



**Devon Countryside Access Forum
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Mr A Hill
Planning, Transportation & Environment
Devon County Council
County Hall
Topsham Road
Exeter EX2 4QD

24 February 2022

Dear Mr Hill

**Planning Application - DCC/4268/2021
Lower Brenton Farm, Road Past Higher 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 fifteen 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 and this response follows a site visit by two members. Comments have been agreed by the Forum and this response will be on the agenda for formal approval at the next meeting on 25 April. (See footnote)

Notwithstanding any requirement for additional landfill sites, this proposal will inevitably significantly change the character and recreational value of this area as it impacts on four footpaths and a bridleway within a rural and visible setting on the edge of Exeter. (Kenn footpaths 16 and 54 and Shillingford St George footpath 14 and bridleway 19).

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.

The area is designated an Area of Great Landscape Value in the Teignbridge Local Plan, an area which is considered to be of high landscape quality with strong distinctive characteristics which makes it particularly sensitive to development. These public rights of way provide important recreational routes for local residents and visitors to Shillingford St George, Clapham and Kennford. The Environmental Statement (Landscape and Visual Impact) gives the effect on public rights of way a sensitivity rating of 'high'. (8.4.22). From identified public rights of way viewpoints, the impact rating is assessed as 'high' during the construction and operation phases with the scale of change considered to be moderate/substantial. (Table 8.5)

The Devon Countryside Access Forum advises that the application should fully meet the requirements of Policy W12 of the Devon Waste Plan: Landscape and Visual Impact, which expects the scale, design and location of all waste management development to be sympathetic to the qualities, distinctive character and setting of the landscape.

The Planning Statement and Phasing Plans indicate that the public rights of way footpaths will be temporarily diverted in phases. The Forum advises that additional consideration needs to be given to improve the experience of temporarily diverted footpaths. The phasing proposals show that temporary footpaths of 2m will be between a fenced margin and a topsoil screening bund of at least 2m high, depending on the phase. This is likely to produce an artificial and enclosed experience and reduce the amenity value. In phase 1, for example, it would be preferable to temporarily divert the footpath along the nearby unsurfaced, unclassified County road. Whilst this potentially carries vehicular traffic, it would provide a more enjoyable recreational route. All diversions should be well-signed and marked. Consideration of these public rights of way during the construction and ten-year use of the landfill site needs to ensure that peoples' quality of life and amenity will be protected from the adverse effects of waste management development and transportation. (Devon Waste Plan W18: Quality of Life). The CoVID-19 pandemic has clearly demonstrated the importance of local green space to health and well-being.

The Forum does have particular concerns about the use of the bridleway (Shillingford St George Bridleway 19) as proposed. In the Planning Statement the following comment is made "Careful consideration has been given to this potential conflict of users of the lane and it is proposed to segregate non-motorised traffic from the vast majority of the section of the lane that will be used by vehicles serving the proposed development by constructing a separate internal haul road parallel to the hedge line within the application site field." It is not at all clear from the drawings whether the hedge itself will be maintained and there is insufficient detail on the extent of segregation, particularly along the initial narrow section from the entrance point where pedestrians, including those accompanied by young children, or cyclists may also be using the right of way as well as horses. This potentially poses a safety issue for riders using this route, either because lorries will be passing close by at speed which could frighten a horse, or the design and construction work means that the bridleway is effectively unusable for a period approaching ten years. As this is the main access road to the landfill site, and not in use for a shorter phased period, then the impact is likely to be significantly greater. Riders on horseback in particular will have visibility over the whole site which could impact on their enjoyment. It is unclear how safety, convenience and enjoyment in respect of the bridleway have been fully considered during the planning application process. Further detail on mitigation measures would be helpful.

If permanent diversions are sought, by whatever legal means, instead of reinstatement on the existing routes then considerations of protecting convenience and enjoyment should be properly regarded, as under section 119 of the Highways Act 1980. The National Planning Policy Framework, July 2021, paragraph 100 states “planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.” The Planning Statement accompanying this application states “It is proposed to reinstate those public rights of way in a state of equal or better value and functional utility and convenience, in terms of gradient and/or features, unless it is considered desirable to maintain a slightly diverted alignment.” The Forum advises that enjoyment and enhancement should be fully considered as part of restoration plans with footpaths reinstated on their original line. If other routes are suggested, appropriate consultation should take place.

In the Mitigation Plan, Shillingford St George footpath 14 and part of Kenn footpath 16 are shown reinstated on their current route but enclosed within new double hedgerows on hedgebanks. Whilst these would undoubtedly have benefits in providing ecological corridors and may assist land management, the Devon Countryside Access Forum does have reservations about the impact on enjoyment of these footpaths. The aspect currently enjoyed is very open with far-reaching views which would be significantly reduced if the paths are contained within double hedgerows. The DCAF advises that the mitigation proposals should be reviewed to see whether views can be accommodated with a more imaginative plan. This would also provide an opportunity to consider improving access for people with disabilities with appropriate accessible gates. The mitigation plan should extend far beyond considerations of ‘functional utility’ (Planning Statement).

From the maintenance perspective, both the banks and hedgerows will need to be maintained and having hedges both sides can lead to significant drainage issues and a wet, poached slippery walking surface with limited areas to drain off water. When the hedges are grown these paths could often stay wet as they are shielded from the sun and wind to dry out the surface. It is not clear whether drainage and future management of the path surfaces have been fully considered.

Trees are also part of the experience of using these rights of way and the removal of high, mature trees to the south of the site is questioned, especially as it would appear that only five oaks are being planted to the east of the site. The Saving Devon’s Treescapes project, led by the Devon Wildlife Trust and supported by the County Council, aspires to plant 250,000 trees with a focus on trees outside woodlands in response to ash dieback.

Many rights of way around Exeter are now included within development areas but these locally important paths offer views towards the Haldon Ridge and the Exe Estuary.

An additional matter to consider from the perspective of enjoyment of public rights of way and the health and well-being of users is the negative impact of pollution from lorries, associated noise from the whole operation, and potentially foul smells associated with leachate. These will result in a loss of amenity for users of the adjacent public rights of way. Whilst these impacts may be deemed ‘not significant’ in the Environmental Statement (Chapter 5 – Air Quality and Chapter 6 – Noise and Vibration), they are likely to detract from an enjoyable walk, ride or cycle. It would be helpful to

know whether other landfill sites with public rights of way have successfully managed to limit the likelihood of detrimental impacts whilst the site is being actively used.

The Devon Countryside Access Forum advises the above should be given additional consideration. 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. As a statutory forum, it would have been appreciated if the Council had formally consulted on this planning application earlier in the process.

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.