

We are writing to formally submit our comments on the following planning application which is due to be considered by your Authority and which is sited within our Parish.

Planning Application Reference DCC/4268/2021

Provision of temporary construction, demolition and excavation waste recycling facility; importation and landfilling of approximately 1.2 million cu.m of inert waste materials; and associated works including the installation of drainage infrastructure and alterations to existing vehicular accesses

Lower Brenton Farm, Road Past Higher Brenton Farm, Kennford, EX6 7YL

The Application was considered by the Parish Council at a meeting on 8th February 2022 and it was unanimously agreed to strongly oppose the granting of planning permission for proposed landfill site.

The basis of our objections are as follows:

1.	LACK OF CONSULTATION
1.1	Devon County Council (DCC) produces a range of policies & statements regarding the planning process for waste including the Minerals & Waste Policy. This Policy embraces both strategic & more local planning applications but there is a common theme running through them, which makes it very clear that high value is placed on local democracy. This is not only impressive, but it is to be applauded both from the point of view of individual citizens & lower tiers of local democracy, e.g., Parish Councils.
1.2	<p>It is not our intention to reiterate the full range of policies relevant to this application, but the following are representative: -</p> <ul style="list-style-type: none"> a) The DCC Minerals & Waste Policy ‘Statement of Community Involvement’ refers to; “A core principle of the National Planning Policy Framework is that local people should be empowered to shape their surroundings with the Framework advocating early & meaningful engagement & collaboration with neighbourhoods, local organisations & businesses.” b) To ensure effective involvement of local communities in the preparation of its plans, together with consideration of planning applications, the DCC ‘Statement of Community Involvement’ sets out the methods of involving the community as agreed by the DCC Development Management Committee in September 2020. c) That statement, reference 1.1.1 refers to why it is important to involve communities in the planning process. It states:- “as a local authority, DCC is accountable to the people of Devon & other stakeholders & has a responsibility to be open, honest & transparent, to engage & involve citizens & communities in decision making & to keep the community well informed of its activities”. d) Reference 1.4.1 “Involvement is important, not only to inform individuals & stakeholders of the planning process but also to allow them to inform it, resulting in better plans & application decisions. Effective community involvement has other benefits, including greater ‘public ownership’ of planning & sense of local democracy.” e) Reference 1.5.1 “The council will seek early & continuous community & stakeholder involvement in the planning process, which will include:- maintaining a meaningful two-way dialogue including feedback so participants know they are being listened to & their views are informing the planning process”. f) Reference 3.1.3. “The county council considers it important to consult those people & organisations that it deems to be affected by any planning applications that it receives.” It continues by stating that

	<p>planning applications are determined by “consultation, publicity & making comments on an application.”</p> <p>g) Reference 3.3.1. states “The county council is required by planning legislation to publicise applications & notify specific bodies & organisations of applications it receives.”</p>
1.3	The above mentioned are specific elements of DCC policy relevant to planning applications of this nature. There is significant consistency in the spirit & intentions of the policies which have been completely lacking from this process.
1.4	The Shillingford St George Parish Council was completely unaware of the application until 3 weeks before the deadline. A Parish meeting was quickly arranged for 25 January 2022, a mere 8 (working) days before the deadline for comments/objections. That meeting was attended by the landowner who explained the potential benefits to his business but was otherwise unable, or unwilling, to answer the inevitable questions arising. He was though, prepared to entertain possible alternative proposals & had such an occasion been set up in the spirit of cooperation & consultation, some of the issues might have been resolved. As it was, the lack of information lead to greater disarray & frustration and an overwhelming sense that approval of this application would be unjust.
1.5	The applicant declined to attend the meeting, leading this Council to conclude at a subsequent meeting that consultation & local involvement had not taken place & that the process, to date, is devoid of the democratic principles DCC purports to uphold.
2.	LACK OF CONVINCING CASE FOR THE ADDITIONAL LANDFILL CAPACITY
2.1	We strongly question why this proposed landfill site which will cover an area of approx 80 acres or 44 football pitches is even necessary.
2.2	The planning application does not adequately detail the demand for inert landfill in the Exeter area or consider the “add-on” applications to existing landfill sites and there is no numerical analysis of capacity. There are no up to date figures on which to base a projected landfill capacity need or to demonstrate fluctuations in demand.
2.3	<p>There are already three other landfill sites in operation with extensions already approved or pending and with a fourth new site having been approved on 1/7/2021.</p> <ol style="list-style-type: none"> 1. Trood Lane, Exeter, commenced in the early 60’s, DCC/4275/2021 Inert landfill extension, this decision is pending but expected to be approved and will give an additional capacity of 275,00 cu.m 2. Hill Barton, Clyst St Mary, Exeter. PRE/1462/2020 Extension for an additional 600.000 cu.m over a 10 year period, (60,000 cu.m p.a) of inert landfill. 3. Kenbury Wood, Kenn, Exeter, DCC/4173/2020 an increase in the processing of demolition material and inert landfill to 100,000 cu.m pa to continue until 2036. 4. Lower Hare, Whitestone, Exeter, DCC/4101/2018 approved 1/7/2021. Inert landfill capacity 350.000 cu.m over 10years (35,000 cu.m pa)
2.4	<p>The capacity (cu.m) available over the next 10 years for the newly approved site and existing site proposals would be estimated as follows:</p> <p>Trood Lane, (early available capacity) - 275,000 cu.m Lower Hare - 350,000 cu.m</p> <p>Kenbury Wood - 1,000,000 cu.m (assumes av. conversion of 1.2 for soil rock and mixed construction) Hill Barton - 105,000 cu.m (with further extension expected)</p> <p>Total 10 yr. capacity estimate: - 2,150,000 cu.m</p>

