



Statement of Common Ground

Inglewood, Torbay

APP/X1165/W/20/3245011

15 December 2020

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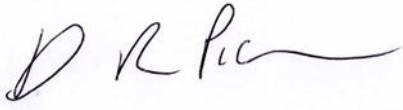
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Statement of Common Ground signed on behalf of Torbay Council (LPA)




Print Name:	David Pickhaver for Torbay Council
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Date:	15 December 2020
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Position:	Senior Policy Planner
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Statement of Common Ground signed on behalf of Abacus Projects Limited and Deeley Freed Estates Limited (Appellant)



Print Name:	Simon Fitton for Alder King
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Date:	15 December 2020
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Position:	Partner
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1.0 Introduction and Application Background

- 1.1 This agreed statement has been prepared by the Appellant, Abacus Projects Limited and Deeley Freed Estates Limited and Torbay Council, the Local Planning Authority (LPA).
- 1.2 The application reference P/2017/1133 was submitted to the Council on 3 November 2017 by Stride Treglown, acting as agent for the applicants. The application was confirmed as valid on 17 November 2017.
- 1.3 The description of development, as revised in November 2019 is:
- “Outline application for residential led development of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation. Details of access to be determined with all other matters reserved.”*
- 1.4 During the consideration of the application, extensive negotiations have occurred between the appellant, Council officers and statutory consultees. In response to comments received during the consideration of the application and these negotiations, the proposal was amended and a series of changes were made to the application, including the submission of amended plans on 8 March 2018.
- 1.5 The determination period was extended to 31 July 2019 and expired on that date.
- 1.6 The application has not been determined and an appeal has been lodged against non-determination.
- 1.7 Heads of terms for a section 106 agreement are agreed in principle. It is expected that the section 106 agreement and conditions will be agreed before the Public Inquiry.

2.0 The Appeal Site and its Surroundings

- 2.1 The appeal site is located wholly within the Torbay Council administrative area. It is located south of an area locally known as White Rock and is bounded on its eastern edge by the A3022/Brixham Road, a tree/hedge lined route serving the Brixham Peninsula. The wider context includes Torquay situated to the north-east, Brixham Peninsula to the south-east, and the South Devon Area of Outstanding Natural Beauty (AONB) to the south and west that surrounds the River Dart. A significant proportion of the farmland within the proposed ecological mitigation management proposals lies within South Hams District, but no development is proposed on this land.
- 2.2 The western boundary is formed of field margin/hedgerows and follows the administrative boundary between the Torbay and South Hams District Council areas.
- 2.3 The eastern edge of Brixham Road, broadly referred to as Goodrington (or Hookhills), is predominantly residential in nature with development typical of 1970-1990 style.

- 2.4 The village of Galmpton is situated beyond the southern boundary of the site, separated by fields.
- 2.5 The hamlet of Waddeton is located to the south-west, accessed from the White Rock area by Waddeton Road and from Galmpton by Stoke Road.
- 2.6 The majority of building uses surrounding the site are residential properties located to the east of Brixham Road, within the White Rock development to the north, and at nearby Galmpton and Waddeton. Educational building uses include White Rock Primary School located directly to the north-east and South Devon College located to the north-west of the site.
- 2.7 Hookhills Community Centre is located within the predominantly residential district of Goodrington to the east of the site. Commercial/business building uses are also located within the White Rock area to the north of the site.
- 2.8 The Nords, a clump of tall, mature trees are situated on the southern boundary; the northern proportion of the Nords falls within the appellants ownership but is outside the red line planning application boundary.. South Devon College and commercial properties are located to the north-west. The White Rock development currently under construction and associated mitigation planting exists directly to the north of the site and White Rock Primary School with associated open grounds is located to the north-east with Paignton beyond.
- 2.9 The land at White Rock was granted outline planning permission in April 2013 (P/2011/0197) for a mixed use development comprising 350 dwellings, employment space, a local centre, formal and informal public open space together with strategic landscaping. It has subsequently been the subject of a number of reserved matters submissions and the commencement of the first two phases of residential development. The White Rock development is subject to S106 Agreements dated 26 April 2013 and 17 April 2014, which affect the appeal site. These identify the north of the Inglewood site as Entry level Stewardship as part of the LEMP for the development.
- 2.10 The two sites are separated by an area of woodland planting, forming part of the strategic landscaping and secured as mitigation as part of the Section 106 Agreement in relation to the White Rock planning application.
- 2.11 In addition to the appeal site, the appellant owns further land immediately to the west and beyond Waddeton Road, which is within South Hams District.
- 2.12 The land (appeal site and offsite) is currently used solely for agricultural purposes. The site topography is relatively undulating with high points at the north and south-east site boundaries. The site generally falls away to the south and south-west, away from a transitional ridge to the north, towards the Galmpton Watercourse. The contour lines at levels 64m and 65m AOD thread through the majority of the site and there is opportunity for relatively level vehicular circulation throughout the site to be established at this common level.

- 2.13 The existing fields are bounded on all sides by established hedgerows. Cirl Bunting habitats and flight corridors for Greater Horseshoe Bats exist within and close to the site.
- 2.14 A pond exists near to the south-east site boundary and a small 'sheep wash' depression within the ground exists adjacent to the central hedgerow.
- 2.15 An existing 11kV overhead cable cuts through the south-west corner of the site and is retained as part of the proposals.

3.0 Planning History and the Development Plan

- 3.1 At the 1989 Torbay Local Plan Inquiry the appeal site was considered as having the potential to be included as a housing and employment allocation, but ultimately rejected at that time.
- 3.2 Planning applications covering part of the study site were submitted in 1995 (ref. 95/0998/OA) and 1996 (ref. 96/1288/OA) for housing and associated open space, including the realignment of Brixham Road. The earlier of the two applications was refused planning permission in October 1995 and the latter application was withdrawn in June 1998. In broad terms, the first application was refused due to a lack of housing need at that time and the potential for adverse landscape and highways impacts.
- 3.3 In October 1995 an outline planning application (ref. 1995/1304/OA) was submitted for land to the north of the appeal site (now developed as "White Rock") together with a large portion of the site which is the subject of this appeal.
- 3.4 The application proposed the erection of units for employment purposes within classes B1, B2 and B8 (although B8 uses were subsequently withdrawn). In June 1996 Torbay Borough Council resolved to grant outline planning permission subject to agreeing a S106 Agreement and reductions in the development area. In July 1996 the Secretary of State called in the application. Following a Public Inquiry in February-April 1997 it was refused in October 1997.
- 3.5 In refusing the application, the Inspector, on behalf of the Secretary of State, identified that the suitability of the site for the proposed development, particularly in terms of its visual impact on the surrounding area, was a prime consideration. The proposal was refused for a number of reasons, primarily landscape impact.

The Torbay Local Plan

- 3.6 The Torbay Local Plan "A Landscape for Success - The Plan for Torbay 2012 to 2030", was adopted on 10 December 2015.
- 3.7 The appeal site is not identified in the Local Plan in part because it had not yet been demonstrated to Natural England's satisfaction at the time of examination and adoption of the Local Plan that development of the site would comply with the requirements of Regulation 61 (regarding appropriate assessment) of the Conservation of Habitats and Species Regulations 2010 (as then was) due to it being situated within the

'sustenance zone' of a Special Area of Conservation (SAC) designated for its bat species. The Site is not situated within the SAC itself.

- 3.8 The Site was considered in the initial main modifications (February 2015) to the Local Plan, following the Inspector's request that the Council seek to identify additional housing land. The Modification attracted significant objection and the Council noted that further evidence about the site in relation to ecology, landscape impact and agriculture was needed (para 58 of the Inspector's report). Prior to that the site had been considered in the SHLAA (2013). The Inspector's Report following examination of the Local Plan did not reject the principle of development on the Site, concluding at paragraph 62 that, "...if the necessary work is undertaken and shows that from an environmental point of view the site is developable, there is nothing to stop the Council from carrying out a partial review of the [Local] Plan as soon as it has the necessary evidence".
- 3.9 Ecology surveys to inform the proposals were undertaken in 2016. The results of these and discussions with Torbay, Natural England and the RSPB were integral to the design of the proposals. Through continued dialogue post submission and submission of further information (notably the Ecological Addendum (NPA, February 2018) both Natural England (April 2018) and the RSPB (March 2018) stated that their original concerns about the proposal had been overcome subject to appropriate mitigation being put in place. Jacobs, on behalf of Torbay Council, as the local authority, undertook a Habitat Regulations Assessment (March 2018) which concluded there would not likely be a significant effect alone or in combination on a European Site (i.e. the South Hams SAC or the Lyme Bay and Torbay SCI).
- 3.10 Torbay Council also produced a memorandum (11th April 2018) which concluded "*they were satisfied that the key ecological issues raised through consultation have been resolved by the applicant.... and that there are currently no ecological grounds for objection to the application*". Subsequent to the People over Wind case¹ Jacobs for Torbay updated the HRA to carry out an Appropriate Assessment (May 2018) to accord with the findings of that case, but came to the same conclusions as the original HRA. This Appropriate Assessment was updated by the Council's Sustainability Appraisal officer in December 2019 and February 2020, and reached the same conclusions, subject to an off-site contribution being sought towards managing recreational pressure on calcareous grassland at Berry Head (a qualifying habitat of the SAC).
- 3.11 The appellant and Council confirm that, subject to the proposed mitigation measures, they are satisfied there would be no adverse effect on the integrity of the South Hams SAC (for which Greater Horseshoe Bats and the calcareous grassland are primary reasons for its selection) alone or in combination with other proposals or projects. Moreover the appellant and Council confirm that, subject to mitigation measures, there would be no significant impacts on other ecological receptors (including Cirl Buntings).
- 3.12 The Local Development Scheme (LDS) (March 2017) states at Section 3.5 - Site Allocations Development Plan Document (provisional) '*where there appears to be a lack of deliverable housing sites to provide for*

¹ People Over Wind and Sweetman v Coillte Teoranta; European Court of Justice Case C-323/17

the 5 year requirement, the Council will seek to bring forward additional housing sites through a number of mechanisms, including:

- *Promotion of outline planning applications, or a Local Development Order, for the land south of White Rock, as per Policy SS1 (Growth strategy for a prosperous Torbay), paragraph 4.1.41 and the Local Plan Inspector's Report.*

If these measures do not result in at least a 5 year supply of housing land, or if the Neighbourhood Forums are unable to allocate sufficient housing land, the Council will produce a Site Allocations DPD allocating additional sites (in the context of Policies SS1 - Appendix C, SS12 and SS13).'

- 3.13 The LDS cannot be taken as a development plan document that allocates sites. It predates the bulk of work on the Brixham Peninsula Neighbourhood Plan.
- 3.14 No LDO or Site Allocations DPD has been progressed; the Brixham Neighbourhood Plan has subsequently considered the suitability of sites within the Brixham Peninsula, and rejected the Inglewood site.

The Brixham Peninsula Neighbourhood Plan (BPNP)

- 3.15 Although the site falls outside of the parished area of Brixham, it is within the Brixham Peninsula Neighbourhood Plan area. The BPNP was “made” in June 2019 following a successful referendum in May 2019.

4.0 Appeal Proposals

- 4.1 The description of development is proposed to be controlled via the Urban Design Regulatory Plan (scale parameter plan) that is submitted for approval in order to guide the preparation and approval of reserved matters. This plan and an associated Illustrative Masterplan form the basis upon which the ES was prepared; the Illustrative Masterplan demonstrates how the development could be delivered under the terms of the scale parameters depicted on the Urban Design Regulatory Plan. The Illustrative Masterplan makes provision for:

- Up to 373 homes at varying density and height, 30% of which will be affordable homes secured through the S106 Agreement.
- A 2 Form Entry Primary School (incorporating nursery) together with associated outside space (including sports pitch) and car parking (staff/drop-off).
- A public house with associated car parking and outdoor seating.
- Public open space, including:
 - 1 Neighbourhood Equipped Area of Play;

- 2 Locally Equipped Areas of Play;
- Incidental open space (c. 25,000 sq m) with the ability to accommodate Local Areas of Play and/or trim trails and to include a community orchard; and
- Allotments (5,700 sq m).
- Tree planting within and on site edges.
- Highways access and improvement works (not all shown on the Masterplan), including:
 - Provision of site access from Brixham Road via a new 4 arm roundabout;
 - Provision of 2 new crossing points on Brixham Road, one close to the junction of Hunters Tor Drive and one to the north of the proposed site access;
 - Localised road widening on the bend North of the site, in the vicinity of White Rock; and
 - Wider improvement works at Windy Corner (South) and the junction of Brixham Road/Long Road (North). (Note that whilst Torbay Council as Highway Authority has not raised an objection on highways grounds subject to the proposed mitigation, the Council has re-consulted on the proposed junction arrangements at Windy Corner.)

4.2 The proposals make provision for a significant proportion of the site (c.7ha plus 25ha offsite land under control of the appellant) to be retained for mitigation purposes, principally in relation to ecology and potential landscape and visual impacts.

4.3 Beyond the form/quantum of development the proposals include:

- a. the retention where possible of hedgerows and trees within the site;
- b. strengthened hedgerows offsite, secured via changes to farm management practices, details of which are provided elsewhere in the application;
- c. the provision of public open space, both formal and informal;
- d. the means of providing active travel linkages to and from the site, via new crossing points on Brixham Road and via woodland to the north of the site connecting to White Rock;
- e. the extension of a local bus service to provide a half hourly service operating from new stops within easy walking distance of the entire site;
- f. the provision of a countryside access route and link to White Rock;
- g. land for community food production, including orchards and allotments; and

h. c.3.5km of new hedgerows, both on site and off site, representing a total gain of 3km and net gain of 1km of optimal value hedgerow, 0.2ha of species rich grassland margin, 1ha of native broadleaf woodland and 1ha of tussock margin, including offsite mitigation measures.

4.4 In addition to the Environmental Statement and technical reports, the application is accompanied by a suite of documents which describe the parameters for delivery of the site, should the appeal be allowed.

4.5 These documents set out the necessary controls and protections which the developer would be required to comply with. A S106 Agreement will secure the provision of items for the purposes of mitigating those impacts of development that are not capable of being mitigated by condition.

5.0 Matters agreed

5.1 A letter from the LPA dated 28 August 2019 (**Appendix 1**) provides a series of statements that the appellant and Torbay Council were able to agree:

- a. The Council was unable to demonstrate three years' supply of deliverable housing sites against the Council's five year housing requirement, based on the monitoring position at April 2019.
- b. The provision of housing, the policy-compliant level of affordable housing, provision of a school site and other economic benefits arising from the proposal are very significant and should be given considerable weight in the decision-making process.
- c. In relation to the Local Plan, the Presumption in Favour of Sustainable Development at paragraph 11 of the NPPF is applicable.
- d. The Local Plan is nearing its five year review deadline (10 December 2020) and the standard methodology derived local housing need figure (at 2019) of around 610 dwellings per year, is higher than the Local Plan's housing requirement of 495 over the plan period 2012-30. It has not been tested whether the standard methodology is appropriate for Torbay, or achievable within the area's constraints.
- e. Where housing supply falls below three years, paragraph 14 of the NPPF cannot be applied.
- f. "Prematurity" against the Local Plan review should not be used as a reason to dismiss the appeal, providing the proposals can be shown to constitute sustainable development in all other respects. It is to be noted that any plan review is at its most incipient stage, and therefore the second test in paragraph 49 of the NPPF cannot be engaged.
- g. The proposed development at Inglewood would be seen from several public viewpoints in the AONB particularly from Fire Beacon Hill, Dittisham area, and John Musgrave Heritage Trail near Galampton, and to a lesser extent from other viewpoints in the AONB including Hook Bottom on the route to Greenway. The representative viewpoints were agreed in the scoping exercise for the LVIA.

- h. The scheme is outside the AONB. The key visual impacts are viewed against the backdrop of Torbay. It is a significantly different proposal to the business park/employment application which was refused in 1997.
- i. There are a much wider range of issues that will need to be taken into account in reaching a decision, including but not limited to, ecology, farm management, agricultural impact, highways, sustainable transport, open space, employment, education provision, conservation and archaeology. There are however no outstanding technical problems in relation to these matters that could not be overcome through legal agreement/conditions.

5.2 Subsequent discussions since 28 August 2019 have led to agreement that Habitats Regulations Assessment matters have been satisfactorily addressed through the proposed mitigation measures (as rehearsed above), and the latest changes such as the recent South Hams SAC Greater Horseshoe Bats HRA guidance have not changed this situation.

5.3 Since August 2019, the Council has produced its final 2020 Five year Housing Land Supply Schedule which argues that 3.0 years of deliverable land supply can be demonstrated at April 2020. This is disputed by the Appellants who consider that less than 3 years' can be demonstrated. There is broad agreement about the methodology for calculation 5 year land supply (set out in the following section), but disagreement over four key sites: Torquay Gateway/Edginswell, Preston Down Road, Paignton, Little Blagdon Farm/, Collaton St Mary, and Victoria Square/Garfield Road, Paignton. A separate Statement of Common/Uncommon Ground describes five year supply issues relating to these sites in more detail.

5.4 In relation to the Local Plan Review, Cabinet resolved on 17 November 2020 that the Local Plan should be subject to a limited update as follows: "To assess whether the local plan's housing figure should be updated in line with the most recent standard methodology housing figure. It would require an update to Local Plan Policies SS1, SS12 and SS13. There may be a consequential impact on other policies dealing with housing supply, particularly Policy SS2 and neighbourhood area policies (SDT1, SDP1 and SDB1)".

5.5 Matters not agreed:

- a. The proposal would adversely affect the AONB and its setting when seen from the above-mentioned public vantage points, particularly from Fire Beacon Hill.
- b. That the landscape impact is sufficiently significant to outweigh the significant benefits of the proposal.
- c. . The five year housing land supply position at April 2020 and consequently whether paragraph 14 of the NPPF provides additional protection to the BPNP.
- d. The weight that may be accorded to the development plan, particularly the BPNP in the face of a shortfall in housing supply.
- e. The effect of the proposal in eroding the settlement gap and other policies in the BPNP.

5.6 Relevant elements of the correspondence are given further consideration below.

6.0 The Housing Requirement

6.1 Under the terms of NPPF paragraph 73 and footnote 37, the strategic policies of the Local Plan will be more than five years old from 10 December 2020 and the standard method will be the means by which the five year housing requirement will be calculated. The table below sets out the change to the five year requirement on 10 December:

	@1 April 2020	@10 December 2020
Torbay LP Housing Requirement 2012-20**	3,485	n/a
Completions 2012-2019/20**	2,907	n/a
Shortfall 2012-2019/20**	578	n/a
Five Year Requirement 1 April 2020 to 31 March 2025	495 dwellings x 2 years plus 555 dwellings x 3 years= 2,655	Standard method of 586 dpa x 5yrs = 2,930
Plus shortfall	3,233	N/A
Plus Shortfall (if applicable) and 5% Buffer	3,395	3,076
Annualised 5YHLS figure (5% buffer)	679	615
Plus Shortfall (if applicable) and 20% Buffer if this becomes applicable through the Housing Delivery Test results	3,880	3,516
Annualised 5YHLS figure (20% buffer if this becomes applicable through the Housing Delivery Test results)	776	703

**Start of Plan period 1 April 2012 to most recently completed monitoring data at 31 March 2020)

Table 1: HLS Requirement

6.2 It is also noted that the Standard Methodology Local Housing Need figure for 2020 is 586 dwellings per year, which is slightly lower than the 2019 figure due to a fall in the median house prices to earnings ratio.

6.3 TBCs Five Year Housing Supply Statement (July 2020) establishes a supply of 2,038 dwellings. As set out at paragraph 5.3, this figure is not accepted by the appellant, however, the implications of this supply figure against the five year requirement is set out below:

	@1 April 2020	@10 December 2020
Requirement plus 5% Buffer	3,395	3,076
Resulting number of years supply (based on 2,038 dwellings)	3.00 years	3.31 years
Requirement plus 20% Buffer if this becomes applicable through the Housing Delivery Test results	3,880	3,516
Resulting number of years supply (based on 2,038 dwellings)	2.63 years	2.90 years

Table 2: Housing Land Supply

- 6.4 The implication of falling below a five year supply of land is that paragraph 11d of the NPPF is engaged in relation to the Local Plan, whilst the BPNP can draw protection from paragraph 14 of the NPPF. The implication of falling below a three year supply is that paragraph 14 of the NPPF is not engaged. In such a case the ‘tilted balance’ would apply equally to the Torbay Local Plan and BPNP. The LPA and Appellant have made further comments on paragraph 14 of the NPPF in their Proofs of Evidence
- 6.5 The LPA note that impacts on the AONB fall under paragraph 11 d)i) and footnote 6 of the NPPF.

7.0 Planning Policy Context

- 7.1 In accordance with Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004, the planning policy framework relevant to the determination of the application comprises the adopted Development Plan and relevant material considerations. Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF indicates that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 7.2 The adopted Development Plan for the appeal site comprises the Torbay Local Plan and Brixham Peninsular Neighbourhood Plan (BPNP).
- 7.3 Relevant material considerations include Government policy guidance contained within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), other ministerial statements and legal obligations.

National Planning Policy Framework

7.4 It is agreed that the most relevant sections of the National Planning Policy Framework (February 2019) are as follows:

- Chapter 2 'Achieving Sustainable Development' including the presumption in favour of sustainable development' (paragraphs 11-14);
- Chapter 3 'Plan Making' (including paragraphs 20 – 23; 31 – 33; and 35 - 37);
- Chapter 4 'Decision Making' (including paragraphs 47 – 50 and 54 - 57);
- Chapter 5 'Delivering a Sufficient Supply of Homes' (including paragraphs 59 – 76);
- Chapter 6 'Building a Strong Competitive Economy' (including paragraphs 80 - 82);
- Chapter 8 'Promoting Healthy and Safe Communities (including paragraphs 91 - 96);
- Chapter 9 'Promoting Sustainable Transport' (including paragraphs 102 - 111);
- Chapter 12 'Achieving Well Designed Places' (including paragraph 127 - 130);
- Chapter 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change.' (including paragraphs 150; 153; 155 - 165);
- Chapter 15 'Conserving and Enhancing the Natural Environment' (paragraphs 170-183);
- Chapter 16 'Conserving and Enhancing the Historic Environment' (paragraphs 189-202);

The Torbay Local Plan

7.5 It is agreed that the most relevant policies of the Local Plan are:

- Policy SS1: Growth Strategy for a prosperous Torbay
- Policy SS2: Future Growth Areas
- Policy SS3: Presumption in favour of sustainable development
- Policy SS7: Infrastructure, phasing and delivery of development
- Policy SS8: Natural environment
- Policy SS9: Green Infrastructure
- Policy SS11: Sustainable communities
- Policy SS12: Housing
- Policy SS13: Five year housing land supply
- Policy SS14: Low carbon development and adaption to climate change
- SDB1: Brixham Peninsula

- SDB3 Brixham Urban Fringe and AONB
- Policy TA1: Transport and accessibility
- Policy TA2: Development access
- Policy C1: Countryside and the rural economy
- Policy C4: Trees, hedgerows and natural landscape features
- Policy NC1: Biodiversity and geodiversity
- Policy H1: Applications for new homes
- Policy H2: Affordable Housing
- Policy DE1: Design
- Policy DE2: Building for life
- Policy DE3: Development amenity
- Policy DE4: Building heights
- Policy SC2: Sport, leisure and recreation
- Policy ES1: Energy
- Policy ER1: Flood risk
- Policy ER2: Water management

The Brixham Peninsula Neighbourhood Plan

7.6 It is agreed that the relevant policies of the Neighbourhood Plan are:

- Policy BH1: Affordable housing site allocations
- Policy BH2: Occupation of new affordable homes
- Policy BH3: Delivery of new homes
- Policy BH4: Housing Development - brownfield and greenfield sites
- Policy BH5: Good design and the town and village Design Statements
- Policy BH7: Sustainable construction
- Policy E1: Landscape beauty and protected areas
- Policy E2: Settlement boundaries
- Policy E3: Settlement gaps
- Policy E6: Views and vistas
- Policy E8: Internationally and nationally important ecological sites and species
- Policy T1: Linking of new developments to travel improvements
- Policy L2: Matching educational provision to local need
- Policy S&L2: Sport and recreational facilities in new developments

8.0 Technical Position on the Appeal Proposals

- 8.1 The following sets out the agreed position with the Council's Officers and Statutory Consultees in relation to the technical matters applicable to this Appeal.

Environmental Statement

- 8.2 A request for an EIA scoping opinion for proposals to erect up to 450 dwellings on land at Inglewood was submitted to Torbay Council on 22 December 2016, **CD 1.37**. The Council responded on 16 February 2017, CD 1.38.

Traffic and Transport

- 8.3 A separate Statement on transport matters is provided at **Appendix 2**. The Council as Highway Authority is satisfied that the proposal with required junction improvements and sustainable transport provision would not have a severe residual cumulative effect on the road network. A revised drawing for details of the Windy Corner junction was consulted upon from 1 November to 3 December 2020. Both parties are content for this drawing contained within Appendix 2 (ref 0734-064a) to be used in the determination of the appeal and to substitute drawing reference (0734-053).

Ecology

- 8.4 A Statement summarising the history and process of resolving ecological and HRA matters is provided at **Appendix 3**.

Economic development

- 8.5 The Senior Economic Development Officer does not raise any objections to the proposals subject to offsite contributions towards employment being secured. S106 contributions are requested in line with Torbay Council's Planning Contributions and Affordable Housing SPD to go towards the development of new employment space on land owned by Torbay Council to in lieu of some onsite provision (letter dated 23rd March 2018, CD 4.27).

Flood risk and drainage

- 8.6 Torbay Council's drainage officer has confirmed that the outline drainage strategy complies with the requirements of the Torbay Critical Drainage Area. Additional infiltration testing and surface water drainage design is requested, however this is only required prior to any construction works commencing on the site rather than prior to determination of the planning application (letter dated 9th April 2018, CD 4.6). An appropriate condition has been advanced.
- 8.7 South West Water – no comment (email dated 20 March 2018, CD 4.20).

Urban Design

- 8.8 The Council's Urban Design Consultant initially provided comments which raised several concerns including the lack of difference between 'character areas', the key locations chosen for 3 storey buildings, the variety of streets, amount of open space at 'high point copse', it was also suggested that parameter plans were provided, a single Urban Design Framework drawing submitted and general architectural principles were expanded. All these issues were suitably addressed within the updated submission pack issued to the Council in March 2018 and no further design comments were issued in relation to the appeal application. It is therefore agreed between the parties that all these issues have been adequately resolved and there are no specific areas of disagreement in relation to urban design.

Heritage

- 8.9 Historic England has confirmed that it does not wish to offer any comments and confirm that it is not necessary for them to be consulted on the application again unless material changes are proposed (letter dated 23 March 2018 CD 4.8).
- 8.10 The Historic Environment Officer has confirmed no objections to the submitted information. Excavation of evaluation trenches should be undertaken to determine the date, character and state of preservation of potential archaeological features within the site but this can be secured by condition to be undertaken prior to determination of reserved matters (email dated 11 December 2017, CD4.9). The County Archaeologist has requested a similar condition be attached to further works at Windy Corner, due to evidence of an historic gallows on the site.

Landscape

- 8.11 A significant body of landscape evidence has been submitted with the application, and by third parties. Torbay Council initially commissioned advice from the Landscape Officer of neighbouring Teignbridge District Council. His initial advice (CD 4.24) agreed with the findings of the LVIA and concluded that the impact on landscape is not of significance. They were also confident that the LVIA produced had fully appreciated the likely landscape impacts. His subsequent advice (CD 4.25) identified that the amendments to the scheme (in March 2018) eliminated the short-term adverse effects on the Waddeton Conservation Area and the South Devon AONB and made the proposals more acceptable in landscape terms. He identified the need to ensure that ecological and landscape planting are coordinated and other relatively achievable matters; but was supportive of the proposal overall.
- 8.12 South Hams District Council objected 4 December 2017, CD 4.19, on the basis that the development would result in an unacceptable level of residual harm to the South Devon AONB. Landscape impact has also been raised by Brixham Town Council including its Neighbourhood Plan sub-Group, and Stoke Gabriel, Dittisham and Cornworthy Parish Councils, amongst others.
- 8.13 The South Devon AONB Unit provided an objection letter on 10th May 2018, CD 4.18. Whilst acknowledging positive steps had been made through the re-submission material, it concludes by stating

that the proposal has, *'an unacceptable impact on the special landscape qualities of the nearby South Devon AONB, is contrary to the principal material protected landscape policies and fails to conserve and enhance the rural setting to the South Devon AONB.'*

- 8.14 It concludes that if the Council is minded to weigh against this objection in the planning balance it is requested that the parameters contained in the outline application are captured within appropriately worded conditions and robustly enforced to minimise harm to the AONB as far as possible.
- 8.15 However the Unit remains opposed to the proposal.
- 8.16 In the light of differing views of the landscape impact, Jacobs was appointed by Torbay Council in May 2018 to provide an independent second opinion on the landscape and visual impacts of the proposed development, and concludes (CD1.42) that the landscape and visual impacts of the application proposals would be greater than that reported in the applicant's LVIA and addendum. The number of affected views is relatively limited however their opinion is that the proposed development would result in significant residual adverse visual effects on some representative viewpoints within the AONB, including views from PRoWs on Fire Beacon Hill and from the John Musgrave Heritage Trail. Whilst extensive mitigation is proposed, they do not consider that this would overcome the fundamental impacts of the proposed development on the setting of the AONB.
- 8.17 Further assessments of landscape have been submitted by David Wilson Partnership (for the applicants) and Michelle Bolger Expert Landscape Consultancy, for objectors.

Affordable Housing

- 8.18 It is agreed that the development would be policy compliant in respect of affordable housing provision. Housing Services are fully supportive of the application and commend the application for providing 30% affordable (email dated 27 March 2018, CD 4.28). Policy BH2 of the BPNP prioritises affordable housing for local people.

Public Art

- 8.19 No public art consultation comments were provided during the course of the application. It is agreed that no public art provision is required.

Sport England

- 8.20 Sport England objected to the proposal on the basis that there was no provision of new playing pitches and raised concern relating to the provision of an artificial pitch within the primary school. But noted that they would withdraw their objection if the sporting needs can be addressed, either through on site provision, and/or off site contributions for outdoor and indoor sport and recreation.
- 8.21 The appellant sought to overcome the objection by moving from a 3G to grass pitch, welcoming a condition for a community use agreement and agreeing a contribution with the Planning Authority to mitigate a

shortfall of onsite provision. As such the Planning Authority are satisfied that the proposal conforms to the Council's requirements in Policy SC2 of the Local Plan and the Planning Contributions and Affordable Housing SPD (2017) and there is no disagreement between the appellant and the Council in relation to sport provision.

- 8.22 Sport England were re-consulted in March 2018 and have not indicated an alternative figure to that agreed between the Council and appellant.

Minerals and Waste

- 8.23 Devon County Council (DCC) initially provided comments noting concern that the development of the site for housing would impose increased constraints on potential mineral extraction in the adjoining Mineral Safeguarding Area contrary to adopted Policy M2 of the Devon Minerals Plan (2017). Further information was subsequently submitted by the appellant as subsequent consultation response acknowledged that, "... at the present time, the available information suggests that this area of limestone resource is unlikely to be commercially or environmentally viable to extract." DCC withdrew its minerals objection (29th March 2018, CD 4.7). The Council also consider that the landscape impact is likely to make minerals working unacceptable in this location. There are no further areas of disagreement between the appeal parties in relation to minerals and waste.

Police

- 8.24 The Police Designing Out Crime Officer has not raised any objections to the development. The Officer does set out advice and recommendations in relation to the illustrative masterplan, CD 4.14. Specifically it is requested that the level of parking provision and the design of parking spaces are carefully considered prior to determination of reserved matters.

