



**18/0368/OUT | Outline application for the demolition of existing structures, site remediation and redevelopment to provide Classes A1 (retail), A3 (Cafes and Restaurants), associated access, internal circulation, service yards, parking, landscaping, public realm works, infrastructure and dedication of land for improvements to Honiton Road (all matters reserved except access). | WPD Depot Moor Lane Exeter Devon EX2 7JF**

3rd April 2018

To: [Matthew.Diamond@exeter.gov.uk](mailto:Matthew.Diamond@exeter.gov.uk)

Cc: [Lloyd.Orriel@devon.gov.uk](mailto:Lloyd.Orriel@devon.gov.uk); [Alex.Bulleid@exeter.gov.uk](mailto:Alex.Bulleid@exeter.gov.uk)

Dear Matthew

Thank you for consulting Exeter Cycling Campaign on this planning application.

Exeter Cycling Campaign **object** to the proposed development for the following reasons:

- Non-compliance with the adopted Local Plan, particularly in relation to CP1, CP8, CP9 and T3;
- Negative impact on air quality in an Air Quality Management Area;
- Negative impact on the safety of vulnerable road users, contrary to paragraphs 32 and 35 of the NPPF.

The reasoning behind our reasons for objection are set out in full below.

### **Non Compliance with Core Strategy Policies CP1, CP8 and NPPF Paragraphs 24 - 27**

Policy CP1 constitutes the spatial strategy that underpins the entire Local Plan. It states that provision for growth in the city over the period 2006 – 2026 is based on

*“promoting the City Centre as the sustainable heart of the city to include...around 3,000sq metres net retail convenience floorspace, and up to 37,000 sq metres net retail comparison floorspace” (point ii);*

The proposed development fundamentally conflicts with this policy.

The applicant does not appear to have submitted evidence of a sequential test as required by the NPPF and has therefore not considered impacts on the city centre, now and into the future. The bus station site is once

again available for development and any development that threatens the vitality of the city centre and its role as the heart of the city should be refused.

The retail provisions of policy CP1 are given further expression in Policy CP8. In particular, policy CP8 states that:

*“Retail development outside the City Centre should be located in the district or local centres.... In all cases proposals must be accessible by public transport and other sustainable modes, and be appropriate in scale and character to the role and function of the proposed location. Local retail facilities will be required as part of the community provision at the Monkerton/Hill Barton and Newcourt urban extensions”*

The Plan defines Local Centres as *“Small group of shops and services generally serving the immediate local area. Usually comprises a newsagent, a general grocery store, a sub-post office and, occasionally a pharmacy, a hairdresser and other small shops of a local nature.”*

The type and scale of development proposed as part of this retail park, with an emphasis on ‘warehouse style’ units for comparison goods, drive-up restaurants and extensive free car parking is not in accordance with this policy.

### **Poor quality access and failure to consider pedestrian and cycle movements in wider area**

The proposed development will generate a significant amount of traffic, containing as it does a large element of comparison retail and being centred around a 336 space car park. This will inevitably attract residents from elsewhere in the city and outside.

The Design and Access Statement (DAS) makes the statement at section 3.6 that *“the site’s locality is well catered for in terms of cycle path (shared facility) provision but it has been identified that the cycle path could be extended 20 metres along Moor Lane just to the north of the existing Moor Lane access so that a continuous cycle path along Moor Lane can be created”*. There are numerous issues with this statement that lead Exeter Cycling Campaign to conclude that the effect of the proposals overall will be negative:

1. The site is not well catered for in terms of cycle access. Links to/from the direction of the city centre are particularly poor, as is accessing employment and residential growth areas at Monkerton, Hill Barton and Pinhoe to the north. Crossing Honiton Road to connect to the E3 and E4 numbered routes via Ambassador Drive and Cumberland Way requires cyclists to stop, wait and cross at multiple points on Honiton Road around the multi-lane roundabout, with no direct routes on the desire line. The environment is amongst the most hostile in Exeter for people walking and cycling and ultimately

people are highly likely to drive to the retail park, even for short distances, given the lack of safe and attractive cycle routes and the offer of free car parking;

