass Route passes through Flood Zone 3. It is evident that the extensive construction works necessary for a 7.3m wide bypass will exacerbate flood risk in the area. There is no evidence that CCC has considered this factor or sought to avoid the flood risk by considering reasonable alternatives.

Requirement for Early and Effective Consultation

32. Given the number of substantive issues raised by the Eastern Bypass Route and that CCC should have presented the proposal much earlier, allowing only two months for residents to respond is insufficient. Whilst welcome, the extra month (granted to Fordwich residents less than a week before the original deadline) is inadequate to address this shortcoming. CCC's approach does not represent the early and effective consultation required for local plans.