

Technical Note

JON PEARSON FIHE

APPLICATION BY: Mr Lowton (BT Jenkins)

PROPOSAL: Provision of temporary construction, demolition & excavation waste recycling facility; importation & landfilling of up to 700,000 cubic metres of inert waste materials; & associated works including installation of drainage infrastructure & alterations to existing vehicular access.

LOCATION: Lower Brenton Farm, Brenton Road,
Kennford, Devon.

LPA REF: DCC/4337/2023

CLIENT: Kenn Parish Council

DATE: July 2024

Ref. No. JP.75.24/Rev.B

Introduction

- 1.1 This Technical Note (TN) will examine the recently submitted revised Transport Statement (Document Reference: 0519.TA rev E) submitted by Horizon Consulting Engineers as part of the submission of a 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 on land at Lower Brenton Farm, Brenton Road, Kennford, Devon.
- 1.2 This TN has been commissioned by Kenn parish council to respond to the submission of the application and to assess what, if any, highway issues have been addressed.
- 1.3 It is noted that the original and subsequently revised Transport Statements have been prepared by a Chartered Civil Engineer rather than a Highway Engineer.

Planning History

- 1.4 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associated works including the installation of drainage infrastructure and alterations to existing vehicular accesses - Withdrawn.
 - 1.5 Devon County Council's (DCC) Development Management Highway Officer, Countryside Officer and Road Safety Officer all raised concerns and requested additional information before being able to formulate a recommendation.
 - 1.6 Pre-Application – 2023 – The applicant undertook a pre-application with DCC and the highway officer made the following observations - *'The visibility splays are both below standard for the speed limit. If the applicant were to undertake a speed survey then the design could be produced an actual 85th percentile speeds rather than the speed limit. Currently they are proposing 120m (suitable for 40mph) for Brenton Road and 22m (suitable for speeds less than 20mph) for the crossing of Shillingford Lane. The width of the access will also need to be designed to allow two HGVs to pass, to prevent one having to reverse back onto Brenton*
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Road. Concerns over increasing vehicles using Kennford to access the site from the south. They would be better going around the new roundabout at Peamore (once built, hopefully later this year) and approaching from the north – although timing of this new roundabout is uncertain. At the crossing of Shillingford Lane, the proposed hedge height of 1.8m, which is probably fine for HGV drivers but will be too high for ordinary vehicles, there will be site vehicles that will have drivers at standard height. The junction needs to be designed to a standard and the rights of way clearly marked.'

- 1.7 DCC/4337/2023 - Provision of temporary construction, demolition and excavation waste recycling facility; importation and landfilling of up to 700,000 cubic metres of inert waste materials; and associated works including installation of drainage infrastructure and alterations to existing vehicular access – Awaiting decision.

 - 1.8 The highway officer stated (August 2023) that *'The applicant has provided an updated Transport Assessment which includes a new automated traffic count and speed survey. The Highway Authority broadly agrees with the contents of the Transport Assessment and despite a few inaccuracies feels it is a fair representation. The access to the proposed inert landfill and construction waste recycling facility is an existing access located off Brenton Road and is currently used by farm vehicles. The existing farm access will be widened to 6m to accommodate two HGVs travelling in opposing directions. This is widened for a distance of 21m to prevent vehicles from having to queue back onto Brenton Road. This is shown on drawing 0519.123 Rev B in the TA Appendix H and is acceptable to the Highway Authority. The visibility splay of 90m in each direction is acceptable for the 85th percentile speeds on Brenton Road however drawing 0519.123 Rev B appears to show the intervisibility splay line to the south east crossing a verge, which the applicant does not have control over, nor is it HMPE. The vegetation is well established and will continue to grow and may block inter-visibility. The applicant should provide details of how this will be dealt with. The Northern Fill Area will be accessed via the existing Shillingford Lane crossing point operated by the farm. This crossing point will be improved to account for the increased frequency of vehicle movements. During pre app discussions the following point was made "...at the crossing of Shillingford Lane, the proposed hedge height of 1.8m, which is probably fine for HGV drivers but will be too high*
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for ordinary vehicles, there will be site vehicles that will have drivers at standard height. The junction needs to be designed to a standard and the rights of way clearly marked." Shillingford Lane crossing drawing 0519.205 still show the hedge as 1.8m high which would be too high for all but HGVs and may lead to peds/cycles being difficult to see. The visibility splay of 22m is also a little on the short side with the northbound 85th percentile speed of 23.3mph. Ideally you would be wanting around 30m. The following vehicle routing has been provided. Vehicles heading Northbound along the A38 will exit the A38 onto the A379 slip road and perform a 'U' turn at the Marsh Barton roundabout to head back along the A379 and access Brenton Road. If the Peamore roundabout planning permission is implemented vehicles will perform a 'U' turn at this junction reducing the need to travel to Marsh Barton. Once within the site vehicles will be routed along a new haul road and existing farm tracks to Shillingford Lane where they will cross over into the fill area. Vehicles exiting the site will turn left only with those vehicles wishing to head southbound using Marsh Barton roundabout to perform a U-turn. It is anticipated that a high proportion of the imported fill material will come from the South West Exeter Development and therefore vehicle movements will typically head northbound on exiting the Site. These routes should be conditioned to prevent traffic associated with the site from travelling through Kennford. As noted in Section 3 the Application Site will be replacing Trood Lane landfill; which is currently operated by the Applicant. The permitted trip generation per day for Trood Lane Landfill is currently 75 two-way movements for HGVs and 3 two-way movements for site operatives. During periods of high demand, occurring when other options for waste disposal are unavailable, this trip rate has been exceeded. To maintain the status quo on the existing highway network it is proposed to maintain the current level of vehicle movements for the Application Site as that of Trood Lane Landfill. With Trood Lane Landfill having exhausted its capacity and therefore becoming inactive the proposal does not represent an increase in vehicle movements on the A379 or the A38 Overbridge. The site is anticipated to operate between 07:00 and 18:00 on weekdays and between 07:00 and 13:00 on Saturdays. Based on an average trip generation of 75 two-way movements for landfill operations, over an 11 hour day, this would equate to circa 7 inbound and 7 outbound vehicles per hour; this would increase to a maximum of 9 inbound and 9 outbound vehicles per hour in peak time. The Application Site will generate the same vehicle movements as

