

- 5 **Public rights of way** **Reference,** DEFRA Rights of way circular (1/09)
- 6, **Human health, air Quality and noise and vibration**
Reference, Teignbridge Local plan 2020-2040 policy
EN7 Air Quality
- 7, **Climate Change** **Reference,** Declaration signed in 2019 by both
Devon County Council & Teignbridge District Council
- 8, **Alternative locations** **Reference,** Waste management plan 2011-2031
Updated statement September 2023

References made to policies in Teignbridge local plan 2020-2040. The emerging plan has been submitted to the planning inspectorate, and is under examination, so carries material weight.

Taking each of the headings above,

1, **Landscape and Visual Impact**

The Parish Council agrees with the concerns raised by Teignbridge District Council regarding the proximity of the allocated housing development site at Peamore and the impact this site could have on meeting housing requirements in accordance with Government policy.

There is also the proximity of the Grade Two listed building of Peamore house and importantly the impact on Peamore gardens also a protected area covered by the Grade Two listing.

Also, Policy EN4 sets out clearly considerations that need to be considered particularly with reference to the visual impact on Peamore house and Gardens.

2, **Road Safety Audit Transport Statement**

The response to the regulation 25 requests, states that the site is 5k from Exeter City centre and 3k from Marsh Barton Trading estate to the casual reader that might seem quite remote.

It fails to mention that the site is less than **500 meters** from the village centre of Kennford, the Brenton road proposed site access/egress is between Kennford from Clapham a Residential part of Kenn Parish.

The impact on the residents would be immense particularly the road access to local amenities in Kennford, also crossing the access point to follow the slip road towards the A379, meeting HGVs exiting the site on the slip road. This is particularly concerning for the safety of Cyclists and pedestrians.

Kenn Parish Council have employed the services of a fully qualified and independent Professional Highways consultant to examine this response to the regulation 25 questions. 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-4337-23-24

Extracts of the issues covered in the full technical report.

1.9 There will be a significant increase in HGV trips using the overbridge to reach the application site significantly adding to those currently operating from the Coastal Waste & Recycling facility. The fact that Coastal Recycling have 35-40 round trips a day using the same operating hours as that planned by the applicant, and using the overbridge is not mentioned in the applicants revised Transport statement or any documentation.

1.10 Coastal Waste & Recycling is situated the Eastern side of the overbridge, the entrance 100 meters from the overbridge. All HGV traffic visiting that site traveling from the North use the slip road off the A38. If traveling from the south, they use the A379 from the A38 to the Matford roundabout on the A379 a **round trip of 6k** from the A38, to reach Coastal recycling, or as is common practise come off the A38 at the junction before and cut through Kennford ignoring the 7.5ton weight limit. **This is the same travel plan for the lower Brenton application.**

1.11 All traffic leaving the Coastal recycling site turn right over the overbridge when leaving the site, this is an average of 35/40 two way movements per day Monday to Saturday, higher at peak times.

1.12 The number of two way movements proposed in this application per day Monday to Saturday added to the Coastal recycling movements, equates to approximately one HGV every 3 to 4 minutes every working day using the overbridge, at the proposed access point. There is no mention in the response of the Coastal recycling traffic sharing the overbridge creating the almost continuous flow over the overbridge.

1.13 The issues of greatest concern are the proposed access and egress to the application site. The junction of Brenton road, the overbridge, and the slip road down to the A379, will be a bottleneck with the HGV traffic vying with other road users including local car traffic, farm vehicles cyclists and equine users. Also, the extreme likelihood of HGVs passing through the village of Kennford, which is echoed by the Highways authority. From January to the end of July 2024 the number of HGVs recorded photographically by residents of Kennford stood at 144 passing through the village.

1.14 The main road through Kennford (Exeter road) has a signposted 7.5ton weight restriction unfortunately it is not policed nor enforced. The abuse of the Traffic Regulation Order (TRO) causes congestion and air quality issues within the centre of the village. There have been several incidents of parked cars damaged, and damage to grass verges by HGVs trying to extricate themselves when realising the restriction is there for a reason. The likelihood of a massive increase of HGVs cutting through the village needs careful consideration.