Education/Children's Services

- 8.25 Children's Services responded to the consultation to confirm that they supported the provision of the primary school within the application proposals (email dated 16 January 2018). There are no areas of disagreement relating to education provision subject to agreeing an appropriate trigger for provision of the school land (applicant initially wanted the LEA to take the school site early in the scheme and build it out relatively promptly (i.e. before it was needed by the development))

Healthcare - Torbay and South Devon NHS Trust

- 8.26 The NHS Trust objected to the proposals given it is operating at full capacity in respect of acute and planned healthcare and does not have the ability to cater for increasing patient demand from unanticipated growth, CD 4.12. The Council is satisfied that no contribution is required since neither the development plan nor the Planning Contributions and Affordable Housing SPD seek contributions to general healthcare funding from non-specialist housing developments. The Council is working with the NHS to consider the need for healthcare obligations through the planning process, and would not object if the Inspector considered such an obligation to be lawful.

Air Quality

8.27 The development raises no issues regarding air quality.

Noise

8.28 The development raises no insurmountable issues regarding noise impact. Environmental Health has noted that a small number of dwellings are located close to the road; but consider that issues arising from this can be addressed through reserved matters.

9.0 Draft Conditions

9.1 A draft set of conditions is provided at **Appendix 4**.

10.0 Section 106 Agreement

10.1 A draft S106 Agreement is provided at **Appendix 5**.

11.0 Core Documents

11.1 A draft Core Document list is provided at **Appendix 6**.

Appendix 1: Letter from LPA of 28 August 2019



Please reply to: David Pickhaver
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Spatial Planning, Torbay Council
2nd Floor, Tor Hill House
Castle Circus, Torquay TQ2

Lauren Cook MRTPI
Associate Town Planner
Stride Treglown
By Email:
LaurenCook@stridetreglown.com

My ref.: DRP/P/2017/1133
Your ref.:
Telephone: 01803 208814
E-mail: david.pickhaver@torbay.gov.uk
Website: www.torbay.gov.uk/planning
Date: 28 August 2019

Dear Lauren

Application P/2017/1133 Inglewood

Further to our recent conversations and the meeting between Andrew England, Rob Brigden, me, Andrew Maltby and Max Freed on 15th August, I thought that it may be useful to set out my ongoing concerns about the Inglewood application. I note that you are meeting with the applicants later this week to consider the way forward on the proposal. I remain of the view that a proposal of this scale and nature should be pursued through the development plan process.

I emailed Mike Harris in December 2018 and identified three principal areas of concern:

- Departure from the Adopted Torbay Local Plan and appropriateness of approving a strategically significant development outside of the Local Plan Review.
- Conflict with the (then) emerging Brixham Peninsula Neighbourhood Plan, particularly Policy E3 settlement gaps.
- Impact on the AONB.

Since that time, the Brixham Peninsula Neighbourhood Plan (BPNP) has passed referendum in May 2019 and subsequently been made by full Council in June 2019. The definition of “deliverable” has also been finalised in the February 2019 NPPF and the PPG has also been updated. There is an emerging consensus in the Planning profession that the NPPF definition of deliverable makes it significantly harder for local planning authorities to demonstrate five year land supply where major sites do not have full planning permission.

As you know, the Council has recently consulted upon its five year land supply position, and Stride Treglown made detailed submissions on this. Whilst we need to report the findings to Members, there is a significant body of appeal decisions that indicates that Inspectors require a high level of “clear evidence” to demonstrate that major sites with less than full planning permission are deliverable. Accordingly, it seems likely in my

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Council officers have always indicated that the provision of housing, the policy-compliant level of affordable housing, provision of a school site and other economic benefits arising from the proposal are very significant and will be given considerable weight in the decision-making process. In relation to the Local Plan, I consider that the Presumption in Favour of Sustainable Development at paragraph 11 of the NPPF is applicable. The Local Plan is nearing its five year review deadline and it is noted that the standard methodology derived local housing need figure is higher than the Local Plan's housing requirement. I must add that the application of the standard methodology in Torbay will be controversial and has yet to be agreed by Members or subject to consultation or other scrutiny. However, whilst it is my view that the Inglewood site would be more appropriately determined through the Local Plan review/update; I would not recommend that "prematurity" against the Local Plan review could be used as a reason to refuse the application, if it could be shown to constitute sustainable development in all other respects.

It would be my advice that the council will need to determine the Inglewood application on the basis of a shortfall against three years' land supply (based on the current level of permissions, government policy etc.) and that, as a result paragraph 14 of the NPPF will not apply. The implication of this is that the NPPF regards the BPNP as being out of date. Members will need to weigh the implications of this as a "tilted balance" in favour of granting permission. Notwithstanding this, it remains my view that the clear conflict with the Neighbourhood Plan must be given significant weight in decision-making. The Neighbourhood Plan has undergone a legal process and has recently been strongly supported by local referendum. Full Council has unanimously supported the Neighbourhood Plan on two recent occasions (November 2018 and June 2019). The NPPF is a material consideration, but does not change the statutory status of the development plan as the starting point for decision-making. Given this, and the huge amount of effort the local community has gone to in preparing the plan in pursuance of the Government's localism agenda, I do not consider it appropriate for me to give Members a firm recommendation that the need for housing overturns the Neighbourhood Plan.

As previously set out, there are conflicting views from various landscape consultants about the impact of the proposal upon the AONB. The proposed development at Inglewood would be clearly seen from several public vantage points in the AONB particularly from Fire Beacon Hill, Dittisham, and John Musgrave Heritage Trail near Galmpton. Views into the AONB will also be affected. The AONB Partnership has maintained its objection to the proposal (along with a significant number of other organisations and individuals). Footnote 6 of the NPPF indicates that NPPF policies relating to AONBs can be a reason for refusing applications under paragraph 11 d)i. of the NPPF. In any event, the Council has a legal duty to have regard to conserving and enhancing the natural beauty of the AONB under the CROW Act. AONB impact was also a critical reason why the Secretary of State refused the business park proposal in 1997.

Against this, I am aware that the scheme is well-landscaped, that the site is outside the AONB, and the key visual impacts are from some distance and viewed against the backdrop of Torbay; and also that it is a significantly different proposal to that refused in 1997. Nevertheless, it is my opinion (albeit as a planner and not a landscape architect)

that the proposal would adversely affect the AONB when seen from the above-mentioned public vantage points. Particularly in my assessment, from Fire Beacon Hill. I would much rather that this harm could be balanced against all other options for meeting housing need through the Local Plan process, where a full range of options and considerations can be weighed up. As a standalone application, I am afraid that I cannot recommend that the landscape impact can be overturned by the, albeit significant, benefits of the proposal.

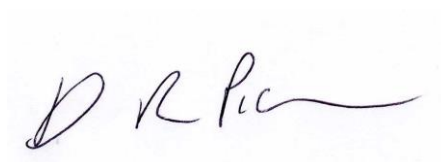
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David Pickhaver
Senior Policy Planner

c.c. Andrew Maltby



Please reply to: David Pickhaver
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Lauren Cook MRTPI
Associate Town Planner
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By Email:
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My ref.: DRP/P/2017/1133
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Telephone: 01803 208814
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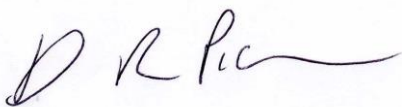
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David Pickhaver
Senior Policy Planner

c.c. Andrew Maltby

Appendix 2: Transport and Highways Statement



Inglewood: Statement of Common Ground – Transport Issues

Update: December 2020 (CD7.21 Appendix 2)

Title	P/2017/1133: Inglewood, Paignton, Torbay Statement of Common Ground on Transport Issues				
Prepared by	Roger Key	Key Transport	Agreed by	Adam Luscombe	Torbay Council
Date	15 December 2020		Version	13.0	

1. Introduction

- 1.1. This Statement of Common Ground describes the transportation aspects of the Inglewood planning application. The statement was placed on the application website in March 2020 (CD7.20 Appendix 2). Since then, it has been updated (at paragraphs 3.14 to 3.31) to present; a) further analysis of the capacity of the Windy Corner junction that now includes traffic associated with a consented development at Noss Dart Marina, near Kingswear; and b) a review of the responses to a recent consultation on the layout of the proposed improvement at a junction known as Windy Corner.
- 1.2. The statement continues in the next section by summarising the application transport documents. Recent work undertaken to review the validity of the traffic analysis and revisions to the proposals at Windy Corner are described in section three and a list of current highway improvement drawings is provided at section four. Suggested planning conditions are set out in section five and policy compliance is considered at section six.
- 1.3. Section seven considers matters that are not agreed. In practice, **all transportation matters are agreed.**
- 1.4. Documents highlighted in bold provide the current transport evidence to support the application.

2. The Application Transport Documents

- 2.1. Initially a supporting **Transport Assessment (TA)** (CD1.27) and **Framework Travel Plan (TP)** (CD1.27a) (were submitted as part of the planning application¹. With the exception of the proposed works at the junction known as Windy Corner, drawings showing off-site highway improvements and sustainable travel infrastructure were included at Appendices E and F of the **TA**. Relevant drawings for Windy Corner are provided at **Annex A** to this document.

¹ An addendum to the Transport Assessment and several Technical Notes were submitted in support of the application in the months immediately after the application was registered. Some of these documents propose revisions to the original proposals.

Highway Access Proposals

- 2.2. The highway access to the Inglewood site is proposed via a four-arm roundabout on the A3022 Brixham Road, located on a straight section of the road south of White Rock Primary School. The roundabout would provide two access roads into the development site (see **drawing 0734-057**).
- 2.3. Improvements to Brixham Road on the bend alongside the school to the north are proposed to widen the carriageway to 7.3m and improve visibility, both to increase capacity and for safety reasons (see **drawings 0734-018 Rev A and 020 Rev A**). Evidence presented prior to submission of the application demonstrated that these improvements would be sufficient to mitigate the impact of the development traffic. In 2016 Torbay Council Highways Department (TCHD) agreed the principle of these highway access proposals for the scheme. The supporting information is presented in section three of the TA.

Sustainable Transport

- 2.4. The application proposes to extend bus services to serve the site. The operator, Stagecoach, has written to confirm its willingness to make this change and to express its support for the application (see CD4.22 and CD4.22a). Two bus stops are included on the highway layout immediately to the west of the proposed site access roundabout for use by the extended bus service (**see drawing 0734-057**). Two stops are included to allow space for two buses to be present at one time, allowing terminating services to lay over.
- 2.5. The application proposes a network of new footway/cycleway links connecting to neighbouring areas. These include a new traffic signal-controlled Toucan crossing on A3022 Brixham Road, a new pedestrian/cycle route to the north, and improvements to the pedestrian route to the south, with an uncontrolled crossing of Brixham Road adjacent to the Hunters Tor Drive junction and a new traffic signal-controlled crossing of Dartmouth Road at the Windy Corner junction. The improvements at Windy Corner are described further at paragraphs 3.8 to 3.31.
- 2.6. The Toucan crossing on Brixham Road was included to provide a safe traffic signal-controlled pedestrian and cycle priority crossing, linking the existing Hookhills residential area of Goodrington, to the east of Brixham Road, to the development site (**see drawing 0734-023 Rev B**). The need for this crossing was carefully considered, jointly by TCHD and Key Transport Consultants (KTC). Although crossing footfall is not expected to be particularly high, the signal-controlled crossing was included because it was agreed that it would be necessary specifically to provide a safe priority crossing for use by parents taking children to school in the morning peak period. The crossing would be used either by residents of the existing houses to the east of Brixham Road to take their children to the new primary school within the development, or by residents of the new development taking their children to White Rock Primary School. The crossing would also provide a safe route for less confident cyclists to cross

Brixham Road to connect to the footway/cycleway that runs parallel to and east of Brixham Road, extending from the A385 Totnes Road junction to the north, through to Hunters Tor Drive to the south.

- 2.7. A safe off-highway pedestrian and cyclist route is proposed to the north, linking to the White Rock development area and the education, employment and retail areas to the north (**see drawing 0734-055**).
- 2.8. Improvements are also proposed to the crossing of Brixham Road serving the pedestrian route to the south, leading to Hunters Tor Drive and on to the local shops, library, Post Office and health care facilities at Broadsands Road (**see drawing 0734-029 Rev A**).
- 2.9. An improvement for pedestrian safety is proposed at the Windy Corner junction where a new traffic signal-controlled pedestrian crossing is proposed across all lanes of Dartmouth Road to the south of the junction. This is shown on **drawing 0734-064 Revision A at Annex A**.
- 2.10. All the above sustainable travel proposals are agreed.

Traffic Analysis

- 2.11. The scope of the traffic capacity analysis was agreed prior to submission of the application. The **TA** included capacity assessments at four junctions along the A3022 Brixham Road corridor, these being at Long Road/Goodrington Road and Kingsway Avenue/White Rock Way to the north, at the site access roundabout and at the junction with A379 Dartmouth Road to the south, a junction known as Windy Corner (see drawing 0734-045 Rev B). The capacity assessments identified that Inglewood development traffic impacts required mitigation at two junctions on the A3022 Brixham Road:
 - at the Brixham Road/Long Road/Goodrington Road junction, 850m to the north of the proposed site access; and
 - at Windy Corner, 850m to the south.
- 2.12. At the Long Road/Goodrington Road junction, modest improvements located on highway land and land controlled by the appellant immediately adjacent to the highway were shown to be sufficient to mitigate the impact of development traffic (see drawing **0734-040 Rev A**). These proposed improvements have been agreed.
- 2.13. The situation at Windy Corner was more complex. The A379 Dartmouth Road and A3022 Brixham Road are the two north/south A classified routes through the Torbay area. The two roads converge at Windy Corner, making the junction an important node in the local road network. The junction is tightly constrained by built development and common land, and telecommunications equipment further constrains the scope for improvement of the layout.

- 2.14. Traffic congestion occurs at the junction and, at the time the application documents were being prepared, TCHD was developing their own improvement scheme, comprising re-routing of the southbound lane of the A379 south of the junction to release space for both lanes of the existing carriageway to be allocated to the northbound approach to the junction (see drawing 0734-060² at **Annex A**). Consequently, the **TA** took the TCHD scheme as the baseline layout for assessment of the future junction capacity.
- 2.15. The capacity analysis showed that the impact of development traffic would require mitigation at Windy Corner, so a further improvement was designed (see drawing 0734-061 Revision A³ at **Annex A**). The proposed improvement is located wholly on public highway land and land owned by Torbay Council and avoids the telecommunications equipment. Capacity analysis presented in the **TA** demonstrated that the further improvement would provide sufficient additional capacity to mitigate the impact of Inglewood development traffic.

Post-Application Submissions

- 2.16. Two further documents were submitted in the first few months following submission of the application: first, a **TA Addendum 1 (TAA1) (CD2.5)** in January 2018; and secondly, **Technical Note 5 (TN5 CD2.36)**⁴ in June 2018.
- 2.17. **TAA1** addressed a series of comments raised by TCHD's consultant on the content of the **TA**. **TAA1** section two addressed all except one of the points raised, while section three addressed the final point by correcting an error found in the underlying traffic analysis and providing a complete substitution for section six of the original **TA**.
- 2.18. Instigated by a request from TCHD in May 2018, **TN5** reassessed the capacity of the Windy Corner junction after adding in traffic generated by development sites proposed within the Brixham Peninsular Neighbourhood Plan (BPNP). The revised analysis included traffic from just one site within the BPNP, the Wall Park site. The further analysis of Windy Corner in **TN5** considered the same scenarios in 2024 as those tested previously: the layout existing in 2018; the layout with the Torbay Council improvement implemented; and the layout with the proposed Inglewood further improvement. This

² The Torbay Council works proposed at the time were shown on their drawing 8/9/7_01 Rev B. With the exception of the bus stop location, the works implemented in 2019 were essentially the same and were shown on Torbay drawing 8/9/7_100. To aid understanding, drawing 8/9/7_100 has been transferred onto KTC drawing 0734-060. This drawing shows the full extent of the Windy Corner junction, not all of which is shown on the Torbay drawing.

³ The drawing used to illustrate the proposed works at Windy Corner at the time the application was submitted was 0734-053. To aid understanding of the scope of the works, drawing 0734-053 has been replaced by drawing 0734-061 Revision A. In traffic capacity terms the drawings are similar but the layout on drawing 0734-061 Revision A was amended slightly, both to tie in to the layout of the works implemented in 2019 by Torbay Council and to address further comments from TCHD.

⁴ Technical Notes 1 to 4 considered component transport aspects of the application and pre-dated the submission of the Transport Assessment, so the substance of their content was included in that document.

demonstrated again that the further Inglewood improvement (then shown on drawing 0734-053) would fully mitigate the impact of Inglewood development traffic.

- 2.19. By the summer of 2018 the transport submissions had addressed and resolved all the issues raised at that time by TCHD.

3. Recent Update Work

Traffic Count Updates in 2019

- 3.1. As noted above, at the time of the application submission, TCHD were planning to implement their own improvement scheme at the Windy Corner junction, so the traffic impact in the **TA** was based upon the planned improvement layout contemplated at the time. The TCHD works were undertaken and substantially completed before the summer holidays in 2019. This meant that the capacity of the junction, the traffic flows through it, and perhaps elsewhere along the A3022, may have changed.
- 3.2. In light of the above and in order to inform the determination of the application, KTC repeated the traffic surveys at all four junctions along the A3022 in late July 2019 after the start of the state school holidays. This period was chosen because, based on previous surveys, it was a known peak period.
- 3.3. The results of the July 2019 surveys showed traffic flows in the morning and evening peak periods that were almost universally lower than those surveyed in May and July 2017, which had been used as the base data for the **TA** analysis. For this reason, the surveys were repeated in week commencing 21st September 2019 by when TCHD advised that all final works at Windy Corner e.g. completion of verges and street lighting, would be completed and traffic was considered likely to have returned to normal, term time conditions. September surveys are also considered to represent a neutral month for traffic flows.
- 3.4. **Technical Note 6 (TN6) (CD2.37)** is a report that compares the results of the May 2017 baseline surveys used in all previous traffic analysis with the results of the new surveys undertaken in July and September 2019.
- 3.5. The comparison in **TN6** indicates that the July 2019 morning and evening peak hour flows were almost comprehensively lower than those surveyed in May 2017.
- 3.6. The comparison of the September 2019 and May 2017 surveys shows that, with one exception, the September 2019 surveyed flows into the junctions were generally similar to, but lower than, the flows surveyed in May 2017. The exception was the traffic flow at the A3022 Brixham Road/Goodrington Road/Long Road junction in the morning peak hour, where flows in September 2019 were some 7% higher than in May 2017. A significant proportion of the increase recorded in the morning peak hour is considered likely to be due to the addition of development traffic that is now on the local road network

but which was not on the network in 2017 because the developments in question had not been constructed at that time. As this traffic was allowed for in all the previous traffic analysis, as traffic from either committed or consented developments, the report found that the traffic capacity analysis undertaken in the **TA** need not be repeated using the September 2019 traffic flows. It follows that the results of the May 2017 surveys, on which the analysis of the Inglewood proposals have been analysed to date, continue to represent a robust set of traffic flows for traffic impact analysis purposes.

- 3.7. On the above basis it is agreed that the traffic capacity analysis undertaken in the **TA** and subsequent submissions, **TAA1** and **TN5**, need not be repeated using 2019 survey data.

Further Revisions to the Layout at Windy Corner

- 3.8. KTC submitted drawings 0734-060 and 061 to TCHD in October 2019 to seek TCHD's agreement that, as previously established, the proposed highway improvement measures would mitigate the development impact. Submission of drawing 0734-061 prompted renewed detailed dialogue in November 2019 on the proposed improvement and this led to the production of drawing 0734-061 Revision A, which is included in **Annex A**.
- 3.9. The key changes in this revision were the allocation of the nearside approach lane on Brixham Road to left turns only, and the offside lane to right turns only - on previous drawings right turns were permitted from both lanes - and the introduction of a central island in Dartmouth Road to the south of the junction, to prevent southbound vehicles inadvertently crossing to the wrong side of the segregated carriageway to the south. The changes to the lane designations on Brixham Road affected the traffic capacity analysis, so the revised drawing and supporting, updated traffic capacity analysis was submitted to TCHD for comment in **Technical Note 8 (TN8) (CD2.38)** in late 2019. It is agreed that the results of the traffic analysis in **TN8** show a slight impact on the junction in the AM peak hour (when the Practical Reserve Capacity (PRC) of the junction is predicted in Table 4.1 of **TN8** to reduce from +10.8% to +9.8%) but that there is a clear improvement compared to that of the existing junction in the PM peak hour (when the PRC is predicted in Table 4.2 of **TN8** to increase from -11.1% to -5.1%). Consequently, the overall impact of the proposed development was agreed to be not severe. It was also agreed that the off-site highway works (shown on drawing 0734-061 Revision A) would need to be secured by way of condition, as well as the process of a S278 highways agreement.
- 3.10. Submission of drawing 0734-061 Revision A and **TN8** prompted further comment from TCHD, which requested that KTC remove the Zebra crossing shown on the northbound Dartmouth Road to Brixham Road lane of the Windy Corner junction due to a previous Road Safety Audit that raised concerns, and instead, investigate the introduction of traffic signal control of all pedestrian movements through the junction. This comment arose due to concerns about the increased width of the uncontrolled crossing across the widened, two lane, southbound exit on Dartmouth Road. It was recognised that the

introduction of controlled crossings may have an impact on the capacity of the junction for vehicular traffic but prioritising pedestrian movements and improving safety for all users would comply with policy.

- 3.11. The results of this investigation were presented in **Technical Note 9 (TN9)**, which is included at **Annex B. TN9** reviewed: the number of pedestrians passing through the Windy Corner junction; relevant technical guidance; and a road safety audit undertaken for TCHD that led to the removal of the Zebra crossing from TCHD's own improvement scheme delivered in 2019. In light of the above, **TN9** went on to appraise options to address movement of pedestrians crossing within the junction layout.
- 3.12. After TCHD considered the options presented in a first version of **TN9**, submitted in January 2020, it was agreed that a further option, numbered 3a, should be investigated. Option 3a, includes the provision of traffic signal-controlled pedestrian crossing facilities across all traffic lanes of Dartmouth Road to the south of the junction, while retaining the existing uncontrolled crossing on the Brixham Road arm. The layout is shown on drawing 0734-064 in **Appendix I of TN9 at Annex B** and reproduced in this document at **Annex A**.
- 3.13. In light of the above, it was agreed in February 2020 that the layout shown on drawing 0734-064 in **Annex A** presented the preferred solution for the Inglewood improvement of the Windy Corner junction because it would introduce a small overall improvement in traffic conditions, compared to the existing junction performance if the Inglewood development does not proceed, while also introducing a new, safe, signal-controlled pedestrian crossing of Dartmouth Road (south).

Further Update – November/December 2020

- 3.14. Brixham Town Council's (BTC) Highways Position Statement (CD7.22) raised a concern that the traffic capacity analysis of the Windy Corner junction had not taken account of developments proposed within the Kingswear Parish Neighbourhood Plan. In particular, BTC was concerned that the assessment of the junction had not included the traffic likely to be generated by a development at Noss Dart Marina, comprising 129 dwellings, a 50-bedroom hotel, marine college premises, 232 wet berths, 100 dry berths and extensive associated facilities.
- 3.15. The road access to the Noss Dart Marina development is located on the A379 Bridge Road some 0.75km (0.5 miles) north of the Kingswear to Dartmouth Higher Ferry eastern slipway and 6.7km (4.1 miles) away from Windy Corner.
- 3.16. To inform the inquiry, KTC has rerun the Windy Corner capacity analysis with the base flows adjusted to include traffic estimated at Windy Corner for the Noss Dart Marina development. The outputs from the LinSig program for assessing the capacity of the traffic signal controlled junction are set out in **Annex C**.

- 3.17. The Transport Assessment submitted in support of the Noss Dart Marina application quantified the development traffic but only analysed the capacity of the site entrance junction. The TA did not consider the impact of the development traffic at Windy Corner. In the assessment of the Noss Dart Marina site access junction development traffic was assigned to pass along the A379 to the north and south. Traffic assigned to the A379 to the north of the development can have only three possible destinations: destinations to the north that are reached via the A379, most passing through Windy Corner; and more local destinations, including Brixham and Kingswear, that are reached by turning off the A379 at Hillhead. There is no information available in the Noss Dart Marina application TA on the traffic distribution remote from the site. KTC's updated analysis assumed that 25% of the development traffic arriving from and departing to the north would turn off the A379 either onto Kingswear Road, towards Brixham, or onto the B3205 Slappers Hill, towards Kingswear, both at Hillhead, while the remaining 75% of traffic would remain on the A379. KTC then assumed that all the traffic allocated to the A379 would continue on the A379 to pass through Windy Corner, with none turning off into the adjacent communities of Churston Ferrers and Galmpton. Not allowing for any movements turning to Churston and Galmpton ensures robustness and, in effect, any of those movements are accounted for within the 25% Brixham/Kingswear.
- 3.18. At Windy Corner, KTC assumed that traffic would distribute onto the A379 Dartmouth Road and A3022 Brixham Road in line with proportions derived from KTC's 2019 counts. On this basis the Noss Dart Marina development would generate a further 73 vehicles two way at Windy Corner in the AM peak hour, an increase of 2.4% on the previous total flow of 3022 vehicles passing through the junction in the without development scenario. Similarly, 109 vehicles two way would be added in the PM peak hour, representing an increase of 3.6% on the previous total flow of 3059 vehicles passing through the junction in the without development scenario.
- 3.19. TCHD agree that KTC's traffic flow and distribution assumptions for the Noss Dart Marina development are appropriate and robust and may actually overestimate the amount of Noss Dart Marina traffic passing through Windy Corner.
- 3.20. Table 3.1 below provides the results for the updated Reference Case. This comprises the existing layout of the junction, including the 2019 Torbay improvements to the south (see drawing 0734-060 at **Annex A**), modelled in the agreed assessment year of 2024, with traffic flows uplifted to allow for consented and committed development, including Noss Dart Marina, but excluding the Inglewood traffic. This gives a projection of conditions at the junction in 2024 if the Inglewood development does not proceed. Noteworthy results are the Degree of Saturation (% Sat) and the Practical Reserve Capacity (PRC), this being a single value measure of the overall performance of the junction. In the PM peak the % Sat results exceed the normal design threshold for new junctions of 90% on two arms of the junction and the resultant PRC value is -17.0%, indicating that the junction would be over capacity.

Table 3.1: Windy Corner Junction: Updated Reference Case - Existing Layout, 2024 Base Flows + Consented and Committed Development including Noss on Dart Marina - No Inglewood Traffic Flows (Source: Tech Note 8)					
		08:00 – 09:00		16:00 – 17:00	
		% Sat	MMQ	% Sat	MMQ
1/1	A379 Dartmouth Road (north) Ahead	74.0%	15.3	85.5%	17.0
1/2	A379 Dartmouth Road (north) Ahead + Right	39.8%	1.1	31.0%	1.0
2/1	A379 Dartmouth Road (south) Left	83.0%	-	73.9%	-
2/2	A379 Dartmouth Road (south) Ahead	81.2%	16.7	105.3%	32.2
3/1	A3022 Brixham Road Left + Right	82.4%	16.3	100.7%	42.3
Total	Cycle Time = 90 sec	PRC	8.4%	PRC	-17.0%

3.21. Table 3.2 provides the results for the updated with-Inglewood development test. This comprises the improvement layout agreed with Torbay in February 2020 (see drawing 0734-064 in **Annex A**), including the two-lane exit on Dartmouth Road south and the signal-controlled crossing of Dartmouth Road south, which was added as a sustainable travel improvement but which reduces traffic capacity. The test also adds in Inglewood traffic.

Table 3.2: Windy Corner Junction: Option 3a Peak Hours including Noss on Dart Marina – Traffic Signal Control in 4 Stages with Controlled Pedestrian Crossing Across Dartmouth Road (South) and Uncontrolled Crossing Retained Across Brixham Road					
		08:00 – 09:00		16:00 – 17:00	
		% Sat	MMQ	% Sat	MMQ
1/1	A379 Dartmouth Road (north) Ahead	85.9%	12.0	84.6%	10.7
1/2	A379 Dartmouth Road (north) Ahead + Right	85.7%	11.7	83.9%	10.3
8/1	A379 Dartmouth Road (south) Left	86.8%	24.5	74.2%	17.6
2/1	A379 Dartmouth Road (south) Ahead	81.2%	16.2	99.1%	25.1
3/1	A3022 Brixham Road Left + Right	82.1%	17.2	98.4%	36.8
Total	Cycle Time = 90 sec	PRC	3.7%	PRC	-10.1%

3.22. Comparing the AM results in Tables 3.1 and 3.2 it can be seen that there are no % Sat values above 90%, the Mean Max Queues (MMQ) are all reasonable and the with-development PRC is lower but remains positive. The reduction in the PRC is caused by adding in the pedestrian crossing signals. This change in layout is NPPF compliant and is agreed by TCHD. The equivalent impact of introducing the signal-controlled crossing was identified in previous tests without the Noss Dart Marina traffic and supported by TCHD on the grounds of providing a safety improvement for active/sustainable travel. (See paragraphs 3.12 and 3.13 above.)

- 3.23. Comparing the PM peak results, it can be seen that two arms have % Sat values over 90% but both show reduced queues in the with-development test compared to the Reference Case and the PRC is also predicted to improve to a lesser negative value.
- 3.24. Overall, it is agreed that the results of the tests including an allowance for traffic generated by the Noss Dart Marina development reconfirm that the Inglewood improvement at Windy Corner mitigates the impact of the Inglewood development traffic by delivering an improvement in PM peak traffic conditions and an improvement in safe crossing amenities for pedestrians. Hence, it was agreed by KTC and TCHD that the conclusion remains unchanged by this new analysis: the Inglewood proposals at Windy Corner meet the test set out in NPPF para 109 because they would not give rise to an unacceptable highway safety impact – in fact they would provide a safety benefit for pedestrians - and they would not cause a severe residual cumulative impact at the junction.
- 3.25. During November/December 2020 TCHD held a public consultation that sought views on the proposed layout shown on drawing number 0734-064 at Windy Corner. For clarity, drawing 0734-064 amended the lane allocation and pedestrian facilities but did not change the principal of the layout from that previously consulted upon.
- 3.26. The responses to the consultation are summarised in **Annex D**, along with the combined and agreed response of KTC and TCHD. The summary of responses at **Annex D** only responds to points raised (in some cases combined/summarised from multiple submissions) about Windy Corner, in relation to the advertised junction scheme. Any comments about wider highway or other application matters, including the principle of development, have not been considered here.
- 3.27. The most common points raised were about:
- a) the Brixham road crossing;
 - b) an increase to the lanes outside the Churston Broadway shops; and
 - c) turning right out of Langdon Lane.
- 3.28. With respect to the Brixham Road crossing, the installation of signal controls was investigated but found not to be practicable due to the lack of available space. The existing uncontrolled crossing would be retained but would be a little wider. A safe route past the junction would be available via controlled crossings using the zebra crossing to the north and the proposed new signal controlled crossing of Dartmouth Road and this route is considered to provide acceptable mitigation. It is agreed that signage should be provided between Hookhills Road and Langdon Lane, directing pedestrians across the Zebra crossing and returning across the signalised crossing on Dartmouth Road, highlighting this as the controlled crossing route.