that currently experienced by the A379 corridor and therefore the development does not represent a severe impact on the existing Highway network.'

Recommendation for conditional approval.

Traffic Generation & Vehicular Impact

- 1.9 The TS state that the proposed site will not increase the levels of HGV traffic over those already impacting upon the A379 and A38 by virtue of the Trood Lane landfill site, close to completion. This assumption is not challenged, subject to the proposed site not being commenced until closure of the Trood Lane site. It should be noted however that there will be a significant increase in HGV trips using the overbridge to reach the application site shared with existing HGVs specifically those currently operating from Coastal recycling.
 - 1.10 Coastal recycling is situated the eastern side of the overbridge and all HGVs using the site approach from either the exit slip road if traveling southbound on the A38 or utilise the A379 from the Matford roundabout if doing the extra 6k plus trip from the south or if coming out from Exeter. HGV's continue to take the shorter route through Kenn and the Parish Council has recorded 95 HGVs since January 2024.
 - 1.11 All traffic using Coastal waste recycling is required to turn left over the overbridge when leaving the site and have an average of 35/40 two way movements per day Monday to Saturday although this figure can rise at peak times.
 - 1.12 The proposal will add to the HGV traffic levels using the overbridge towards the site entrance and just utilising the lower number of likely trips, when added together, equates to approximately one HGV every three to four minutes, every working day at the proposed access point.
 - 1.13 However, the issues that raise the greatest concerns are the proposed main access/egress to/from Brenton Road and the extreme likelihood of additional HGV vehicles passing through the village of Kennford which are echoed by the local highway authority – see above.
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- 1.14 The main road through Kennford (Exeter Road) currently has a signed weight restriction of 7.5 ton 'except for access' and unfortunately as the restriction is not policed nor enforced many HGVs ignore the restriction especially when there are congestion issues on the A38. The abuse of the Traffic Regulation Order (TRO) causes congestion and air quality issues within the centre of the village.
- 1.15 The original TS only detailed the proposed access/egress as an existing farm access to/from Brenton Road (see Plate 1 below) and the revised access layout is welcomed as it should remove conflict between vehicles exiting/entering. However, it is noted that the exit arm has not been designed to deter vehicles turning right over the hatched markings.



Plate 1 – Proposed Access/Egress to/From Site

- 1.16 The Highway Authority recognise the possibility that HGV traffic could exit south and pass through Kennford stating *'...should be conditioned to prevent traffic associated with the site from travelling through Kennford.'* and the revised TS agrees stating that the applicant *'...would enter into a S106 agreement which restricts the movement of HGV's, generated by the Site, through Kennford...'*. Both these suggestions are only as secure as any enforcement measures, should drivers choose to save time and a 6km extra journey and just turn right out of the site. A planning condition is not adequate as it can be the subject of a future
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application to amend or lift it and a S106 legal agreement should be prior to occupation and must include any punitive measures should the instruction be ignored.

