

Ward Ottery St Mary

Reference 20/2542/FUL

Applicant Aggregate Industries UK Limited

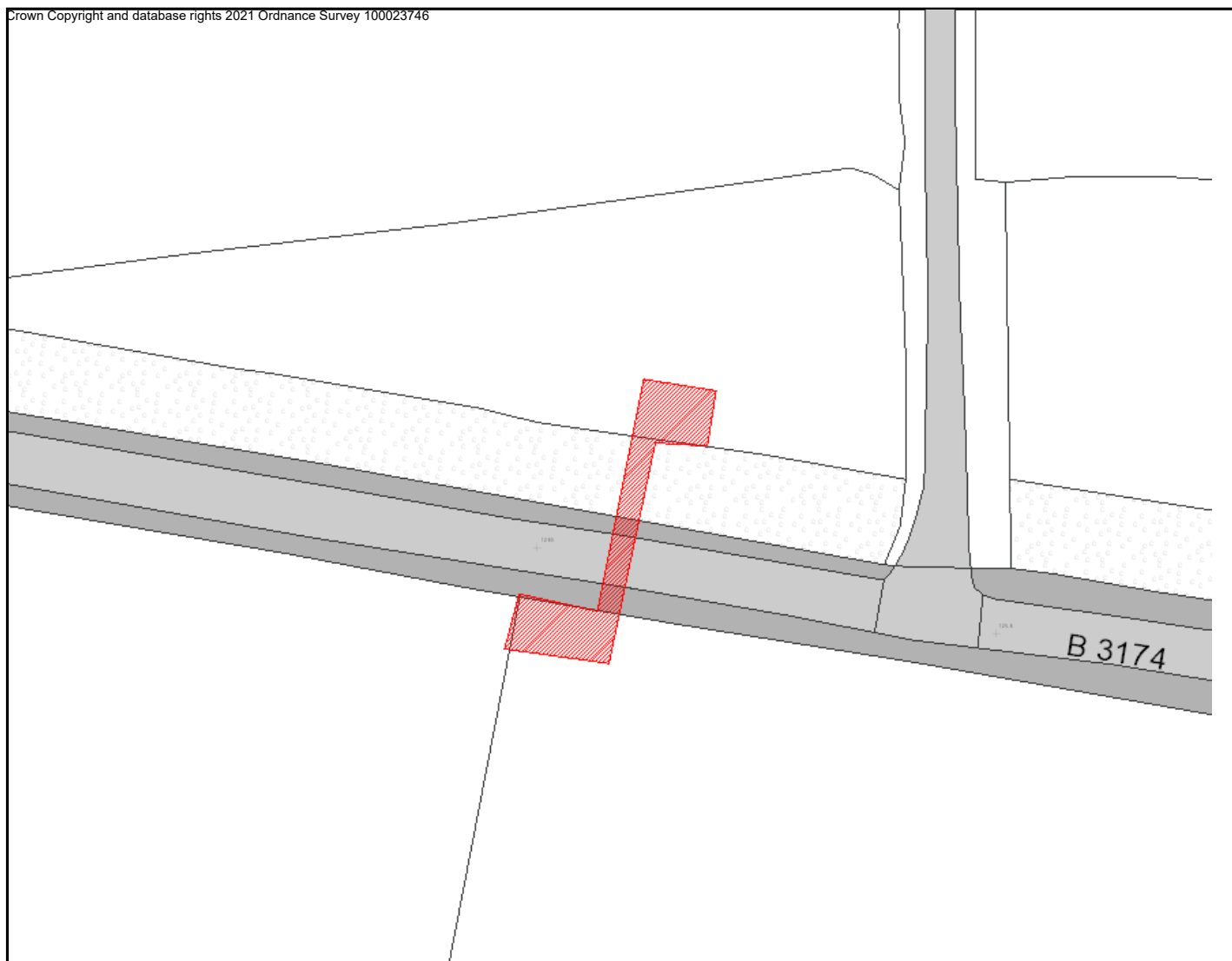
Location Straitgate Farm Exeter Road Ottery St Mary
EX11 1LG

Proposal New access to the B3174 Exeter Road to
provide a livestock crossing incorporating
holding pens



RECOMMENDATION: Approval with conditions

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		Committee Date: 9th June 2021
Ottery St Mary (Ottery St Mary)	20/2542/FUL	Target Date: 04.02.2021
Applicant:	Aggregate Industries UK Limited	
Location:	Straitgate Farm Exeter Road	
Proposal:	New access to the B3174 Exeter Road to provide a livestock crossing incorporating holding pens	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Committee because the recommendation is contrary to the views of one of the Ward Members. It should also be noted that the site crosses the boundary between the Wards and Parishes of Ottery St Mary and West Hill.

