

Application Number **DCC/4337/2023**

B T Jenkins, Lower Brenton Farm.

Kenn Parish Council have several major concerns regarding this application and the impact it will have on the community of Kennford and the surrounding area, including the new Housing developments along the A379 at Matford and the planned development at Peamore adjacent to the proposed application site. The Parish council has listened to the concerns of our parishioners; the following issues form our objections to this application.

1. Necessity of this site

Reference **Devon County council;** Waste Management plan 2011-2031
updated statement September 2023

2. Traffic flow and vehicle movement.

Reference **An independent technical traffic analysis Jon Pearson FIH**

3. The ecological effect on wildlife and the environment...

Reference **An independent ecological report Kelvin Boot**
TDC local plan policies S22 Countryside, EN9 Habitat features.
EN2A Landscape, EN10 European wildlife sites.
EN8 Biodiversity, WE11 Green infrastructure.
NPPF Paragraph 174
DWP Statement 2023 Section 8

4. Visual impact

Reference, Teignbridge local plan 2013-2033

5. Noise, dust and carbon emissions, pollution....

Reference, Devon waste strategy 2011-2031
Tetra tec noise assessment statement
Exe Estuary SSSI/SPA
The RAMSAR EXE Estuary wet lands ID 1258 Code 11025
Teignbridge District Council emerging revised local plan 2020-2040

6, Surface water run off

Reference, Exe Estuary SSSI/SPA
The RAMSAR EXE Estuary wet lands ID 1258 Code 11025

7, Health and mental wellbeing of residents.

Reference, Devon waste strategy 2011-20
NHS guidance information

8, Climate Emergency

Reference, Declaration signed in 2019 by both DCC & TDC

The Devon Waste plan 2011-2031, has provision for a reassessment of the plan. It is now more than halfway through the plan's life already, so far there is no record of any revision. If the plan is to be updated soon, DCC should wait until that review is completed before opening anymore new sites.

Reference **Devon Waste Plan 2011-31**

Page 38, Table 2.4

Clearly shows Construction, Demolition and Excavation Waste (CDEW) capacity required, reducing over the next ten years. There are five other inert waste and recycling plants listed on the Government website. In addition, there is the granted landfill site at Lower Hare farm Whitestone capacity 350,00 cu m, yet to come into operation. Also, earlier this year an extension was granted at Zig Zag Quarry for a further 285,000 tonnes of inert waste to be deposited.

In total should this latest application go through it would bring the total capacity available Over the next ten plus years to **1,335,000 cu m** of inert land fill capacity this extra capacity is on top of Devon County Councils already declared surplus of existing capacity in the Waste plan 2011-31. (Refer to page44, 2.4.29 below)

Page 44, 2.4.28

The existing permitted capacity available significantly exceeds current levels of recycling and the levels anticipated by 2031. Furthermore, a considerable proportion of the CDEW stream is recycled on site where it is generated and therefore will not require treatment at the facilities collated in table 2.2 thus meaning available capacity is greater. It should be noted that while the total recycling capacity is a large figure, waste can pass through more than one of these facilities as part of its management in advance of being recycled. In addition, these facilities do not necessarily operate at full capacity.

Page 44, 2.4.29

Informed by the level of existing capacity at waste recycling facilities across the County, it is not necessary to identify further strategic facilities within the county during the plan period for recycling in general and the existing network of facilities is broadly sufficient to manage the projected waste arisings.

With the Devon waste requirements for the recycling of CDEW more than met for the next ten years, incidentally the proposed life span of this application site, it begs the question as a commercial operation the company running the site will be able accept CDEW for

recycling from anywhere in the country, with carbon footprint reduction aspirations of both Devon County Council and Teignbridge District Council in tatters.

Two underline this very important point.

Page 45, 2.4.33

The last sentence, the figures represented in table 2.9 are the most likely outcome, although it is acknowledged that this is dependent upon a range of factors, i.e., the delivery of recovery capacity and increases in recycling.

The table shows 76million cu.m CDEW excess capacity (2011figures). Zero CDEW requirement by 2031.

Using Devon County Councils own assessment of the requirement for land fill capacity up to 2031, overall existing capacity exceeds demand.