	The above providers allow for an average of 21,500 cu.m per annum, which should be adequate provision in light of newer technologies coming on line, and the aims to reduce waste going for landfill. The utilising of recycling at sites such as Hill Barton and Kenbury, and with upcoming policies to produce less at source.
2.5	<p>There are two factors that will reduce the need for landfill capacity, progressively over the next decade.</p> <ol style="list-style-type: none"> 1. Firstly the implementing of Devon Waste Plan (www.devon.gov.uk/planning-policies/minerals-and-waste-policy/devon-waste-plan) in Policy W5 reuse, recycle and material recovery aims to increase recycling levels of at least 64% for household and business waste and 90% for construction and demolition waste by 2031 (with targets for the interim years) Policy W7: Waste Disposal only allows for new landfill or other disposal capacity where there is a demonstrable need, with the intention of the disposal of waste being below 5% by 2031(with targets provided for interim years). 2. Secondly, developers are increasingly required to minimise the waste generated and incorporate inert materials into landscape features on site. A “cut and fill” approach on development sites is necessary and a working alongside the natural contours of Devon needed.
2.6	Therefore the actual landfill requirement in this area should and will be significantly reduced. The stated vision for the Devon Waste plan is for Devon to lead the way in sustainable waste management by working towards a zero waste economy, “diverting all waste from landfill”
2.7	The projected development for Exeter is high for the foreseeable future however, this can not be continued indefinitely and so this further reduces the need for landfill.
2.8	The Application is seriously flawed in that it omits to include the Devon Waste Plan Policy W5, which stipulates the progressive reduction in landfill over the next 10 years, with the expectation that by 2031, 90% of construction and landfill waste will be recycled or managed on site in developments. Consequently, statements in the Planning Statement (5.1.3 to 13 and 6.2.3) are invalid.
2.9	An additional 1.2 million m3 capacity at Lower Brenton Farm would most likely lead to a large surplus capacity which would either delay the schedule of filling, prolonging the project, or result in the inappropriate import of material from further afield, impacting on highway congestion and increasing the cost and carbon footprint of disposing of landfill material.
2.10	We seriously question why this huge, and destructive new landfill site is even proposed given that it is contrary to the stated vision in the Devon Waste plan.
3.	<p>IMPACT ON THE LANDSCAPE</p> 

3.1	The proposed Landfill Site and will destroy what is currently beautiful rolling Devon countryside. The site forms part of the “green gateway” to Exeter and if the development goes ahead, it will become an ugly industrial scar visible from many miles around.
3.2	The vast majority of local people are utterly horrified that the proposed destruction of this beautiful landscape should even be contemplated.
3.3	We note that your own Landscape Officer, M Croll CMLI has, in commenting on the application, recommended refusal on landscape and visual grounds. The views and comments contained in the report dated 14 th February 2022 reflect our own and those of local people. We can do no better than summarise the key points :-
3.4	<p>The Landscape Officer states:-</p> <ul style="list-style-type: none"> a) <i>The LVIA that forms part of the formal Environmental Statement cannot be fully relied upon to inform decision makers of the degree of landscape and visual harm to weigh against the benefits of the scheme in the planning balance. This is due to key omissions, errors, and inadequacies in the submitted information, as detailed in the LVIA.</i> b) <i>It is not clear how or whether the LVIA has informed the proposed mitigation design through an iterative process that seeks to minimise visual impacts and respect local landscape character. I also disagree with some of the judgements made. These tend to underplay the significance of residual effects of operations and the restoration proposals on the character of the area, the valued scenic qualities of the AGLV and its enjoyment by people.</i> c) <i>Due to issues with the proposed design, it is unlikely that the proposals in their current form would be acceptable given the large scale of operations, the permanent landscape change proposed, the high local landscape value and high susceptibility of visual receptors to the proposed visual changes.</i> d) <i>The proposal would be contrary to policy W12, W18 and W20 of the Devon Waste Plan, Policy EN2A and S2 of the Teignbridge Local Plan, and NPPF policies 120, 130, 174 and 185.</i> e) <i>The landscape influenced by the proposals is rural agricultural in character and its countryside characteristics, views and scenic qualities are valued by people. This is evident from the Local Plan designation as an ‘Area of Great Landscape Value’ (AGLV) and the very large number of responses from local people who highlight such in their response. The network of public rights of way through and around the site, together with quiet rural lanes in the vicinity provide local people with access to the countryside for recreation, contact with nature and enjoyment of scenic views towards the Haldon Ridge to the south-west and Exe Estuary to the east. Although reasonably close to the A38, the site PROWS offer relative rural tranquillity. This PROW network is likely to become increasingly valued as a green infrastructure asset as SW Exeter urban extension develops.</i> f) <i>With reference to relevant Landscape Character Assessments, the site is located within the Lower Rolling Farmed and Settled Slopes’ (LCT3B) of the ‘Exe Estuary and Farmland’ (Teignbridge and Devon Character Area). The site exhibits characteristics and features typical of the local landscape and that contribute positively to the scenic quality of this AGLV, including ‘gently rolling’ topography, ‘variable field patterns and sizes’ with hedgerows, ‘many hedgerow trees’- including veteran trees, and a ‘more open’ character allowing ‘dramatic views across valleys’. What’s distinctive and special about the site is that a sense of place is provided by the natural sweeping valley landforms combined with the hedgerows and hedgerow trees as foreground to panoramic views towards the Haldon Ridge to the south-west and distant views of the Exe Estuary to the east. The Zone of Theoretical Visibility (ZTV) plan indicates the wide geographical extent where the site is potentially visible from. Looking back towards the site from more distant viewpoints, the viewpoints in the LVIA indicate that site contributes to the rolling Devon countryside</i>