This application seeks planning permission for a new access to the B3174 to facilitate a more direct crossing from the farm on the north side of the road to the land on the south side.

The main issue is highway safety and the proposal has been the subject of a road safety audit. Neither the Highway Authority nor Highways England have objected to the proposal on the understanding that the frequency of crossings remains the same.

Opposition to the proposal has arisen from local residents, the Parish and Town Councils and one Ward Member. However, much of the opposition assumes that the separate application for a quarry at Straitgate Farm (being dealt with by Devon County) will go ahead and lead to an increased need to move livestock across the road. Such impacts are only relevant to the quarry application and there is nothing in this application for an improved crossing that would give rise to more livestock movements. Furthermore, the Highways comments stress that any increase arising from other development, such as the quarry, would need a further safety assessment.

On the basis that the frequency and duration of crossings would be the same as existing there is no reason to object to the proposal. The shorter, more direct route and the improved handling facilities, as well as the new signage, would be to the benefit of highway safety. Therefore the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I am strongly opposed to this planning application. It is presented as an application to improve highway safety but in reality it is an attempt by AI to assist with their quarrying ambitions at Straightgate Farm. That aside, I am strongly opposed to the application based purely on its own merits.

The existing crossing is used infrequently - the introduction of a new additional access point (Straightgate Farm side) could prompt additional crossings which in my view would represent an additional threat to highway safety. The B3174 is a dangerous fast moving road and the numerous accidents are a measure of the danger. I believe it is detrimental to approve an additional entrance.

Parish/Town Council – Ottery St Mary

The Town Council strongly objects to this application on the grounds of highway safety on the busiest road in to Ottery St Mary.

Further comments:

The Town Council does not support this application on the same grounds as the previous application. : concerns for road safety on the busiest road into and out of Ottery.

Parish/Town Council – West Hill

This application was discussed at the West Hill Parish Council meeting on 5th January 2021.

Cllrs object to this application on the following grounds:

The B3174 is a busy road and is the primary route in and out of Ottery St Mary. It is particularly busy during morning and afternoon commuting hours. This section of road is notorious for road accidents, including a fatal collision a few years ago.

The stopping sight distance to the west is below the required minimum. The proposed crossing is close to the brow of a hill, and roadside trees also reduce visibility.

The proposed signage, a warning sign 548 "Cattle" situated 35m either side of the proposed crossing, gives inadequate warning for approaching traffic travelling at 60mph.

The current usage of the crossing, as detailed in para 1.7 of the Supporting Statement, is infrequent and timing is adjusted to coincide with quieter times when traffic flow is at its lowest.

However, as is admitted in para 4.3 and 6.2 of the Supporting Statement, the proposed crossing is to facilitate a crossing point for the dairy herd at Straitgate Farm. If quarrying begins at Straitgate Farm (application DCC/3944/2017, yet to be

determined), around 90% of the pasture on the North side of the B3174 will no longer be available for the dairy herd. They will have to use replacement pasture on the South side of the B3174, and will need to cross the B3174 4 times a day to and from the milking parlour at Straitgate Farm. The time taken for each crossing is stated to be 45-60 minutes and needs to occur at 7.30am, 10am, and in the afternoon around 5.30pm. This is an entirely different situation and usage which has not been properly assessed.

The dairy herd crossing would block the road for significant periods of time during the peak morning and afternoon traffic flows. This would cause unacceptable delays to traffic in and out of Ottery St Mary. Also there would be significant problems with mud and muck being deposited on the road, which would cause additional safety hazards.

Cllrs considered that the impact from frequent dairy herd crossings would be unacceptable.

If the planning authority is minded to approve the application, Cllrs request that the speed limit of the B3174 should be reduced to 40mph. Also there should be improved signage with traffic lights and advance warning signs.