This application is unnecessary premature and should not proceed until DCC has assessed the requirement in a review update to the current Devon Waste Plan 2011-2031, with projections of any need for the decades following, which if DCC keeps to its Carbon reducing targets will be significantly less

The Parish of Kenn already has one waste recycling plant at Kennbury Wood, and the applicants existing site at nearby Trood lane , both these sites have been granted extensions to their temporary licenses over the past decades. To the long-suffering residents of Kenn, this application looks more like a convenient dumping ground, than any careful consideration to the impact on the residents' lives, the continued disruption and the health and safety issues it brings with it.

Objection, issue 2; Traffic flow, vehicle movement, safety of pedestrians, cycle users.

Kenn Parish Council has employed the services of a fully qualified and independent Professional Highways consultant to examine this application. Mr J Pearson FIHE, A full transcript of his technical report will be posted separately on the planning portal, under the title.

Kenn Parish Council Highways Technical report DCC-4337-23

Detail of the issues covered in the full technical report.

Planning History

Traffic Generation & vehicular impact

Proposed Access & Egress from the site

Signed Cycle route conflict with access/egress route

Summary and conclusion produced here in full.

This TN submission has assessed the highway implications of planning application (DCC/4337/2023) for the provision of temporary construction, demolition, and excavation waste recycling facility; importation and landfilling of approximately 700,000 cubic metres of inert waste materials. It has reviewed the resubmitted Transport Statement and found that there are major highway concerns regarding the impact of the HGV traffic within the village of Kennford, danger to cyclists, motorcyclists and pedestrians and recommends that the planning application be refused.

The National Planning Policy Framework (NPPF) paragraph 111 states that '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.'. The severe impact on congestion, air quality and most importantly highway safety, specifically cyclists, through Kennford and the surrounding rural road network is contrary to National Policies. The traffic impacts of the proposal are severe and clearly cannot be mitigated. It appears that the submission has only considered, in a manner favourable to the developer, the likely traffic impact upon the A38 and A379. It has failed to consider the wider impact on the area, the villages, the inadequate rural highway network, and the local communities.

The submission has only considered, in a manner favourable to the developer, the likely traffic impact upon the A38 and A379. It has failed to consider the wider impact on the area, the villages, the inadequate rural highway network, and the local communities. For the reasons given above it is submitted that the proposed development fails to accord with central and local government guidance and policies and the planning application should be refused on highway impact and safety grounds.

Additional concerns raised by parish residents.

There is already has one waste and recycling plant at Kennbury wood, which uses the same overbridge to egress its site, the already a high number of HGVs and skip lorries using the facility daily, will be Added to buy up to 100+ HGV lorry movements a day six days a week, there will be an almost continuing stream. This is also an existing cycle route that connects Kenn and Kennford with Exeter, this huge increase in traffic using the overbridge will greatly add to the hazards for cyclists and other road users. HGVs will cross the cycle route no less than **three** times to reach the proposed site, magnifying the dangers to cyclists.

It must also be considered, that apart from the fact that there will be a huge number of lorries using the bridge, there are also large agricultural machinery/tractors, which these days are impossibly big, together with whatever huge machinery they are towing on behind. These are constantly on the road, servicing the farms in the immediate area. There are four active working farms, all within half a mile of this site.

At times of hay, silage, maize, corn, and fodder beet harvest, they all employ contractors, and then the roads are busy and dangerous, at some point, they all must use the bridge for access to the working farms along Brenton road and beyond.

There is already a recognised ongoing problem with HGVs visiting the Kennbury wood site not following the companies laid down travel route plan to reach the site , as well as other HGVs ignoring the weight restriction through Kennford, this problem will grow to an intolerable number and deeply affect the health and safety of residents of Kennford.

Currently Exeter City Council are running a consultation on enforcement of traffic offences with in the city, using enforcement camaras, to enforce the penalties for infringement. Taking away from the Police this task which due to the pressures they are under is rarely if ever enforced In Kennford after three years of the restriction being in force, there have been no prosecutions of offenders. Should the application be recommended for approval against all the evidence to the contrary , Kenn Parish Council would urge that the highway authority ensure a more suitable and effective enforcement method be provided and paid for, by the applicant. This would, by necessity, be the provision of enforcement cameras at each end of the village. In Addition, a clearly defined Cycle and footpath route be put in place up to and over the overbridge to join the cycle route on the far side of the bridge, to allow a safe access route to Exeter and beyond for the residents of Kenn and Kennford. Unfortunately, the width restriction of the bridge will make this vital safety measure unattainable and therefore puts into question the idea of granting this application to the detriment to the safety of the residents of Kenn and Kennford.