- 3.29. A number of respondents appear to have understood that more traffic lanes would be added on Dartmouth Road, to the north of Windy Corner, alongside Churston Broadway shops. To confirm, no alterations are proposed to the number of lanes on Dartmouth Road adjacent to the shops, where the two existing southbound lanes and one northbound lane would be retained. What is proposed is to move the northbound junction exit lane across to the west (removing the grass verge) on the opposite side from the shops, for a short distance. This helps to accommodate the southbound right turn lane. Additionally, southbound straight ahead movements would be permitted in the existing offside traffic lane.
- 3.30. TDHC acknowledges that right turns from Langdon Lane are challenging currently and would remain so with the proposed layout. It is recognised that this is not improved. TCHD has accepted previously that, when undertaking more notable works to the junction to improve capacity in the future (which it understands to be required but has not yet considered), it will need to reconsider this arrangement. The NPPF does not require an applicant to resolve problems with the existing network when making proposals to mitigate their traffic impact.
- 3.31. Having reviewed the responses, **Revision A** of drawing **0734-064** has been produced to clarify the details and is included at **Annex A**. Drawing **0734-064 Revision A** includes the following minor changes:
- correction of the description in the inset box showing the right and left swept paths exiting Brixham Road, which previously incorrectly read as: “two estate cars turning right”;
 - strengthening the clarity of the location of the signalised crossing points on Dartmouth Road by showing arrow heads to each of the three crossing sections;
 - changing an annotation from “new shared footway/cycleway” to “repositioned shared footway/cycleway”;
 - replacing an annotation “Straight ahead movements permitted from both southbound lanes” on Dartmouth Road with “Straight ahead movements permitted from both existing southbound lanes”; and
 - addition of a note identifying signage to be provided to direct pedestrians to the controlled crossings on Dartmouth Road.
- 3.32. Having taken account of the update set out in paragraphs 3.14 to 3.31 and the responses to the public consultation summarised in **Annex D**, KTC and TCHD agree that the proposed layout shown on drawing number **0734-064 Revision A** presents an agreed scheme to mitigate the impact of the Inglewood development at Windy Corner.

Agreement Summary

3.33. In light of all the above, it is agreed that:

- all highway improvements proposed as part of the Inglewood application would be safe and sufficient to mitigate the significant impacts of the development traffic;
- appropriate measures are proposed to enhance the walking, cycling and public transport network serving the development;
- the highway and sustainable travel measures are deliverable and can be secured by condition or agreement;
- the transport interventions would be safe and would improve road safety for all users and travel modes; and
- once the transport mitigation measures are delivered, there would be no unacceptable impact on highway safety and any residual cumulative impacts on the road network would not be severe.

Consequently, it is agreed that, subject to the imposition of planning conditions and an agreement to secure delivery of the transport mitigation measures, there are no highway or transport grounds to object to the application.

4. Current Highway Drawings

4.1. An agreed list of current drawings showing the works considered to be necessary and sufficient to mitigate the transport impacts of the development is provided in Table 4.1.

Number	Title	Source Document	Comment
0734-057	Proposed Site Access Junction and Proposed Bus Stop Infrastructure	Transport Assessment App E	Proposed site access junction including on- and off-site highway works and bus stops
0734-018 Rev A	On-Line Road Widening on A3022 Brixham Road to 7.3m with 70m Forward Visibility	Transport Assessment App F	Off-site highway works
0734-020 Rev A	Investigation of On-Line Widening of A3022 Brixham Road to 7.3m	Transport Assessment App F	Off-site highway works

Table 4.1 List of Current Highway Drawings			
	Long Section Along 70m Forward Visibility Splay		
0734-023 Rev B	Potential Northern Crossing Toucan Crossing	Transport Assessment App F	Off-site highway works
0734-029 Rev A	Potential Southern Crossing Option 3 – Uncontrolled Crossing	Transport Assessment App F	Off-site highway works
0734-040 Rev A	Proposed Long Road Junction Improvements	Transport Assessment App F	Off-site highway works
0734-045 Rev B	Summary of Onsite and Offsite Highway Works	Transport Assessment App F	Location plan showing all proposed off-site highway works
0734-055	Shared Footway/Cycleway to the North	Transport Assessment App F	On-site works
0734-060	Torbay Council Windy Corner 2019 Junction Improvement	Attached at Annex A	Site works now completed by Torbay Council
0734-064 Rev A	Windy Corner Highway Improvements Tying in to Torbay Council 2019 Improved Layout – With Signalised and Uncontrolled Pedestrian Crossing Facilities (Option 3a)	Attached at Annex A	Inglewood off-site highway works. Revised drawing to improve clarity of scope of works, with new traffic signal-controlled pedestrian crossing of Dartmouth Road (south) and minor changes on Brixham Road approach

5. Suggested Planning Conditions and Agreement

5.1. It is agreed that planning conditions drafted to include the following requirements are necessary to secure measures to mitigate the highway and transport impacts of the development. Numbers in square brackets provide the number of the draft condition at the time of writing this updated agreement.

- a) [20] No part of the development shall be occupied or brought into use prior to the proposed site access works and bus stop infrastructure, Brixham Road widening, and Toucan crossing, as

shown on drawings 0734-018 Rev A, 0734-020 Rev A, 0734-023 and 0734-057, being implemented fully in accordance with the necessary s278/s38 highways agreement as entered into with the Local Highway Authority to secure necessary works to the public highway.

- b) [21] Details of the bus stop infrastructure, including detailed layout and access for buses and pedestrians as well as waiting areas for pedestrians, shall be submitted within the first reserved matters application and shall be provided in accordance with the approved plans before the occupation of the 100th dwelling.
- c) [22] A plan showing the proposed adoptable highway network within the development shall be submitted with any/all reserved matters applications for layout associated with the implementation of this outline application. If more than one reserved matter application is submitted for the site the plan is only required to cover the extent of the area included within the application at the time but will need to demonstrate where connections will be made to other areas within and beyond the site. Development shall take place in accordance with the approved details.
- d) [23] No development in any phase, except the principal access onto Brixham Road, shall be commenced prior to a Section 38 Highways agreement being entered into with the Local Highway Authority to ensure that all roads are built to an appropriate standard, allowing in particular for waste collection and safe routes/access for all persons and vehicles. This agreement shall be in accord with the plans submitted and agreed pursuant to reserved matters and condition 2 above.
- e) [24] Prior to the school or public house/restaurant being brought into use, or the first dwelling being occupied, the shared footway/cycleway to the north shown on drawing 0734-055 shall be constructed, made available for use, and connected to a safe route, which shall have been previously agreed in writing with the LPA, within the development site. The shared footway/cycleway will thereafter be maintained at all times to ensure safe pedestrian and cycle provision is.
- f) [25] Prior to the school being brought into use, or any dwellings south of the site access junction being occupied, the southern crossing and site access path as shown on drawing 0734-029 Rev A shall be implemented fully and made available for use in accordance with the necessary s278/s38 highways agreement that shall have previously been entered into with the Local Highway Authority.
- g) [26] Prior to the school being brought into use, a safe pedestrian route, the details of which shall have previously been approved in writing by the LPA, shall be provided and maintained for the lifetime of the development, connecting to the school to residential areas on the development.

- h) [27] Prior to any dwelling being occupied, the highway works at the junction of Brixham Road and Dartmouth Road ('Windy Corner') and at the junction of Brixham Road and Long Road, as shown respectively on drawings 0734-064 and 0734-040, shall be implemented fully and made available for use.
- i) [28] No dwelling shall be occupied until electric vehicle charging and cycle parking to serve that dwelling is installed and made available fully in accordance with the Policy TA3 and Appendix F of the Torbay Local Plan 2012-30. Details of such provision shall be submitted for approval with the reserved matters application for layout and/or external appearance for that phase of development.
- j) [29] Neither the school nor the public house/restaurant shall be brought into use until electric vehicle charging and cycle parking to serve that development is installed and made available fully in accordance with the Policy TA3 and Appendix F of the Torbay Local Plan 2012-30. Details of such provision shall be submitted for approval with any reserved matters application for layout and/or external appearance which includes the school and/or public house/restaurant. The electric charging points and cycle parking shall be maintained and retained as such for the lifetime of the development.
- k) [30] Prior to the marketing of any dwelling within the site or recruitment of staff for the school or public house/restaurant, a full but proportionate Travel Plan must be submitted to and approved by the Local Planning Authority. Any such Travel Plan shall be implemented from occupation of 80% of the first phase of development and thereafter shall be updated annually for a period of 5 years post completion of the development.
- l) [31] No dwelling shall be occupied until its allocated parking space(s) and access thereto, as shown in the approved details of reserved matters, has been provided and made available for use. All car parking spaces and access thereto, including any visitors parking, as shown in the approved details of reserved matters, shall be provided and made available for use prior to the occupation of the development that they serve. The parking space(s) and access thereto shall be kept permanently available for parking and access purposes thereafter.
- m) [32] The details of reserved matters for each phase shall include details of cycle parking and bin storage/waste recycling facilities for the dwellings and for the pub/restaurant and school hereby permitted. The cycle parking shall be secure, covered and located where it is well overlooked, wherever practicable, to reduce opportunities for crime. The relevant cycle parking and bin storage/waste recycling facilities shall be provided as approved prior to the first occupation or first use of the dwelling or development to which it relates.

- 5.2. With respect to proposed condition 27 above (list reference h above), TCHD suggests an amendment to the condition to read as follows:

Prior to any dwelling being occupied, the highway works at the junction of Brixham Road and Dartmouth Road ('Windy Corner') and at the junction of Brixham Road and Long Road, as shown respectively on drawings 0734-064 Revision A and 0734-040 Revision A, shall be implemented fully, subject to the detail being approved through a S278 highways agreement, and made available for use.

- 5.3. The appellant confirms its willingness to enter into a binding legal agreement to secure the delivery of a proposed extension of a bus service to serve the proposed development.

6. Planning Policy Context

- 6.1. It is agreed that the transport policies in the National Planning Policy Framework, Torbay Local Plan and Brixham Peninsular Neighbourhood Plan are relevant to the application. It is noted that other policies impact on or are impacted by transport matters, such as design/layout and climate change but these have been considered more broadly elsewhere in the application.

National Planning Policy Framework

- 6.2. Paragraphs 102 to 111 of the Framework address promotion of sustainable transport. In particular, with regard to paragraphs 108, 109, 110 and 111 it is agreed that the application:
- includes appropriate measures to promote and encourage take-up of sustainable transport modes (108 a));
 - provides safe and suitable access for all users (108 b));
 - includes cost effective measures to mitigate all significant impacts on the transport network and on highway safety (108 c));
 - does not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe (109).
 - gives priority to pedestrians, cyclists and public transport (110 a));
 - addresses the needs of people with disabilities and reduced mobility (110 b));
 - creates a safe, secure and attractive place that would minimise conflicts between pedestrians, cyclists and vehicles (110 c));
 - allows for efficient delivery of goods and access for emergency service vehicles (110 d));

- will be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations (110 e)); and
- will provide a travel plan (111).

Torbay Local Plan

6.3. It is agreed that the proposed development satisfies the transport policy requirements of the adopted Torbay Local Plan 2012-2030 because:

- the development supports strategic improvements to the Western Corridor (SS6.2)
- the development supports the walking and cycling network and integrates key residential and employment areas (SS6.3)
- the development is integrated into the bus network, providing connections to the town and local centres (SS6.7)
- the development will be easily accessible and safely reached by foot, cycle, public transport, other sustainable transport or car (TA1 1);
- the most sustainable and environmentally acceptable modes of transport are promoted as an integral part of the development, having regard to the hierarchy of sustainability set out in the policy (TA1 2);
- the development will improve road safety, quality of life and equality of access for all (TA1 3);
- the development is designed so that use of the car is reduced wherever possible and residents have access to employment, retail and community facilities within safe walking and cycling distances and via close proximity to bus stops, served by frequent bus services. In addition, the indicative layout will contribute to a connected network of footpaths and cycle routes (TA1 4);
- the development will incorporate appropriate levels of car and cycle parking (TA1 5);
- the development will reduce the impact of signage and transport infrastructure within the street scene (TA1 6);
- the development will make appropriate provision for works and contributions to ensure an adequate level of accessibility and safety, and will satisfy the transport needs of the development (TA2)
- the development will satisfy all the listed requirements for access (TA2 items 1 to 7);

- the development will provide a good standard of access for walking, cycling, public and private transport and will include measures for emergency service, waste collection and public transport vehicles to access the site and a compliant Travel Plan (TA2 for major developments); and
- The development will be designed in detail to meet the requirements (TA3 and Appendix F).

Brixham Peninsular Neighbourhood Plan

6.4. It is agreed that the proposed development meets the requirements of the BPNP Policy T1 because:


- a framework travel plan has been submitted and a full travel plan will be required throughout the development including the employment uses (J4.3)
- the safety and security of the users of the facilities and that of neighbouring residents are taken into account through the development (BH5.5)
- access to the new development will comply with the adopted standards (BH8)
- it includes safe walking and cycling access (T1.1);
- it has provided a travel plan proportionate in breadth and detail to the size and complexity of the development (T1.2);
- it will provide more detail on how the carbon footprint of travel can be minimised and the health and well-being of travellers maximised from travel in a further travel plan, delivery of which can be secured by planning condition (T1.2); and
- the development seeks to minimise commuting distances by making it easy to travel to work by public transport, walking and cycling to local employment and education centres and includes improvements to the safety of pedestrians and cyclists (T1.3).

6.5. Having regard to all the above, it is agreed that there would be no unacceptable impacts on highway safety, or severe residual cumulative impacts on the road network to warrant refusal on highway grounds in line with NPPF 2019 paragraph 109.

7. Matters Not Agreed

7.1. All transportation matters have been agreed between TCHD and KTC, on behalf of the appellant.

Statement of Common Ground signed on behalf of Torbay Council (LPA)	
Print Name:	Adam Luscombe for Torbay Council 
Date:	15 December 2020
Position:	Service Manager – Strategy and Project Delivery Team (Planning and Transport)

Statement of Common Ground signed on behalf of Abacus Projects Limited and Deeley Freed Estates Limited (Appellant)	
Print Name:	Roger Key for Key Transport Consultants 
Date:	15 December 2020
Position:	Director

Annex A

Windy Corner Drawings

0734-060 Existing Windy Corner Layout

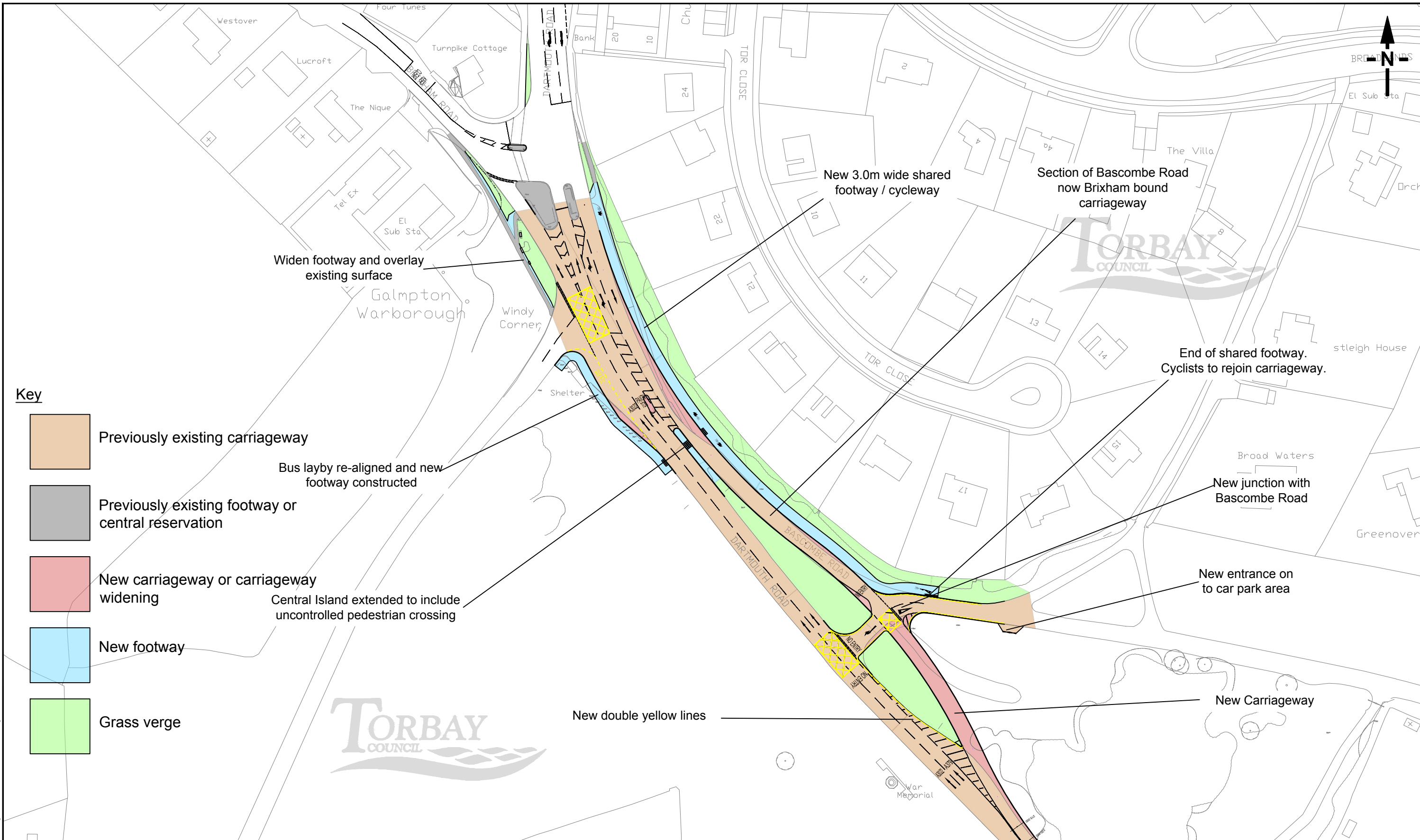
**0734-061 Revision A Windy Corner Highway
Improvements (superseded by:)**

**0734-064 Windy Corner Highway Improvements
(superseded by:)**

**0734-064 Revision A Windy Corner Highway
Improvements (December 2020)**

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Key

- Previously existing carriageway
 - Previously existing footway or central reservation
 - New carriageway or carriageway widening
 - New footway
 - Grass verge
- Widen footway and overlay existing surface
- Bus layby re-aligned and new footway constructed
- Central Island extended to include uncontrolled pedestrian crossing
- New double yellow lines

INGLEWOOD, PAIGNTON

EXISTING WINDY CORNER LAYOUT INCLUDING TORBAY COUNCIL 2019 IMPROVEMENTS

DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALES @ A3 SIZE	ISSUE STATUS
BE	MJ	RK	OCT 19	1:1,000	PRELIMINARY

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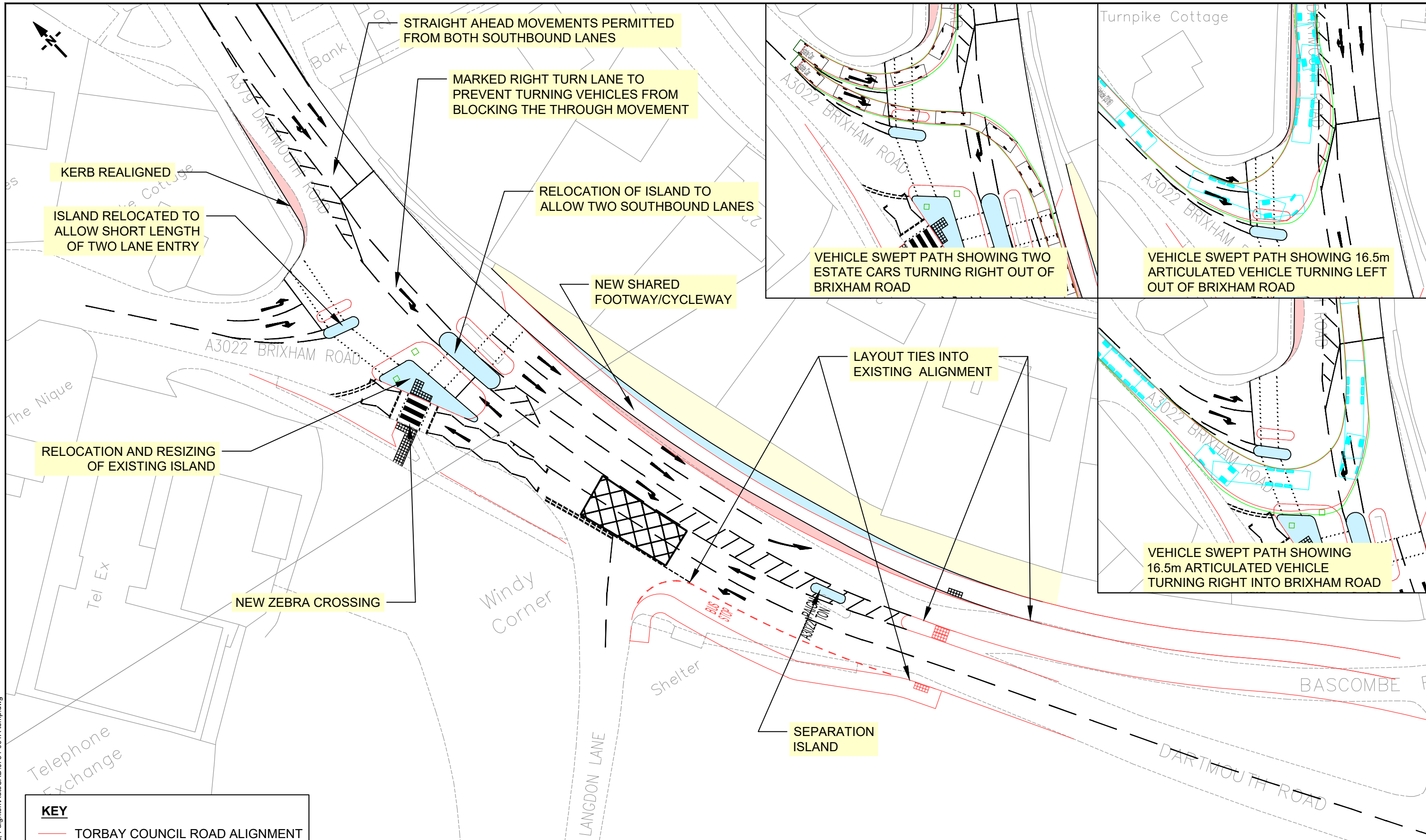


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DRAWING NUMBER	REV.
0734-060	

REV		DR	CH	PA	DATE

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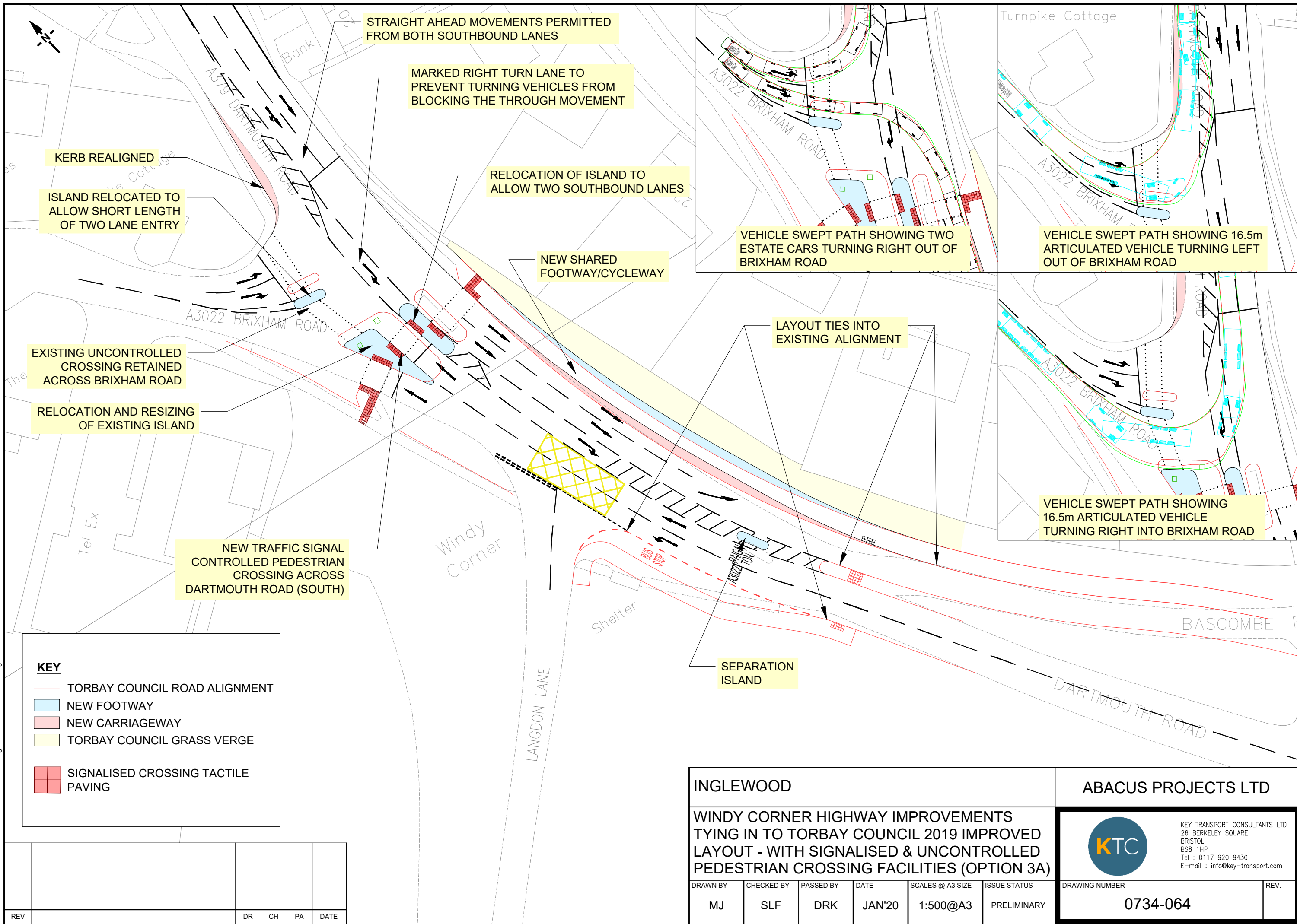


KEY				
—	TORBAY COUNCIL ROAD ALIGNMENT			
	NEW FOOTWAY			
	NEW CARRIAGEWAY			
	TORBAY COUNCIL GRASS VERGE			

A	AMENDMENTS TO BRIXHAM ROAD APPROACH. CENTRAL SEPARATION ISLAND ADDED ON DARTMOUTH ROAD	DRT	SLF	DRK	NOV'19
REV		DR	CH	PA	DATE

INGLEWOOD				ABACUS PROJECTS LTD			
WINDY CORNER HIGHWAY IMPROVEMENTS TYING IN TO TORBAY COUNCIL 2019 IMPROVED LAYOUT				KEY TRANSPORT CONSULTANTS LTD 26 BERKELEY SQUARE BRISTOL BS8 1HP Tel : 0117 920 9430 E-mail : info@key-transport.com			
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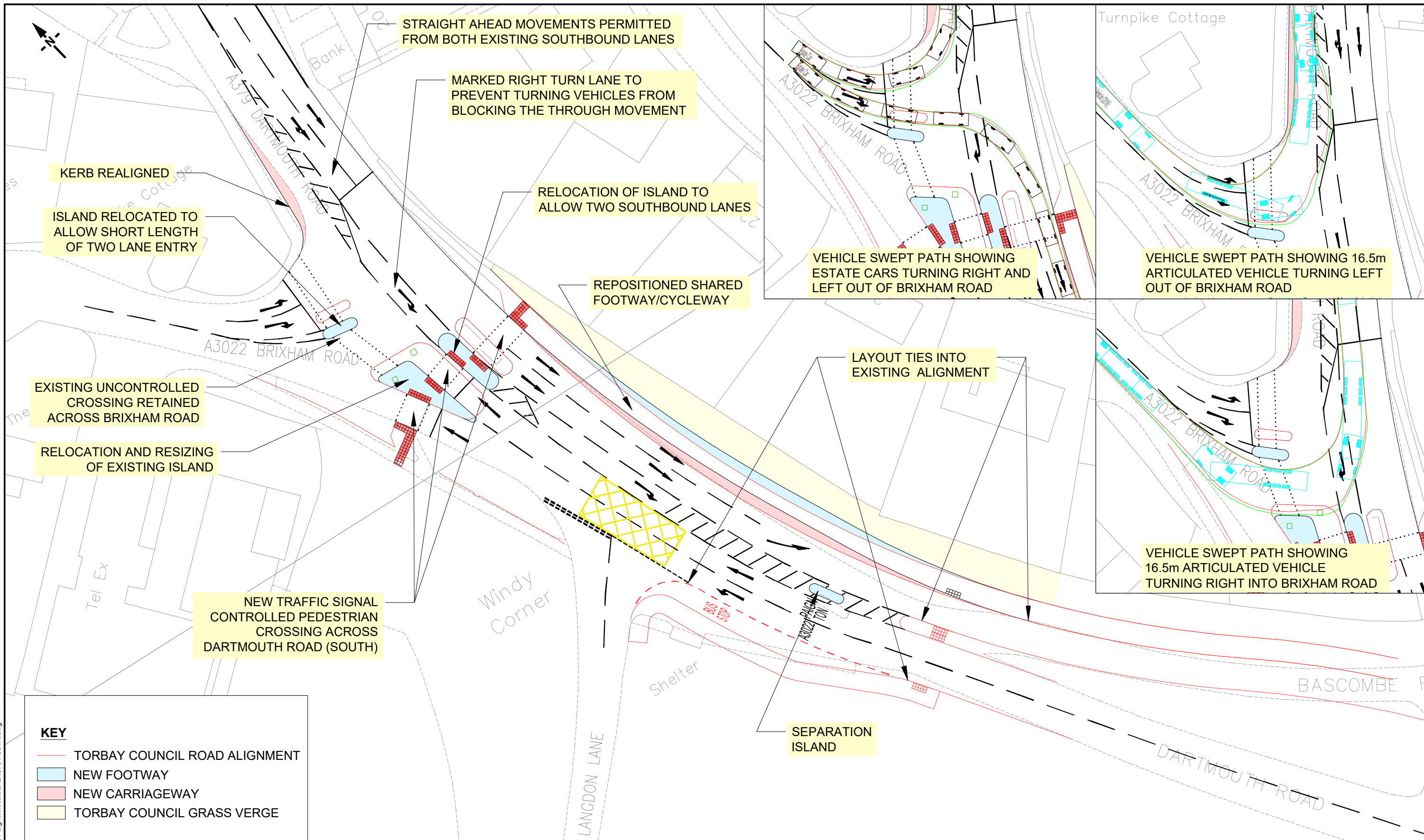
KEY

- TORBAY COUNCIL ROAD ALIGNMENT
- NEW FOOTWAY
- NEW CARRIAGEWAY
- TORBAY COUNCIL GRASS VERGE
- SIGNALISED CROSSING TACTILE PAVING

REV	DR	CH	PA	DATE

INGLEWOOD					ABACUS PROJECTS LTD	
WINDY CORNER HIGHWAY IMPROVEMENTS TYING IN TO TORBAY COUNCIL 2019 IMPROVED LAYOUT - WITH SIGNALISED & UNCONTROLLED PEDESTRIAN CROSSING FACILITIES (OPTION 3A)					<p style="font-size: 8px; margin: 0;">KEY TRANSPORT CONSULTANTS LTD 26 BERKELEY SQUARE BRISTOL BS8 1HP Tel : 0117 920 9430 E-mail : info@key-transport.com</p>	
DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALES @ A3 SIZE	ISSUE STATUS	DRAWING NUMBER
MJ	SLF	DRK	JAN'20	1:500@A3	PRELIMINARY	0734-064
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STRAIGHT AHEAD MOVEMENTS PERMITTED FROM BOTH EXISTING SOUTHBOUND LANES

MARKED RIGHT TURN LANE TO PREVENT TURNING VEHICLES FROM BLOCKING THE THROUGH MOVEMENT

KERB REALIGNED

ISLAND RELOCATED TO ALLOW SHORT LENGTH OF TWO LANE ENTRY

RELOCATION OF ISLAND TO ALLOW TWO SOUTHBOUND LANES

REPOSITIONED SHARED FOOTWAY/CYCLEWAY

EXISTING UNCONTROLLED CROSSING RETAINED ACROSS BRIXHAM ROAD

RELOCATION AND RESIZING OF EXISTING ISLAND

LAYOUT TIES INTO EXISTING ALIGNMENT

NEW TRAFFIC SIGNAL CONTROLLED PEDESTRIAN CROSSING ACROSS DARTMOUTH ROAD (SOUTH)

VEHICLE SWEEP PATH SHOWING ESTATE CARS TURNING RIGHT AND LEFT OUT OF BRIXHAM ROAD

VEHICLE SWEEP PATH SHOWING 16.5m ARTICULATED VEHICLE TURNING LEFT OUT OF BRIXHAM ROAD

VEHICLE SWEEP PATH SHOWING 16.5m ARTICULATED VEHICLE TURNING RIGHT INTO BRIXHAM ROAD

SEPARATION ISLAND

KEY

- TORBAY COUNCIL ROAD ALIGNMENT
- NEW FOOTWAY
- NEW CARRIAGEWAY
- TORBAY COUNCIL GRASS VERGE
- SIGNALISED CROSSING TACTILE PAVING

NOTE: SIGNAGE TO BE PROVIDED BETWEEN HOOKHILLS ROAD AND LANGDON LANE DIRECTING PEDESTRIANS ACROSS THE ZEBRA CROSSING (LOCATED ON DARTMOUTH ROAD JUST OFF THE DRAWING TO THE NORTH) AND RETURNING ACROSS THE SIGNALISED CROSSING ON DARTMOUTH ROAD, HIGHLIGHTING THIS AS A ROUTE VIA CONTROLLED CROSSINGS

A	Minor changes to annotations	BE	DRK	DRK	12/20
REV		DR	CH	PA	DATE

INGLEWOOD					ABACUS PROJECTS LTD				
WINDY CORNER HIGHWAY IMPROVEMENTS TYING IN TO TORBAY COUNCIL 2019 IMPROVED LAYOUT - WITH SIGNALISED & UNCONTROLLED PEDESTRIAN CROSSING FACILITIES (OPTION 3A)									
DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALES @ A3 SIZE	ISSUE STATUS	DRAWING NUMBER	REV.		
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Annex B

Technical Note 9 Version 4

Investigation of Controlled Crossings at Windy Corner

Technical Note 9

Title	Inglewood (P/2017/1133): Investigation of Controlled Crossings at Windy Corner				
Prepared by	Stephen Le Flohic/Matt Jewell	Checked by	Matt Jewell/ David Tingay	Reviewed by	Roger Key
Date	18 February 2020			Version	4.0

1. Introduction

- 1.1. Key Transport Consultants (KTC) is retained by Abacus Projects Ltd/Deeley Freed Estates to provide transport advice in respect of the proposed Inglewood development on land south of White Rock, Paignton, TQ4 7BQ.
- 1.2. In liaison with Torbay Council (TC) it was agreed that KTC would investigate options to introduce controlled crossings for all existing pedestrian movements through the A3022 Brixham Road/A379 Dartmouth Road junction, known locally as the Windy Corner junction.
- 1.3. The investigation was requested in the context of TC agreeing with the proposed improvements to the junction shown on KTC drawing **0734-061 Revision A**, enclosed as **Appendix A**. The agreed KTC proposals to widen the single Dartmouth Road southbound exit lane to two lanes would increase the distance pedestrians would need to cross. TC officers have concerns about pedestrians being able to cross this increased distance in the absence of traffic signal controlled pedestrian crossing facilities.
- 1.4. TC also has a long held interest in providing traffic signal controlled pedestrian crossings of the Windy Corner junction in any event.
- 1.5. This Technical Note 9 (TN9) sets out the findings for both investigations.
- 1.6. KTC Technical Note 8 (TN8) Version 1.1, dated 21 November 2019, sets out revised proposed improvements to the Windy Corner junction and the findings of the associated traffic capacity analysis. TN8 concluded that:

“The traffic capacity analysis indicates that the Windy Corner junction is forecast to operate satisfactorily in the AM peak hour in both scenarios examined. In the PM peak hour the junction is forecast to be in excess of its design and saturation capacities but that the revised junction layout shown on drawing 0734-061 Revision A is forecast to operate better than the existing junction. Therefore, it is clear that the residual traffic impact of the additional development traffic at the Windy Corner junction would not be severe.”