Further comments:

This application was discussed at the West Hill Parish Council meeting on 16th March 2021.

A Road Safety Audit has been submitted. Councillors expressed concerns about the accuracy and adequacy of this:

- 1) The Audit was carried out at 11am during a period of lockdown. This does not give an accurate picture of the traffic in normal non-lockdown times, and at peak times of travel for commuters, schoolchildren and commercial traffic.
- 2) The Auditor's understanding was that "No additional livestock movements are proposed and crossings will occur at broadly similar frequencies and times of day as at present". This is incorrect. Currently there are very few livestock movements, but the purpose of the proposed crossing is to facilitate a crossing point for the dairy herd at Straitgate Farm, which will be needed if quarrying starts at Straitgate farm. The dairy herd will need to cross the B3174 4 times a day to and from the milking parlour at Straitgate Farm. The time taken for each crossing is stated to be up to 45 minutes and needs to occur at 7.30am, 10am, and in the late afternoon. These times will coincide with peak traffic times. This is an entirely different situation and usage which has not been properly assessed by the RSA.
- 3) With regard to the proposed amber flashing lights, the guidance states that "such signage is not intended as a solution for anticipated problems....where at other sites the movement of cattle would frequently obstruct traffic for a period of more than three minutes". As the proposed crossing is to facilitate cattle crossing four times a day, taking up to 45 minutes per time, this is clearly outside the criteria laid down in the guidance.

Councillors continue to object to this application.

Other Representations

47 objections have been received and the reasons for objection can be summarised as follows:

- The road is busy, congested and narrow
- There are frequent accidents on this stretch of road
- The crossing would be a hazard to traffic
- The stopping distance is too short because visibility is reduced by the hill to the west
- It would lead to delays to residential, commercial and school traffic
- It would delay emergency vehicles
- The delays would affect Ottery St Mary's economy
- The surrounding lanes are not suitable for the volume of traffic that would seek to avoid the queueing traffic
- Queueing vehicles with their engines running would cause pollution
- Queueing vehicles would block driveways
- Mud and excrement on the road would be a hazard
- The proposal offers little betterment
- Signage is not an appropriate solution
- A tunnel or bridge should be considered instead

Technical Consultations

Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Further comments:

I acknowledge receipt of the amendment to the above planning application, for the proposed development at the above location.

These amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport has no safeguarding objections to these amendments, provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

EDDC Trees

The proposals utilise an existing break in the tree cover. As such, I believe the impact on existing trees will be negligible.

I therefore have no concerns over the proposals.

Natural England

Natural England has no comments to make on this application.

DCC Flood Risk Management Team

Recommendation:

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Observations:

The livestock crossing should be kept clear to prevent mud from entering the highway or watercourse. The livestock crossing may need to cross the watercourse and will therefore require Land Drainage Consent. If the livestock crossing will cross the watercourse and a structure is required, then the applicant will also need to liaise with DCC Highway's as the structure will tie into the highway. Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

Devon County Highway Authority

Observations:

Development Proposal

The existing livestock crossings takes place from the farm access to a field gate on the other side of the B3174 Exeter Road approximately 40m along the road.

It is proposed that a new field gate is provided directly opposite the farm access and that holding pens will be provided to manage livestock and that this will shorten the length of time taken to cross the road and will also reduce the transfer of mud onto the highway.

Road Safety Audit

Because the proposal is to create a new access to a field on the B3174 where there was none before, DCC Highway Development Management, with advice from the DCC Road Safety Officer, requested the applicant to undertake an independent Stage 1 Road Safety Audit for the proposed crossing. The audit was done and the findings, including a Designers Response has been forwarded to the LPA and added to the application details.

It is accepted that the RSA Audit has been undertaken during restrictions associated with Corvid - 19 and that this may have impacted on the amount of traffic on the day of the site visit. DCC Highway Development Management and DCC Road Safety Team were made aware of this probability but agreed that the audit should be done none the less.

The audit identified one problem (2.1) which was the provision of sufficient advance warning signage and recommended that the advance warning signage is provided that complies with the requirements, guidance and/or best practice recommendations of the Traffic Sign Manual and recommended that the flashing amber warning lights as described in paragraph 9.2 of Chapter 4 of the Traffic Sign Manual should be provided.