Objection issue 3. The ecological impact on the environment and wildlife.

AN ecological report has been prepared which highlights the real concerns and impact this application would have on Devon landscape and diminishing landscape and Biodiversity value, it clearly demonstrates the conflict with the following policies

TDC local plan policies;	S22 Countryside,	EN9 Habitat features,
	EN2A Landscape,	EN10 European wildlife sites,
	EN8 Biodiversity,	WE11 Green infrastructure
	NPPF	Paragraph 174

The ecological report has been Compiled by Mr Kelvin Boot on behalf of Kenn PC. Kelvin Boot a resident of Kenn Parish is a life-long naturalist who has written hundreds of articles concerning wildlife for local press, and in national scientific publications, has made hundreds of programmes for BBC Radio 4 and other media outlets; was previously Senior Curator and Curator of Natural History at RAM Museum, Exeter and Director of the National Marine Aquarium, Plymouth. He was a founding member of the Devon Bat Group; and set up the original Devon Biological Records Centre, based at RAM Museum, Exeter. He is currently involved in the 'Living Churchyards project'. As such, while not a designated 'ecologist' he has a wide knowledge of local fauna and flora and many decades of studying, understanding, and interpreting it, he is thus an experienced naturalist with a broad knowledge.

A full transcript of his technical report will be posted separately on the planning portal, under the title.

Kenn Parish Council Ecological Report DCC-4337-23

Detail of the issues covered in the full report.

General concerns on the proposed scheme from BT Jenkins. Including detailed analysis on the impact on

Mammals, Bats, Birds, Reptiles, Amphibians, and Invertebrates.

The final summary of Mr Bloods report is detailed in full below,

MITIGATION.

There is much made of the post operational mitigation measures. Including the inclusion in the report of Ecological Net Gain tables (Table 7.1 et seq.) which outlines proposed measures to make up for losses incurred as a result of construction/operation. I do find it impossible to understand how one can talk about net gain when the biodiversity report, which is meant to be a baseline, is lacking in key information due to the 'pragmatic' approach which in its nature is highly selective. I return to invertebrates, which inhabit most niches including soil, grassland, banks, hedgerows, trees, etc. These will form the basis of any 'recovery' post operations but as there is no data, at all, of what is there it is impossible to assess 'net gain'. This tier of the biodiversity pyramid will be crucial to any other 'net gain' in the form of birds etc. but is likely to take a long time to approach its former wealth, some species will likely never return. Table 7.2 suggests as being 'probable' that residual impact on birds and bats is likely to be 'significant', perhaps taking 20 years to become positive.

I do consider the sudden, unprecedented interest in ecological sustainability something of a surprise and can only think it must be 'greenwashing'. There has been plenty of time over 'the five generations' that have farmed this land to consider nature, as has been done elsewhere in the Parish, it's a shame the track record does not match or give confidence in the future aspirations. It is not clear, if the proposal goes ahead, how the biodiversity impacts and suggested mitigation 'gains' will be monitored and administered. The response I had to a question of the Jenkins team at the public 'drop-in' was that this would likely be the landowner – bizarre if true. It is also not clear whether any 'improvements' would be in perpetuity or would be conveniently forgotten once permission had been granted.