- 1.7. This TN continues in Section 2 with a summary of the number of pedestrian movements at Windy Corner during a traffic survey of the junction undertaken on 24 September 2019. The injury accident records are also summarised. Section 3 reviews the technical design guidance on crossings at traffic signal controlled junctions. Section 4 reviews the road safety audit (RSA) commissioned by TC that considers the provision of a Zebra crossing on the A379 Dartmouth Road left turn lane to A3022 Brixham Road.
- 1.8. Section 5 sets out the analysis of the options considered for the provision of controlled crossings at the Windy Corner junction. The capacity analysis has been carried out on the basis of the traffic flows used in TN8, which are based on traffic surveys undertaken in May 2017. Further surveys undertaken in September 2019 indicate lower flows than those recorded in May 2017 but the traffic flows forecast based on the 2017 surveys have been used for robustness.
- 1.9. Section 6 sets out conclusions.

2. Pedestrian Movements

Number of Crossing Pedestrians

- 2.1. The camera footage of the Windy Corner junction from a survey undertaken on Tuesday 24 September 2019 has been analysed to determine the number of pedestrians crossing the Windy Corner junction in the AM peak hour period 08:00 to 09:00 and the afternoon peak hour 16:00 to 17:00. Specifically, pedestrians crossing the Dartmouth Road southbound exit lane were recorded, along with their overall route across the junction. Also, pedestrians crossing the Brixham Road entry lane were recorded, along with their overall route across the junction. The details in **Appendix B** show the survey locations and tables of the number of pedestrians crossing in the AM and PM peak hour.
- 2.2. From the pedestrian surveys, there are two primary routes through the junction as follows and as shown in **Appendix B**:
 - from the east side of Dartmouth Road (north), via a crossing of the Dartmouth Road southbound junction exit, to the west side of Dartmouth Road (south) via the Dartmouth Road (south) pedestrian island and vice versa; and
 - from the west side of Dartmouth Road (north), via the Brixham Road crossing, to the west side of Dartmouth Road (south) via the Dartmouth Road (south) pedestrian island and vice versa.

- 2.3. The AM peak hour pedestrian flows were low with 11 pedestrians crossing the Dartmouth Road southbound exit lane and 25 crossing Brixham Road. All but one of the pedestrians crossing the Dartmouth Road southbound exit lane also crossed the Dartmouth Road northbound entry lanes. Similarly, all but one of the pedestrians crossing Brixham Road also crossed the Dartmouth Road northbound entry lanes. The total number of pedestrians crossing the junction was 35 over the AM peak hour.
- 2.4. The PM peak hour pedestrian flows were higher than in the AM peak but were also low with 28 pedestrians crossing the Dartmouth Road southbound exit lane and 16 crossing Brixham Road. All but one of the pedestrians crossing the Dartmouth Road southbound exit lane also crossed the Dartmouth Road northbound entry lanes. Similarly, all but one of the pedestrians crossing Brixham Road also crossed the Dartmouth Road northbound entry lanes. The total number of pedestrians crossing the junction was 43 over the afternoon peak hour.

Accident Record Review

- 2.5. As set out in the Transport Assessment (TA) submitted with the planning application for the proposed development, six serious personal injury accidents (PIAs) were recorded in the study area. No serious PIAs are recorded at the Windy Corner junction.
- 2.6. Some 45 slight PIAs occurred in the study area of which four were at the Windy Corner junction. The first of these four PIAs involved a pedal cyclist colliding with a car after failing to look properly. The second PIA occurred when a vehicle turning right out of Langdon Lane collided with a pedal cyclist who was already travelling along A379. The third PIA involved a rear shunt between two vehicles at the give-way left turn onto Brixham Road. The fourth PIA occurred at the junction of A379 with Bascombe Road when a vehicle pulled out of the side road into the side of a passing vehicle. The causation was listed as the driver's failure to look properly and to judge the other vehicle's path and speed. This PIA occurred in wet weather. No slight PIAs involving pedestrians were recorded at the Windy Corner junction.

3. Technical Design Guidance

- 3.1. Two relatively new documents have been published that provide advice on the design of signal controlled junctions. The first is DMRB CD 123 Geometric design of at-grade priority and signal controlled junctions dated August 2019. This document is intended to be applied to the design of junctions on trunk roads and motorways. The second is Traffic Signs Manual (TSM), Chapter 6 Traffic Control dated December 2019, which applies to junctions and crossings on roads with a speed limit below 40mph.
- 3.2. DMRB CD 123 states at paragraph 7.5.14, under the heading *Traffic islands (including at left-turn slips)*:

“A single pedestrian crossing route through a signal-controlled junction should not include a mix of controlled and uncontrolled crossing points.”

3.3. Controlled crossing points include traffic signal controlled crossings and Zebra crossings. Hence, the provision of a mix of controlled and uncontrolled crossing points on the primary crossing routes through the Windy Corner junction would be contrary to DMRB CD 123. If DMRB was to be applied, it follows that, if part of a crossing route through the junction is changed to become a controlled crossing point, the whole of the route should include controlled crossing points.

3.4. The TSM provides advice that is recommended for designing traffic signal controlled junctions and crossings on roads with a speed limit of 40 mph and under, particularly in urban areas. It states that:

“For junctions on roads with speed limits above 40 mph, the advice given in Highways England’s Design Manual for Roads and Bridges (DMRB) may be more appropriate.”

The Windy Corner junction is subject to a 30 mph speed restriction so TSM provides the appropriate guidance, while DMRB CD 123 does not apply.

3.5. The TSM does not address the matter of a mix of controlled and uncontrolled crossing points raised in CD 123. As the TSM does not comment on adopting a mix of controlled and uncontrolled crossings within one junction, it follows that a combination of crossing types at Windy Corner would not contravene the advice in the TSM.

3.6. The TSM states at paragraph 1.7.4, under the heading *1.7 Use of traffic signals*:

“There has been considerable shift in street design in recent years, with an increasing focus on ‘place’ over ‘movement’, particularly in urban areas. The advice in this chapter takes its lead from the Manual for Streets and Manual for Streets 2, which include a hierarchy of provision putting pedestrians at the top and motor traffic at the bottom. While recognising that the primary function of traffic signals is to control vehicular traffic, this type of approach is likely to be more suitable for dense urban areas.”

3.7. In Section 2 *Layout Requirements*, the TSM states:

“2.1.1. This section provides general guidance on the layout of traffic signal-controlled junctions on roads with a speed limit of 40 mph or below. For junctions on roads with speed limits above 40 mph, the advice given in DMRB may be more appropriate.

2.1.5. Recommended visibility distances to the junction are shown in Table 2-1. Those for speeds up to 35 mph have been calculated based on the research carried out in the development of the Manual for Streets. The value for 40 mph is taken from ‘TD 9/93: Highway Link Design’. For speeds above 40 mph, designers should consult DMRB.

Table 2-1 Recommended visibility distances”

85th percentile speed (mph)	20	25	30	35	40
Recommended Stopping Sight Distance (m)	22	31	40	51	80

3.8. A point to note is that the visibility requirements, based on stopping sight distances, have reduced from the previous, now superseded guidance on visibility at crossings in Local Transport Note 2/95.

3.9. TSM guidance in relation to extending the intergreen period to give pedestrians longer to cross may be relevant for the Windy Corner junction, in particular Option 2, and arguably 1a. Where a longer intergreen may be called to avoid the introduction of traffic signal control for pedestrians. TSM states:

“6.5.5. Intergreens can also be extended by detection, for example through use of an all-red facility to allow right turning traffic to clear, or at signal-controlled roundabouts to keep sections of the roundabout clear. Extendable intergreens can also be provided with pedestrian facilities. It is important that such sites are remotely monitored as a faulty detector will mean that the intergreen will default to extending up to the maximum value, which over time will encourage drivers to disregard the red signal.

6.5.6. A short intergreen period is potentially dangerous but equally a period that is too long leads to delay, frustration and disobedience, again potentially encouraging drivers to ignore the red signal.”

3.10. TSM contains a number of references to extending intergreens for pedestrians to cross via detection. All these references appear to be in the context where traffic signal controlled crossings are provided. There does not appear to be a reference to pedestrian detection in the absence of traffic signal controlled crossings.

3.11. TSM confirms in paragraph 11.7.1 that a walking speed of 1.2 m/s is conventionally used to calculate timings for crossings. Paragraph 11.7.2 states:

“A lower design speed of 1.0 m/s may be used, either on a site-by-site basis or as an area-wide policy. Where there is a large number of slower pedestrians, this may be beneficial. The use of on-crossing detection may also help, by automatically extending crossing times where needed.”

3.12. The pedestrians noted to use the Windy Corner junction in the September 2019 peak period surveys were predominantly older school children and able bodied adults. There would not appear to be a case for using a lower design speed in considering pedestrian walk times. TSM paragraph 11.1.2 states:

“Pedestrian demand should be assessed as part of any traffic signal design process, both for new junctions and for upgrades, and specific measures included in the design, unless site circumstances justify their exclusion.”

4. Road Safety Audit

4.1. As a controlled crossing, in principle, a Zebra crossing could be installed in combination with traffic signal controlled pedestrian crossings elsewhere within the Windy Corner junction. In particular, a Zebra could be installed on the northwest bound Dartmouth Road (south) lane to Brixham Road, which is not subject to traffic signal control at present. In response to earlier discussions with TC this arrangement was shown on drawing **0734-061 Revision A** in **Appendix A**.

4.2. TC subsequently commissioned an RSA that included consideration of the provision of a Zebra crossing at the Windy Corner junction. As a consequence of the RSA recommendation, the Zebra crossing was removed from The Council's improvement scheme completed in 2019 to the south of the junction.

4.3. The results of the RSA are enclosed as **Appendix C**. In summary the RSA states:

“Northwest bound drivers on A379 approaching the priority give way at Windy Corner were observed not focusing towards the give way but across Windy Corner junction looking for right turning drivers. A number of drivers accelerated on approach to the give way, to pass through in front of a right turning vehicle.

Following its installation pedestrians will expect that as they approach the zebra crossing drivers will stop for them. In this location drivers' attention could be diverted away from the pedestrian crossing area and they may not see an approaching pedestrian, particularly from the west. This reduced intervisibility will be exacerbated by a large cabinet located on the western side of the pedestrian crossing which could also obscure an approaching pedestrian, particularly a child.

The combination of the above factors could result in a vehicle failing to stop for a crossing pedestrian, potentially leading to a high severity collision.”

4.4. An examination of site photographs and the available Street view online photography suggests that the large cabinet referred to in the RSA is set back from the carriageway edge sufficient to avoid obstructing the view of a northbound driver on the A379 to a pedestrian approaching the crossing. Nevertheless, on the basis of the RSA, a Zebra crossing on the northwest bound Dartmouth Road left turn lane, leading to Brixham Road, has now been excluded from this review of options.

5. Options for the Provision of Controlled Crossings

5.1. In advance of the commencement of this Technical Note, the options to be examined in considering the implications of the provision of controlled crossings were agreed with TC and are set out below:

- **Option 1:** do nothing - the proposed layout shown on drawing **0734-062** in **Appendix D** (which is essentially the same as 0734-61 Revision A but with the Zebra crossing removed);
- **Option 2:** installation of detectors of pedestrians wishing to use Dartmouth Road southbound junction exit crossing only, to extend inter-green to give pedestrians sufficient time to cross two lanes;
- **Option 3:** full traffic signal control of all pedestrian movements through the junction, including the replacement of the Zebra with a signal controlled crossing, as shown on drawing **0734-063 (Appendix G)**; and,
- **Option 4:** as Option 3 above but with the retention of the Zebra crossing shown on the Dartmouth Road (south) left turn lane.

5.2. The above options, as amended following initial examination of the associated issues, are set out below. As indicated above, all the capacity analysis has been carried out on the basis of the traffic flows used in TN8, which included proposed development traffic.

5.3. As a consequence of undertaking the study two further options emerged:

- Option 1a: extension of an intergreen period to allow pedestrians more time to cross the southbound exit lanes of Dartmouth Road (south); and
- Option 3a: partial traffic signal control of pedestrian movements, with signalisation of all pedestrian crossings of Dartmouth Road (south) while retaining the existing uncontrolled crossing across Brixham Road.

Reference Case

5.4. Before examining the above options, the results of the capacity tests of the existing traffic signal controlled junction are set out in **Table 5.1** for comparison purposes. The LinSig model includes the improvements undertaken by TC in 2019 and forecast 2024 traffic flows including traffic generated by consented and committed developments but without any traffic generated by the Inglewood development, or the associated junction improvements. The results were previously set out in Tables 4.1 and 4.2 of TN8 and provide a benchmark, or reference case, for comparison against all options tested in TN9.

Table 5.1: Windy Corner Junction: Existing Layout, 2024 Base Flows + Consented and Committed Development - No Inglewood Traffic Flows (Source: Tech Note 8)					
		08:00 – 09:00		16:00 – 17:00	
		% Sat	MMQ	% Sat	MMQ
1/1	A379 Dartmouth Road (north) Ahead	71.7%	14.4	82.4%	15.7
1/2	A379 Dartmouth Road (north) Ahead + Right	39.5%	1.1	30.4%	1.0
2/1	A379 Dartmouth Road (south) Left	81.2%	-	70.5%	-
2/2	A379 Dartmouth Road (south) Ahead	81.2%	15.9	100.0%	15.5
3/1	A3022 Brixham Road Left + Right	80.4%	15.5	98.9%	36.7
Total	Cycle Time = 90 sec	PRC	10.8%	PRC	-11.1%

5.5. It can be seen in **Table 5.1** above that in the 2024 reference scenario the existing junction would perform satisfactorily in the AM peak hour, with a forecast Practical Reserve Capacity (PRC) of +10.8%. However, in the PM peak hour, the junction is forecast to be over capacity, with a PRC of -11.1%, Degrees of Saturation (% Sat) values over 90% and one Mean Maximum Queue (MMQ) value of 36.7.

Option 1: Do Nothing

5.6. The results of the capacity analysis are set out in **Table 5.2** below. These are the results presented in TN8 for the proposed junction improvements, as shown on drawing **0734-061 Revision A**, included in **Appendix A**. Drawing **0734-062** is included at **Appendix D**. This drawing shows the same layout as that shown on **0734-61 Revision A** but with the Zebra crossing on the Dartmouth Road (south) left turn lane to Brixham Road removed. The Zebra crossing did not form part of the LinSig model previously, so the results of the previous analysis remain valid for drawing **0734-062**. A summary of the LinSig capacity analysis results is enclosed in **Appendix E** for ease of reference.

Table 5.2: Windy Corner Junction: Option 1 Peak Hours – KTC Proposed Improvements (Drawing 0734-061 Rev A) and with Inglewood Traffic Flows (Source: Tech Note 8 Tables 4.1/4.2)					
		08:00 – 09:00		16:00 – 17:00	
		% Sat	MMQ	% Sat	MMQ
1/1	A379 Dartmouth Road (north) Ahead	71.1%	14.2	75.1%	13.4
1/2	A379 Dartmouth Road (north) Ahead + Right	42.7%	1.1	35.0%	1.8
2/1	A379 Dartmouth Road (south) Left	81.9%	-	71.5%	-
2/2	A379 Dartmouth Road (south) Ahead	81.9%	15.5	94.1%	15.1
3/1 + 3/2	A3022 Brixham Road Left + Right	80.2%	16.4	94.6%	30.3
Total	Cycle Time = 90 sec	PRC	9.8%	PRC	-5.1%

- 5.7. As noted in TN8, the forecast AM peak queues and saturation flows are forecast to be broadly similar to those for the existing junction, as reproduced in **Table 5.1** above. In the PM peak the revised junction is predicted to be in excess of its design and saturation capacities on the A379 Dartmouth Road (south) ahead and A3022 Brixham Road approaches, the results being similar to those for the existing junction but with slightly shorter queues. The PM peak PRC is forecast to be -5.1%, an improvement on the -11.1% forecast for the existing junction.

Option 1a: Do Minimum - Extended Intergreens for Pedestrians Crossing Dartmouth Road (Southbound Exit)

- 5.8. Informed by further scrutiny of the results for Option 1, Option 1a has been proposed and considered. Option 1a includes a minor variation comprising a simple extension of the intergreens between the traffic phases that conflict with pedestrian movements on the Dartmouth Road southbound junction exit crossing. This crossing would be widened as part of the proposed improvements shown in **Appendices A and D** (the layouts with and without the Zebra crossing). As described below, the majority of pedestrians cross the Dartmouth Road southbound junction exit at present and an extension of the intergreens would provide pedestrians with additional time to cross the slightly longer crossing.
- 5.9. As shown in the pedestrian survey results, the number of pedestrians crossing the Dartmouth Road southbound junction exit was low, at 28 in the afternoon peak hour and 11 in the AM peak hour. The majority, around 80% in both peak hours, crossed during the intergreen period with the balance crossing in gaps in traffic flow. At a cycle time of 90 seconds it is likely that there will be 40 intergreen periods per hour providing opportunities to cross. This is considered to be more than sufficient for the low pedestrian demand. Whilst the pedestrian arrival times were relatively dispersed over the surveyed hours, some will be able to cross during the same intergreen. An extension of the intergreen would give greater opportunity to cross and only slightly reduce green time for traffic flow. It would be simple to implement at minimal cost by adjustment of the traffic signal controls. It would not require the installation of pedestrian detection, nor full traffic signal pedestrian crossing equipment.
- 5.10. To provide additional time to cross the Dartmouth Road (south) exit the Option 1a LinSig analysis includes a two second extension to the intergreen between the Dartmouth Road (north) ahead movement and the Brixham Road right (and left) turn movement. This is modelled to occur in every traffic signal cycle. The intergreen modelled in the LinSig of the existing junction is five seconds between the Dartmouth Road (north) traffic phase ending and the Brixham Road traffic phase starting. It is also five seconds between the Brixham Road traffic phase ending and the Dartmouth Road (north) traffic phase starting.

5.11. Option 1a includes an additional two seconds of intergreen, taking the above five second values to seven seconds, to allow a pedestrian to cross the additional distance. The two second increase was calculated as follows:

- a) based on the pedestrian surveys, where all pedestrians were able bodied, a walking speed of 1.2m/s is considered appropriate;
- b) the existing crossing is 4.1m wide so, at a walking speed of 1.2m/s, it would take 3.4 seconds, say four seconds, to cross;
- c) the proposed improvements will increase the crossing width to 6.8m. At a walking speed of 1.2m/s this will take 5.6 seconds, say six seconds, to cross; hence
- d) an increase in crossing time from four to six seconds justifies the two second increase in intergreen period assumed in the LinSig analysis.

5.12. The results of the Option 1a traffic capacity tests are shown in **Table 5.3** below. The full results of the LinSig capacity analysis are enclosed in **Appendix F**.

Table 5.3: Windy Corner Junction: Option 1a Peak Hours – Extended Intergreens for Pedestrians Crossing Dartmouth Road (Southbound Exit)					
		08:00 – 09:00		16:00 – 17:00	
		% Sat	MMQ	% Sat	MMQ
1/1	A379 Dartmouth Road (north) Ahead	78.0%	15.8	82.2%	14.7
1/2	A379 Dartmouth Road (north) Ahead + Right	43.9%	1.2	36.3%	1.9
2/1	A379 Dartmouth Road (south) Left	81.9%	-	71.5%	-
2/2	A379 Dartmouth Road (south) Ahead	81.9%	16.0	97.9%	15.5
3/1 + 3/2	A3022 Brixham Road Left + Right	80.2%	16.4	96.6%	32.9
Total	Cycle Time = 90 sec	PRC	9.8%	PRC	-8.8%

5.13. The addition of the extra two seconds of intergreen period has a small impact on the overall traffic capacity of the junction. In the AM peak hour LinSig predicts that the % Sat and MMQs on the Dartmouth Road (north) approach lanes would increase slightly from those shown for Option 1 in **Table 5.2** but the overall PRC would remain at +9.8%.

5.14. In the PM peak hour the impact is forecast to be slightly greater with small increases in % Sat and MMQs on most approaches and with the negative PRC increasing from -5.1% in **Table 5.2** to -8.8% in Table 5.3. The comparable figure for the existing junction without the Inglewood traffic flows and junction improvements is -11.1% as set out in **Table 5.1**, so Option 1a, with the junction improvement and additional Inglewood traffic, would continue to represent an improvement on the existing junction performance.

Option 2: Installation of Dartmouth Road Pedestrian Detectors

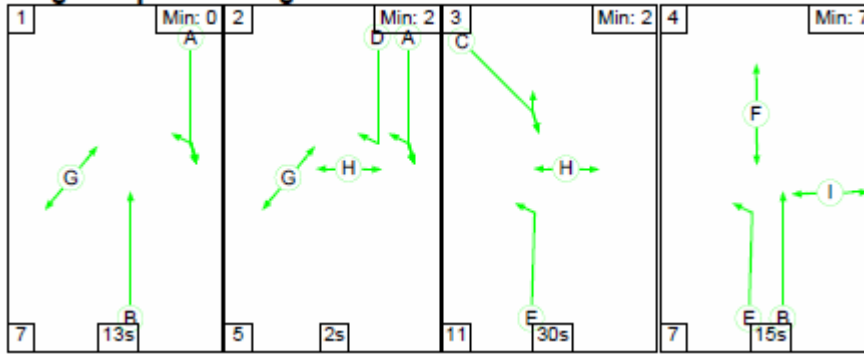
- 5.15. This option is based on the installation of detectors to identify pedestrians wishing to cross the two Dartmouth Road southbound exit lanes to trigger an extension of the intergreen times, thereby giving pedestrians sufficient time to cross the wider two lane exit without the introduction of controlled pedestrian crossings. If pedestrians were not detected, then the intergreens would not be altered.
- 5.16. In the light of the findings for Option 1a above, which would increase the intergreens in every cycle regardless of pedestrian demand, Option 2 has not been considered further. LinSig is not able to model variable intergreens, depending on pedestrian demand, in any event. The capacity analysis results in **Table 5.3** for Option 1a above indicate the impact on traffic capacity of extending intergreens in every cycle of the signals. Were detection equipment installed, then when no pedestrian demand is registered, the signal controller would reduce the intergreen period from seven to five seconds and the traffic capacity would increase slightly. Conversely, if a detection of a pedestrian on the crossing required a longer intergreen period than modelled in Option 1a, then a further reduction in traffic capacity would be expected.

Option 3: Full Traffic Signal Control of Pedestrian Crossings

- 5.17. Option 3 includes the provision of traffic signal controlled pedestrian crossing facilities on the two main pedestrian routes observed through the junction. The layout is shown on drawing **0734-063** in **Appendix G**.
- 5.18. It is considered that the provision of a traffic signal controlled pedestrian crossing on the Dartmouth Road (south) left turn lane to Brixham Road would need to include full traffic control of this approach rather than via the existing Give Way entry to Brixham Road. A signal controlled pedestrian crossing could be provided here, independent of the crossing facilities on the rest of the junction, but this may give rise to safety concerns. The crossing would be located close to the Give Way entry to Brixham Road and this may raise similar concerns to those expressed in the RSA for the Zebra crossing, with a driver having been stopped at the crossing not expecting to have to give way to traffic turning right from Dartmouth Road (north). Also, a queue back from the Give Way would quickly extend back across the pedestrian crossing with space for only one car to wait downstream of and clear of the crossing.

- 5.19. There is an example of a signal controlled pedestrian crossing facility on a left turn lane prior to a Give Way at an otherwise traffic signal controlled junction in Bristol. This is at the A38 Sheene Road/Malago Road junction in Bedminster, south Bristol. There, the distance between the crossing and the Give Way is some 13m, sufficient for two cars to wait at the Give Way downstream of the crossing. As at Windy Corner, the crossing is not heavily used by pedestrians. Despite this observation, the layout shown on drawing **0734-063** in **Appendix G** shows the existing Give way line removed and the LinSig analysis for Option 3 reflects this layout.
- 5.20. Another issue is the width and location of the island on the Brixham Road approach that segregates the entry and exit lanes. At 1.2m wide the island is not considered wide enough to safely accommodate pedestrians waiting on the island to facilitate a two-stage pedestrian crossing of Brixham Road. Previous tracking of vehicles turning in and out of Brixham Road shows that there is insufficient width to make the island significantly wider. This means that pedestrians would need to cross the whole width of Brixham Road in one signal controlled phase. This has been modelled in the Option 3 LinSig analysis.
- 5.21. At present, the pedestrian route across Brixham Road is not straight but is angled at the central island. This angled crossing would be retained in the currently proposed improved layout. There is limited room to provide tactile paving on the north side of Brixham Road, which would be expected at a pedestrian crossing facility. The partially sighted would expect to find tactile paving aligned with a straight crossing across Brixham Road. Preliminary investigation suggests it may not be possible to revise the location of the island to provide a straight crossing of Brixham Road because the central island would have to be moved to the east, too close to the northbound Dartmouth Road through traffic lane. In spite of this highway layout concern, the junction has been modelled as a theoretical single crossing of the full width of Brixham Road within the traffic analysis.
- 5.22. After initial examination of alternative staging options, the option that is considered would provide the best traffic capacity would be broadly based on the existing staging, adjusted to allow movements between the Dartmouth Road (north) and (south) approaches to take place at the same time, with the low volume of right turning traffic from Dartmouth Road to Brixham Road turning in gaps, and then via an indicative green arrow in the following stage. The staging would be as follows.

Stage Sequence Diagram



Key: Traffic phases:

- A Dartmouth Road (north) – ahead and ahead and right turn lanes
- B Dartmouth Road (south) – ahead lane
- C Brixham Road – left and right turn lanes
- D Dartmouth Road (north) – right turn (indicative green arrow)
- E Dartmouth Road (south) – left turn lane

Pedestrian phases:

- F Brixham Road – full width
- G Dartmouth Road (south) – left turn lane
- H Dartmouth Road (south) – ahead lane
- I Dartmouth Road southbound exit lanes

5.23. The LinSig model includes the modelling of the traffic signal controlled Dartmouth Road (south) left turn lane to Brixham Road. When assembling the LinSig traffic model for Option 3, small adjustments were made, which mean that the results for Options 1 and 3 are not absolutely comparable¹. Nonetheless, the analyses are sufficiently similar that comparisons are meaningful. The full results of the LinSig runs for Option 3 are enclosed as **Appendix H**. The results summary for the analysis is set out in **Table 5.4** below.

¹ In particular, the model for the Dartmouth Road (north) approach to the junction was amended in Option 3 to achieve a more even distribution of traffic across both lanes. In the Option 1 model, the distribution of traffic assigns less traffic to the offside ahead lane (lane 1 / 2) than to the nearside ahead lane (lane 1 / 1).

Table 5.4: Windy Corner Junction: Option 3 Peak Hours – Full Traffic Signal and Pedestrian Control in 4 Stages					
		08:00 – 09:00		16:00 – 17:00	
		% Sat	MMQ	% Sat	MMQ
1/1	A379 Dartmouth Road (north) Ahead	83.5%	11.2	74.1%	9.0
1/2	A379 Dartmouth Road (north) Ahead + Right	83.5%	10.9	73.2%	8.7
8/1	A379 Dartmouth Road (south) Left	85.3%	23.5	73.7%	17.1
2/1	A379 Dartmouth Road (south) Ahead	78.9%	15.4	87.4%	16.2
3/1	A3022 Brixham Road Left + Right	80.2%	16.4	101.1%	43.7
Total	Cycle Time = 90 sec	PRC	5.5%	PRC	-12.3%

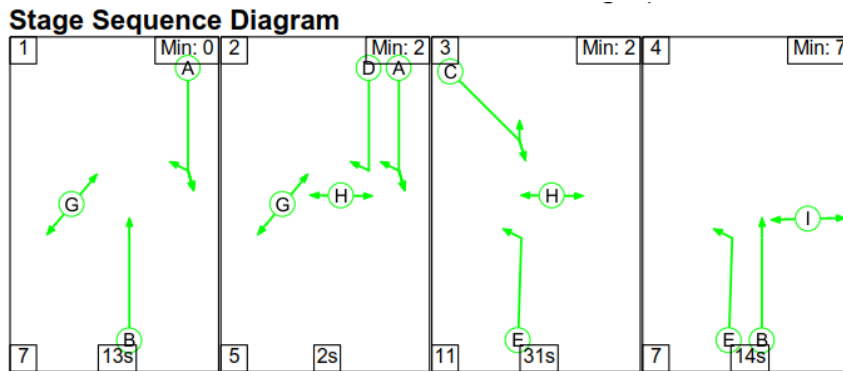
- 5.24. A review of the results of the AM peak hour in **Table 5.4** shows that the junction would cater for the forecast traffic flows satisfactorily. At +5.5% the overall PRC forecast is lower than in **Table 5.2** for Option 1 and lower than in **Table 5.3** for Option1a, which are both predicted at +9.8%. However, the forecast AM % Sat values are all at or below 90% and the forecast MMQs would not be excessive. The highest % Sat of 85.3% and MMQ of some 23.5 pcus are predicted on the Dartmouth Road (south) left turn lane. A queue length of 23 pcus would be contained within the length of the left turn lane constructed in 2019 to the south of the junction by TC.
- 5.25. The PM peak hour results in **Table 5.4** show a deterioration in the forecast traffic conditions compared to those forecast in **Tables 5.2** and **5.3**. The overall PRC, at -12.3%, is worse than the equivalent of -5.1% in **Table 5.2**, for Option 1, and worse than the PRC of -8.8% forecast in **Table 5.3** for Option 1a. The comparable figure for the existing junction without the Inglewood traffic flows and junction improvements is -11.1%, as set out in **Table 5.1**, so Option 3 would also represent a slight deterioration in traffic capacity, compared to the existing junction performance.