Designers Response

The Designers Response has taken the advice of the RSA Audit and incorporated flashing amber signs to Dia 4005 'A Cattle Crossing Lies Ahead And May Be In Use' each side of the proposed crossing.

Frequency of Livestock Crossings/Closures of B3174

The Supporting Statement (1.7) sets out the current livestock movements as confirmed by the tenant's land agent in an email dated 26/02/2018:

'The movements over Exeter Road to the 82 acres of land owned and tenanted by my clients are as follows; - From roughly Easter to Christmas 200 ewes and lambs are moved across Exeter Road (return journey) once a week for weighing, approximately 15 minutes per crossing. - From spring to autumn once a month approximately 20 dry cows are moved across Exeter Road after the previous batch are moved back to Straitgate Farm (they go over for one month to rest) which takes approximately 10 minutes per crossing. - During the summer up to 300 calves and stirks are crossed over Exeter Road in bunches once a week for weighing and general health checks, approximately 20 minutes per crossing. - Depending on the season, if there is a drought and there is no grass left at Straitgate the dairy herd of 150 cows have moved over to the south of Exeter Road to access grazing, this happened twice last year. The herd are also moved over Exeter Road if Straitgate pasture land receives an application of lime which renders the land un-grazeable for a number of days, this occurs as frequently as is required but usually not more than every other year. The movements take 45 minutes to an hour per crossing, with breaks to allow the traffic through every 15 minutes if required and take place at 7.30am, returning at 10am and again at 3pm, returning at 5.30pm. These movements (excluding the dairy cows who cannot be dictated a time to) are all made at sensible times of day when traffic flow is at its lowest. A tractor and a farm vehicle block the road from oncoming traffic while stock moves across the road for safety.'

From the above it can be deduced that generally existing livestock movements are relatively infrequent, up to 15 minutes twice a day and that these movements are outside of the AM and PM peak travel hour periods. Approximately three times per year longer periods of movement and closure, up to 60 minutes and four times per day, including within the AM and PM peak travel hour periods however, these are described as 'by exception only'.

Proposed Benefits of the New Crossing

It is reasonable to assume that the Frequency of Livestock Movements crossing times are based on the existing crossing of livestock from the existing farm access to the field gate some 40 metres along the road because of the date of the email (26/02/2018) and the fact that this email was originally produced for the sand and gravel extraction application DCC/3944/2017.

The proposed shorter and more direct crossing will undoubtedly reduce crossing times because the livestock will have a much shorter length to travel. Also the introduction of holding pens should give the handlers more scope to manage livestock crossing against prevailing traffic congestion on the highway.

The County Highway Authority notes that applicant's agent, Clive Tompkins of Aggregate Industries has confirmed to Highways England that no increase of in the frequency of livestock crossings/B3174 is proposed.

Recommendation

On the basis that the frequency and number of livestock movements does not increase above those set out in the tenant's land agent email dated 26/02/2018 (reproduced above) the County Highway Authority has no objection to the application.

Advice to Applicant

Should any increase in the frequency and/or duration of closures of the B3174 Exeter Road be proposed in the future (to facilitate the crossing of livestock), an assessment of the impact on the safe operation of the B3174 Exeter Road must be undertaken.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Highways England

Referring to the planning application referenced above, seeking permission for the creation of a new access to the B3174 Exeter Road to provide a livestock crossing incorporating holding pens, at Straitgate Farm, Exeter Road, Ottery St Mary, EX11 1LG, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection **WITH ADVICE**;

Highways Act Section 175B is not relevant to this application. Where relevant, further information will be provided within Annex A.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk

Annex A Highways England recommended No Objections WITH ADVICE

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to the planning application (ref: 20/2542/FUL) and has been prepared by Planning Manager for Devon.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development” and the MHCLG National Planning Policy Framework (NPPF).

Statement of Reasons

The application seeks permission for the creation of a new access to the B3174 Exeter Road to provide a livestock crossing incorporating holding pens, at Straitgate Farm, Exeter Road, Ottery St Mary, Devon.

Straitgate Farm is located approximately 2.5km west of Ottery St Mary and bounded by the A30 trunk road to the north west and a short section of Birdcage Lane to the north east. The B3174 Exeter Road forms the southern boundary of Straitgate Farm.