visible from the A380 and A38 (VP11), Haldon Forest Park (VP10), and Haldon Belvedere (VP9).

- g) During operations there is a high risk that the scale, design and nature of the proposals in this location would give rise to significant adverse effects on the distinctive rural agricultural character of the area and the scenic quality of the AGLV. It is not clear whether the proposed mitigation measures would moderate adverse landscape visual impacts to acceptable levels within a reasonable period. In my opinion there is likely very limited opportunity to achieve this given the duration of operations. It is not acceptable that the significant adverse effects of operations should be tolerated for 10+ years on the basis that it is temporary.*
- h) The LVIA has not fully recognised that the countryside affected by the proposals has recreational value for local people who use the PROW network affected. The sense of tranquillity enjoyed by walkers and horse riders would be harmed during operations rather than 'enhanced and restored' in line with LCA guidelines. The 'open and expansive views across the landscape'- including the panoramic views towards the Haldon Ridge and distant Exe Estuary views enjoyed from many parts of the PROW network would be either blocked or blighted by a foreground of waste operation. In my opinion the proposals would not protect and enhance the character and qualities of the AGLV during operations, and the siting of associated built structures and stockpiles in a visually prominent location is not considered good design that is sympathetic to the landscape setting.*
- i) There is concern that during operations the perimeter 3m high topsoil screening bunds would not only restrict views currently enjoyed by PROW users but also be at odds with the rural agricultural character of the countryside, themselves being visually intrusive in a sweeping undulating landscape. There is also concern over the cumulative landscape and visual effects of the proposals during operations together with other development in the local landscape that involve earth moving and laying bare of fields.*
- j) Once restored, it is not clear whether the proposed restoration landform would add to the overall quality of the area and can be integrated into the landscape without harming its distinctive character or valued qualities. There is however certainty that the rural character of Shillingford St George Bridleway 19 together with the natural undulating valley topography that adds to the scenic quality and distinctiveness of the landscape would be permanently and irreversibly changed. It is not clear to what extent the landscape restoration contour design responds to the context of the surrounding topography. I am concerned that the proposed topography would create a steep lower slope in each valley that would look incongruous and that would reduce the agricultural potential.*
- k) There is also concern that the proposal to restore the PROWs across the site within a double hedge would obscure the 'open and expansive views across the landscape' enjoyed by walkers along Shillingford St George FP14. Finally, the proposed field pattern in the southern part of the site would create a small triangular field that would not be characteristic of the field pattern in the area and that may be problematic for agricultural use.*
- l) It should be noted that the proposed hedgerow management to restore landscape condition and enhance biodiversity has opportunity to be delivered regardless of this development. Such land management changes are likely to be offered as part of the Government's new Environmental Land Management Scheme (ELMS) that will replace the current Rural Payments Scheme (under the Common Agricultural Policy) following Brexit. Therefore, little weight should be given to such a perceived benefit of the scheme in my view.*