1.15 The revised exit from the site has not been designed to stop HGV drivers turning right back over the overbridge passing through Kennford to avoid the 6k detour to head back south., doubling the air pollution, noise, and danger to pedestrians especially the children attending the primary school.

1.18 The traffic statement and the highways officer refer to the approved roundabout at Peamore, however that infrastructure proposal has been withdrawn from the Devon County Council, housing Infrastructure Fund (HIF) bid to Government, and now relies on the developer funding the cost via s106 agreement, it is highly unlikely that any roundabout will come forward during the lifetime of this application. Any S106 agreement applied to this application should it be approved, must the installation of the roundabout at Peamore prior to occupation. To deter the abuse of the weight restriction in Kennford and the deduce the journey times and environmental impact the 6k circular route represents.

1.20 The issue of HGVs passing through Kennford is that they pass the entrance to the primary school and must navigate the extensive on street parking, this congestion creates and increases the severe adverse air quality, noise, and dust. Any adverse increase is contrary to both the Devon and Torbay local transport plan and Teignbridge District Council local plan.

1.23 A major area of concern with the proposed access/egress from the site is that HGVs will be interacting with cyclists using the signed route towards Exeter. or Cyclists wishing to access the amenities in Kennford. HGVs will cross the signed cycle route **Three times** with the present proposals, It must be remembered that this is the only cycle route school children can take from Kennford or Clapham to reach the new secondary school at Matford, (Matford Brook Academy).

Disproportionately records show that HGVs are more likely to be involved in a pedal cycle fatality. There is a clear danger of accidents involving cyclists due to the huge increase in numbers of HGVs that will be continually crossing the cycle routes multiple times to access and egress the site as set out.

The applicants used a Strava heat maps system to monitor usage of the footpaths, bridleway, and local lanes of Shillingford lane and Brenton road. This system will give a vague indication of usage, but only records people using the app, i.e. joggers, it will not show casual walkers, dog walkers and Cyclists, so there is no data offered that shows the number of cyclists likely to be using the cycle route that will be crossed and recrossed by all the traffic entering or leaving the site

The National Planning Policy Framework (NPPF) state *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 impact 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 the NPPF. The traffic impact of the proposal are clearly severe and cannot be mitigated.

3, Ecology/Biodiversity Key points Compiled by Kelvin Boot resident of Kennford, at the request of Kenn Parish Council

Kelvin Boot (BSc) is a well-respected local naturalist; the author of Westcountry Wildlife; a broadcaster for the BBC with hundreds of programmes to his credit; He has been a scientific communicator working at all levels including Government and the European Commission. While employed by Exeter City Council he was a key member of the small team that created Exeter's Valley Park network

The full Ecological analysis will be posted separately on the planning portal under the title

Kenn Parish Council Ecology analysis DCC/4337/2023-24

The Ecology report prepared by Mr Boot, explains in detail the importance of the current well established hedges within and surrounding this site.

There is one extremely crucial point the applicants have failed to account for. All the applicants' comments are based on outdated and surpassed 1997 regulations regarding hedgerows, and therefore bring into question the entire project.

On May 24th, this year 2024 new regulations came into force protecting hedgerows deemed to be IMPORTANT. For any hedgerow to be designated as an IMPORTANT HEDGE it must meet a number of criteria. The hedges within the proposed site do indeed match the criteria by being more than 30 years old and being part of a field system that looks to be related to any building or other feature associated with a field system that existed before 1845. The relevant (Exminster) Tythe Map for 1839, clearly includes the hedges, field system and Dadmore Cottage, hence fits the criterion

The Hedgerow Regulations (2024) clearly state that any IMPORTANT HEDGE requires extremely specific permission for any management and removal, AS WELL AS THE PROVISION OF UNTOUCHED

2 metre CORRIDORS IMMEDIATELY ADJACENT TO IT. The application cannot ignore the regulations, the hedgerows bordering and within this site will be deemed IMPORTANT in the eyes of the law.

4, Drainage and Flood risk

The Flood Risk Assessment (FRA) states *'there is a layer of silty CLAY up to 0.4 m in depth.*

The clay and Silt layer above the Breccia Formation creates a relatively impermeable strata of sufficient depth to locally increase surface water runoff from the field in its current undeveloped state.'