Development Proposal

The current livestock crossing point utilises the existing farm access and requires livestock to be moved approximately 40m along the B3174 Exeter Road towards the A30 before reaching the field gate accessing the grazing fields on the opposite side of Exeter Road, approximately 815m east of the A30 westbound offslip.

As set out in the Supporting Statement dated November 2020, the proposal will see the creation of a new field gate directly opposite the existing farm access to remove the current diagonal crossing arrangement and enable livestock to cross directly over the B3174 (removing the need for livestock to be moved along the carriageway). Holding pens are also proposed to manage livestock prior to their crossing or to retain part of the herd if the crossing needs to be temporarily suspended. The Supporting Statement estimates this will shorten the time taken to cross the herd over the public highway and potentially reduce the transfer of mud onto the highway itself.

Impact on Strategic Road Network

Relocation of Crossing Point

As a result of the proposed direct crossing point, the most western point (and closest to the A30) at which the B3174 will be closed to facilitate the crossings will remain as existing, approximately 815m from the A30/B3174 junction, and A30 westbound offslip. As such, the length of B3174 carriageway between the crossing closure point and the A30 available to accommodate queuing vehicles will remain unchanged.

Frequency of Livestock Crossings/Closures of B3174

Whilst the B3174 forms part of the local highway network and therefore falls within the responsibility of Devon County Council, given the proximity of the crossing point to the A30 westbound offslip, any increase in the frequency of livestock crossing movements and therefore the period of time the B3174 will be closed may result in queuing vehicles extending further back towards the A30, and potentially onto the A30 mainline.

Paragraph 9 of Circular 02/2013 sets out that development proposals are normally considered to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network. Any development proposals which increase demand and result in mainline queuing (or increases in length, duration or frequency of existing mainline queuing), will be considered as having an unacceptable impact on highway safety. This is due to the high potential severity of collisions between stationary or slow moving queued vehicles and fast moving through traffic. Development that results in an unacceptable impact on highway safety can be refused on highways grounds in line with paragraph 109 of the NPPF.

Section 1.7 of the Supporting Statement sets out the current livestock movements as confirmed by the farm tenant's land agent on 26/02/2018, which are reproduced in Table 1 below:

Movement	Period	Movement Frequency	Livestock Type	Crossing Time (minutes)	Number of daily road closures per movement	Total daily duration of road closures required	Crossing Time (Highway Peak Periods)
1	Easter to Christmas	Once weekly	200 ewes/lamb s	15	2 - livestock cross and return on same day	30 minutes	Off peak
2	Spring to Autumn	Once monthly	20 dry cows	10	2 - livestock cross and return on same day	20 minutes	Off peak
3	Summer	Once weekly (in bunches)	300 calves/stirk s	20	1 - livestock cross and return after 1 month	20 minutes	Off peak
4	Depending on season	As needed by exception , approximately 4 daily	150 Dairy cows	60	4 - livestock cross and return	4 hours	During AM and PM peaks

		movement s 3 times per year			twice on same day		
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Table 1: Straitgate Farm current livestock crossing movements – B1374 road closures

Existing movements 1-3 occur relatively infrequently, for up to 15 minutes twice per day and outside of the highway network AM (0800-0900) and PM (1700-1800) peak hour periods. Whilst movement 4 usually only occurs approximately three times per year, this involves the closure of the B3174 for up to 60 minutes four times per day, including during both the AM and PM network peaks. The closure of the B3174 during the network peak periods when traffic is at its heaviest may result in queues extending back to the A30 and should more frequent crossings be proposed than set out above (i.e. no longer by exception only), the impact of this on the daily operation of the A30 would need to be assessed to ensure an unacceptable safety impact would not occur.

The applicant's agent, Clive Tompkins of Aggregate Industries UK Limited, has confirmed to Highways England that no increase in the frequency of livestock crossings/B3174 road closures is proposed by the application.

On the basis that the distance of the crossing point from the A30 remains unchanged, and that the frequency of livestock crossing movements does not increase over those set out in Table 1 above, Highways England has no objection to the application on the grounds there will be no change to the impact on the operation of the strategic road network.