3.5 Shillingford St George Parish Council fully concurs with these statements made by the Landscape Officer.

4.	<p>ECOLOGY</p> <p>Comments on the Ecological Assessment, Chapter 7 of the Environmental Statement</p>
4.1	<p>We will address this in the following way:</p> <ul style="list-style-type: none"> a. Overview of the way the Ecological Assessment (EA) was carried out. b. Likely impact on plant and wildlife c. Attempts at mitigation <p>The first point to make is that the whole assessment is done by individuals who, although well qualified and experienced, are being paid by and reporting to the applicant. Throughout their work they often make the point that as something was unlikely, a full assessment would not be carried out. We believe, therefore, that there are likely to be many flaws in the report.</p> <p>An example of this:</p> <p><i>7.2.4 Because of the dominance of intensively cattle-grazed, structurally simple, floristically impoverished pasture grassland, the Site was considered highly suboptimal for widespread species of reptile and there were very few records of reptiles returned during the (desk study) data search. Therefore surveys for this fauna group were not recommended.</i></p> <p>Similar decisions were made in regard to birds of various species, small mammals and other groups such as invertebrates.</p>
4.2	<p>Throughout the landfill process, starting with the Construction phase, going on to the filling of the voids and ending with the restoration, there is no doubt that plant and animal wildlife, as well as local residents, will be impacted.</p> <p>In the first instance, the construction of the office compound next to the Shillingford St George Bridleway will begin the destruction of the landscape. The compound will be approximately on the 80m contour and any noise or light pollution will affect the local population and wildlife, especially that in Shillingford Wood and the field between Phase 1 and the wood. The Bridleway is well walked by local residents and the presence of the compound will either spoil their walks or prevent them.</p>
4.3	<p>All the phases of the landfill involve removing the soil and piling it into bunds around the fields. In Phase 1, the public right of way (PROW) 14 is moved. This path now crosses the field with wide views across to the Exe estuary and over to Haldon but during Phase 1 it will be behind the bund on one side and the hedges on the other. What is more, after the 'restoration' of the landscape the views will not be restored as the path will be constrained between hedges. So the mentally restorative walks will no longer be the same. Throughout the landfill operation, the damage to the experience of walkers and riders is extreme so that the open Devon landscape changes to something oppressive.</p>
4.4	<p>The removal of topsoil and erecting bunds is said to be of benefit to the surrounding residents and wildlife as it would diminish the noise pollution. However, no consideration is given to the effect on the soil. Objections by others have made clear that this is a way to remove any life forms within the soil as it will lie dormant for years without contact with either water or light. Healthy topsoil is known to contain huge quantities of plant, animal and fungal life, even the soil used in aggressive farming. By piling it up in a bund the life within it will die, releasing large quantities of carbon into the atmosphere and leaving the soil truly inert as the rest of the landfill will be. To bring it to life again will take years although the grass will grow again after the application of fertilizer. But the landowner says he is going to use Regenerative Farming techniques which should include looking after the health of the soil and which does <u>not</u> include such artificial means.</p>

	<p>While the landfill progresses, there are clear areas of wildlife damage. The Environmental Statement has various estimates of the wildlife present prior to the work of the landfill which deserve comment. The fields are known to have been aggressively farmed and the hedges regularly flailed. The result, not surprisingly, is limited wildlife but over and over again, rather than looking for it, the assumption is made that it isn't there. Small mammals, for instance are dismissed although probably present. Badgers we know are present in Shillingford Wood not far away. The bats were studied at length but again, assumptions were made minimising the impact of the landfill on them. Snakes are dismissed and birds which were even heard during investigations were partly dismissed.</p> <p>But in order to gather information about the presence of various animal species a 'desk study' was undertaken.</p> <p><i>7.2.2 Desk study – this was undertaken in December 2019 and consisted of (i) a request to Devon Biodiversity Records Centre (DBRC) for records of protected sites and species within 2km and (ii) a request to Devon Bat Group for records of bats within 4km, as well a (iii) scrutiny of aerial photographs / OS maps to determine the presence of nearby features within the landscape that might present a constraint to development (i.e. ponds with protected species). The publically accessible www.magic.gov.uk and https://map.devon.gov.uk/dccviewer websites were also accessed in order to search for relevant higher level (i.e. international) designated conservation sites within 10km and to check the extent of consultation zones associated with these; as well as to determine whether the proposed scheme lies within consultation zones for Cirl bunting <i>Emberiza cirlus</i> and Great crested newt <i>Triturus cristatus</i>.</i></p>
4.5	<p>Shillingford Wood, which has so recently been purchased by the residents of Shillingford and beyond, is a regular place for walking and contemplation. The birdlife in the wood forms a great part of the experience for the walkers who can listen to the woodpeckers and birdsong. The area is indeed a consultation zone for Cirl Buntings about which there is more to say.</p>
4.6	<p>From the Environmental Assessment:</p> <p><i>7.2.1 The Environmental Impact Assessment (EIA) Regulations necessitate investigation of 'significant impacts'. According to the Chartered Institute of Ecology and Environmental Management (CIEEM) (2018) significance relates to 'the weighting attached when decisions are made'. For the purpose of ecological assessment CIEEM states that a 'significant effect' is one that either 'supports or undermines biodiversity conservation objectives' - e.g. national or local policy objectives or legislative obligations - for the ecological receptors 'identified at the outset' of the project. All impacts that are moderate and above are considered significant.</i></p> <p>And</p> <p><i>7.2.1 It is important to note however that the influence of many predicted impacts can extend beyond the immediate site boundary, for example, the effects on some species that are primarily located off-site may use the site for foraging.</i></p> <p>As a good example of the way certain animal groups were discounted and therefore not 'recognised at the outset':</p> <p><i>7.2.4 Because of the dominance of intensively cattle-grazed, structurally simple, floristically impoverished pasture grassland, the Site was considered highly suboptimal for widespread species of reptile and there were very few records of reptiles returned during the data search. Therefore surveys for this fauna group were not recommended. Similarly with birds - no survey was deemed necessary as the anticipated breeding and wintering assemblage was considered likely to be dominated by widespread and abundant species of intensively managed permanent pasture / species-poor closely-trimmed hedges (although anecdotal records of feeding / singing birds were noted on visits to the site by ecological surveyors during 2020 and early 2021). Cirl buntings were discounted as a possible breeding / winter foraging species even though the Site lies within a Cirl bunting consultation zone; habitats within the red line area were considered highly suboptimal for this species and no</i></p>