2. There are no cycle routes along Moor Lane. The offer of extending the shared path up to 'just before' the primary entrance to site achieves nothing in practice, as the path will revert back to a 2m pavement before the junction, which cyclists are not legally permitted to cycle on. The creation of a larger and busier vehicle access into the site here will also interrupt the path of people walking to work along Moor Lane;
3. The applicant is not proposing a cycle route into the secondary access on Avocet Drive. This would be the most direct route for many people working on employment sites along Avocet Road and Osprey Road;
4. Dedicated 'cycle paths' and 'shared paths' are two separate pieces of infrastructure and should not be conflated as the applicant has done in the DAS. The Department for Transport recommends 3m is the minimum effective (i.e. usable) width for shared paths where light use is expected. However, this area of Sowton is both a major employment hub and a major transport hub thanks to the Honiton Road Park and Ride. Flows of people into the area for work are exceptionally high<sup>1</sup> (extract at Figure 2) and there is huge potential to boost the number of people walking and cycling to work. In 2011, 62% of people commuted by car into the area compared to 6% by bike<sup>2</sup>. However, the Government-backed 'Propensity to Cycle' tool shows that on the 'Go Dutch' scenario, the Lower Super Output Areas (LSOA) surrounding the site can achieve a modal share of between 17% and 21% of people cycling to work.<sup>3</sup> Once the growing availability of e-Bikes is factored in, this rises to between 28% and 32%.<sup>4</sup>

In this context, the existing pavements and shared paths in the area are already insufficient, and development that will further increase flows into the area must provide significantly enhanced infrastructure in the form of segregated cycle routes that remove conflicts between cyclists, cars and pedestrians. As a minimum, the proposed development should be providing safe and convenient cycle access into both entrances and providing funding to deliver a bidirectional cycle route from Moor Lane to Ambassador Drive and connect into the segregated cycle route under construction on Cumberland Way. This would provide a genuine alternative to the car in allowing people to cycle from Monkerton, Pinhoe and the East of Exeter via E4 to the shops and employment proposed at Sowton.

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<http://commute.datashine.org.uk/#mode=allflows&direction=both&msoa=E02004159&zoom=14&lon=-3.4604&lat=50.7208>

2 <https://www.pct.bike/m/?r=devon>

3 *Ibid.*

4 *Ibid.*

## **Non Compliance with Core Strategy Policy CP9 and Policy T3 of the Exeter Local Plan**

Policy CP9 of the Core Strategy requires:

- *“a step change in the quality, capacity and environmental performance of public transport,*
- *demand management measures;*
- *improvements to facilities for pedestrians and cyclists.”*

Policy T3 of the Local Plan requires that development accord with the hierarchy of modes, prioritising people walking, then cycling, then using public transport and finally people driving. This is in the interests of safety and sustainability.

The proposed development fails on all these measures. It is a car-centric development that will encourage people to drive and take advantage of free car parking, increasing demand for road space by the least efficient mode of transport (private car). It will degrade facilities for pedestrians and cyclists by contributing to the already hostile environment on and around Hontiton Road/Moor Lane roundabout (see above), and breaking pedestrian desire lines on Moor Lane. It also proposes zero effective improvements to facilities for pedestrians and cyclists.

### **Negative Impact on Air Quality**

Honiton Road is within the Air Quality Management Area (AQMA) and suffers from poor air quality. The Environmental Health Officer has noted that air quality will worsen as a result of the nearby proposed retail park at Honiton Road/Fitzroy Road (18/0076/OUT), notably on East Wonford Hill and through the Heavitree corridor. Given the close location and similar type and scale of this proposed development, the same air quality concerns are likely to apply to this proposed development. Cumulative effects could also arise if both developments are approved and the applicants have given no consideration to this.