SUMMARY

- a. This ecological report has been steered by a desk top study, which itself was populated by sparse and inaccurate data. This guided subsequent research, much of which was deemed unnecessary. Thus, a reliable baseline cannot and has not been achieved.
- b. It is relatively easy to prove presence of a species, almost impossible to prove absence.
- c. Desk top survey from existing data only reveals records submitted and does not reflect what is actually present, certainly in this case, it has many gaps, e.g., the reptile data is wholly inaccurate. Indeed, it is stated that the existing records for all species, from the desktop research, indicate a total of 125 species – this is absurdly incorrect
- d. Large tranches of species, birds, mammals, reptiles etc., have been considered not worth looking for because the desk top survey indicates they are not there – this is wholly unacceptable and tantamount to deception. There are too many assumptions that because something wasn't spotted during field surveys, it cannot be present. Cirl buntings are now known to use the area, if not for nesting, they have moved along Kenn Lane and are in the village environs. They are also recorded from adjacent farmland, which incidentally is the subject of an official Cirl Bunting habitat restoration scheme. The poor list of species noted is a reflection of the (largely desktop driven) survey and bears little relation to reality.
- e. A single visit, or few visits, at particular times of day will not register every species: hedgehogs are left out of the report, largely because they are nocturnal and difficult to spot unless being sought. Other species of small mammal will also be over-looked as they can be difficult to survey by cursory visits.
- f. The report only addresses those species which it is required to, to meet the minimum criteria for legislation, or those which are relatively easy to assess; it is thus a minimal report and does not consider the value of the broader mosaic of nature. A single plot of land cannot disregard the surrounding landscape. It is impossible to consider one stretch of countryside in isolation of the surrounding landscape, especially under a destructive, noisy, and dust-creating activity.
- g. It is surprising and disappointing that the River Kenn, which passes within the 500m proximity measure, has not been included. Despite damage through agricultural pollution and habitat destruction in the past, it still manages to maintain some interesting and rare fauna, and is an important, route into and alongside the proposed area. Now that the entry point to the site has been moved closer to the River Kenn, this becomes more concerning.
- h. It is my opinion that the survey is inadequate and does not represent a true wildlife picture of the site and its immediate environs. It does not provide a reliable baseline and thus should not be used to justify the proposed landfill site.
- i. In the unlikely event that permission, be given for the landfill operations to take place the mitigation measures suggested need to be significantly strengthened.

Objection issue 4. Visual impact *Reference* TDC local plan 2013-2033 & 2020-2040

This application has repositioned the processing plant area lower down the site, the visual impact of the Processing plant machinery and associated buildings, will still adversely affect sight lines in all directions creating an eyesore.

The processing plant area will be visible from the A379 the access road into and out of Exeter particularly the Peamore area (Peamore House grade 2 listed building), the newly established SANGS part of the Southwest of Exeter development. At Pearce's hill, obstructing the views of Haldon Belvedere tower, The A38 the gateway route into South Devon hardly a welcoming visual impact to this beautiful County. Substantial screening will be required to mitigate on the impact to the local settlements and open space provided for those communities. It could also become a permanent feature if as DCC's (Devon Waste Plan 2021-2031) predicts, the site capacity will not be met or required in the ten-year lifespan applied for, necessitating extensions to planning for commercial reasons. Any extension would further blight the existing communities and the emerging developments at Peamore and Southwest of Exeter expansion.

Objection issue 5. Noise, dust, and carbon emissions *Reference* Devon waste strategy 2011-2031

Tetra tec noise assessment statement; Exe Estuary SSSI/SPA
The RAMSAR EXE Estuary wet lands ID 1258 Code 11025
Teignbridge District Council emerging revised local plan 2020-2040

The noise generated by the heavy duty crushing and sorting machinery will carry long distances from this site, This together with the operating noise of up to 150+ HGVs, power braking screams, Turbo chargers whining as heavily laden lorries accelerate up to inclines to reach the overbridge, and around the site. Add this to the constant reversing bleeper signal the all the motorised vehicles on site, HGVs tractors and excavators will generate which will carry much further than all other background noise, as it is pitched higher to be a noticeable warning signal.

The residents of Kennford will be constantly bombarded by this noise as they go about their daily lives around the area six days a week. This constant noise significantly higher than background traffic noise will have a devastating accumulative effect on residents' mental health and wellbeing.

The Application noise impact assessment states that at the locator points used, the background noise together with assumed typical landfill site noise added in, is within criteria. In general terms this may suit the application, what it doesn't do is consider the day-to-day noise pollution the residents would have to live with as described above. The high variation of intermittent noise levels has been shown to relate to the level of human disturbance and annoyance. It must also impact the livestock grazing on the land that this site will be on.

There is no real detail in the application of lorries visiting the site to carry off recycled material to other destinations. These extra lorry journeys will add a significant number of lorry movements to the 70/90 daily HGV movements already declared, all adding to the noise levels. Adding diesel fumes, CO2 carbon emissions and dust into the local environment. Air quality must also be considered, should this application proceed permanent air quality monitors should be required to monitor the effect on the nearby communities. The proposal does not appear to acknowledge impact on the local inhabited environment, nearest being the village of Kennford, nearby Peamore house and the housing developments currently under construction at Matford of 2000+ homes with a through school and community infrastructure

facilities on the A379. Add to this the 750+ homes at Peamore adjacent to the proposed landfill site which are allocated in the TDC revised local plan, 2020-2040 the noise dust and emissions will impact a very large number of inhabitants for many years. During the proposed ten year plus life of the site and probable extensions, it will be surrounded on three sides by existing settlements and new housing development, the West side, Kenbury wood with its habitat of a multitude of wildlife will also be disturbed by noise dust air pollution.