- 1.17 The constant reference to the closure of the Trood Lane site negating any impact does not consider HGV's routing through Kennford village to save time and mileage nor do the increased travel miles to turnaround been taken into account.
- 1.18 The Highway Authority has also previously raised concerns regarding the likely impact of HGV's passing through the village of Kennford given the minor diversion rather than the approx. **6km round trip route** via travelling north to the roundabout at Matford. Whilst the TS and the highway officer refer to the approved roundabout at Peamore there is absolutely no guarantee of when this would be available plus of course HGV drivers would still prefer the quicker and shorter route from the south to pass through Kennford. With a predicted 100 two-way HGV movements per day, the belief that all 100 would resist turning right on exiting the site is considered seriously unfounded.
- 1.19 The planning requirement for provision of the Peamore roundabout is also 'on occupation' so likely a number of years from now. Whilst the roundabout has funding it will not be provided without the employment site development which cannot be certain especially in the present and onward economic crisis.
- 1.20 The main issue with the route through Kennford is that the HGV traffic must pass the entrance to the primary school and navigate the extensive on-street parking, the latter leading to congestion whilst vehicles wait to pass and an associated increase in severe adverse air quality and noise. Any adverse increase impact on air quality is contrary to both the Devon & Torbay Local Transport Plan and Teignbridge Local Plan. Operational hours for Monday to Friday state 07.00 to 18.00 meaning vehicles would conflict with school drop off and pick-up times every day.
- 1.21 The TS does not clarify the likely direction that laden HGV traffic will be approaching from ie the likely geographical sources of the fill material apart from claiming the majority would come from development around Exeter. Clearly, the city of Plymouth to the south could also be a major provider. The majority of the
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minor local lanes (Days Pottle Lane for example), without any posted weight limit, could effectively be routed by heavily laden vehicles. HGV traffic approaching from the south on the A38 currently will divert through Kennford to avoid stationary or congested traffic to access Exeter via the A379.

- 1.22 The other main issue with HGV traffic through the village is that the TRO is not policed nor enforced. As stated above the Parish Council have recorded at least 95 HGV's passing through the village since January of this year. Should the application be recommended for approval the 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.

 - 1.23 A further point of concern regarding the requirement to travel 3km up to Marsh Barton is that there are at least 7 opportunities for HGV drivers to attempt an earlier 'U' turn to save time and travel on the high speed and volume A379 – see Figure 1 overleaf. The collision data included as Appendix E in the TS appears to show 'serious' collisions at 4 of these locations.
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Figure 1 – Locations For Possible U Turns

- 1.24 Another area of concern regarding the proposed access/egress is that HGV's will be interacting with cyclists utilising the signed route to Exeter. Plate 2 overleaf shows the blue cycle advisory sign adjacent to the proposed access/egress. HGVs are disproportionately more likely to be involved in a pedal cyclist fatality. Between 2011 and 2016, collisions involving HGVs and cyclists accounted for 23 per cent of cycling fatalities from 2-vehicle collisions, despite HGVs comprising just 5 per cent of traffic in Great Britain. DCC collision data reveals that a cyclist was involved in a collision at the junction of Exeter Road/Old Dawlish Road as recently as March 2021.
- 1.25 The proposed junction visibility improvements at the Shillingford Lane site crossing are appended under Appendix G. This drawing demonstrates that the
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visibility splays are incorrectly drawn ie shown to the centre of the lane rather than edge thereby endangering cyclists and motorcyclists plus the height of the hedges within the splays does not comply with car driver eyeline (there are bound to be smaller site vehicles, vans etc crossing) nor facilitate for pedestrians ie recommended 600mm above carriageway level.



Plate 2 – Signed Cycle Route Past Proposed Exit Route

- 1.26 Shillingford Lane is the type of track that off-road cyclists enjoy and can travel at higher speeds than recorded by the vehicles within the speed survey and it is clear that the cyclist's speeds have not been recorded within the set survey period by either passing the pneumatic tubes or being too light to register. The lack of emerging visibility both the length of splay to nearside edge of carriageway plus the drivers' eye for exiting vehicles is likely to endanger passing cyclists, motorcyclists and pedestrians to the detriment of highway safety.
 - 1.27 It should be noted that the TS freely accepts that the site will not be suitable for staff to use sustainable travel, stating in para 3.2.6 that '*...it is unlikely that they will travel to their place of work by bus..*'.
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Summary And Conclusion

- 1.28 This revised 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 (Revision E – 28/3/24) and found that the identified, major highway safety concerns regarding the impact of the HGV traffic within the village of Kennford, danger to cyclists, motorcyclists and pedestrians plus dangerous U turns on the A379 remain and recommends that the planning application be refused.
- 1.29 The National Planning Policy Framework (NPPF) paragraph 115 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.
- 1.30 It would appear that the Transport Statement 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.
- 1.31 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 again be refused on highway impact and safety grounds.
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