The effects of the extra air pollution generated by this proposed retail park will be felt by local residents, including our future generations. The shift to electric cars will take a number of years, and start from a very low base. Notwithstanding the continued congestion and road safety issues caused by cars, electric or otherwise, the eventual shift to electric by 2040 will do nothing to mitigate the years of air pollution exceedances and worsening health impacts the proposed development will contribute to.

Exeter is currently consulting on its Air Quality Action Plan for the 5 year period up to 2023. If that strategy is to stand any chance of being effective, and we are to reduce air pollution and improve health outcomes in our city, retail park development such as that proposed in this application must be refused in favour of walkable retail destinations designed around active travel networks and high quality public transport.

## Negative Impact on Road Safety and relevance of NPPF Paragraphs 32 and 35

The Devon Collision Map, providing data up to December 2016, shows multiple collisions on and in the vicinity of Honiton Road/Moor Lane roundabout (Figure 1). This therefore makes the roundabout a collision cluster spot and demonstrates that it is not safe. By definition, the roundabout and approaches will be particularly unsafe for vulnerable road users and unattractive to cycle on the road. The lack of quality, connected, segregated cycle routes in the area means that less confident cyclists or parents cycling with children are not likely to cycle to the proposed development. This will further increase car usage, while putting vulnerable road users on Honiton Road, Moor Lane and the roundabout at greater risk.

It should also be noted that the proposed development gives zero priority to pedestrians and cyclists as the main junctions onto Moor Lane and Avocet Road, and within the development. This will increase the likelihood of collisions both at the site entrances and within the expansive car park. In 2016, almost two thirds of collisions involving fatalities or serious injury to cyclists occurred at junctions (ROSPA Cycling Accident Factsheet 2017), and 80% of all collisions involving people cycling occur during daylight hours (i.e. during store opening hours).<sup>5</sup>

Paragraph 32 of the NPPF requires that:

- Safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

There is no definition of 'severe' in the NPPF, and it is usually down to professional judgement to determine what is or is not severe. However, the High Court case of *Mayowa-Emmanuel v Royal Borough of Greenwich* (2015)<sup>6</sup> provides a precedent in how paragraph 32 should be interpreted and the criteria to which the severity clause applies. The case established (at paragraph 29) that the second bullet point of Paragraph 32 of the NPPF relates to highway capacity and congestion, rather than road safety in itself:

*"In my judgment, paragraph 32 of the National Planning Policy Framework that the Claimant relies on under this ground 2 is addressing matters of highway capacity and congestion. It is not concerned with highway safety considerations in themselves. It cannot be, because it cannot be the case that the Government considers anything*

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<sup>5</sup> <https://www.rospace.com/road-safety/advice/pedal-cyclists/facts-figures/>

<sup>6</sup> <http://www.bailii.org/ew/cases/EWHC/Admin/2015/4076.html>

*other than severe impact on highway safety would be acceptable, which would be the implication of the Claimant's argument." (my emphasis).*

The effect of this interpretation means that even if the proposed development is not considered to have a 'severe' impact on the highway network in terms of traffic modelling and junction capacity, refusal can still be justified if there is a 'less than severe' impact on the actual safety of road users. This would include vulnerable road users such as pedestrians and cyclists. The court's interpretation of Paragraph 32 was recently invoked by a planning inspector in relation to a scheme in Shropshire, where the appeal was dismissed<sup>7</sup>. While the context of that appeal was different, the principle - particularly in terms of of paragraph 32s interpretation and the relevance to road safety and vulnerable users - remains applicable. This is relevant considering the proposed development in light of the road safety and network issues outlined above, and the requirements of Paragraph 35 of the NPPF.

Paragraph 35 states that developments should:

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;

The draft NPPF published for consultation strengthens language on designing, integrating and implementing sustainable transport as core principle of new development, and emphasises that this includes providing high quality connections into surrounding areas.