Recommendation

Highways England has no objection to application 20/2542/FUL, **subject to the following advice:**
Advice

Should any increase in the frequency and/or duration of closures of the B3174 be proposed in future (to facilitate the crossing of livestock), an assessment of the impact of this on the safe operation of the A30 trunk road must be undertaken.

Further comments:

Thank you for consulting Highways England on revised details in respect of the above application.

The submitted documents comprise a Road Safety Audit Stage 1 and General Arrangement Plan (to include provision of flashing amber signs) in respect of the proposed new access on to the B3174. As the B3174 road forms part of the local highway network the proposed access arrangements are a matter for consideration by Devon County Council.

As set out in our formal response to application 20/2542/FUL dated 31 December 2020, should any increase in the frequency and/or duration of closures of the B3174 be proposed in future (to facilitate the crossing of livestock), an assessment of the

impact of this on the safe operation of the A30 trunk road must be undertaken. Given the proximity of the crossing point to the A30 westbound offslip, any increase in the frequency of livestock crossing movements and therefore the period of time the B3174 will be closed may result in queuing vehicles extending further back towards the A30, and potentially onto the A30 mainline which will be considered as having an unacceptable impact on highway safety, in line with DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the MHCLG National Planning Policy Framework (NPPF).

Highways England therefore continues to offer no objection to the application on the basis that the frequency of livestock crossing movements does not increase over those set out in Table 1 of our formal planning response dated 31 December 2020. Any increase to the proposed frequency and/or duration of road closures of the B3174 over those set out in Table 1 will not be supported without appropriate assessment to ensure an unacceptable impact on the safe operation of the strategic road network does not occur.

I trust the above is clear. Please do not hesitate to contact me should you wish to discuss further.

PLANNING HISTORY

Reference	Description	Decision	Date
15/1326/CM	Quarry development for the extraction of sand and gravel, including new site access onto Birdcage Lane, staff welfare facilities, car parking and wheelwash.	DCC Application - Objection raised	23.07.2015
15/2292/CM	Quarry development for the extraction of sand and gravel, including new site access onto Birdcage Lane, staff welfare facilities, car parking and wheelwash (amendments to 15/1326/CM).	DCC Application - Objection raised	17.12.2015
16/1190/FUL	Construction of agricultural outbuilding.	Approval with conditions	28.07.2016

17/0545/CM	Extraction of up to 1.5 million tonnes of as raised sand and gravel, restoration to agricultural land together with temporary change of use of a residential dwelling to a quarry office/welfare facility.	DCC Application - No objections	26.04.2017
17/1842/CM	Extraction of up to 1.5 million tonnes of as raised sand and gravel, restoration to agricultural land together with temporary change of use of a residential dwelling to a quarry office/welfare facility (submission of further environmental information)		

POLICIES

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP8: Protection of Wildlife Sites and Features of Ecological Value

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

Straitgate Farm is located on the north side of the B3174 which connects the Daisymount junction of the A30 with Ottery St Mary. The speed limit around the application site is 60mph, reducing to 40mph nearer to Ottery St Mary. Three roads join the B3174 near to the site and there are a number of private driveways joining the road to the west and east. The farm has land on both sides of the road and can access the land on the south side via a gate about 45 metres west of the farm entrance.

Proposal

Planning permission is sought for a new access to the B3174 to facilitate a direct crossing of the road from the farm on the north side to the land on the south side. Currently the two access points are staggered by 45 metres, resulting in a diagonal crossing of the road.

The new access would be created on the north side of the road where there is a gap in the belt of trees opposite the existing gate on the south side. The works would involve the removal of a section of bank and culverting the roadside ditch. It is also proposed to provide a holding pen for livestock in the fields on both sides of the road to facilitate a controlled crossing. In addition to these works it is proposed to erect warning signs and flashing amber lights adjacent to the B3174 on approach to the crossing from both directions.

Background

Straitgate Farm, comprising the land on the north side of the B3174, is owned by Aggregate Industries UK Ltd and has been let to the same family since 1976. The land on the south side of the B3174 is owned by the tenants of Straitgate Farm. According to the supporting information, the farm supports a dairy business comprising a herd of some 150 cows.