The Trood lane site over the years of operation, has had an ongoing problem with dust and mud on the A379. Despite the efforts by the operator and many County, District, and parish councillors to remedy the problem, the problem persists, even allowing for the extra HGV traffic accessing the new building development along Trood lane. This dust and mud on roads and vehicles will be the plight of the residents of Kennford in their village and the surrounding area, not just up the A road approaches.

Objection issue 6. Surface water run off *Reference* Exe Estuary SSSI/SPA

The RAMSAR EXE Estuary wet lands ID 1258 Code 11025

There is serious concern relating to the surface water runoff from the site on two counts. Firstly, the application states the surface water be collected in settlement lagoons the allowed to flow into an 'existing stream'.

That stream is the Berrybrook, which rises in and around the Lower Brenton farm area, flows under the A38 and on through Exminster, onto Exminster marshes (RAMSAR wetland ref 11025) where the RSPB wildlife preserve is situated and the Exe Estuary SSSI/SPA (special protected area) a European protected site.

The concern is that micro plastics and heavy metal pollution will be carried into the Berrybrook and the river Kenn affecting the water quality and the habitat of the wildlife and particularly the Otters that have returned to the river Kenn, (see the ecological report attached). The application states that there is no history of flooding on the land within the red line of the application. It conveniently forgets to mention the serious flooding in Kennford in 2013. Residents are very concerned that any extra water flow will compromise the flood defences installed by the environment agency following the 2013 floods.

Objection issue 7. Health and mental wellbeing of residents. *Reference* Devon waste strategy 2011-20

NHS guidance information

The health and wellbeing of all the residents of the area surrounding this site. (Devon Waste Plan 2011-2033, par 4.9.2 & 4.9.5)

If the Covid pandemic has proved anything it is the importance of taking outdoor exercise and fresh air to maintain a healthy, stable, physical, and mental disposition.

There are three footpaths affected by this application, one in Shillingford Parish (FP14) and two in Kenn parish (FP16 & FP54) The plans will render these much-used recreational routes for walkers of both Shillingford and Kenn parishes unsuitable for exercise in fresh air, in a quiet environment to help maintain a healthy stable physical and mental disposition, due to the noise, dust and diesel fumes, For several people, the accumulated effect on the intermittent noise levels, dust and worry will affect their mental health and wellbeing. Careful consideration must be given to the most vulnerable people in our communities.

Objection issue 8. Climate emergency. Reference, Declaration signed in 2019 by both DCC & TDC

In 2019 both Devon County and Teignbridge District Councils signed a declaration declaring a Climate Emergency. The Devon waste plan clearly shows that during the lifetime of this proposed site that inert waste from construction should be used on site to deduce the need to transport waste, and so deduce the carbon footprint. This commercial operation to operate will need to transport the waste material from much further afield to operate. This is in direct conflict the Climate Emergency Declaration.

Conclusion

The recently published DWP statement September 2023, Summary and- conclusion makes the case for several scenarios,

8.3 of the statement, states that capacity has declined since 2014, however it also states that permissions have been granted in 2020-21 for new sites with a capacity of 935,000 cubic metres, also extensions are being sought two sites to extend their capacity.

Permission has been granted for the site at Newton Abbot for additional capacity for inert landfill.

Lastly and perhaps the most important in relation to this application is the submission of another inert landfill site at Tiverton that site would have a capacity approximately 3.5 million cubic metres.

When the forecast capacity of all the extensions and at least one of the new applications are totalled up, it exceeds by a margin even the most pessimistic assumptions made in the DWP statement 2023.

When all the blight on residents' daily lives and wellbeing, the disruption of added traffic congestion, that this application would bring to the surrounding communities, there is no case for granting this application. It is a commercial business attempt to relocate an operation that Devon County Councils declared waste management plan and the recent update states will not be required over the ten-year period that this application asks for. It is an unnecessary landfill site that will have a huge detrimental impact on people's lives, communities, and the ecological environment, as well a negative impact on the aspirations in the climate emergency declaration.

It should and must be refused.