Option 3a: Partial Traffic Signal Control of Pedestrian Movements with Signalisation of all Pedestrian Crossings of Dartmouth Road (south) while retaining the existing uncontrolled crossing across Brixham Road

- 5.26. Option 3a has been examined following further discussion with TC, informed by the results for the previous options. Option 3a includes the provision of traffic signal controlled pedestrian crossing facilities across all three traffic lanes of Dartmouth Road to the south of the junction, while retaining the existing uncontrolled crossing on the Brixham Road arm. The layout is shown on drawing **0734-064** in **Appendix I**.
- 5.27. With this layout, a full signal controlled route would be provided for pedestrians across Dartmouth Road. This would serve movements between, for instance, Galmpton and the shops and other amenities in the vicinity of the Dartmouth Road/Broadsands Road junction, which include a Post Office and Churston Library.

- 5.28. The movement through the junction along the western footway of Dartmouth Road would be retained to provide an uncontrolled crossing of Brixham Road, largely as existing, along with a new signal controlled crossing of the northbound Dartmouth Road to Brixham Road lane. This combination of crossings is compliant with the TSM.
- 5.29. For those wishing to walk, say, from Galampton to destinations to the north-west, such as the Hookhills area and the Inglewood development site, who prefer to use controlled crossings, a new controlled route would be available across Dartmouth Road to the south of the junction and back across the existing Zebra crossing of Dartmouth Road located approximately 100m to the north of Windy Corner outside the shops. This would provide a new safe route of particular benefit to less confident pedestrians including among others, blind and partially sighted travellers, who may find the current crossing of Brixham Road difficult to use.
- 5.30. As with Option 3, it is considered that the provision of a traffic signal controlled pedestrian crossing on the Dartmouth Road (south) left turn lane to Brixham Road would need to include full traffic control of this approach rather than via the existing Give Way entry to Brixham Road.
- 5.31. As with the existing layout, a 1.2m wide island would be retained on the Brixham Road approach to segregate the crossings of the entry and exit lanes. Also, as with the existing layout, the pedestrian route across Brixham Road would not be straight but angled at the central island. This angled crossing would be retained in the Option 3a layout albeit with the central island displaced about 2.5m to the south from the existing location.
- 5.32. At 1.2m wide, the central island is not considered wide enough to include tactile paving to indicate the angled alignment of the two parts of the crossing. There is also limited room to provide tactile paving on the north side of Brixham Road. Hence, tactile paving is not shown at all on the Brixham Road crossing on drawing **0734-064** in **Appendix I**. The retention of the uncontrolled crossing in this location without tactile paving would be no worse than the existing arrangement, which has not given rise to a history of pedestrian accidents in the review reported at paragraph 2.6.
- 5.33. The Option 3a LinSig analysis is based upon a four stage signal sequence, similar to Option 3 but with the controlled movement across Brixham Road (Phase (F) in Option 3) removed from Stage 4, to replicate the uncontrolled crossing of Brixham Road. Put simply, this gives rise to additional traffic capacity by removing a 16-second intergreen period required for the theoretical 'straight across' pedestrian crossing of Brixham Road modelled in the Option 3 test.

5.34. This sequencing is considered to provide the best traffic capacity and the staging would be as follows.



Key: Traffic phases:

- A Dartmouth Road (north) – ahead and ahead and right turn lanes
- B Dartmouth Road (south) – ahead lane
- C Brixham Road – left and right turn lanes
- D Dartmouth Road (north) – right turn (indicative green arrow)
- E Dartmouth Road (south) – left turn lane

Pedestrian phases:

- G Dartmouth Road (south) – left turn lane
- H Dartmouth Road (south) – ahead lane
- I Dartmouth Road southbound exit lanes

5.35. As for Option 3, the LinSig model includes the traffic signal controlled Dartmouth Road (south) left turn lane to Brixham Road. As for Option 3 (see paragraph 5.23), small adjustments were made to the LinSig traffic model for Option 3a, which means that the results for Options 1 and 3a are not absolutely comparable². Nonetheless, the analyses are sufficiently similar that comparisons are meaningful. The full results of the LinSig runs are enclosed as **Appendix J**. The results summary for the analysis is set out in **Table 5.5** below.

Table 5.5: Windy Corner Junction: Option 3a Peak Hours – Traffic Signal Control in 4 Stages with Controlled Pedestrian Crossing Across Dartmouth Road (South) and Uncontrolled Crossing Retained Across Brixham Road					
		08:00 – 09:00		16:00 – 17:00	
		% Sat	MMQ	% Sat	MMQ
1/1	A379 Dartmouth Road (north) Ahead	83.5%	11.2	81.9%	9.9
1/2	A379 Dartmouth Road (north) Ahead + Right	83.5%	10.9	80.9%	9.5
8/1	A379 Dartmouth Road (south) Left	85.3%	23.5	71.0%	16.0
2/1	A379 Dartmouth Road (south) Ahead	78.9%	15.4	94.1%	19.2
3/1	A3022 Brixham Road Left + Right	80.2%	16.4	96.6%	32.9
Total	Cycle Time = 90 sec	PRC	5.5%	PRC	-7.4%

5.36. A review of the results of the AM peak hour in **Table 5.5** shows that the junction would cater for the forecast traffic flows satisfactorily. At +5.5% the overall PRC forecast is a positive value (indicating that the junction is predicted to perform below its theoretical capacity) although lower than in **Table 5.2** for Option 1 and lower than in **Table 5.3** for Option 1a, which are both forecast to achieve a PRC of +9.8%. The results for the AM peak hour for Options 3 and 3a are the same, indicating that the removal of signal control across the Brixham Road crossing would have no significant impact on traffic movements in the AM peak. The forecast % Sat values are all at or below 90% and the forecast MMQs would not be excessive. The highest % Sat of 85.3% and queue of some 23.5 pcus are predicted on the Dartmouth Road (south) left turn lane. A queue length of 23 pcus would be contained within the length of the left turn lane constructed in 2019 to the south of the junction by TC.

² In particular, the model for the Dartmouth Road (north) approach to the junction was amended in Option 3a to achieve a more even distribution of traffic across both lanes. In the Option 1 model, the distribution of traffic assigns less traffic to the offside ahead lane (lane 1 / 2) than to the nearside ahead lane (lane 1 / 1).

- 5.37. In contrast, the PM peak hour results in **Table 5.5** show a deterioration in the forecast traffic conditions compared to the forecast in **Table 5.2** for Option 1, as the overall Option 3a PRC, at -7.4%, is a little worse than the equivalent of -5.1% for Option 1 (which has no controlled crossings). However, at -7.4%, the PRC for Option 3a is better than the PRC of -8.8% forecast in **Table 5.3** for Option 1a (with an extended intergreen for the Dartmouth Road (south) crossing). Meanwhile, the PRC result of -7.4% for Option 3a shows an improvement compared to the equivalent for Option 3 in **Table 5.4**, for which the overall PRC is forecast to be -12.3%.
- 5.38. Perhaps of greatest significance, the comparable PRC figure for the existing junction without the Inglewood traffic flows and associated junction improvements is -11.1% as set out in **Table 5.1**, so at -7.4%, Option 3a would represent a small improvement in traffic conditions, compared to the existing junction performance, while also introducing a new, safe and policy compliant, traffic signal controlled crossing of Dartmouth Road (south).

Option 4: As Option 3 above but with Retention of a Zebra Crossing

- 5.39. TC has recommended that a Zebra crossing is not provided on the Dartmouth Road (south) left turn lane, so the only available controlled option is a traffic signal crossing. The capacity of this option has effectively been examined as Options 3 and 3a above. Consequently, Option 4 has not been explored further.

Summary

- 5.40. **Table 5.6** below sets out a comparison of the PRCs for the existing junction at Windy Corner, or reference case, and the options examined above. This enables a simple overall comparison of the LinSig analysis of all of the capacity tests.

Table 5.6 Summary of PRCs from 2024 LinSig Analysis of Windy Corner Junction			
Case/Option	Scenario	PRC	
		08:00 - 09:00	16:00 - 17:00
Ref. Case: (Table 5.1)	Existing Layout - no Inglewood Traffic Flows	+10.8%	-11.1%
Option 1: (Table 5.2)	KTC Proposed Improvements - with Inglewood Traffic Flows	+9.8%	-5.1%
Option 1a: (Table 5.3)	KTC Proposed Improvements - with Inglewood Traffic Flows Extended Intergreens	+9.8%	-8.8%
Option 3: (Table 5.4)	KTC Proposed Improvements - with Inglewood Traffic Flows Full Traffic Signal and Pedestrian Control	+5.5%	-12.3%
Option 3a: (Table 5.5)	KTC Proposed Improvements - with Inglewood Traffic Flows Traffic Signal 4 Stages, Uncontrolled Crossing Brixham Rd	+5.5%	-7.4%

- 5.41. In the AM peak hour the traffic capacity tests of the above options examined all show positive PRCs. In the PM peak hour all the options show negative PRCs but, aside from Option 3, the PRCs are better than the PRC predicted for the reference case.

- 5.42. Of the options examined, Option 3a is considered to be the preferred option because it would achieve a small improvement in traffic conditions in the critical PM peak hour, compared to the existing junction performance, while also introducing a new, safe and policy compliant, traffic signal controlled crossing of Dartmouth Road (south)

6. Conclusions

- 6.1. In liaison with Torbay Council officers it was agreed that KTC would investigate options to introduce controlled crossings for all existing pedestrian movements through the A3022 Brixham Road/A379 Dartmouth Road junction, known locally as the Windy Corner junction. The scope of this Technical Note, including the different junction analysis options, was agreed with Torbay Council officers.
- 6.2. The analysis of the surveys of pedestrians crossing the Windy Corner junction indicates that pedestrian numbers are low in the peak periods and there are two identifiable routes through the junction. One route includes the crossing of the Dartmouth Road southbound exit lane, which is proposed to be widened to two lanes as part of the proposals for the proposed development.
- 6.3. A review of current technical guidance indicates that the Traffic Signs Manual Chapter 6 dated December 2019 provides the most up to date and appropriate guidance for the design of the traffic signals and controlled crossings at Windy Corner, where the speed limit is 30mph.
- 6.4. A Torbay Council commissioned road safety audit recommended that a Zebra crossing should not be located on the Dartmouth Road (south) left turn lane.

6.5. The options to be examined were agreed with TC and are set out below:

- **Option 1:** do nothing - the proposed layout shown on drawing **0734-062** in **Appendix D** (which is essentially the same as **0734-61 Revision A** but with the Zebra crossing removed);
- **Option 2:** installation of detectors of pedestrians wishing to use Dartmouth Road southbound junction exit crossing only, to extend intergreen to give pedestrians sufficient time to cross two lanes;
- **Option 3:** full traffic signal control of all pedestrian movements through the junction, including the replacement of the Zebra with a signal controlled crossing, as shown on drawing **0734-063 (Appendix G)**; and,
- **Option 4:** as Option 3 above but with the retention of the Zebra crossing shown on the Dartmouth Road (south) left turn lane.

6.6. As a consequence of undertaking the study two further options emerged:

- Option 1a: extension of an intergreen period to allow pedestrians more time to cross the southbound exit lanes of Dartmouth Road (south); and
- Option 3a: partial traffic signal control of pedestrian movements, with signalisation of all pedestrian crossings of Dartmouth Road (south) while retaining the existing uncontrolled crossing across Brixham Road.

6.7. The capacity of the existing junction was tested in an earlier Technical Note, number 8, and the results are re-presented as **Table 5.1** in this Technical Note 9. These results provide a benchmark, or reference case, for comparison against the options tested in this Technical Note.

6.8. The Practical Reserve Capacity results for all tested options are presented in **Table 6.1** below.

Table 6.1 Summary of PRCs from 2024 LinSig Analysis of Windy Corner Junction			
Case/Option	Scenario	PRC	
		08:00 - 09:00	16:00 - 17:00
Ref. Case: (Table 5.1)	Existing Layout - no Inglewood Traffic Flows	+10.8%	-11.1%
Option 1: (Table 5.2)	KTC Proposed Improvements - with Inglewood Traffic Flows	+9.8%	-5.1%
Option 1a: (Table 5.3)	KTC Proposed Improvements - with Inglewood Traffic Flows Extended Intergreens	+9.8%	-8.8%
Option 3: (Table 5.4)	KTC Proposed Improvements - with Inglewood Traffic Flows Full Traffic Signal and Pedestrian Control	+5.5%	-12.3%
Option 3a: (Table 5.5)	KTC Proposed Improvements - with Inglewood Traffic Flows Traffic Signal 4 Stages, Uncontrolled Crossing Brixham Rd	+5.5%	-7.4%

- 6.9. Option 1 in this Technical Note repeats the findings of Technical Note 8, which considered the layout shown on drawing **0734-061 Revision A (Appendix A)**. This showed that, with this proposed junction improvement, the AM peak Mean Maximum Queues and Degrees of Saturation were forecast to be similar to those for the existing junction. In the PM peak the revised junction was predicted to be in excess of its design and saturation capacities on the A379 Dartmouth Road (south) ahead and A3022 Brixham Road approaches, similar to the existing junction but with slightly shorter queues. The PM peak Practical Reserve Capacity was forecast to be -5.1%, an improvement on the -11.1% forecast for the existing junction.
- 6.10. A variation of the layout for the Option 1 improvement was prepared and shown on drawing **0734-062 (Appendix D)**. In line with Torbay Council's recent Road Safety Audit recommendation, but in contrast to the layout shown on drawing **0734-061 Revision A**, the Zebra crossing on the Dartmouth Road (south) to Brixham Road lane has been removed. The model results for Option 1 are also applicable to this layout.
- 6.11. Option 1a was explored as a consequence of the research undertaken for this Technical Note 9. Option 1a would give two seconds of additional time for pedestrians to cross the wider uncontrolled crossing of the Dartmouth Road southbound exit lanes proposed as part of the Inglewood junction improvement. The two second increase would be sufficient to mitigate the impact on pedestrians of widening the crossing. The change in signal timing would have a small impact on the overall traffic capacity of the junction. In the AM peak hour the overall Practical Reserve Capacity would be unchanged from Option 1 at +9.8%, while the Practical Reserve Capacity would be reduced in the PM peak hour, from -5.1% in Option 1 to -8.8% in Option 1a. The comparable AM and PM values for the existing junction without the Inglewood traffic flows and junction improvements are +10.8% and -11.1%, so Option 1a would achieve a small PM peak hour improvement over the existing junction layout.
- 6.12. Option 2 was similar to Option 1a but with the installation of detectors of pedestrians to provide extra time for pedestrians to cross the Dartmouth Road southbound exit lanes within the existing traffic signal timings. In the light of the positive findings for Option 1a, Option 2 has not been further explored.

- 6.13. Option 3 investigated the introduction of traffic signal controlled pedestrian crossing facilities on the two main pedestrian routes through the junction. The junction was forecast to operate satisfactorily in the AM peak hour with the Practical Reserve Capacity forecast to remain positive at +5.5% but lower than for Option 1 and Option 1a, which are both predicted at +9.8%. The operation of the junction was forecast to deteriorate in the PM peak hour compared to the analysis of Options 1 and 1a. In the PM peak hour the Practical Reserve Capacity of -12.3% is forecast to be worse than the equivalent of -5.1% for Option 1, and worse than the -8.8% forecast for Option 1a. The comparable figure for the existing junction without the Inglewood traffic flows and junction improvements is -11.1% (as set out in Table 5.1), so Option 3 would lead to a slight reduction in traffic capacity, compared to the existing junction performance.
- 6.14. The crossing of Brixham Road is currently angled across the entry and exit lanes. If signal control of the crossing was to be introduced as part of Option 3, the alignment would need to be straight but it is not clear that there is sufficient space within the junction to achieve a straight crossing.
- 6.15. Option 3a was examined following discussion with Torbay Council informed by the results of the previous options. Option 3a differs from Option 3 in that it includes the retention of the existing uncontrolled crossing on the Brixham Road arm, while introducing signal control to all movements across Dartmouth Road (south).
- 6.16. The changes make no difference to the forecast results in the AM peak, when the junction operates within its theoretical capacity, with a Practical Reserve Capacity of +5.5% for both Options 3 and 3a. In contrast, the PM peak hour results show a deterioration in the forecast traffic conditions compared to the forecast for Option 1, as the overall Option 3a PRC, at -7.4%, is a little worse than the equivalent of -5.1% for Option 1 (which has no controlled crossings). However, at 7.4%, the PRC for Option 3a is better than the PRC of -8.8% forecast for Option 1a (with an extended intergreen for the Dartmouth Road (south) crossing). Meanwhile, the PRC result of -7.4% for Option 3a shows an improvement compared to the equivalent for Option 3, for which the overall PRC is forecast to be -12.3%.
- 6.17. Perhaps of greatest significance, the comparable PRC figure for the existing junction without the Inglewood traffic flows and associated junction improvements is -11.1%, so at -7.4%, Option 3a would represent a small improvement in traffic conditions, compared to the existing junction performance, while also introducing a new, safe and policy compliant, traffic signal controlled crossing of Dartmouth Road (south).

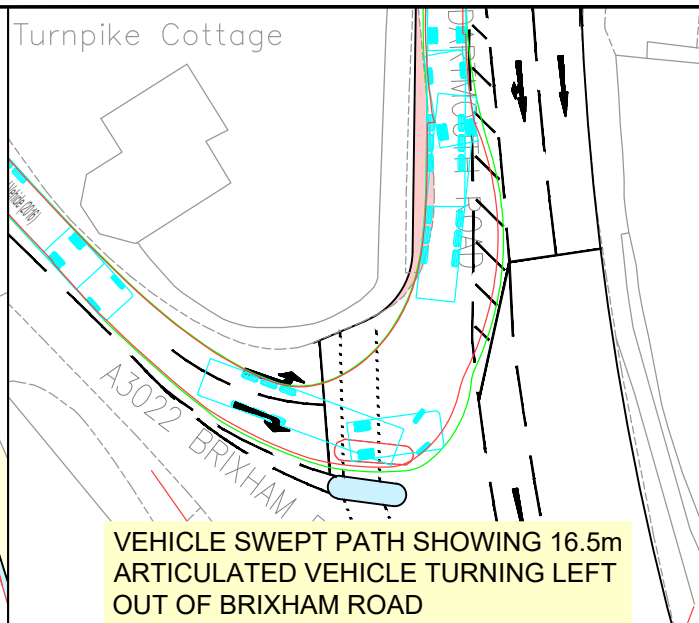
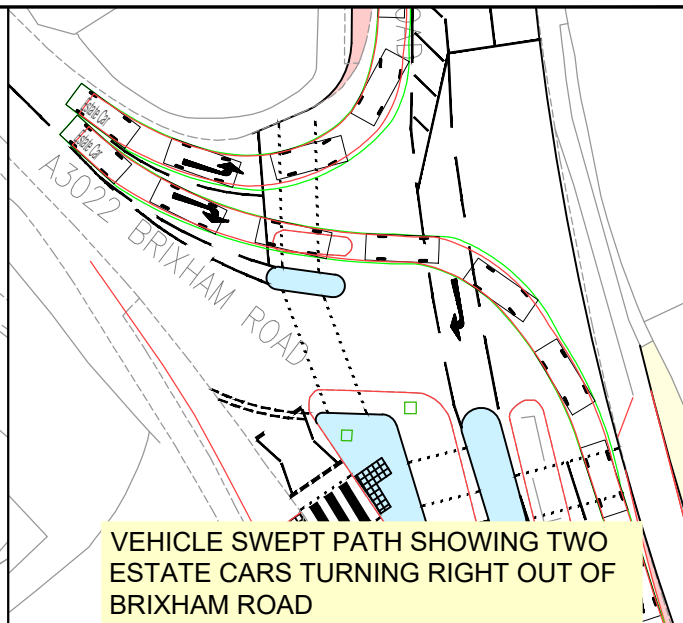
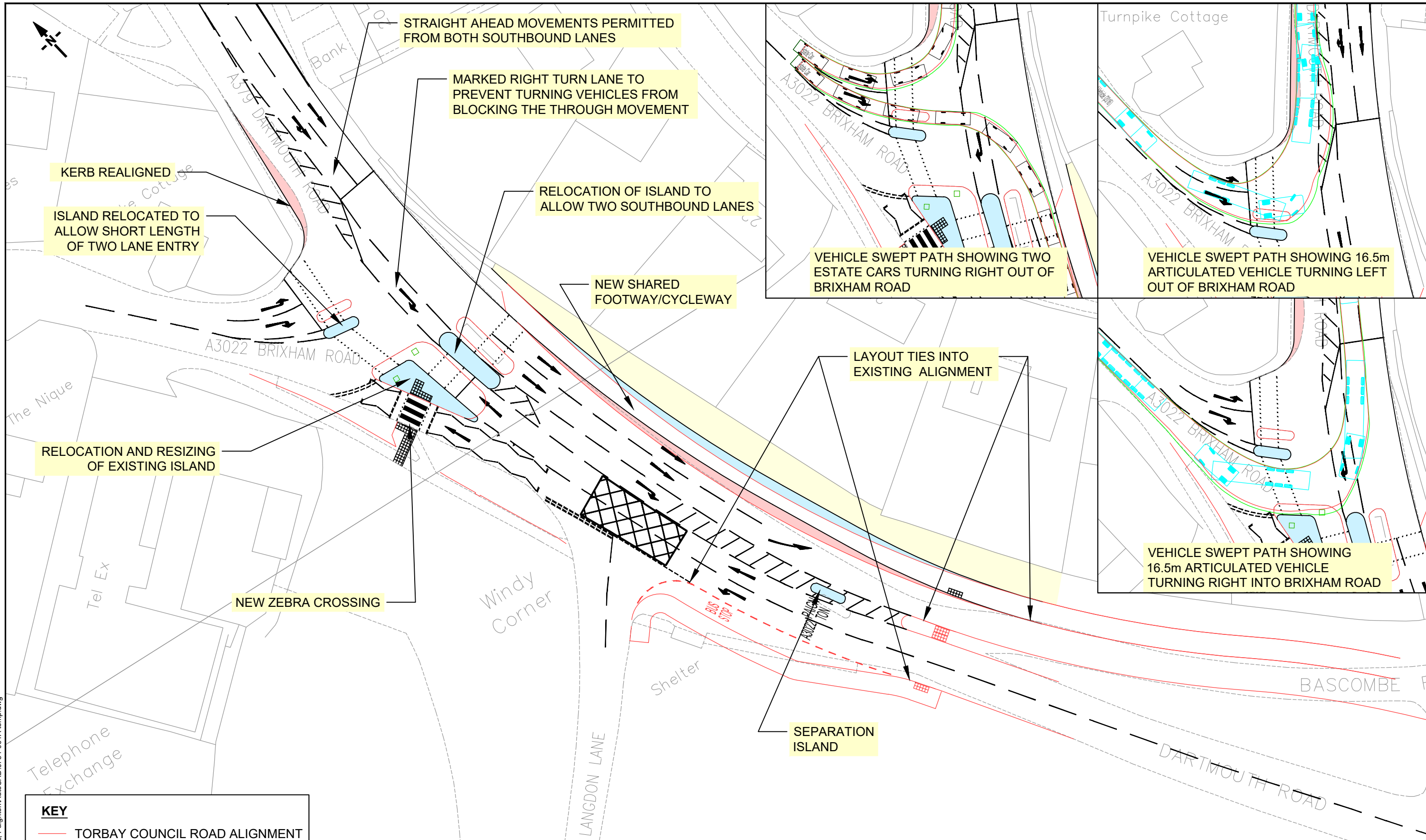
- 6.18. Option 4 included the provision of traffic signal controlled pedestrian crossing facilities on the two main pedestrian routes, except on the Dartmouth Road (south) left turn lane where a Zebra would be provided. In the context of the road safety audit, which recommended that a Zebra crossing is not to be located on the Dartmouth Road (south) left turn lane, and the available technical guidance, this option has not been explored further.
- 6.19. Of the options examined, Option 3a is considered to be the preferred option because it would achieve a small improvement in traffic conditions in the critical PM peak hour, compared to the existing junction performance, while also introducing a new, safe and policy compliant, traffic signal controlled crossing of Dartmouth Road (south).

APPENDIX A

Proposed Highway Works

Drawing 0734-061 Revision A

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CAD FILE NAME : F:\DATA\Jobs\0734 White Rock 2_Paignton\AutoCAD\0734-061A temp.dwg



KERB REALIGNED
ISLAND RELOCATED TO ALLOW SHORT LENGTH OF TWO LANE ENTRY

STRAIGHT AHEAD MOVEMENTS PERMITTED FROM BOTH SOUTHBOUND LANES

MARKED RIGHT TURN LANE TO PREVENT TURNING VEHICLES FROM BLOCKING THE THROUGH MOVEMENT

RELOCATION OF ISLAND TO ALLOW TWO SOUTHBOUND LANES

NEW SHARED FOOTWAY/CYCLEWAY

VEHICLE SWEEP PATH SHOWING TWO ESTATE CARS TURNING RIGHT OUT OF BRIXHAM ROAD

VEHICLE SWEEP PATH SHOWING 16.5m ARTICULATED VEHICLE TURNING LEFT OUT OF BRIXHAM ROAD

RELOCATION AND RESIZING OF EXISTING ISLAND

LAYOUT TIES INTO EXISTING ALIGNMENT

NEW ZEBRA CROSSING

VEHICLE SWEEP PATH SHOWING 16.5m ARTICULATED VEHICLE TURNING RIGHT INTO BRIXHAM ROAD

SEPARATION ISLAND

KEY				
	TORBAY COUNCIL ROAD ALIGNMENT			
	NEW FOOTWAY			
	NEW CARRIAGEWAY			
	TORBAY COUNCIL GRASS VERGE			

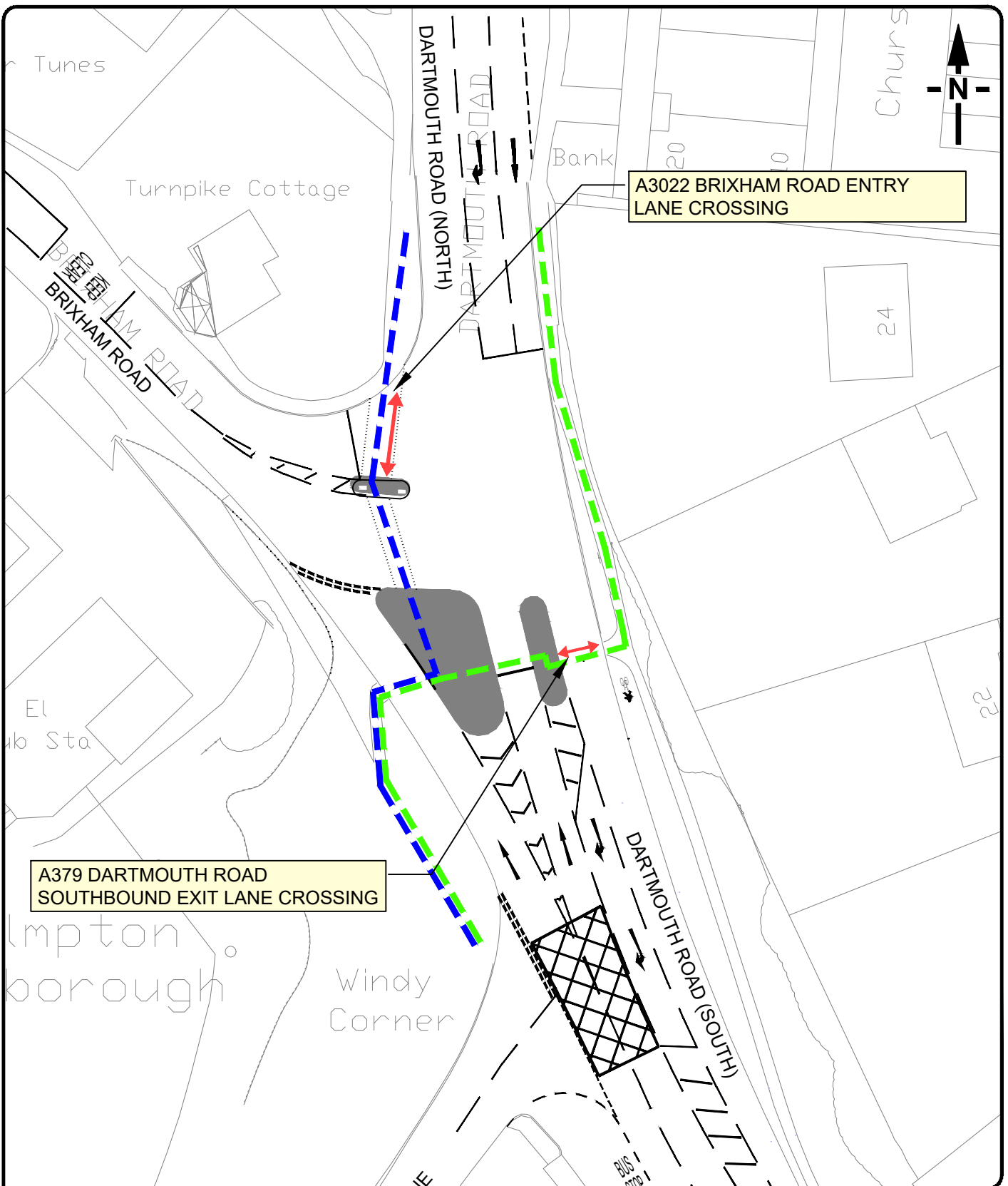
INGLEWOOD				ABACUS PROJECTS LTD			
WINDY CORNER HIGHWAY IMPROVEMENTS TYING IN TO TORBAY COUNCIL 2019 IMPROVED LAYOUT				KEY TRANSPORT CONSULTANTS LTD 26 BERKELEY SQUARE BRISTOL BS8 1HP Tel : 0117 920 9430 E-mail : info@key-transport.com			
DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALES @ A3 SIZE	ISSUE STATUS	DRAWING NUMBER	REV.
DRT	DRK	DRK	OCT 19	1:500@A3	PRELIMINARY	0734-061	A

A	AMENDMENTS TO BRIXHAM ROAD APPROACH. CENTRAL SEPARATION ISLAND ADDED ON DARTMOUTH ROAD	DRT	SLF	DRK	NOV'19
REV		DR	CH	PA	DATE

APPENDIX B

Pedestrian Surveys

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A379 DARTMOUTH ROAD
 SOUTHBOUND EXIT LANE CROSSING

A3022 BRIXHAM ROAD ENTRY
 LANE CROSSING

KEY:
 MAIN PEDESTRIAN ROUTES ————
 ROUTES ————



KTC

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 BRISTOL
 BS8 1HP
 Tel : 0117 920 9430
 E-mail : info@key-transport.com