	<p>baseline survey was deemed to be required for it</p> <p>There is a Cirl Bunting habitat restoration scheme in the field North West of the Phase 1 field where the compound with the crusher is to be sited. These birds have suffered during the past many decades from the removal of hedges because of aggressive farming but they have been seen in the field. Also, in the area of the scheme, ground nesting birds such as the Skylark, an endangered species, are encouraged and were seen during the survey over the field of Phase 1.</p> <p>We submit that there will be a significant impact on the Cirl Buntings and Skylarks nesting in this area. The hedges in this field have been allowed to grow thick, unlike those on the Lower Brenton Farm land and despite the agreement not to flail them, they appear to have been flailed recently.</p> <p>Similarly, owls were deemed absent as there was little food for them to forage, perhaps because this food was not looked for, but we know that owls are present in the neighbourhood. Barn owls are present in the barn 300m away and Tawny Owls can be heard over the area every night.</p> <p>Another important ‘receptor’ is the human population which the application almost completely disregards. We point out that the statement above – 2.2.1 – disregards the people who do not live on site but are certainly seriously impacted. This has been illustrated by the very large numbers of objections to the landfill application sent in already.</p>
4.7	<p>Mitigation</p> <p>The EIA states that the plan complies with Policy 11 of the Devon Waste Plan 2011-2031.</p> <p>Hedges</p> <p><i>7.2.2 Protection of sites and species are central to the mitigation design, and in the long term the scheme would (as a consequence of the habitat creation measures associated with it) make a positive contribution to it.</i></p> <p>We do not argue that ‘habitat creation measures’ would make a positive contribution to increasing the biodiversity. However to achieve this, the Devon countryside will be destroyed in the process and certain animal groups which are known to be vulnerable will be further damaged.</p> <p>The plan is to increase the number and quality of hedges when the operation is over. However, there is nothing to prevent the landowner changing the policy of hedge flaying and planting more hedges now. Indeed there would be a financial gain by doing so in view of the Government’s new Environmental Land Management Scheme (ELMS).</p> <p>The introduction of more hedges would improve the biodiversity of the landscape with particular reference to birds and bats. In contrast, a huge landfill site is likely to diminish biodiversity overall even after it has ended.</p>
5.	<p>DUST AND NOISE POLLUTION</p>
5.1	<p>The planning statement provides information on the frequency of arrival of loaded HGVs via the lane above Peamore House, their unloading and departure (In or out movements of up to 200 per day (100 two-way movements stated) which equated to an average HGV movement every 3 minutes.</p> <p>This journey will be interrupted by stopping and starting due to the single track at the entry/exit and the acceleration required for HGVs to gain speed as they enter the fast flow of inward bound traffic on the A379 (diesel fumes, CO2, dust).</p>
5.2	<p>Considerable levels of noise, dust and CO2 emissions will be generated as a result of the stopping, starting and acceleration of HGVs, the crushing plant, landfill activities and other vehicles arriving on site.</p>
5.2	<p>The proposed site of the processing facility is on a conspicuous high ridge, close to ancient woodland, walking paths, bridleways, existing and planned residences. It will transmit noise, dust, light and diesel pollution for more</p>

	<p>than a decade. On a Sunday morning from the villages of Shillingford Abbott and Shillingford St George you can hear clearly the motorbike racing at Little Silver at Exminster, The noise lasts for a few hours, it's irritating, but it's not every day, in fact it's not every week. However, if the processing unit was sited on the top of the ridge near Shillingford Wood in the planned location, that is the type of intermittent noise the residents would be dealing with 6 days a week, and would potentially prevent walkers using the local Shillingford Woods as it would be so noisy. This is simply not acceptable.</p>
5.3	<p>In the application, the noise assessment has related the new noise emissions to the existing background noise, mostly generated by traffic on the much lower highway beneath the development. In the assessment, the level of noise experienced at different monitoring sites is calculated as the sum of sound energy detected over a time period 'T' (i.e. the average sound intensity over that period; LAeqT), where, in the assessment, T is a period of 1 hour or some longer periods. Whilst such measures are often used to measure background road traffic noise on highways, this methodology cannot reflect the level and pattern of noise that would be generated by this industrial activity as the irregular, impulsive sound emissions relating to HGV / plant vehicle manoeuvres and crusher activity (notoriously erratic, multi-frequency and loud) would be more likely to cause disturbance or annoyance amongst people and wildlife in the area.</p>
5.4	<p>The proposal will lead to unnecessary release of carbon dioxide due to disturbance of the topsoil in the fields affected.</p>
5.5	<p>The application states clearly that inert material is to be placed in the landfill, it then lists TARMAC. Tarmac is a hazardous waste even when the level of coal tar is 0.1%. This is contradictory to the application.</p>
6.	<p>SITE ACCESS AND ASSOCIATED ISSUES</p>
6.1.	<p>Summary</p> <p>Since the majority of phases seek to use the A379 junction with Days-Pottles Lane (Access 1), for both inbound and outbound traffic to the site, the applicant has only provided data relating to this junction and its suitability.</p> <p>However, as will be demonstrated below this is a wholly unsuitable and unsafe junction for movements of Heavy Goods Vehicles (HGV's) as currently proposed due to following reasons:</p> <ol style="list-style-type: none"> 1. Overall volume of traffic (both HGV and non-HGV) is likely to increase during the life of the proposed project. 2. Current speed of some traffic is already above legal limits. 3. No consideration has been given to movement along a marked cycleway. 4. No consideration has been given to pedestrians. 5. Matters raised in the Road Safety Audit that are undisclosed <p>The National Planning Policy Framework (NPPF) paragraph 111 states, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".</p> <p>Given the points raised in this report it has been concluded that the applicants current proposed entrance and egress to the site would create unacceptable impact on highway safety and should therefore be refused on highway grounds.</p> <p>A Technical Note has also been commissioned by Exminster, Shillingford and Kenn parish councils to respond to the submission of the application and to assess what, if any, highway issues have been addressed. This Technical Note should be read, considered and forms part of the reasons to SSGPC object to using the junction A379 & Days-Pottles Lane as the proposed main entrance and egress to the site.</p>