Land at Straitgate Farm is identified in the Devon Minerals Plan as a source of sand and gravel and Devon County Council is currently considering a planning application (DCC/3944/2017) for extraction of these resources. If the quarrying development were to go ahead then the majority of the grazing pasture on the north side of the B3174 would be unavailable, potentially necessitating four daily crossings of the B3174 for milking.

The planning statement submitted with the crossing application provides an extract from an email between the tenant's land agent and Devon County Council (in their capacity as Minerals Planning Authority) dated February 2018 which details the current crossing requirements. It explains:

"The movements over Exeter Road to the 82 acres of land owned and tenanted by my clients are as follows;

From roughly Easter to Christmas 200 ewes and lambs are moved across Exeter Road (return journey) once a week for weighing, approximately 15 minutes per crossing.

From spring to autumn once a month approximately 20 dry cows are moved across Exeter Road after the previous batch are moved back to Straitgate Farm (they go over for one month to rest) which takes approximately 10 minutes per crossing.

During the summer up to 300 calves and stirks are crossed over Exeter Road in bunches once a week for weighing and general health checks, approximately 20 minutes per crossing.

Depending on the season, if there is a drought and there is no grass left at Straitgate the dairy herd of 150 cows have moved over to the south of Exeter Road to access grazing, this happened twice last year. The herd are also moved over Exeter Road if Straitgate pasture land receives an application of lime which renders the land un-grazeable for a number of days, this occurs as frequently as is required but usually not more than every other year. The movements take 45 minutes to an hour per crossing, with breaks to allow the traffic through every 15 minutes if required and take place at 7.30am, returning at 10am and again at 3pm, returning at 5.30pm. These movements (excluding the dairy cows who cannot be dictated a time to) are all made at sensible times of day when traffic flow is at its lowest. A tractor and a farm vehicle block the road from oncoming traffic while stock moves across the road for safety."

Missing from this extract is a further paragraph, drawn to the attention of the LPA by one of the objectors to this proposal, which adds:

"These movements (excluding the dairy cows who cannot be dictated a time to) are all made at sensible times of day when traffic flow is at its lowest. A tractor and a farm vehicle block the road from oncoming traffic while stock moves across the road for safety. In the event that no cow tracks were installed at Straitgate Farm, and in time that no additional cubicle housing were erected to house the dairy herd these movements would need to occur daily."

Some objectors have questioned whether the crossings are as frequent as indicated above but these movements were given as an upper estimate so this may explain why they have observed fewer crossings (if any).

Whatever the crossing frequency, it is important to note that this application is only for a new access, not for any other development (such as the proposed quarry) that could lead to an increased need for livestock to cross the road. Any increase in the number of crossings that might arise as a result of the quarry going ahead is only relevant to that application and not to this application for the new access. As such, any implications from increased crossing is for consideration by DCC as part of the planning application under their consideration.

ANALYSIS

The main issues for consideration are highway safety and visual impact.

Highway Safety

The B3174 is a busy, straight road with high traffic speeds (the 85th percentile vehicle speed was recorded via an automated traffic count in June 2018 and shown to be 58.2mph).

Because the proposal would introduce a new access onto the B3174, the Highway Authority requested a road safety audit. The outcome of this was the addition of improved warning signs, including amber flashing lights. Both the Highway Authority and Highways England (whose interest is in avoiding any adverse impact on the free flow of traffic on the A30) have no objection to the proposal on the condition that there is no increase in the frequency of crossings. Both consultees have stressed that should any development take place that would lead to an increased number of crossings then a new safety assessment would be needed.

In spite of the conclusions of the Highways experts, a number of objectors argue that the proposal would have an adverse effect on the safety of road users. They have drawn attention to the speed and volume of traffic on the road, the blind hill to the west of the site and the number of accidents that occur on this stretch of road. In particular, attention is drawn to the below-standard forward visibility on the approach from the west which is only 160m owing to the crest of the hill, when the standard stopping distance is 200m. It has also been noted that the back of the queue would move closer to the crest of the hill the longer the road is closed. However, none of this would change as a result of the proposal given that the crossing is existing and no increase in crossing is proposed.

The road safety audit notes that the proposal would not reduce the forward visibility to the west (because the crossing would be no further west than the existing gate on the south side) and nor would it necessarily lead to increased use of the crossing. For these reasons, improved signage is considered an appropriate way of warning motorists. It should be noted, also, that if this application had not been submitted there would be no requirement for signage to be installed, it merely represents best practice.