**INGLEWOOD, PAIGNTON
 WINDY CORNER JUNCTION
 PEDESTRIAN CROSSING**

SCALE 1:500

0734 Inglewood: Analysis of Windy Corner Pedestrian Movements

Tuesday 24 September 2019 - Period 08:00 to 09:00

Weather: overcast/sunny

Table 1 Pedestrians Crossing the A379 Dartmouth Road Southbound Exit Lane					
Time	Direction	How	Origin	People	Destination
08:08:53 ¹	W to E	In intergreen	Dartmouth Road NW	Adult?	Dartmouth Road SE
08:16:04	E to W	In intergreen	Dartmouth Road NE	2 School children	A379 SW on grass
08:20:25	W to E	In gap (A379 traffic)	Langdon Lane	Adult?	Dartmouth Road NE
08:24:36	E to W	In gap (A379 traffic)	Dartmouth Road NE	School child	A379 SW to bus stop
08:25:17	W to E	In intergreen	Langdon Lane	Adult	Dartmouth Road NE
08:25:57	E to W	In intergreen	Dartmouth Road NE	School child	A379 SW to bus stop
08:26:25	E to W	In intergreen	Dartmouth Road NE	School child	A379 SW on grass
08:28:29	E to W	In intergreen	Dartmouth Road NE	Adult?	Langdon Lane
08:38:15	E to W	In intergreen	Dartmouth Road NE	School child	A379 SW on grass
08:57:55	E to W	In intergreen	Dartmouth Road NW	Adult and dog	Langdon Lane
			Total People	11 People in 10 Groups	

Note 1: Pedestrian originated from Brixham Road crossing rather than Dartmouth Road (south)

Table 2 Pedestrians Crossing the A3022 Brixham Road Entry Lane					
Time	Direction	How	Origin	People	Destination
08:02:27	S to N	In intergreen	A379 Bus Stop	Adult?	Dartmouth Road NE
08:06:10	N to S	In intergreen	Dartmouth Road NE	Adult?	A379 SW on grass
08:08:15 ²	N to S	In intergreen	Dartmouth Road NW	Adult?	Dartmouth Road SE
08:13:13	N to S	In intergreen	Dartmouth Road NE	2 School children	A379 SW on grass
08:18:12	N to S	In intergreen	Dartmouth Road NW	School child	A379 SW on grass
08:19:53	N to S	In intergreen	Dartmouth Road NW	3 School children	A379 SW on grass
08:20:18	N to S	In intergreen	Dartmouth Road NW	School child	A379 SW on grass
08:21:49	N to S	In intergreen	Dartmouth Road NW	2 School children	A379 SW on grass
08:23:49	N to S	In intergreen	Dartmouth Road NW	Adult and dog	A379 SW on grass
08:23:53	N to S	In intergreen	Dartmouth Road NW	School child	A379 SW on grass
08:25:22	N to S	In intergreen	Dartmouth Road NW	School child	A379 SW on grass
08:29:58	N to S	In intergreen	Dartmouth Road NW	Adult, child and dog	A379 SW on grass
08:31:13	N to S	In intergreen	Dartmouth Road NW	School child?	A379 SW on grass
08:37:25	N to S	In intergreen	Dartmouth Road NW	Adult and child	A379 SW on grass
08:40:04	N to S	In intergreen	Dartmouth Road NW	Adult and child	A379 SW on grass
08:40:19	N to S	In intergreen	Dartmouth Road NW	Adult and dog	Langdon Lane
08:50:54	N to S	In intergreen	Dartmouth Road NW	Adult and dog	A379 SW on grass
08:52:55	N to S	In intergreen	Dartmouth Road NW	Adult	A379 SW on grass
			Total People	25 People in 18 Groups	

Note ²: Pedestrian headed for Dartmouth Road (south) via Dartmouth Road southbound exit lane crossing

0734 Inglewood: Analysis of Windy Corner Pedestrian Movements

Tuesday 24 September 2019 - Period 16:00 to 17:00

Weather: overcast/sunny

Table 3 Pedestrians Crossing the A379 Dartmouth Road Southbound Exit Lane					
Time	Direction	How	Origin	People	Destination
16:00:45	W to E	In gap (A379 traffic)	A379 SW on grass	4 School children	Dartmouth Road NE
16:01:03	W to E	In intergreen	A379 SW on grass	2 School children	Dartmouth Road NE
16:01:59	W to E	In intergreen	A379 SW on grass	2 School children	Dartmouth Road NE
16:02:16	W to E	In gap (A379 traffic)	A379 SW on grass	3 School children	Dartmouth Road NE
16:04:25	W to E	In intergreen	A379 SW on grass	School child	Dartmouth Road NE
16:06:53	E to W	In intergreen	Dartmouth Road NE	Adult	Langdon Lane
16:11:03	W to E	In intergreen	Langdon Lane	Adult	Dartmouth Road NE
16:13:33	W to E	In gap (A379 traffic)	A379 SW on grass	2 School children	Dartmouth Road NE
16:17:56	E to W	In gap (A379 traffic)	Dartmouth Road NE	Adult	Langdon Lane
16:18:55	W to E	In intergreen	Langdon Lane	Adult	Dartmouth Road NE
16:25:01	W to E	In gap (A379 traffic)	Langdon Lane	Adult	Dartmouth Road NE
16:26:03	W to E	In gap (A379 traffic)	Langdon Lane	2 Adults?	Dartmouth Road NE
16:29:31	E to W	In intergreen	Dartmouth Road NE	Adult	Langdon Lane
16:32:00 ³	E to W	In intergreen	Dartmouth Road SE	Adult	Dartmouth Road NE
16:32:51	E to W	In intergreen	Dartmouth Road NE	Adult	Langdon Lane
16:33:45	E to W	In intergreen	Dartmouth Road NE	3 children?	Langdon Lane
16:36:21	E to W	In intergreen	Dartmouth Road NE	Adult	Langdon Lane
			Total People	28 People in 17 Groups	

Note ³: Pedestrian headed for Brixham Road crossing

Table 4 Pedestrians Crossing the A3022 Brixham Road Entry Lane					
Time	Direction	How	Origin	People	Destination
16:00:59	S to N	In intergreen	A379 SW on grass	3 School children	Dartmouth Road NE
16:02:54	S to N	In intergreen	A379 SW on grass	School child	Dartmouth Road NE
16:03:25	S to N	In intergreen	A379 SW on grass	3 School children	Dartmouth Road NE
16:03:25	N to S	In intergreen	Dartmouth Road NE	Adult	Langdon Lane
16:04:45	N to S	In intergreen	Dartmouth Road NE	Adult	Langdon Lane
16:04:59	S to N	In intergreen	Langdon Lane	Adult	Dartmouth Road NE
16:14:33	S to N	In intergreen	A379 SW on grass	3 School children	Dartmouth Road NE
16:23:19	N to S	In intergreen	Dartmouth Road NE	Adult	Brixham Road
16:32.47 ⁴	S to N	In intergreen	Dartmouth Road SE	Adult	Dartmouth Road NE
16:34:33	N to S	In intergreen	Dartmouth Road NE	Adult	Langdon Lane
			Total People	16 People in 10 Groups	

Note 4: Pedestrian originated from south east side of Dartmouth Road

APPENDIX C

Road Safety Audit Extract

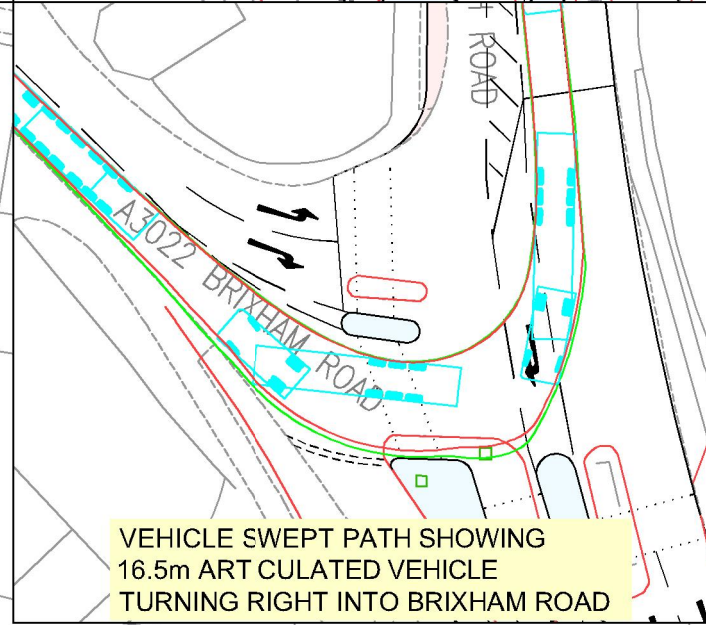
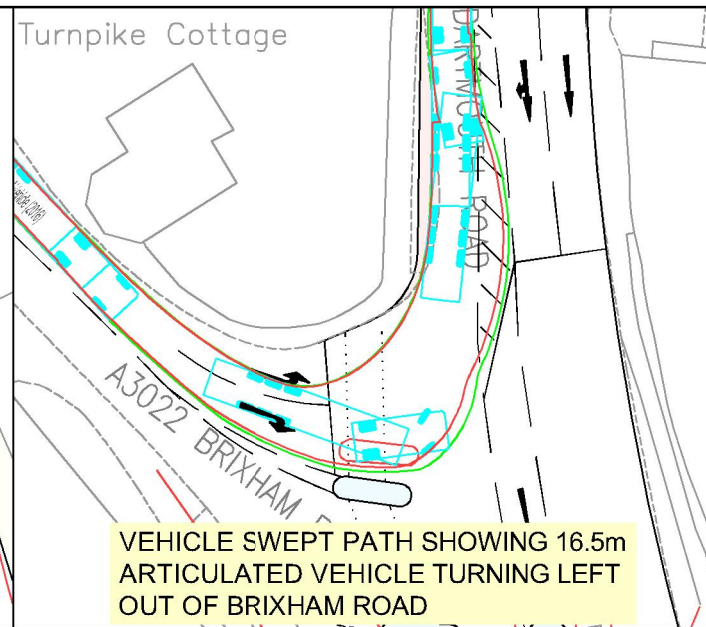
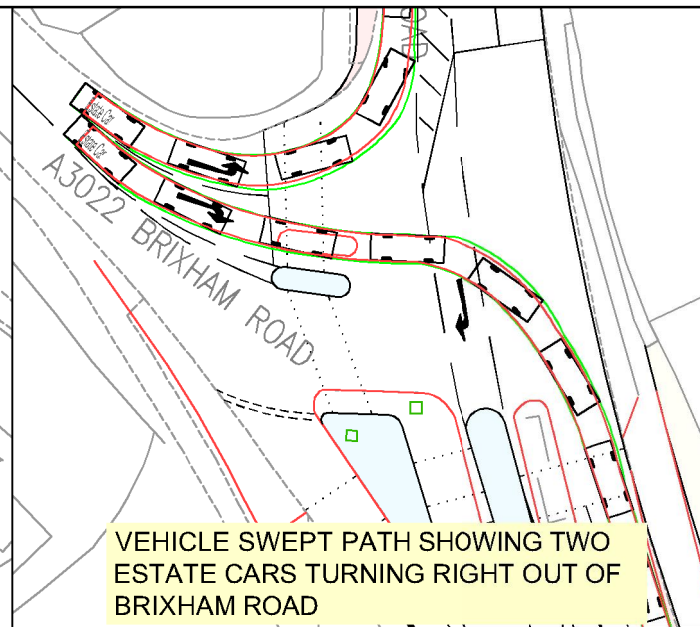
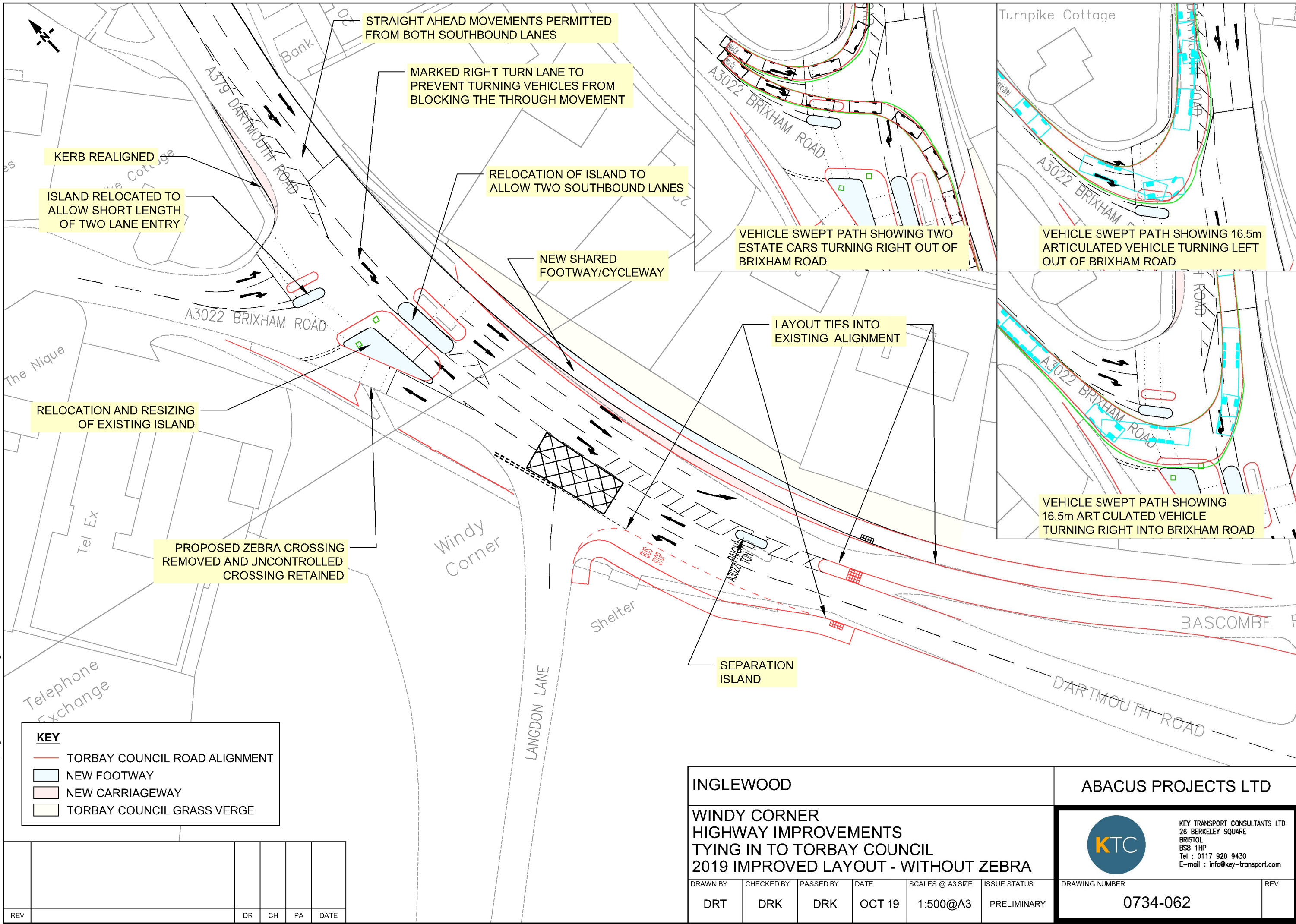
Location	Zebra crossing on new northbound A379 lane approaching Windy Corner
Summary	Drivers attention may not be focused on the pedestrian crossing area when approaching the proposed zebra crossing location, and street furniture obscures their visibility of pedestrians.
Description	<p>A zebra crossing is proposed on the A379 northwest bound Dartmouth Road left turn lane, leading to Brixham Road. Drivers in this lane are not controlled by traffic signals but by give way priority control. Southwest bound drivers on Dartmouth Road, who turn right at Windy Corner onto Brixham Road, are under signal control but are required to gap seek.</p> <p>Northwest bound drivers on A379 approaching the priority give way at Windy Corner were observed not focusing towards the give way but across Windy Corner junction looking for right turning drivers. A number of drivers accelerated on approach to the give way, to pass through in front of a right turning vehicle.</p> <p>Following its installation pedestrians will expect that as they approach the zebra crossing drivers will stop for them. In this location drivers' attention could be diverted away from the pedestrian crossing area and they may not see an approaching pedestrian, particularly from the west. This reduced intervisibility will be exacerbated by a large cabinet located on the western side of the pedestrian crossing which could also obscure an approaching pedestrian, particularly a child.</p> <p>The combination of the above factors could result in a vehicle failing to stop for a crossing pedestrian, potentially leading to a high severity collision.</p>  <p>Figure 1 Looking towards proposed location of zebra crossing. Cabinet circled.</p>
Recommendation	It is recommended to remove the zebra crossing from scheme proposals, and that the existing uncontrolled crossing should be maintained and improved. If viable the cabinet should be relocated. "Look Left" and "Look Right" markings (diag. 1029) should be installed across all three crossings of the southern Windy Corner approach.

APPENDIX D

**Proposed Highway Works with No Zebra
Crossing**

Drawing 0734-062

NOTE: THE PROPERTY OF THIS DRAWING AND DESIGN IS VESTED IN KEY TRANSPORT CONSULTANTS LIMITED AND MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR WRITTEN CONSENT
CAD FILE NAME : F:\DATA\A\0734 White Rock 2_Paignton\AutoCAD\0734-062.dwg



KERB REALIGNED
ISLAND RELOCATED TO ALLOW SHORT LENGTH OF TWO LANE ENTRY

STRAIGHT AHEAD MOVEMENTS PERMITTED FROM BOTH SOUTHBOUND LANES

MARKED RIGHT TURN LANE TO PREVENT TURNING VEHICLES FROM BLOCKING THE THROUGH MOVEMENT

RELOCATION OF ISLAND TO ALLOW TWO SOUTHBOUND LANES

NEW SHARED FOOTWAY/CYCLEWAY

VEHICLE SWEEP PATH SHOWING TWO ESTATE CARS TURNING RIGHT OUT OF BRIXHAM ROAD

VEHICLE SWEEP PATH SHOWING 16.5m ARTICULATED VEHICLE TURNING LEFT OUT OF BRIXHAM ROAD

RELOCATION AND RESIZING OF EXISTING ISLAND


LAYOUT TIES INTO EXISTING ALIGNMENT

PROPOSED ZEBRA CROSSING REMOVED AND UNCONTROLLED CROSSING RETAINED

VEHICLE SWEEP PATH SHOWING 16.5m ARTICULATED VEHICLE TURNING RIGHT INTO BRIXHAM ROAD

SEPARATION ISLAND

KEY	
	TORBAY COUNCIL ROAD ALIGNMENT
	NEW FOOTWAY
	NEW CARRIAGEWAY
	TORBAY COUNCIL GRASS VERGE

INGLEWOOD				ABACUS PROJECTS LTD			
WINDY CORNER HIGHWAY IMPROVEMENTS TYING IN TO TORBAY COUNCIL 2019 IMPROVED LAYOUT - WITHOUT ZEBRA				 KEY TRANSPORT CONSULTANTS LTD 26 BERKELEY SQUARE BRISTOL BS8 1HP Tel : 0117 920 9430 E-mail : info@key-transport.com			
DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALES @ A3 SIZE	ISSUE STATUS	DRAWING NUMBER	REV.
DRT	DRK	DRK	OCT 19	1:500@A3	PRELIMINARY	0734-062	

REV	DR	CH	PA	DATE

APPENDIX E

LinSig Results: Option 1 - Proposed Highway Works

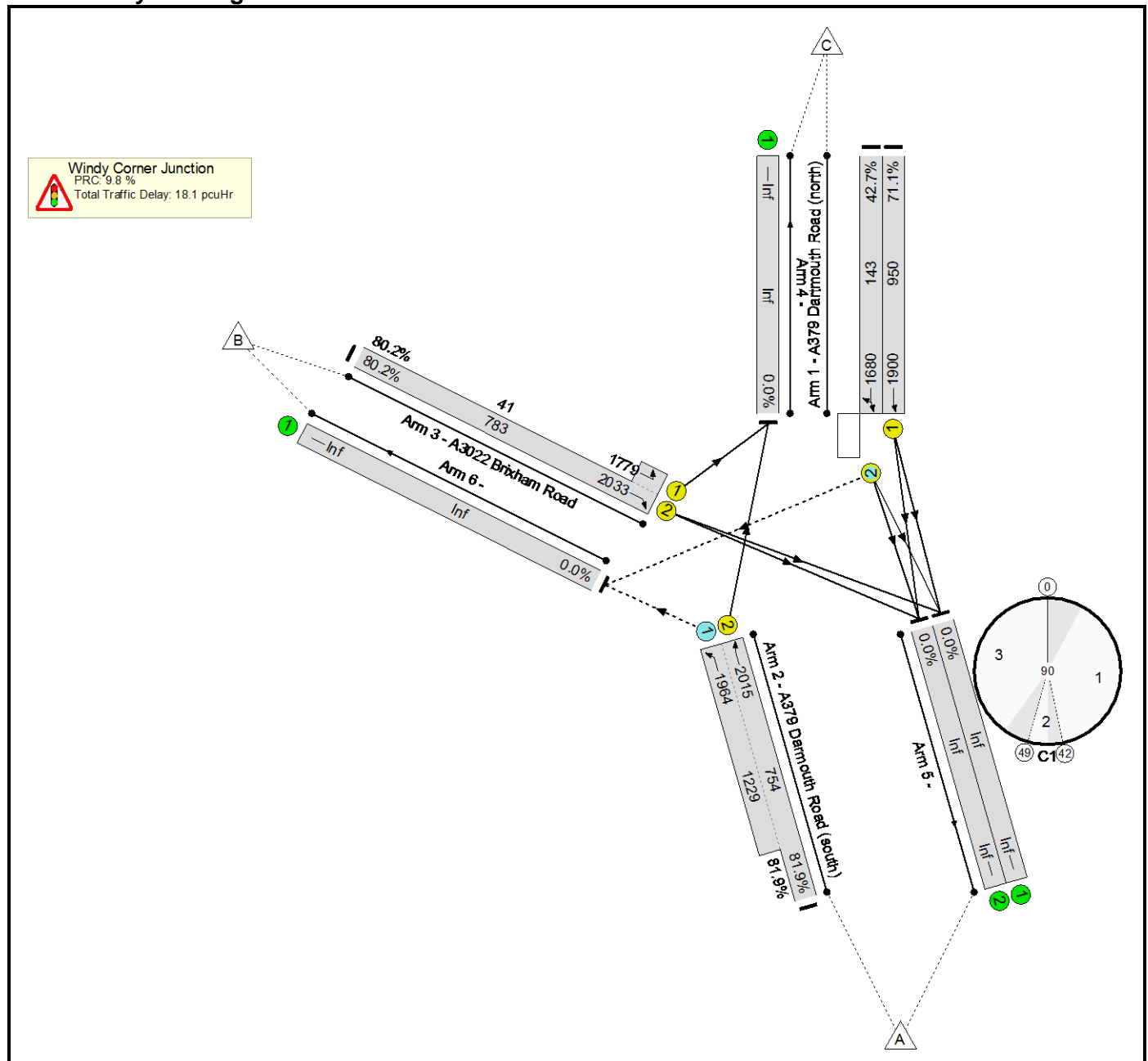
Basic Results Summary
Basic Results Summary

User and Project Details

Project:	Inglewood
Title:	Windy Corner Junction - KTC proposed highway works
Location:	
Additional detail:	
File name:	Windy Corner (KTC proposed highway works 0734-61) - additional committed development.lsg3x
Author:	FF
Company:	Key Transport Consultants
Address:	26 Berkeley Square, Bristol, BS8 1HP

Scenario 19: 'Add Com Dev + Dev 2024 AM' (FG29: '2024 + Add Com Dev + Dev AM', Plan 1: 'Network Control Plan 1')

Network Layout Diagram



Basic Results Summary

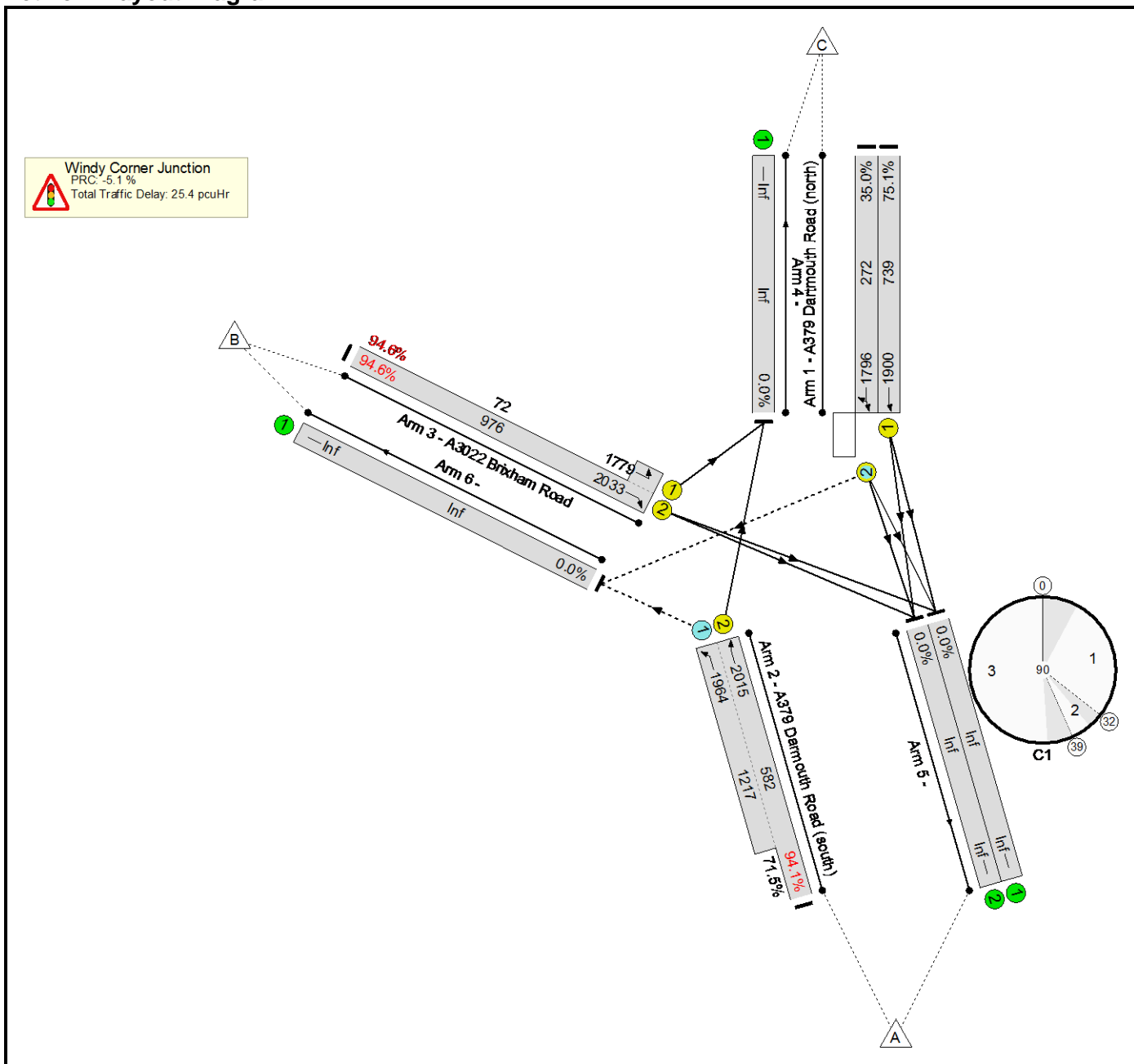
Network Results

Item	Lane Description	Lane Type	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Mean Max Queue (pcu)					
Network: Windy Corner Junction - KTC proposed highway works	-	-	-		-	-	-	-	-	-	81.9%	564	503	0	18.1	-	-					
Windy Corner Junction	-	-	-		-	-	-	-	-	-	81.9%	564	503	0	18.1	-	-					
1/1	A379 Dartmouth Road (north) Ahead	U	A		1	44	-	675	1900	950	71.1%	-	-	-	4.5	23.9	14.2					
1/2	A379 Dartmouth Road (north) Ahead Right	O	A	D	1	44	4	61	1680	143	42.7%	61	0	0	1.1	63.6	1.1					
2/2+2/1	A379 Dartmouth Road (south) Ahead Left	U+O	B -		1	35	-	1625	2015:1964	754+1229	81.9 : 81.9%	503	503	0	6.3	13.9	15.5					
3/2+3/1	A3022 Brixham Road Left Right	U	C		1	36	-	661	2033:1779	783+41	80.2 : 80.2%	-	-	-	6.3	34.1	16.4					
		C1	PRC for Signalled Lanes (%):		9.8		PRC Over All Lanes (%):		9.8		Total Delay for Signalled Lanes (pcuHr):		18.09		Total Delay Over All Lanes(pcuHr):		18.09		Cycle Time (s):		90	

Basic Results Summary

Scenario 20: 'Add Com Dev + Dev 2024 PM' (FG30: '2024 + Add Com Dev + Dev PM', Plan 1: 'Network Control Plan 1')

Network Layout Diagram



Basic Results Summary

Network Results

Item	Lane Description	Lane Type	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - KTC proposed highway works	-	-	-		-	-	-	-	-	-	94.6%	389	532	0	25.4	-	-
Windy Corner Junction	-	-	-		-	-	-	-	-	-	94.6%	389	532	0	25.4	-	-
1/1	A379 Dartmouth Road (north) Ahead	U	A		1	34	-	555	1900	739	75.1%	-	-	-	5.1	33.4	13.4
1/2	A379 Dartmouth Road (north) Ahead Right	O	A	D	1	34	4	95	1796	272	35.0%	51	0	0	1.0	38.7	1.8
2/2+2/1	A379 Dartmouth Road (south) Ahead Left	U+O	B -		1	25	-	1418	2015:1964	582+1217	94.1 : 71.5%	338	532	0	6.6	16.8	15.1
3/2+3/1	A3022 Brixham Road Left Right	U	C		1	46	-	991	2033:1779	976+72	94.6 : 94.6%	-	-	-	12.6	45.8	30.3
		C1			PRC for Signalled Lanes (%):		-5.1	Total Delay for Signalled Lanes (pcuHr):		25.37		Cycle Time (s):		90			
				PRC Over All Lanes (%):		-5.1		Total Delay Over All Lanes(pcuHr):		25.37							