6.2	<p>The Project Phases and Access Points Proposed by the Applicant</p> <p>Reference files: 1.Transport Statement 0519.TS rev A_Redacted, 4.2 Proposed Access Arrangements 1.Transport Statement 0519.TS rev A_Redacted pages 84 to 87 Annotated map showing proposed access points: Access 1 = Junction A379 & Days-Pottles Lane Access 2 = Brenton Road Access 3 = Brenton Road Orange Elephant</p> <p>Phase 1 – Page 84 Inbound: All vehicles use A379 junction with Days-Pottles Lane with vehicles arriving from a southerly direction having to turn across the north bound carriageway. (Access 1) Outbound: All vehicles use A379 junction with Days-Pottles Lane (exiting in a northerly direction along the A379 only). (Access 1)</p> <p>Phase 2 – Page 85 Inbound: All vehicles use A379 junction with Days-Pottles Lane with vehicle arriving from a southerly direction utilising a proposed but as yet not confirmed newly constructed three arm roundabout (due for completion by 2024 and referred to by the applicant as the Peamore roundabout. (Access 1) Outbound: All vehicles use A379 junction with Days-Pottles Lane (exiting in a northerly direction along the A379 only) (Access 1)</p> <p>Phase 3 – Page 86 Inbound: As per phase 2. Outbound: As per phase 2.</p> <p>Phase 4 – Page 87 Inbound: All vehicles use A379 junction with Days-Pottles Lane with vehicles arriving from a southerly direction utilising a proposed but as yet not confirmed newly constructed three arm roundabout (due for completion by 2024 and referred to by the applicant as the Peamore roundabout. (Access 1) Outbound: Vehicles using the recycling (crushing) facility will use A379 junction with Days-Pottles Lane (exiting in a northerly direction along the A379 only). (Access 1) Vehicles depositing material will exit onto Brenton Road via an existing field access. (Access 2)</p>
6.3	<p>We object to the proposed access arrangement on the follow grounds :-</p> <p>1. <u>Objection Point 1 - Overall volume of traffic (both HGV and non-HGV) is likely to increase during the life of the proposed project.</u></p> <p>Reference file: 1.Transport Statement 0519.TS rev A_Redacted 3.2.15 Traffic Surveys “An Automated Traffic Count (ATC) survey was undertaken on the A379, at the location of the proposed Site Access, between the 12th and 18th September 2020.” Issue: The traffic survey is not representative of the volume of traffic movement likely to be encountered during the operation of the proposed site on two points.</p> <ol style="list-style-type: none"> 1. The survey was conducted between 12th to 18th September 2020, when it is highly probable that traffic volumes were reduced due to COVID-19 restrictions existing at that time. 2. There are significant residential developments and infrastructure to the north within 1 mile of the proposed site which will significantly increase traffic volumes during the life of the proposed site. <p>In summary, with regards to volume of traffic, there is a greater likelihood of a road traffic collision occurring with higher volumes of traffic.</p> <p>2. <u>Objection Point 2 - speed of some traffic is already above legal limits.</u></p> <p>Reference file: 1.Transport Statement 0519.TS rev A_Redacted</p>

3.2.19 Traffic Surveys

“The mean speed and 85th percentile speed for both northbound and southbound carriageway are summarised in **Table 3-2** below:

Carriageway	85th Percentile Speed	Mean Speed
Northbound	53.2	47.3
Southbound	47.4	40.5

“

Issue: Speed.

Much emphasis has been made by the applicant regarding the speed of traffic measured during the traffic survey to demonstrate that the speeds of the traffic measured were within acceptable limits having regards to the restricted speed limit of 50 mph at the A379 junction with Days-Pottles Lane. E.g section 5.5.3.

However, if readers of the traffic data move away from averages and percentiles to the actual data in Appendix C, Automated Traffic Count data page 32 onwards then an indication frequently recorded high speeds are observed.