The Traffic Signs Manual which is referenced in the road safety audit says at chapter 4, paragraph 9.2.3 that signage is not intended as a solution where the movement of cattle would frequently obstruct traffic for a period of more than three minutes (own emphasis). It goes on to say that "In such cases other measures such as a segregating facility should be considered", such as a tunnel, which has been suggested by a number of objectors. While these objectors have drawn attention to the potential for four daily crossings to take place, such activity does not take place at present and would not take place as a direct result of this proposal (at present frequent crossings do not take place). Once again, it must be emphasised that any increase in the frequency of crossings as a result of the quarry proposal is for consideration in that application and, as highlighted by the Highway Authority and Highways England, it does not follow that acceptance of this crossing application would mean that any development that would result in increased use of the crossing would be acceptable.

In summary, this proposal is not to increase the frequency or duration of road closures. Rather it is to improve an existing crossing with relatively light use. The shorter, more direct route and the improved handling facilities, as well as the new signage, would be to the benefit of highway safety.

In order to ensure that the proposal does not lead to increased usage, and given that the lack of objection to the proposal from Devon County as the Highway Authority and Highway England is on the basis of no increased use, it is considered reasonable to

impose a condition restricting the number of movements to those identified in the application documents as currently taking place.

Visual Impact

The proposal would necessitate cutting into a bank and creating a short track through a copse next to the road. Where the access would be created there is already an overhead wire so there is a suitable gap such that there would be no harm to the trees. Likewise, the removal of a section of bank has not been objected to by Natural England.

Visually the proposal would not appear intrusive or out of character with the area.

The new access on the north side of the road would need to cross a ditch and therefore a culvert forms part of the proposal. Land drainage consent from Devon County Council may need to be required but there is nothing to indicate that such consent would not be granted.

CONCLUSION

It is noted that in addition to highway safety concerns, objections have been raised about delays to traffic, including emergency vehicles, increased pollution, traffic diverting along unsuitable lanes and the impact on the local economy but none of these issues would be made worse by the proposal as no increase in crossings is proposed.

The proposed improvements to the existing crossing between Straitgate Farm and its land on the south side of the B3174 are acceptable and will reduce crossing times and aid highway safety. The creation of a new access point would not in itself result in a greater need to cross the road and therefore on the basis that the frequency and duration of crossings would be the same as existing (and is conditioned as such) there is no reason to object to the proposal.

Should the minerals extraction application being dealt with by Devon County require /result in an increase in road crossings, and potentially changes to the crossing (maybe through provision of a tunnel), that will be for Devon County to consider and secure/refuse as part of the determination of that planning application.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. The access hereby permitted shall not be brought into use until warning signs have been installed and made operational in accordance with the details shown in drawing number 0308.103 rev D. The signs shall thereafter be maintained.
(Reason - To provide advance warning to traffic in the interests of highway safety in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.)
4. The new access hereby permitted shall not be brought into use until holding pens have been provided on each side of the road in accordance with details to be submitted to and approved in writing by the Local Planning Authority before their construction. The holding pens shall thereafter be maintained in accordance with the approved details.
(Reason - To ensure that suitable facilities are available to ensure the safe crossing of livestock in the interests of the safety of road users in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.)
5. Following the creation of the access hereby permitted, no livestock shall cross the road via the existing access (other than livestock transported by vehicle).
(Reason - To reduce delays to traffic and the impacts of mud and excrement on the road in the interests of highway safety in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.)
6. The access hereby permitted shall only be used to facilitate the movement of livestock across the B3174 in the circumstances described in paragraph 1.7 of the Supporting Statement prepared by Aggregate Industries UK Limited dated November 2020. The access shall not be used for any additional livestock movements.
(Reason - The proposal has been assessed on the basis of the livestock movements described in the supporting statement and any intensification of the use would require further assessment in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

0308.106 :	Combined Plans	10.12.20
sections		

20.10.7810.PL.A. 001	Location Plan	16.11.20
20.10.7810.PL.A. 002	Location Plan	16.11.20
0308.103 D : ccattle crossing arrangement	Other Plans	08.03.21

List of Background Papers

Application file, consultations and policy documents referred to in the report.