The proposed development very obviously does not give priority to pedestrians and cyclists, and does not create a safe and secure layout that minimises conflicts between traffic and pedestrians or cyclists. It will also have a negative impact on the safety of vulnerable users along Honiton Road, the roundabout and Moor Lane by virtue of increased traffic volumes and lack of segregated cycle infrastructure.

The effect of this extra traffic, both in terms of the actual additional risk of collisions and the perceived risk of collisions, could easily be described as 'severe' by vulnerable road users. There is a clear justification to refuse the proposals on highway safety grounds in light of Paragraphs 32 and 35 of the NPPF and the legal precedent set by *Mayowa-Emmanuel v Royal Borough of Greenwich (2015)*.

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<sup>7</sup> <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3159207>

## Section 106 in the event of permission being granted

Exeter Cycling Campaign believe that the proposed development represents a fundamentally unsustainable development typology and should be refused. However, in the unfortunate event that permission is granted, it is essential that the access design is revised to prioritise pedestrian and cycle movements.

It would also be essential to secure significant financial contributions to help mitigate the road safety and air quality impacts of the proposed development, through provision of new segregated cycle infrastructure and safer junctions along the routes affected. This includes providing funding to extend the segregated, bi-directional section of E4 on Cumberland Way south along Ambassador Drive to provide a safe, streamlined crossing of Honiton Road and a real alternative to the car for people accessing the proposed development and Sowton from Pinhoe, Monkerton and the East of Exeter via E4. There is currently no safe cycle provision to the proposed development or other employment sites at Sowton Industrial Estate from the north, east or west.

Existing bus routes along Honiton Road are not sufficient alone to meet sustainable transport aspirations for the area, and in the absence of Monkerton train station being delivered, it is essential that contributions deliver high quality active travel infrastructure that segregates cyclists from pedestrians and vehicles and meets the latest design standards<sup>8</sup>.

Yours sincerely

Seb James

for and on behalf of:

**EXETER CYCLING CAMPAIGN**

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[exetercyclingcampaign.org.uk](http://exetercyclingcampaign.org.uk)

Twitter: [@ExeterCycling](https://twitter.com/ExeterCycling)

Facebook: ExeterCyclingCampaign

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<sup>8</sup> <https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit#on-this-page-2>