Page 50, 18 September 2020, North shows data for vehicles that were traveling North, and at the bottom starting on the left gives “07-19” being the hours of 0700 to 1900 hours, which broadly align with the proposed hours of operation of the site.

The data to the right shows the number of vehicles recorded in a particular speed category, cumulatively from the 12th to 18th September 2020.

By analysing this data, it can be seen that 2,567 exceeded the restricted speed limit with 147 vehicles exceeding 60 mph.

Page 68, 18 September 2020, South shows data for vehicles that were traveling South, and at the bottom starting on the left gives “07-19” being the hours of 0700 to 1900 hours, which broadly align with the proposed hours of operation of the site.

The data to the right shows the number of vehicles recorded in a particular speed category, cumulatively from the 12th to 18th September 2020.

From this data it can be seen that 63 vehicles exceed 55 mph, with the marked difference most likely attributable to south bound being an uphill gradient.

In summary, with regards to speed, it only takes one vehicle to be travelling at a speed unsuitable for the prevailing traffic conditions for a potentially fatal road traffic collision to occur.

The junction already has a restricted 50 mph limit in place due to the existing junctions which is being routinely breached.

Summary vehicle volumes & speeds

There are 2 sections within the Executive Summary of document 1.Transport Statement 0519.TS rev A_Redacted which are of specific concern with regards to road safety and the inferences that have been drawn by the applicant.

1. “Within the Devon County Council Highway Authority scoping response, reference DCC-PRE-1454-2020 dated 19 June 2020, it advises that the Road Safety Team have concerns over the potential for rear shunts and late lane changes to occur at the proposed access points. It also identifies that a new roundabout is proposed as part of the South West Exeter highway project and this should be explored as a means of access”.

Both larger traffic volumes and speeds above the mean averages may have contributed to these concerns and whilst this response identifies that a new roundabout is proposed as part of the South West Exeter highway project and this should be explored as a means of access, it is worth remembering this roundabout is only a proposal, with a proposed date of 2024 and therefore the applicants proposed use of Access 1, during phase 1 of the project (2 years – Executive summary) would present an increased hazard to users.

2. “Based upon the analysis of the available data the Application Site does not increase traffic on the existing network above that currently experienced and the access can be operated safely with the majority vehicles over the life of the landfill and construction waste recycling facility, entering from the northbound slip road”.

Whilst the inference that the proposed application will not increase overall traffic on A379 corridor, this is based on two major assumptions which are not necessarily sound.

1. That all vehicles currently using the Troode Lane facility transfer to the proposed facility.
2. That the proposed facility operates for its entire life at the current rate of the Troode Lane facility.

3. **Objection Point 3 – No consideration has been given to movement along a marked cycleway**

Reference file: 1.Transport Statement 0519.TS rev A_Redacted

3.2.5 Cycle Network

“There are no designated cycle routes within close proximity of the proposed landfill site, however proficient cyclists may utilise the network of quiet lanes”.

Issue: Cycle route from the villages of Kenn, Kennford, Clapham and beyond towards Exeter.

The series of images contained in the file below demonstrates there is a marked cycleway for pedal cycles which runs north bound from Brenton Road, through junction A379 & Days-Pottles Lane and on towards the Matford roundabout.

Reference file: 2. Cycleway Brenton Road to A379 junction Chudleigh Road.

This cycleway runs parallel along the entire eastern edge of the proposed landfill site.

This is marked at the Brenton Road end with a Department for Transport sign designated as “Route recommended for pedal cycles on the main carriageway of a road” and at the junction of the A379 and Chudleigh Road with a Department for Transport sign designated as “Route for use by pedal cycles and pedestrians”.

From Brenton Road to junction A379 & Days-Pottles Lane the marked cycle way runs alongside the northbound carriageway.

At the junction A379 & Days-Pottles Lane cyclists are forced to either re-join the northbound carriageway or cross the A379 to the south bound side and continue on the shared pedestrian path and cycleway.

Image 10 through to 17 show the junction A379 & Days-Pottles Lane and have notes added highlighting the issues for pedal cyclists navigating this junction.

These are existing issues, which would be compounded and further increase the danger to cyclists should the junction be used as outlined in the proposed application.

Additionally, this cycle route would affect all phases of the applicants’ project lifecycle since it crosses the main entrance and egress to the site.

4. **Objection Point 4 – No consideration has been given to pedestrians**

Reference file: 1.Transport Statement 0519.TS rev A_Redacted

3.2.6 Cycle Network

“The online Public Right of Way (PROW) map shows a bridleway, reference Shillingford St. George Bridleway 19, located along the northern side of the field boundary that forms the extent of the NFA. The bridleway originates from Sampson’s Hill and continues, along an unsurfaced farm track, in an easterly direction towards the A379. Although not a route suitable for most cyclists those on mountain bikes may utilise it”.

Issue: Bridleway 19 is used by pedestrians.

The applicant has identified Bridleway 19 under the cycle network section of : 1.Transport Statement 0519.TS rev A_Redacted.