APPENDIX F

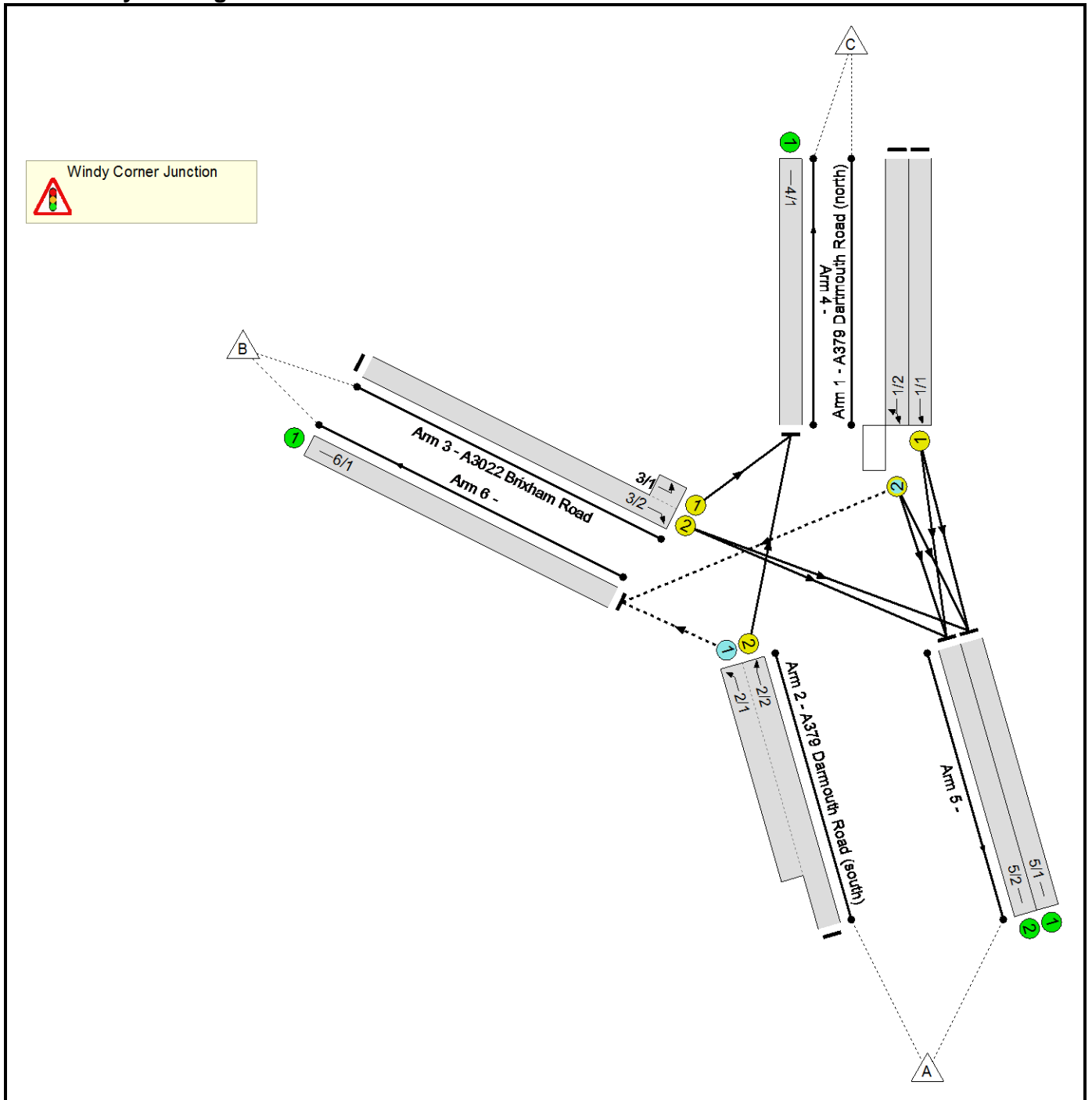
LinSig Results: Option 1a - Proposed Highway Works with Extended Intergreens

Full Input Data And Results

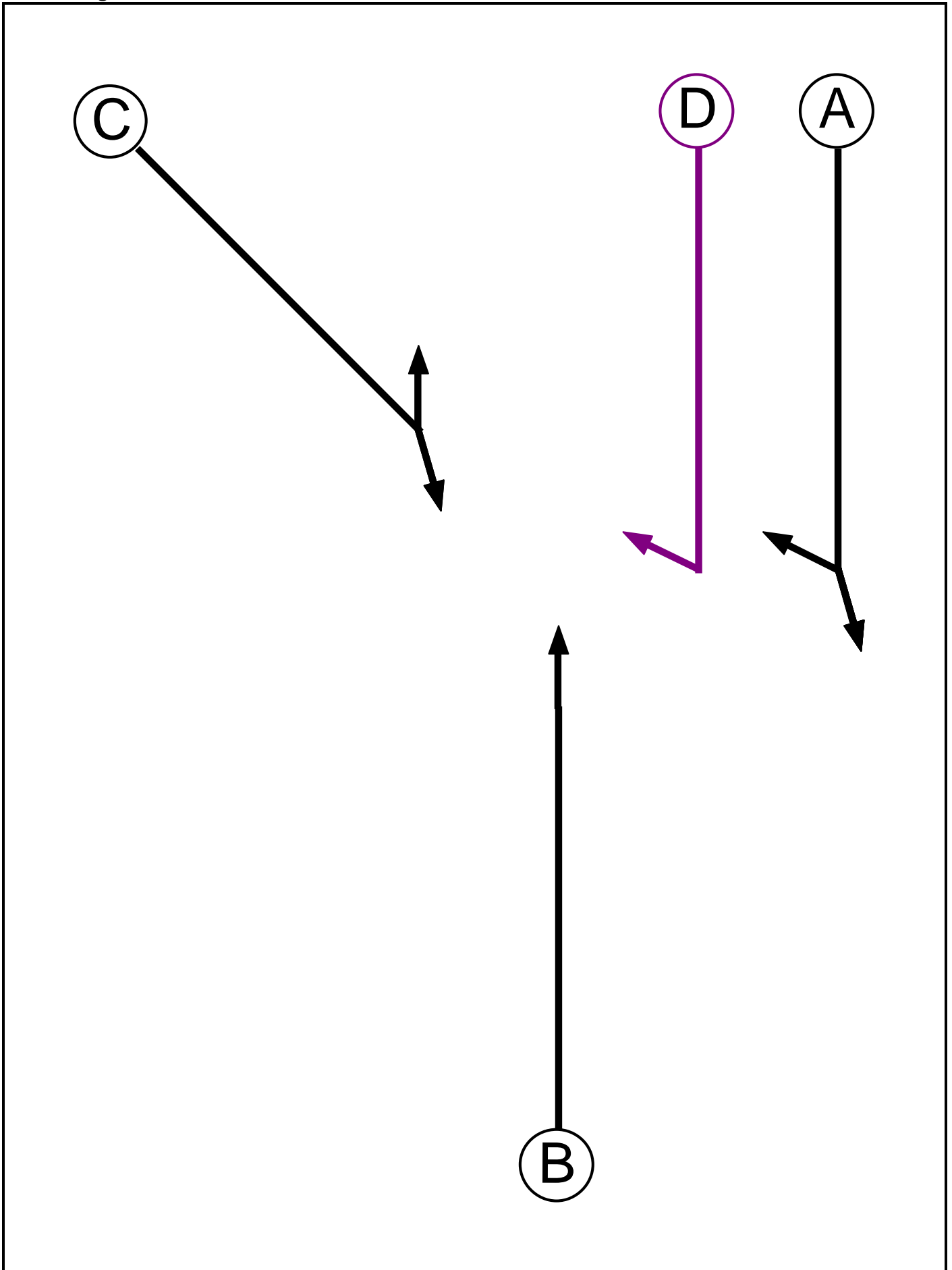
User and Project Details

Project:	Inglewood
Title:	Windy Corner Junction - KTC proposed highway works
Location:	
Additional detail:	
File name:	Opt1a TN8 Extend Intergreen (KTC highway works 0734-61) - additional CD.lsg3x
Author:	FF
Company:	Key Transport Consultants
Address:	26 Berkeley Square, Bristol, BS8 1HP

Network Layout Diagram



Phase Diagram



Full Input Data And Results

Phase Input Data

Phase Name	Phase Type	Assoc. Phase	Street Min	Cont Min
A	Traffic		7	7
B	Traffic		7	7
C	Traffic		7	7
D	Ind. Arrow	A	4	4

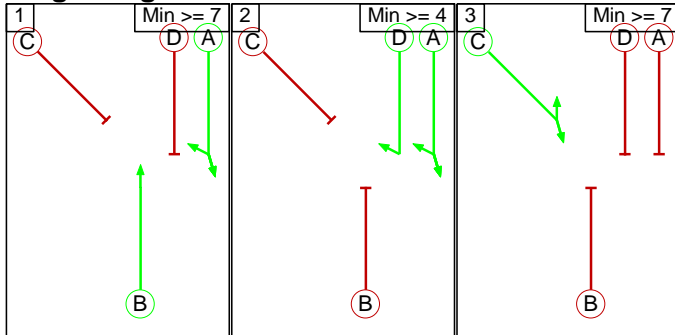
Phase Intergreens Matrix

		Starting Phase				
		A	B	C	D	
Terminating Phase	A	-	7	-		
	B	-	6	3		
	C	7	7	-	5	
	D	-	6	5	-	

Phases in Stage

Stage No.	Phases in Stage
1	A B
2	A D
3	C

Stage Diagram



Phase Delays

Term. Stage	Start Stage	Phase	Type	Value	Cont value
1	3	A	Losing	1	1

Prohibited Stage Change

		To Stage		
		1	2	3
From Stage	1	-	3	8
	2	6	-	7
	3	7	X	-

Full Input Data And Results

Give-Way Lane Input Data

Junction: Windy Corner Junction											
Lane	Movement	Max Flow when Giving Way (PCU/Hr)	Min Flow when Giving Way (PCU/Hr)	Opposing Lane	Opp. Lane Coeff.	Opp. Mvmnts.	Right Turn Storage (PCU)	Non-Blocking Storage (PCU)	RTF	Right Turn Move up (s)	Max Turns in Intergreen (PCU)
1/2 (A379 Dartmouth Road (north))	6/1 (Right)	1439	0	2/1	1.09	All	3.00	3.00	0.50	3	2.00
				2/2	1.09	All					
2/1 (A379 Darmouth Road (south))	6/1 (Left)	1940	0	1/2	1.09	All	-	-	-	-	-

Full Input Data And Results

Lane Input Data

Junction: Windy Corner Junction												
Lane	Lane Type	Phases	Start Disp.	End Disp.	Physical Length (PCU)	Sat Flow Type	Def User Saturation Flow (PCU/Hr)	Lane Width (m)	Gradient	Nearside Lane	Turns	Turning Radius (m)
1/1 (A379 Dartmouth Road (north))	U	A	2	3	10.0	Geom	-	2.85	0.00	Y	Arm 5 Ahead	Inf
1/2 (A379 Dartmouth Road (north))	O	A D	2	3	10.4	Geom	-	3.36	0.00	Y	Arm 5 Ahead	Inf
											Arm 6 Right	9.30
2/1 (A379 Dartmouth Road (south))	O		2	3	37.0	Geom	-	4.10	0.00	Y	Arm 6 Left	48.20
2/2 (A379 Dartmouth Road (south))	U	B	2	3	60.0	Geom	-	4.00	0.00	Y	Arm 4 Ahead	Inf
3/1 (A3022 Brixham Road)	U	C	2	3	2.0	Geom	-	4.60	0.00	Y	Arm 4 Left	9.00
3/2 (A3022 Brixham Road)	U	C	2	3	60.0	Geom	-	4.60	0.00	N	Arm 5 Right	16.80
4/1	U		2	3	60.0	Inf	-	-	-	-	-	-
5/1	U		2	3	60.0	Inf	-	-	-	-	-	-
5/2	U		2	3	7.0	Inf	-	-	-	-	-	-
6/1	U		2	3	60.0	Inf	-	-	-	-	-	-

Full Input Data And Results

Traffic Flow Groups

Flow Group	Start Time	End Time	Duration	Formula
1: '2017 Base AM'	08:00	09:00	01:00	
2: '2017 Base PM'	17:00	18:00	01:00	
5: 'Growthed 2019 AM'	08:00	09:00	01:00	F1*1.0288
6: 'Growthed 2019 PM'	17:00	18:00	01:00	F2*1.0268
7: '2019 + Deveopment AM'	08:00	09:00	01:00	F5+F3
8: '2019 + Development PM'	17:00	18:00	01:00	F6+F4
9: 'Growthed 2024 AM'	08:00	09:00	01:00	F1*1.1159
10: 'Growthed 2024 PM'	17:00	18:00	01:00	F2*1.1111
11: '2024 + Development AM'	08:00	09:00	01:00	F9+F3
12: '2024 + Development PM'	17:00	18:00	01:00	F10+F4
17: 'TA 2019 Am'	08:00	09:00	01:00	F1+F13
18: 'TA 2019 PM'	17:00	18:00	01:00	F2+F14
19: 'Sensitivity Test - 2017 + H Adj Com + Dev AM'	08:00	09:00	01:00	F17+F3
20: 'Sensitivity Test - 2017 + H Adj Com + Dev PM'	17:00	18:00	01:00	F18+F4
21: 'TA 2024 AM'	08:00	09:00	01:00	F1+F15
22: 'TA 2024 PM'	17:00	18:00	01:00	F2+F16
23: 'TA 2024 + Dev AM'	08:00	09:00	01:00	F21+F3
24: 'TA 2024 + Dev PM'	17:00	18:00	01:00	F22+F4
27: '2024 + Add Com Dev AM'	08:00	09:00	01:00	F21 + F25
28: '2024 + Add Com Dev PM'	17:00	18:00	01:00	F22 + F26
29: '2024 + Add Com Dev + Dev AM'	08:00	09:00	01:00	F23 + F25
30: '2024 + Add Com Dev + Dev PM'	17:00	18:00	01:00	F24 + F26

Full Input Data And Results

Scenario 1: 'Add Com Dev + Dev 2024 AM' (FG29: '2024 + Add Com Dev + Dev AM', Plan 1: 'Network Control Plan 1')

Traffic Flows, Desired
Desired Flow :

		Destination			
		A	B	C	Tot.
Origin	A	0	1007	618	1625
	B	628	0	33	661
	C	675	61	0	736
	Tot.	1303	1068	651	3022

Traffic Lane Flows

Lane	Scenario 1: Add Com Dev + Dev 2024 AM
Junction: Windy Corner Junction	
1/1	675
1/2	61
2/1 (short)	1007
2/2 (with short)	1625(In) 618(Out)
3/1 (short)	33
3/2 (with short)	661(In) 628(Out)
4/1	651
5/1	0
5/2	1303
6/1	1068

Full Input Data And Results

Lane Saturation Flows

Junction: Windy Corner Junction								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A379 Dartmouth Road (north))	2.85	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1900	1900
1/2 (A379 Dartmouth Road (north))	3.36	0.00	Y	Arm 5 Ahead	Inf	0.0 %	1680	1680
				Arm 6 Right	9.30	100.0 %		
2/1 (A379 Dartmouth Road (south))	4.10	0.00	Y	Arm 6 Left	48.20	100.0 %	1964	1964
2/2 (A379 Dartmouth Road (south))	4.00	0.00	Y	Arm 4 Ahead	Inf	100.0 %	2015	2015
3/1 (A3022 Brixham Road)	4.60	0.00	Y	Arm 4 Left	9.00	100.0 %	1779	1779
3/2 (A3022 Brixham Road)	4.60	0.00	N	Arm 5 Right	16.80	100.0 %	2033	2033
4/1	Infinite Saturation Flow						Inf	Inf
5/1	Infinite Saturation Flow						Inf	Inf
5/2	Infinite Saturation Flow						Inf	Inf
6/1	Infinite Saturation Flow						Inf	Inf

Scenario 2: 'Add Com Dev + Dev 2024 PM' (FG30: '2024 + Add Com Dev + Dev PM', Plan 1: 'Network Control Plan 1')

Traffic Flows, Desired

Desired Flow :

	Destination				
		A	B	C	Tot.
Origin	A	0	870	548	1418
	B	923	0	68	991
	C	599	51	0	650
	Tot.	1522	921	616	3059

Full Input Data And Results

Traffic Lane Flows

Lane	Scenario 2: Add Com Dev + Dev 2024 PM
Junction: Windy Corner Junction	
1/1	555
1/2	95
2/1 (short)	870
2/2 (with short)	1418(In) 548(Out)
3/1 (short)	68
3/2 (with short)	991(In) 923(Out)
4/1	616
5/1	22
5/2	1500
6/1	921

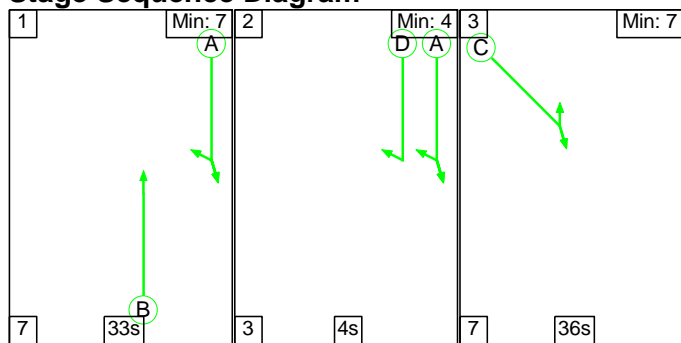
Lane Saturation Flows

Junction: Windy Corner Junction									
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)	
1/1 (A379 Dartmouth Road (north))	2.85	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1900	1900	
1/2 (A379 Dartmouth Road (north))	3.36	0.00	Y	Arm 5 Ahead	Inf	46.3 %	1796	1796	
				Arm 6 Right	9.30	53.7 %			
2/1 (A379 Darmouth Road (south))	4.10	0.00	Y	Arm 6 Left	48.20	100.0 %	1964	1964	
2/2 (A379 Darmouth Road (south))	4.00	0.00	Y	Arm 4 Ahead	Inf	100.0 %	2015	2015	
3/1 (A3022 Brixham Road)	4.60	0.00	Y	Arm 4 Left	9.00	100.0 %	1779	1779	
3/2 (A3022 Brixham Road)	4.60	0.00	N	Arm 5 Right	16.80	100.0 %	2033	2033	
4/1	Infinite Saturation Flow							Inf	Inf
5/1	Infinite Saturation Flow							Inf	Inf
5/2	Infinite Saturation Flow							Inf	Inf
6/1	Infinite Saturation Flow							Inf	Inf

Full Input Data And Results

Scenario 1: 'Add Com Dev + Dev 2024 AM' (FG29: '2024 + Add Com Dev + Dev AM', Plan 1: 'Network Control Plan 1')

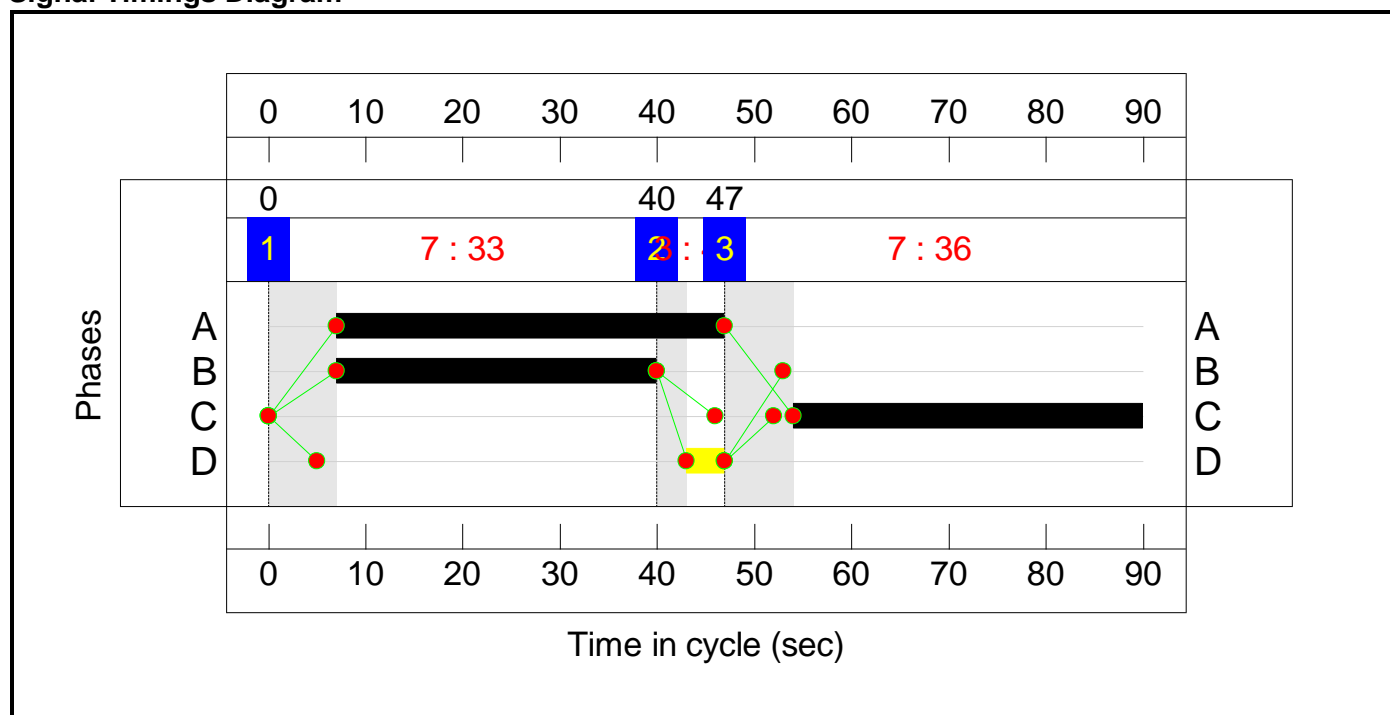
Stage Sequence Diagram




Stage Timings

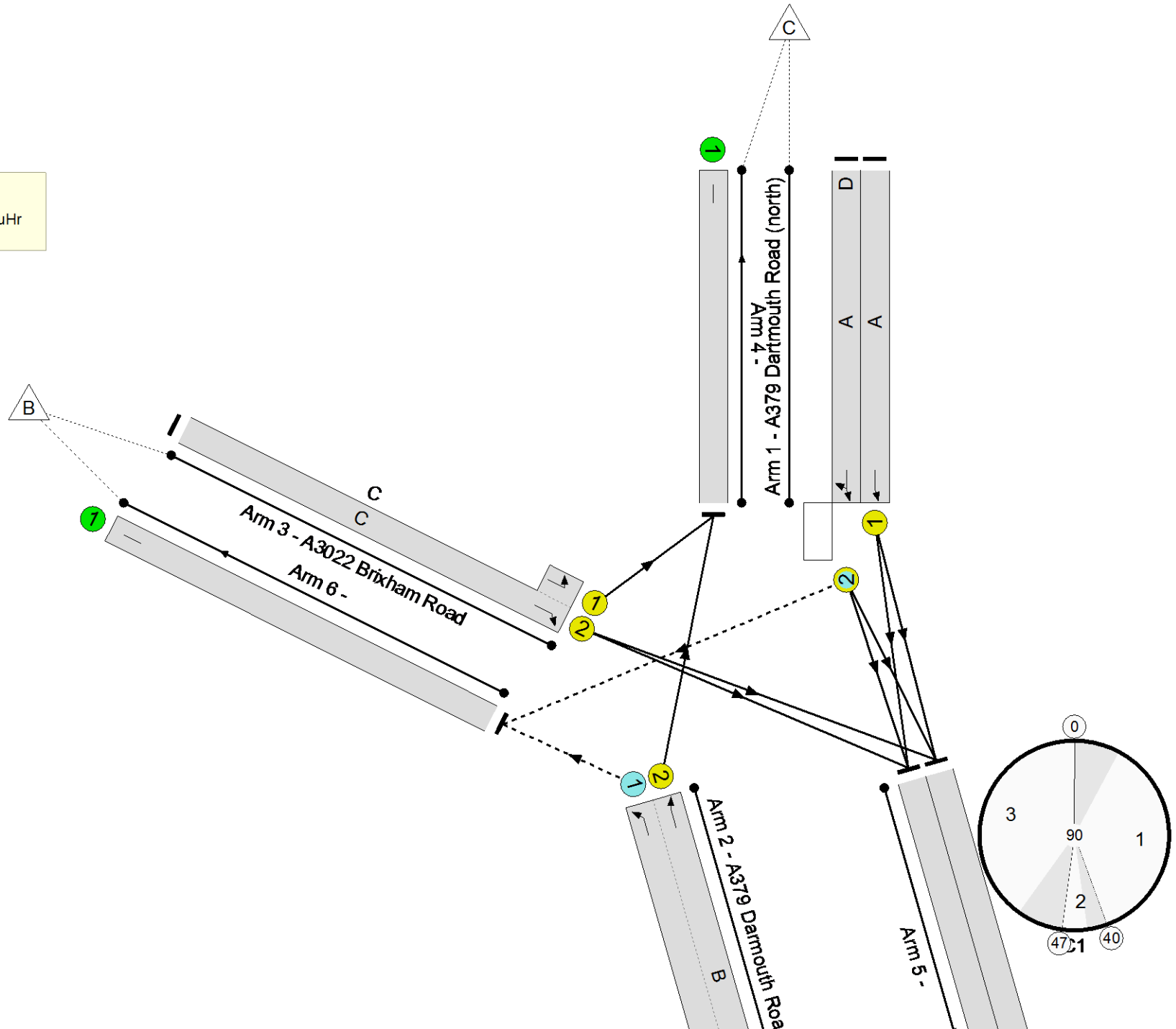
Stage	1	2	3
Duration	33	4	36
Change Point	0	40	47

Signal Timings Diagram



Full Input Data And Results

 Windy Corner Junction
PRC: 9.8 %
Total Traffic Delay: 19.6 pcuHr



Full Input Data And Results

Network Results

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
Network: Windy Corner Junction - KTC proposed highway works	-	-	N/A	-	-		-	-	-	-	-	-	81.9%
Windy Corner Junction	-	-	N/A	-	-		-	-	-	-	-	-	81.9%
1/1	A379 Dartmouth Road (north) Ahead	U	N/A	N/A	A		1	40	-	675	1900	866	78.0%
1/2	A379 Dartmouth Road (north) Ahead Right	O	N/A	N/A	A	D	1	40	4	61	1680	139	43.9%
2/2+2/1	A379 Dartmouth Road (south) Ahead Left	U+O	N/A	N/A	B -		1	33	-	1625	2015:1964	754+1229	81.9 : 81.9%
3/2+3/1	A3022 Brixham Road Left Right	U	N/A	N/A	C		1	36	-	661	2033:1779	783+41	80.2 : 80.2%
4/1		U	N/A	N/A	-		-	-	-	651	Inf	Inf	0.0%
5/1		U	N/A	N/A	-		-	-	-	0	Inf	Inf	0.0%
5/2		U	N/A	N/A	-		-	-	-	1303	Inf	Inf	0.0%
6/1		U	N/A	N/A	-		-	-	-	1068	Inf	Inf	0.0%

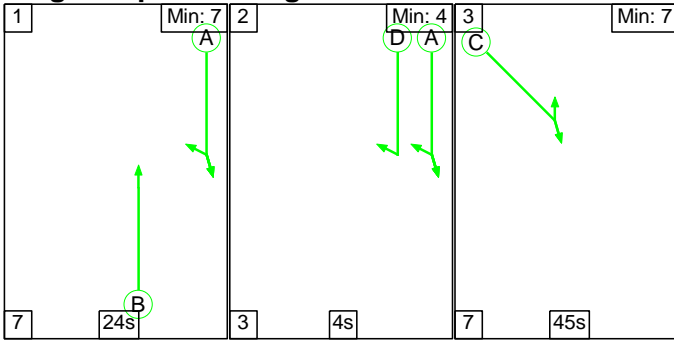
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - KTC proposed highway works	-	-	520	548	0	12.7	6.3	0.5	19.6	-	-	-	-
Windy Corner Junction	-	-	520	548	0	12.7	6.3	0.5	19.6	-	-	-	-
1/1	675	675	-	-	-	3.9	1.7	-	5.6	30.0	14.1	1.7	15.8
1/2	61	61	61	0	0	0.2	0.4	0.5	1.2	67.9	0.8	0.4	1.2
2/2+2/1	1625	1625	459	548	0	4.3	2.2	-	6.6	14.5	13.7	2.2	16.0
3/2+3/1	661	661	-	-	-	4.3	2.0	-	6.3	34.1	14.4	2.0	16.4
4/1	651	651	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	0	0	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/2	1303	1303	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
6/1	1068	1068	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
C1		PRC for Signalled Lanes (%):		9.8	Total Delay for Signalled Lanes (pcuHr):		19.59	Cycle Time (s):		90			
		PRC Over All Lanes (%):		9.8	Total Delay Over All Lanes(pcuHr):		19.59						

Full Input Data And Results

Scenario 2: 'Add Com Dev + Dev 2024 PM' (FG30: '2024 + Add Com Dev + Dev PM', Plan 1: 'Network Control Plan 1')

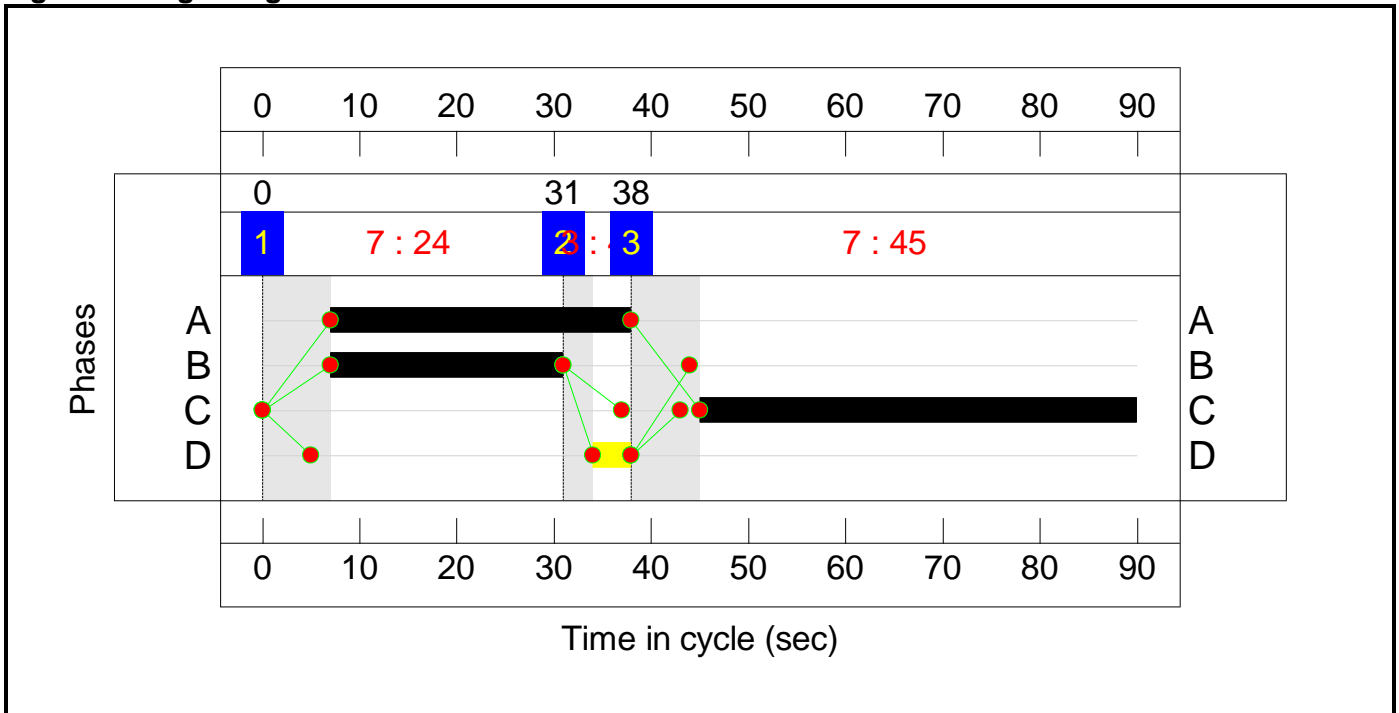
Stage Sequence Diagram



Stage Timings

Stage	1	2	3
Duration	24	4	45
Change Point	0	31	38

Signal Timings Diagram



Full Input Data And Results

Network Results

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
Network: Windy Corner Junction - KTC proposed highway works	-	-	N/A	-	-		-	-	-	-	-	-	97.9%
Windy Corner Junction	-	-	N/A	-	-		-	-	-	-	-	-	97.9%
1/1	A379 Dartmouth Road (north) Ahead	U	N/A	N/A	A		1	31	-	555	1900	676	82.2%
1/2	A379 Dartmouth Road (north) Ahead Right	O	N/A	N/A	A	D	1	31	4	95	1796	261	36.3%
2/2+2/1	A379 Dartmouth Road (south) Ahead Left	U+O	N/A	N/A	B -		1	24	-	1418	2015:1964	560+1217	97.9 : 71.5%
3/2+3/1	A3022 Brixham Road Left Right	U	N/A	N/A	C		1	45	-	991	2033:1779	955+70	96.6 : 96.6%
4/1		U	N/A	N/A	-		-	-	-	616	Inf	Inf	0.0%
5/1		U	N/A	N/A	-		-	-	-	22	Inf	Inf	0.0%
5/2		U	N/A	N/A	-		-	-	-	1500	Inf	Inf	0.0%
6/1		U	N/A	N/A	-		-	-	-	921	Inf	Inf	0.0%