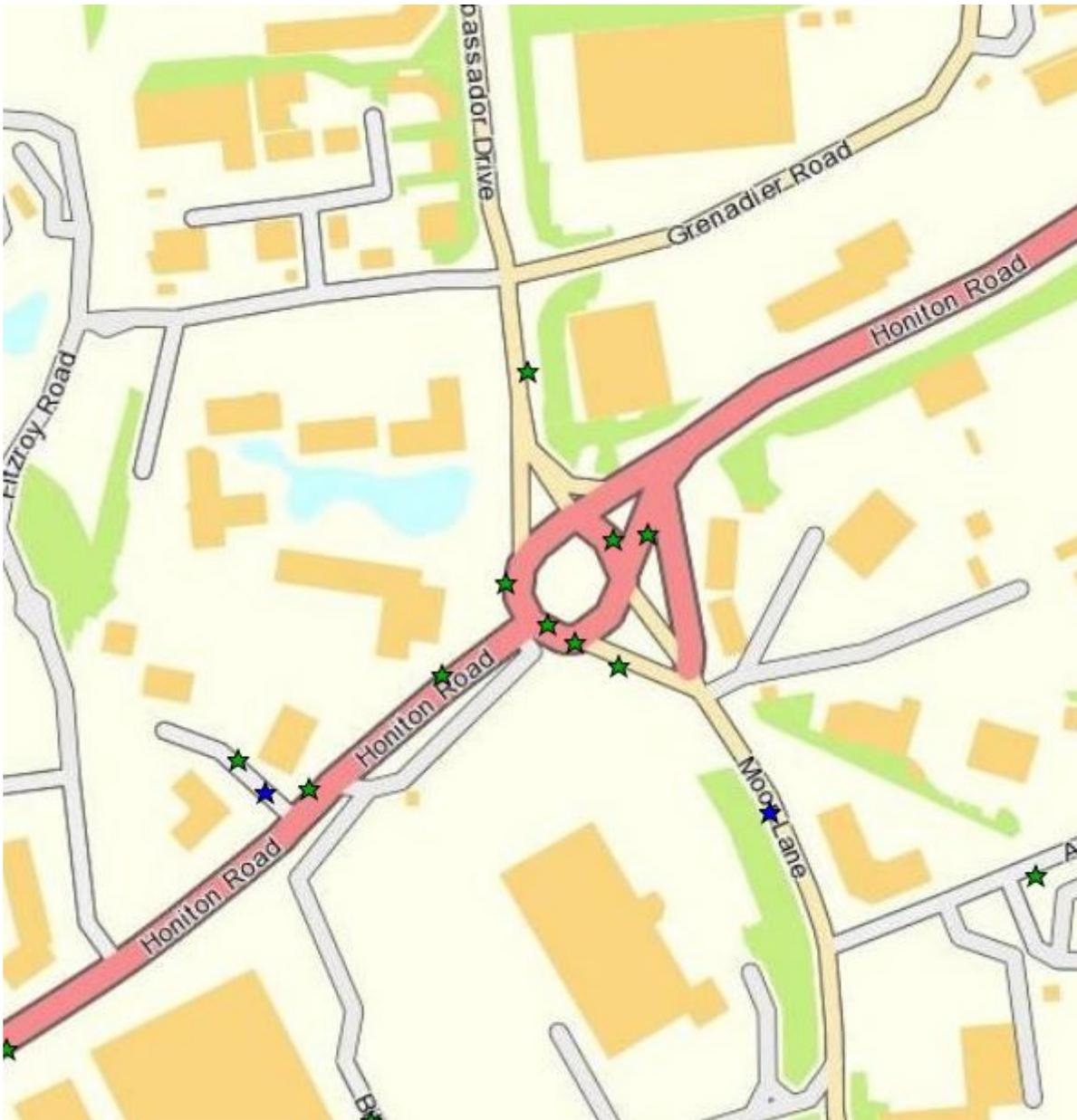


Figure 1: Devon Collision Map, showing numerous collisions along Honiton Road and on the Honiton Road/Moor Lane roundabout up to December 2016, including the main route between the proposed development, Sowton and growth areas to the north from where the majority of custom and commuting is likely to originate. Collisions are recorded along the full length of the Honiton Road corridor. A safe, segregated, bidirectional cycle route between Moor Lane and Cumberland Way via Ambassador Drive is essential to provide a real alternative to the car and allow people to cycle to the proposed development.

Figure 2 (below): Extract from UCL/ESRC 'Data Shine' Commute map based on 2011 census data, showing significant 'in commuting' to the Middle Super Output Area (MSOA) within which the proposed development is located. This demonstrates the importance of providing real alternatives to car commuting to the area to reduce congestion and air pollution and boost health and wellbeing. This requires provision of fully segregated cycle routes connected into the wider network. This will allow high volumes of people to cycle safely and efficiently to and from the proposed development to access shops, services and jobs. Limited shared paths with multiple crossing points, convoluted turns and poor design lines will not achieve modal shift and increasing car use in the area will continue.