Apart from the existing natural run from surface water, there will be an increase to add to this from the proposed wheel washing and Dust control sprays that will add to the amount of surface water to be filtered by the attenuation ponds.

The report refers to the ponds allowing the settlement of solids before continuing downstream. It makes no mention of soluble chemicals such as diesel spillage, or other toxic chemicals that may be contained in the waste being processed and crushed. This would be harmful to the Ecology of the local stream, in this case the Berrybrook if it is allowed to pass through the attenuation ponds unchecked.

The Report is fully aware that the runoff water from the site will enter the Berrybrook, as they set out below

The natural topography of the Northern Fill Area currently directs

overland flow down the steep sided fields into the natural valley feature which channels the flow into the ditch located within close proximity to Dadmouth Cottage at a lower elevation. Similarly, the topography of the Southern Fill Area directs overland flow to the culvert by the field entrance. Both of the areas shown at risk of flooding by overland flow correlate with the points where flows pass beneath the public highway, the outlets forming a throttle to the upstream flow.

A historic watercourse is located in the south east corner of the NFA; the origin adjacent to Dadmouth Cottage. This watercourse is shown flowing in an easterly direction where it passes beneath the A379 via a 'Sinks'. This watercourse is shown to re-emerge via an 'Issues,' within a woodland copes, with the OS Water Network Map indicating a connection to Berry Brook located to the east of the A38.

The final part of the FRA states

Foul Water Disposal Principle

5.2.1 The welfare facilities for the staff operating the Site will be served by a septic tank that will be regularly emptied.

Which is questionable, Should this be a full foul water treatment plant connected to the mains drainage system, to prevent any danger of overflowing and further contaminating the surface run off.

The application as presented, clearly conflicts with the emerging Teignbridge Local Plan policy EN6 treatment of foul water likely to cause pollution of local water environment.

5, Public rights of way

The application sets out measures to allow the continued use of the public rights of way and footpaths through the site. The DEFRA rights of way circular sets out the criteria that must be followed.

Obstruction of footpath 16 where it crosses the access road with gates could be seen as unlawful.

Noise and Dust will be a daily problem when the site is operating, by the very nature of the work a large volume of dust will be created. Also, the noise of the Crushing machinery and reversing warning signal all Heavy vehicles are required to have will create an un healthy environment to walkers using the bridleway and footpaths.

Safety There are concerns that walkers may be deterred from using the bridleway and footpaths due to the physical danger of accident due to the shared space with site traffic. This would deprive the local community of especially important rights of way essential to leading a healthy lifestyle.

6, Human health, air Quality and noise and vibration

There will be clear issues of air quality, noise, and dust. The sheer number of HGVs visiting the site as well as the onsite machinery will have a heavy adverse effect on air quality in Kennford and the immediate surrounding area. The noise generated on site including material crushing, HGV Brake servos and more, will be a constant backdrop for all residents of Kennford. The Trood lane site, which this application seeks to replace has a long history of dust, which even in calm weather conditions forms clouds that coat properties and vehicles over a wide area. It must be remembered that Trood lane until recently did not have a large number of close neighbours who had to live with the dust, unlike the application site that has the community of Kennford less than 500 metres from it who will.

The Teignbridge local plan policy EN7 has clear guidelines on air quality that need to be closely adhered too.

7, Climate Change

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.

Summary and Conclusions

The list of reasons this speculative application should be refused is well documented by the previous submissions made by statutory consultees including Kenn Parish Council, and all the neighbouring Parish councils affected by this proposed landfill site, as well as the enormous number of residents of all the parishes who will face life changing consequences should this application proceed.

Life changing consequences may seem dramatic, but the placing this landfill site in the middle of a rural community village, which conflicts with so many national and local government policies. The accumulative effect of all the areas of deep concern including.

The impact on landscape and immediate local surrounding area.

Road safety.

Ecology.

Drainage.

Public rights of way.

Human wellbeing including air quality, noise, and dust.

Climate change.

When all the blight on residents' daily lives and wellbeing, that this application would bring to the surrounding communities, it would indeed be life changing. There is no case for granting this application.

It should and must be refused.