However, this Bridleway is also used by pedestrians. When the bridleway meets the A379, this will be at the main entrance and egress to the proposed site. At present pedestrians have to be aware of multiple potential hazard sources due to the number of roads and vehicle accesses intersecting at this junction. They will have a view as shown in Image 15 of reference file: 2. Cycleway Brenton Road to A379 junction Chudleigh Road. The only direction for pedestrians to continue their journey from this point is to cross the A379 to the east side. This crossing will be made more difficult, unsafe and potentially fatal with decreased visibility due to applicants proposed use of this junction and additional 150 HGV’s movements (1.Transport Statement 0519.TS rev A_Redacted section 3.2.23).

5. **Objection Point 5 - Matters raised in the Road Safety Audit that are undisclosed**

Reference file: 1.Transport Statement 0519.TS rev A_Redacted

Appendix I - Stage 1 Safety Audit and Designers Response

“1.10 Matters which the Terms of Reference exclude from this report, but which the Road Safety Audit Team wishes to draw to the attention of the Overseeing Organisation, will be supplied in a separate document in the covering email to this Road Safety Audit Report.

Issue: Restricted disclosure.

Whilst the Stage 1 Road Safety Audit carried out by Sterling Road Safety LLP may have been conducted in accordance with “norms” for applications of this nature, SSGPC would like it on record that it does not appear the process is transparent.

The Overseeing Organisation in this instance is Devon County Council and there is no evidence of the separate report alluded to in point 1.10 above being lodged on line with this application.

If Sterling Road Safety LLP have raised concerns regarding safe use of the junction of A379 & Days-Pottles Lane as proposed in by the applicant, but these fall outside the Terms of Reference and are excluded from the applicant’s report, then in the interests of transparency these should be disclosed by Devon County Council.

As with all “independent audits” they are never truly independent unless the appointing agent is the decision maker which in this application would be the planning committee of Devon County Council. Since the report states at paragraph 1.2 “This Audit is undertaken at the request of Jim Tamblyn of Horizon Consulting Engineers Limited (Design Organisation) on behalf of Devon County Council (Overseeing Organisation)”, the reader would be entitled to infer that Sterling Road Safety LLP may have been remunerated for the Road Safety Audit Report by the applicant. If so we would question whether they are fully independent.

This limitation of independence is further supported by a lack of inquiry on the part of Sterling Road Safety LLP with regards to speed data for the location and that this matter is not raised by them, as a

safety concern.

The report states at paragraph 1.14 that "...the speed limit is 50mph and measured 85%ile speeds are 53.2mph northbound and 47.4mph southbound.".

This paragraph has been taken from the body of the applicants report (File reference 1.Transport Statement 0519.TS rev A_Redacted), as detailed at Point 2 of this objection and even a cursory look by a road safety professional at the actual data would discover as we have that unsafe speeds were regularly occurring at the location under review.

6.4 **OTHER MATTERS FOR CONSIDERATION**

Alternative entrance and egress points

As already stated, this document seeks to highlight the potential hazards associated with applicants proposed use of the junction A379 & Days-Pottles Lane and object to it being used as the main entrance and egress to the proposed site.

The applicant's own documentation identified other potentially alternative and more suitable entrance and egress points but these were not explored further.

These have been annotated on file reference 1.Transport Statement 0519.TS rev A_Redacted pages 84 to 87.

Annotated map showing proposed access points:

Access 2 = Brenton Road

Access 3 = Brenton Road Orange Elephant

The latter of these, Access 3 is shown in the image below and has been identified by SSGPC.

Whilst not forming part of the current proposed application, the entrance does belong to the same landowner whose land is being used by the applicant.



Image: Brenton Road, looking north between the Orange Elephant and A38.

Provision of safe crossing point at A379 junction with Days-Pottles Lane

In the event the planning committee deem the applicant's proposed entrance and egress to the site, safe for all road users at this junction, SSGPC would strongly petition for provision of a safe crossing method for pedestrians and cyclists. This would need to be developed, implemented and paid for by the applicant.

It has been discussed in the supporting argument above (Objection Points 3 and 4) and illustrated in the series of images contained within file 2. Cycleway Brenton Road to A379 junction Chudleigh Road (images 12 to 15), that pedestrians arriving at the A379 along Bridleway 19 and cyclists travelling north along the A379 towards Exeter, need to cross the A379 at the junction with Days-Pottles Lane in order to continue their journeys.

These road users have as much right as others to be able to do this in a safe and unrestricted manner.

Such provisions would need to be developed by road safety professionals but could include:

- installation of signal controls (lights);
- an overpass (bridge);
- underpass (tunnel); or

central refuge between the north and south carriageways which in conjunction with a reduction in the posted speed limit and or installation of signal controls, might allow for safe crossing to be achieved.

7.	<p>Shillingford St George Parish Council wishes to re-iterate its total opposition to the Planning Application for the Landfill site and requests the County Council to refuse permission.</p> <p>In the event however that the application is granted the Parish Council asks the County Council to ensure any planning approval is made conditional on the applicant: -</p> <ol style="list-style-type: none">1. Moving the processing plant and associated offices well away from the top of the ridge and repositioning them on a lower part of the site or preferably off site.2. Reviewing and substantially improving the proposed access and egress arrangements to the site.3. Ceasing operation of the landfill site within a 10 year period and fully restoring the land to agricultural purposes within that timeframe.
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