



**Devon Countryside Access Forum**  
**c/o Public Rights of Way team**  
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Mr A Hill  
Planning, Transportation & Environment  
Devon County Council  
County Hall  
Topsham Road  
Exeter EX2 4QD

22 September 2023

Dear Mr Hill

**Planning Application - DCC/4337/2023**  
**Lower Brenton Farm, Kennford, EX6 7YL**

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice “as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice, and this includes county and district councils.

The DCAF currently has seventeen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

The Devon Countryside Access Forum notes the application for a landfill site at Lower Brenton Farm near Kennford. The application was considered by members at the meeting on 18 September and the following comments and advice were agreed.

The Devon Countryside Access Forum is not commenting specifically on the requirement, or otherwise, for strategic landfill sites in the area and where these should be located.

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CRoW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.

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The Forum notes that the access road no longer uses Shillingford St George Bridleway 19 but will enter the site from the Brenton Road overbridge at Kennford. It also notes that the landfill site is now smaller in extent and will not require the diversion of any public rights of way on a temporary or permanent basis. These changes might appear preferable but walking close to a topsoil screening bund of 2m will still be a less enjoyable experience and the impact will depend on particular rights of way individuals are using.

The proposal will still have a significant effect on the enjoyment of public rights of way during landfill operations and the resulting landscape following restoration will not be so open. Policy W12 of the Devon Waste Plan: Landscape and Visual Impact expects the scale, design and location of all waste management development to be sympathetic to the qualities, distinctive character and setting of the landscape. This is particularly important as the area is designated an Area of Great Landscape Value in the Teignbridge Local Plan.

Given the proximity to the substantial new developments in Exeter, adjacent to the A379, it would be expected that public rights of way in this area will be more used and valued. During the restoration phase, efforts should be sought to enhance public amenity as well as biodiversity. For example distant views are important in this landscape and should be retained or incorporated in hedgerows. Similarly, enhancements to public space, such as seating, should be included.

### **Safety for access users and comments on rights of way**

There are several points where safety for access users is compromised. The Forum advises that these should be addressed as the public rights of way provide important recreational routes for local residents of the area and visitors. (These are Kenn Footpaths 16 and 54, Shillingford St George Footpath 14 and Shillingford St George Bridleway 19, as well as a linking unsurfaced, unclassified County road (uUCR) from Shillingford St George).

The operational area, including the crusher, is located immediately adjacent to Kenn footpath 16. The entrance road to the site for lorries, predicted to be 150-200 movements per day, crosses the footpath. The only safety provisions included on the drawing of the Office and Recycling area are a speed control bend to slow vehicles, and footpath gates either side of the entry road so that users have to open the gates to continue on the footpath. The Devon Countryside Access Forum does not consider that safety of users has been adequately considered. The immediate area around the crusher is likely to be dusty and noisy with very frequent lorry and excavator/loading shovel movements. The onus has been placed on the access user to check whether it is safe to cross rather than on operators of the landfill site to protect vulnerable users. Some form of traffic light system would be preferable and would give additional surety to walkers, particularly any with sight or hearing loss. Operating from 7.00 a.m. to 6.00 p.m. would also mean that walkers may be attempting to cross the access road at dusk when they would be less visible.

Any gates across Kenn footpath 16 would be viewed as an obstruction unless approval of the Public Rights of Way team at Devon County Council is given. Any gates would need to meet accessibility requirements in terms of the Equality Act 2010.

It is difficult to mitigate against the impact of the landfill operation given the working hours. There are few hours when access users would be able to enjoy the area at times of quiet. Devon County Council as planning authority is advised to consider a planning condition to limit the hours of working on this proposed site and to limit operations to weekdays, excluding public holidays. The current application proposes 7.00 a.m. to 6.00 p.m. on weekdays and 7.00 a.m. until 1.00 p.m. on Saturdays.

Whilst any Environmental Impact Assessment should take account of dust and noise, even levels which might be considered acceptable will have an impact on access users. It is also difficult to monitor these levels and any statutory controls on crusher noise on an ongoing basis.

On the Office and Recycling General Arrangement – 0519.129 Rev C plan, it appears to show that to the west of the entrance track the public footpath is fenced both sides. To the east there would appear to be a bund and stock proof fence to the north of the footpath but no fence to the south. The drawing does not show the continuation of the footpath. It would be helpful if this could be clarified.

The Forum would like clarity on the Phasing Plan for Phase 3 (Southern Fill Area) This suggests that Kenn footpath 54 will have a temporary fence offset 4m from the centre of the hedge giving a minimum 2m walking width. The hedge at this point is wide and the fence may not allow easy maintenance of the public right of way nor the 2m width if brambles and other vegetation grow out. A 4 m width from the edge of the hedge would be more practical. It is not clear whether the fence is between the bund and the footpath or between the hedge and the footpath.

The Phasing Plan for Phase 3 shows a temporary cow track alignment around the works area. It is unclear whether this partly shares the public right of way route (Kenn footpath 16), how the two are separated and what the surface is.

The Devon Countryside Access Forum would like clarification on the type of fencing, and advise that, unless there is a livestock control need (in which case, various obligations will apply to ensure that the public is protected from any barbed wire/electrified section of fence), a standard post and plain wire fence should be sufficient, if indeed a fence is required at all.

Where the lorries cross Shillingford Lane (Shillingford Lane Crossing General Arrangement 0519.205), there is no provision to protect walkers, cyclists, horses or motorised vehicle users other than a visibility splay and maintaining the hedge height at below 1.8 m. Walkers may use Shillingford Lane to create a circular walk and other users to access the A379.

Lorries will be crossing the bridge over the A38 which links to Kennford before entering the site directly ahead. This will have safety implications for cyclists using Brenton Road and the bridge to cycle from Haldon Forest down to Kennford and other villages. Komoot, the route planning App, and other websites also publicise cycle routes from Kennford and Kenn to Exeter Quay crossing the bridge and accessing the A379. Again, those cyclists will be crossing in front of lorry traffic. There is a cycle route sign pointing right onto the A379, situated a few metres from the proposed entrance road. It is likely that additional mud and lorry spillage may be deposited in this area, despite any wheel cleaning operations on site.

The Public Rights of Way section at Devon County Council is responsible for the inspection, maintenance and enforcement of public rights of way. It is not clear who will fund the additional costs associated with maintaining these public rights of way and ensuring routes are kept open. It does not appear that the useable width of these routes has been identified. It would be helpful to have a better understanding of how far the bunds are located from each public right of way and how these will be maintained.

This letter constitutes formal advice from the Devon Countryside Access Forum. Devon County Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this Forum in carrying out its functions. Feedback on its comments would therefore be much appreciated.

Yours sincerely



Hilary Winter  
Forum Officer

*Letter sent on behalf of the Devon Countryside Access Forum*

*Chair: Sarah Slade*

*Vice Chair: Chris Cole*

**NOTE:** Cllr Linda Hellyer is a member of the Devon Countryside Access Forum. She did not contribute to or make any comments on this response as she is also a councillor member on Devon County Council's Development Management Committee which will determine the application.