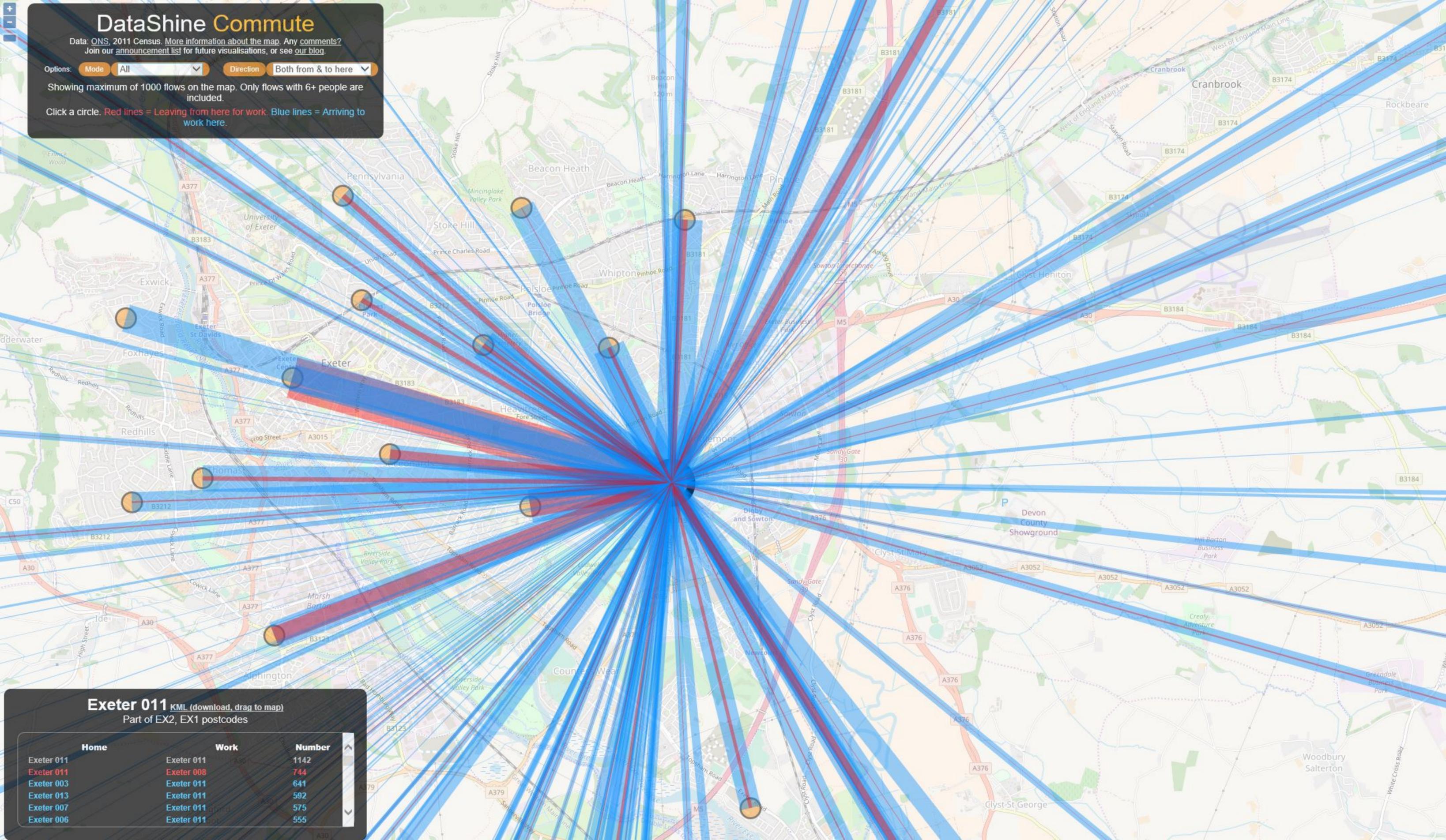
# DataShine Commute

Data: ONS, 2011 Census. [More information about the map.](#) Any comments?  
Join our [announcement list](#) for future visualisations, or see our [blog](#).

Options: Mode **All** Direction **Both from & to here**

Showing maximum of 1000 flows on the map. Only flows with 6+ people are included.

Click a circle. **Red lines = Leaving from here for work.** **Blue lines = Arriving to work here.**



## Exeter 011 [KML \(download, drag to map\)](#)

Part of EX2, EX1 postcodes

Home	Work	Number
Exeter 011	Exeter 011	1142
Exeter 011	Exeter 008	744
Exeter 003	Exeter 011	641
Exeter 013	Exeter 011	592
Exeter 007	Exeter 011	575
Exeter 006	Exeter 011	555