Full Input Data And Results

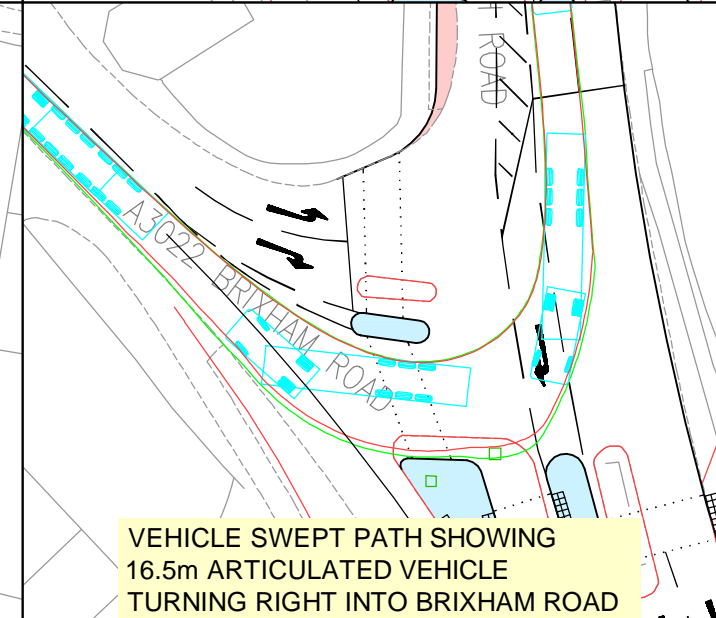
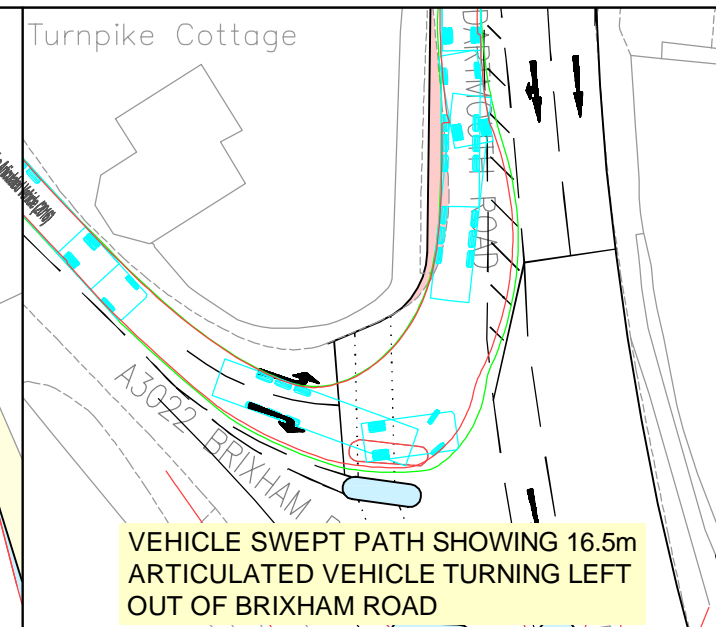
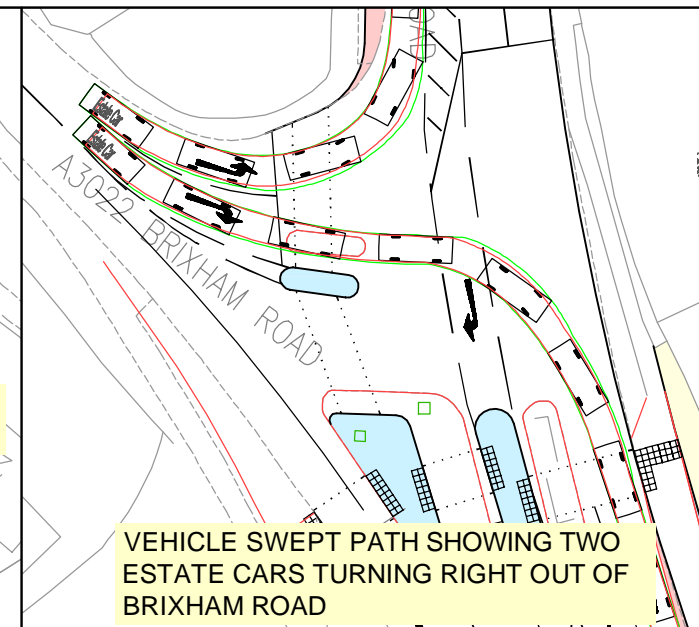
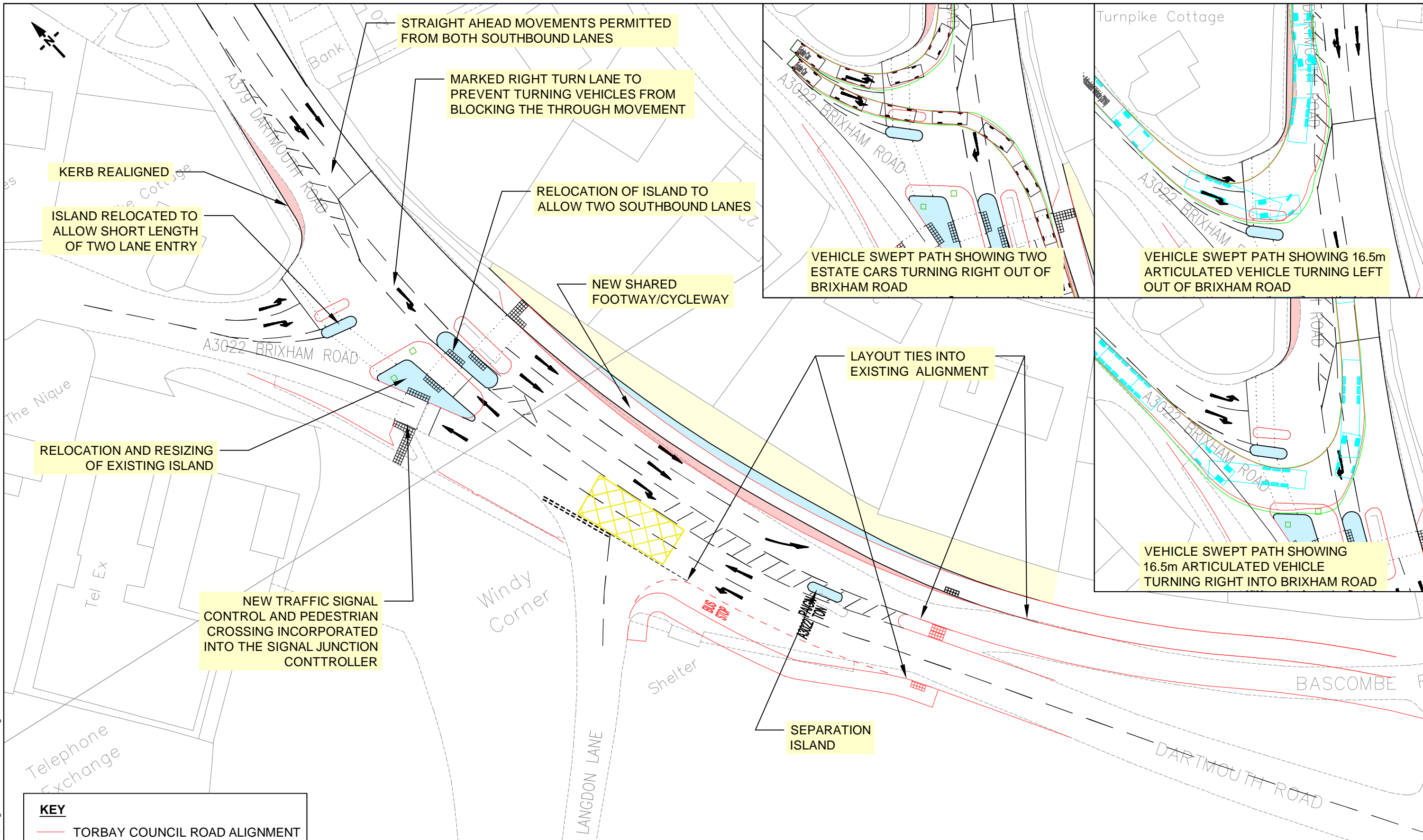
Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - KTC proposed highway works	-	-	360	561	0	15.4	13.8	0.3	29.5	-	-	-	-
Windy Corner Junction	-	-	360	561	0	15.4	13.8	0.3	29.5	-	-	-	-
1/1	555	555	-	-	-	4.1	2.2	-	6.3	40.8	12.5	2.2	14.7
1/2	95	95	51	0	0	0.5	0.3	0.3	1.1	42.3	1.6	0.3	1.9
2/2+2/1	1418	1418	309	561	0	4.9	2.0	-	6.9	17.4	13.5	2.0	15.5
3/2+3/1	991	991	-	-	-	5.9	9.3	-	15.2	55.2	23.5	9.3	32.9
4/1	616	616	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	22	22	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/2	1500	1500	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
6/1	921	921	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
<p>C1 PRC for Signalled Lanes (%): -8.8 Total Delay for Signalled Lanes (pcuHr): 29.47 Cycle Time (s): 90 PRC Over All Lanes (%): -8.8 Total Delay Over All Lanes(pcuHr): 29.47</p>													

APPENDIX G

**Proposed Highway Works Including Signal
Controlled Pedestrian Crossing Facilities**

Drawing 0734-063

NOTE: THE PROPERTY OF THIS DRAWING AND DESIGN IS VESTED IN KEY TRANSPORT CONSULTANTS LIMITED AND MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR WRITTEN CONSENT
CAD FILE NAME : F:\DAT\AL\0734 White Rock 2_Paignton\AutoCAD\0734-063.dwg



KERB REALIGNED
ISLAND RELOCATED TO ALLOW SHORT LENGTH OF TWO LANE ENTRY

STRAIGHT AHEAD MOVEMENTS PERMITTED FROM BOTH SOUTHBOUND LANES

MARKED RIGHT TURN LANE TO PREVENT TURNING VEHICLES FROM BLOCKING THE THROUGH MOVEMENT

RELOCATION OF ISLAND TO ALLOW TWO SOUTHBOUND LANES

NEW SHARED FOOTWAY/CYCLEWAY

LAYOUT TIES INTO EXISTING ALIGNMENT

RELOCATION AND RESIZING OF EXISTING ISLAND

NEW TRAFFIC SIGNAL CONTROL AND PEDESTRIAN CROSSING INCORPORATED INTO THE SIGNAL JUNCTION CONTROLLER

SEPARATION ISLAND

KEY	
	TORBAY COUNCIL ROAD ALIGNMENT
	NEW FOOTWAY
	NEW CARRIAGEWAY
	TORBAY COUNCIL GRASS VERGE

INGLEWOOD					ABACUS PROJECTS LTD				
WINDY CORNER HIGHWAY IMPROVEMENTS TYING IN TO TORBAY COUNCIL 2019 IMPROVED LAYOUT - WITH SIGNAL CONTROLLED PEDESTRIAN CROSSING FACILITIES									
DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALES @ A3 SIZE	ISSUE STATUS	DRAWING NUMBER	REV.		
MJ	SLF	DRK	JAN'20	1:500@A3	PRELIMINARY	0734-063			

KTC
KEY TRANSPORT CONSULTANTS LTD
26 BERKELEY SQUARE
BRISTOL
BS8 1HP
Tel : 0117 920 9430
E-mail : info@key-transport.com

REV	DR	CH	PA	DATE

APPENDIX H

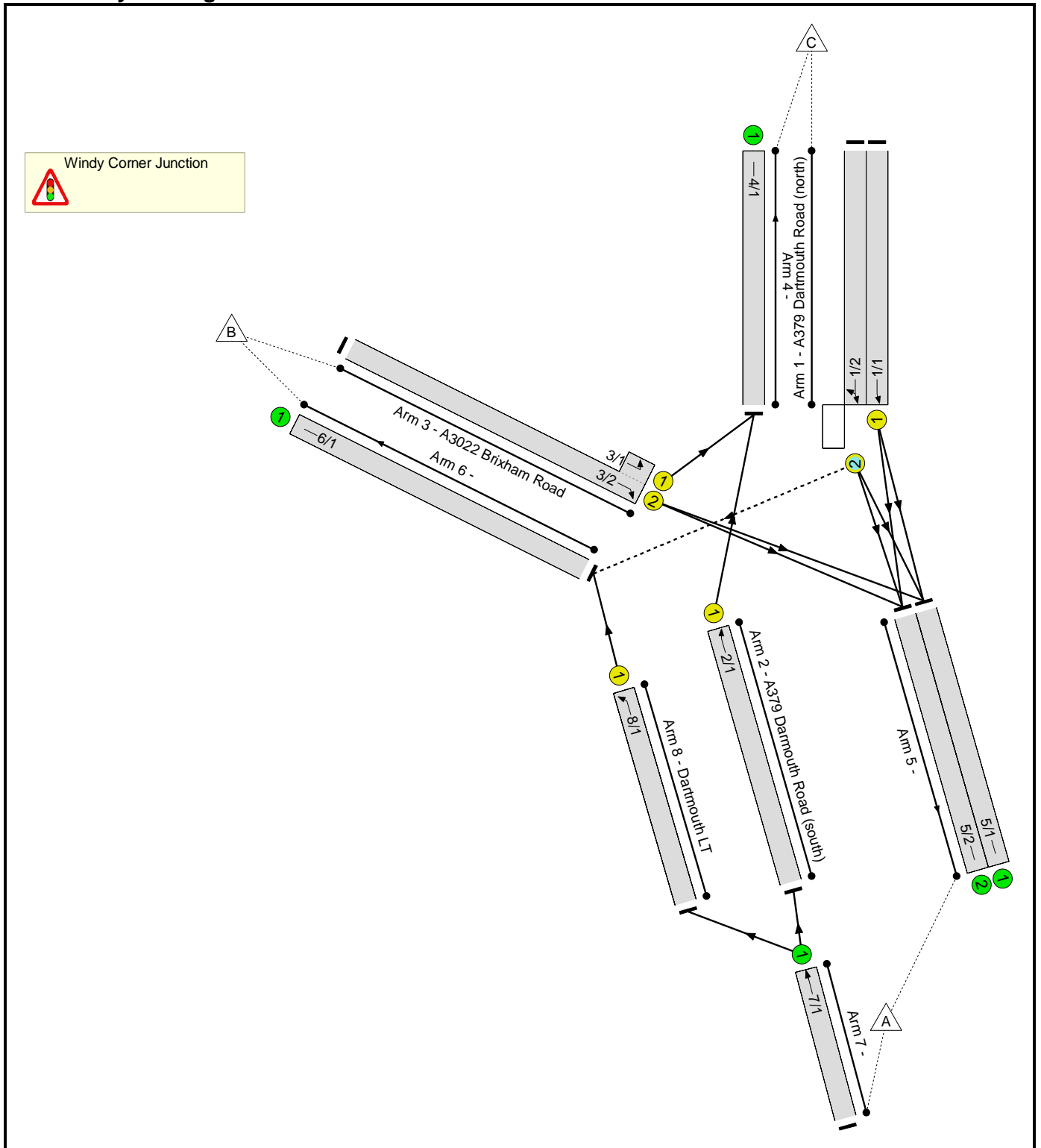
LinSig Results: Option 3 - Proposed Highway Works Including Signal Controlled Pedestrian Crossing Facilities

Full Input Data And Results

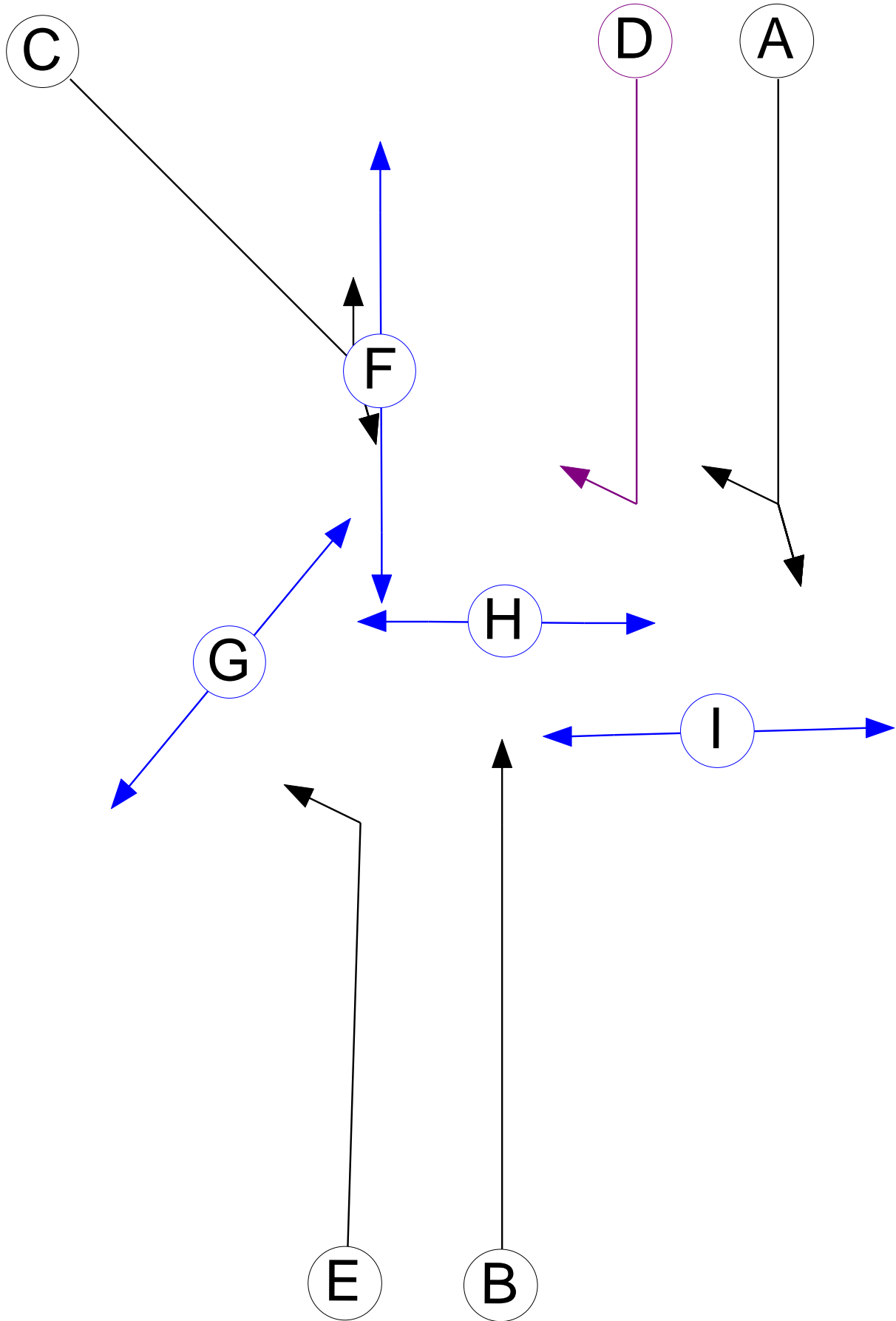
User and Project Details

Project:	Inglewood
Title:	Windy Corner Junction - KTC proposed highway works
Location:	
Additional detail:	
File name:	Opt3b - RT storage & extend IG Windy Corner (KTC proposed highway works 0734-61) - additional committed development.lsg3x
Author:	FF
Company:	Key Transport Consultants
Address:	26 Berkeley Square, Bristol, BS8 1HP

Network Layout Diagram



Full Input Data And Results



Full Input Data And Results

Phase Input Data

Phase Name	Phase Type	Assoc. Phase	Street Min	Cont Min
A	Traffic		7	7
B	Traffic		7	7
C	Traffic		7	7
D	Ind. Arrow	A	4	4
E	Traffic		7	7
F	Pedestrian		7	7
G	Pedestrian		7	7
H	Pedestrian		7	7
I	Pedestrian		7	7

Phase Intergreens Matrix

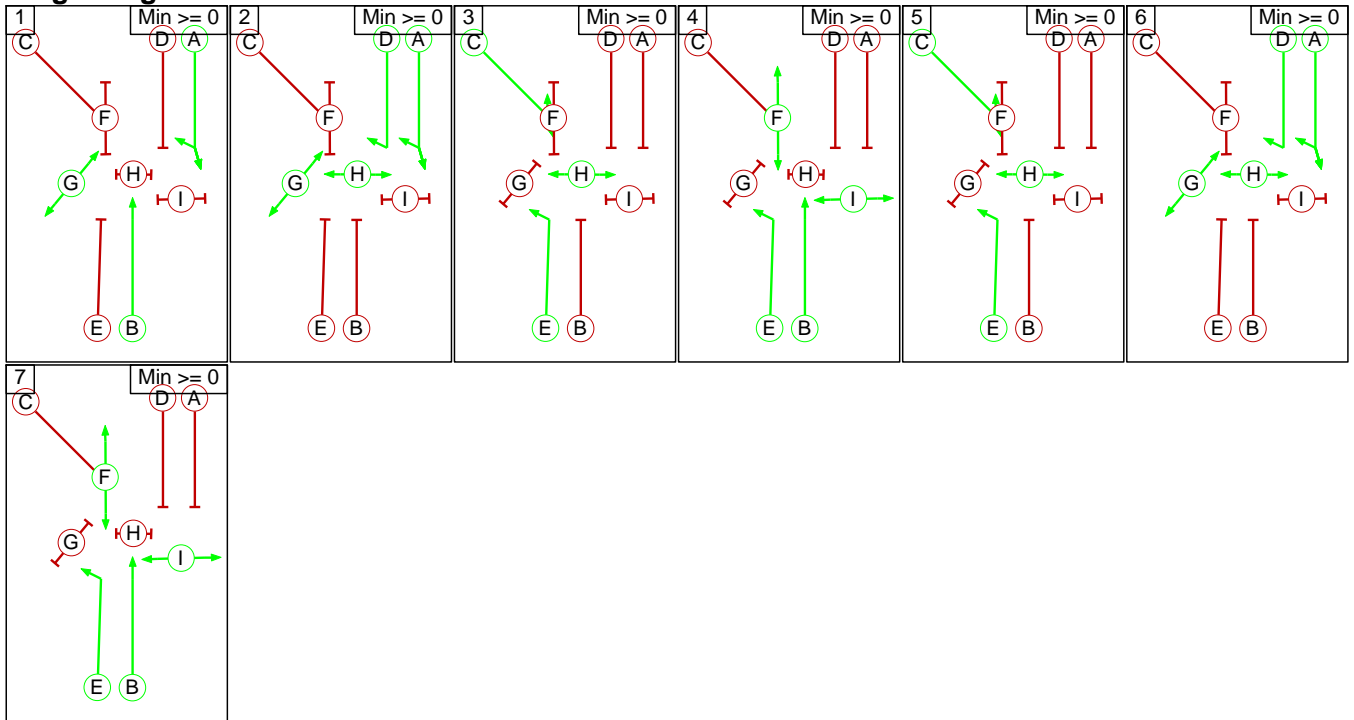
	Starting Phase								
	A	B	C	D	E	F	G	H	I
Terminating Phase	A	-	6	-	-	-	-	-	7
	B	-	6	3	-	-	-	5	-
	C	6	7	5	-	5	-	-	7
	D	-	6	5	11	7	-	-	7
	E	-	-	5	-	5	-	-	-
	F	-	-	16	16	-	-	-	-
	G	-	-	-	7	-	-	-	-
	H	-	4	-	-	-	-	-	-
	I	7	-	7	7	-	-	-	-

Phases in Stage

Stage No.	Phases in Stage
1	A B G
2	A D G H
3	C E H
4	B E F I
5	C E H
6	A D G H
7	B E F I

Full Input Data And Results

Stage Diagram



Full Input Data And Results

Phase Delays

Term. Stage	Start Stage	Phase	Type	Value	Cont value
2	3	G	Losing	4	4
2	4	G	Losing	4	4
2	4	H	Losing	2	2
2	5	G	Losing	4	4
2	7	G	Losing	4	4
2	7	H	Losing	2	2
3	1	H	Losing	3	3
3	4	H	Losing	3	3
3	7	H	Losing	3	3
4	1	F	Losing	7	7
4	3	I	Losing	9	9
4	5	I	Losing	9	9
5	1	H	Losing	3	3
5	4	H	Losing	3	3
5	7	H	Losing	3	3
6	1	H	Losing	2	2
6	3	G	Losing	4	4
6	4	G	Losing	4	4
6	4	H	Losing	2	2
6	5	G	Losing	4	4
6	7	G	Losing	4	4
6	7	H	Losing	2	2
7	1	F	Losing	7	7
7	3	I	Losing	9	9
7	5	I	Losing	9	9

Prohibited Stage Change

		To Stage						
		1	2	3	4	5	6	7
From Stage	1		5	7	7	7	5	7
	2	6		11	11	11	0	11
	3	7	X		7	0	X	7
	4	7	16	16		16	16	0
	5	7	X	0	7		X	7
	6	6	0	11	11	11		11
	7	7	16	16	0	16	16	

Full Input Data And Results

Give-Way Lane Input Data

Junction: Windy Corner Junction											
Lane	Movement	Max Flow when Giving Way (PCU/Hr)	Min Flow when Giving Way (PCU/Hr)	Opposing Lane	Opp. Lane Coeff.	Opp. Mvmnts.	Right Turn Storage (PCU)	Non-Blocking Storage (PCU)	RTF	Right Turn Move up (s)	Max Turns in Intergreen (PCU)
1/2 (A379 Dartmouth Road (north))	6/1 (Right)	1439	0	2/1	1.09	All	3.00	3.00	0.50	3	2.00

Full Input Data And Results

Lane Input Data

Junction: Windy Corner Junction												
Lane	Lane Type	Phases	Start Disp.	End Disp.	Physical Length (PCU)	Sat Flow Type	Def User Saturation Flow (PCU/Hr)	Lane Width (m)	Gradient	Nearside Lane	Turns	Turning Radius (m)
1/1 (A379 Dartmouth Road (north))	U	A	2	3	10.0	Geom	-	3.00	0.00	Y	Arm 5 Ahead	Inf
1/2 (A379 Dartmouth Road (north))	O	A D	2	3	10.4	Geom	-	3.00	0.00	Y	Arm 5 Ahead Arm 6 Right	Inf 9.30
2/1 (A379 Dartmouth Road (south))	U	B	2	3	60.0	Geom	-	4.00	0.00	Y	Arm 4 Ahead	Inf
3/1 (A3022 Brixham Road)	U	C	2	3	2.0	Geom	-	4.60	0.00	Y	Arm 4 Left	9.00
3/2 (A3022 Brixham Road)	U	C	2	3	60.0	Geom	-	4.60	0.00	N	Arm 5 Right	16.80
4/1	U		2	3	60.0	Inf	-	-	-	-	-	-
5/1	U		2	3	60.0	Inf	-	-	-	-	-	-
5/2	U		2	3	7.0	Inf	-	-	-	-	-	-
6/1	U		2	3	60.0	Inf	-	-	-	-	-	-
7/1	U		2	3	60.0	Inf	-	-	-	-	-	-
8/1 (Dartmouth LT)	U	E	2	3	37.0	Geom	-	4.10	0.00	Y	Arm 6 Left	147.00

Full Input Data And Results

Traffic Flow Groups

Flow Group	Start Time	End Time	Duration	Formula
1: '2017 Base PM'	17:00	18:00	01:00	
4: 'Growthed 2019 AM'	08:00	09:00	01:00	F?*1.0288
5: 'Growthed 2019 PM'	17:00	18:00	01:00	F1*1.0268
6: '2019 + Deveopment AM'	08:00	09:00	01:00	F4+F2
7: '2019 + Development PM'	17:00	18:00	01:00	F5+F3
8: 'Growthed 2024 AM'	08:00	09:00	01:00	F?*1.1159
9: 'Growthed 2024 PM'	17:00	18:00	01:00	F1*1.1111
10: '2024 + Development AM'	08:00	09:00	01:00	F8+F2
11: '2024 + Development PM'	16:00	17:00	01:00	F9+F3
16: 'TA 2019 Am'	08:00	09:00	01:00	F?+F12
17: 'TA 2019 PM'	17:00	18:00	01:00	F1+F13
18: 'Sensitivity Test - 2017 + H Adj Com + Dev AM'	08:00	09:00	01:00	F16+F2
19: 'Sensitivity Test - 2017 + H Adj Com + Dev PM'	17:00	18:00	01:00	F17+F3
20: 'TA 2024 AM'	08:00	09:00	01:00	F?+F14
21: 'TA 2024 PM'	17:00	18:00	01:00	F1+F15
22: 'TA 2024 + Dev AM'	08:00	09:00	01:00	F20+F2
23: 'TA 2024 + Dev PM'	17:00	18:00	01:00	F21+F3
26: '2024 + Add Com Dev AM'	08:00	09:00	01:00	F20 + F24
27: '2024 + Add Com Dev PM'	17:00	18:00	01:00	F21 + F25
28: '2024 + Add Com Dev + Dev AM'	08:00	09:00	01:00	F22 + F24
29: '2024 + Add Com Dev + Dev PM'	17:00	18:00	01:00	F23 + F25
30: '2024+Dev AM - NEW FLOWS'	08:00	09:00	01:00	
31: '2024+Dev PM - NEW FLOWS'	16:00	17:00	01:00	

Full Input Data And Results

Scenario 1: '2024+Dev AM 2 - NEW FLOWS & 4stage' (FG30: '2024+Dev AM - NEW FLOWS', Plan 1: 'Matt')

Traffic Flows, Desired

Desired Flow :

		Destination			
		A	B	C	Tot.
Origin	A	0	1007	618	1625
	B	628	0	33	661
	C	675	61	0	736
	Tot.	1303	1068	651	3022

Traffic Lane Flows

Lane	Scenario 1: 2024+Dev AM 2 - NEW FLOWS & 4stage
Junction: Windy Corner Junction	
1/1	373
1/2	363
2/1	618
3/1 (short)	33
3/2 (with short)	661(In) 628(Out)
4/1	651
5/1	651
5/2	652
6/1	1068
7/1	1625
8/1	1007

Full Input Data And Results

Lane Saturation Flows

Junction: Windy Corner Junction								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1915	1915
1/2 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	83.2 %	1864	1864
				Arm 6 Right	9.30	16.8 %		
2/1 (A379 Dartmouth Road (south))	4.00	0.00	Y	Arm 4 Ahead	Inf	100.0 %	2015	2015
3/1 (A3022 Brixham Road)	4.60	0.00	Y	Arm 4 Left	9.00	100.0 %	1779	1779
3/2 (A3022 Brixham Road)	4.60	0.00	N	Arm 5 Right	16.80	100.0 %	2033	2033
4/1				Infinite Saturation Flow			Inf	Inf
5/1				Infinite Saturation Flow			Inf	Inf
5/2				Infinite Saturation Flow			Inf	Inf
6/1				Infinite Saturation Flow			Inf	Inf
7/1				Infinite Saturation Flow			Inf	Inf
8/1 (Dartmouth LT)	4.10	0.00	Y	Arm 6 Left	147.00	100.0 %	2005	2005

Scenario 2: '2024+Dev PM 2 - NEW FLOWS & 4stage' (FG31: '2024+Dev PM - NEW FLOWS', Plan 1: 'Matt')

Traffic Flows, Desired

Desired Flow :

	Destination				
	A	B	C	Tot.	
Origin	A	0	870	548	1418
	B	923	0	68	991
	C	599	51	0	650
	Tot.	1522	921	616	3059

Full Input Data And Results

Traffic Lane Flows

Lane	Scenario 2: 2024+Dev PM 2 - NEW FLOWS & 4stage
Junction: Windy Corner Junction	
1/1	331
1/2	319
2/1	548
3/1 (short)	68
3/2 (with short)	991(In) 923(Out)
4/1	616
5/1	762
5/2	760
6/1	921
7/1	1418
8/1	870

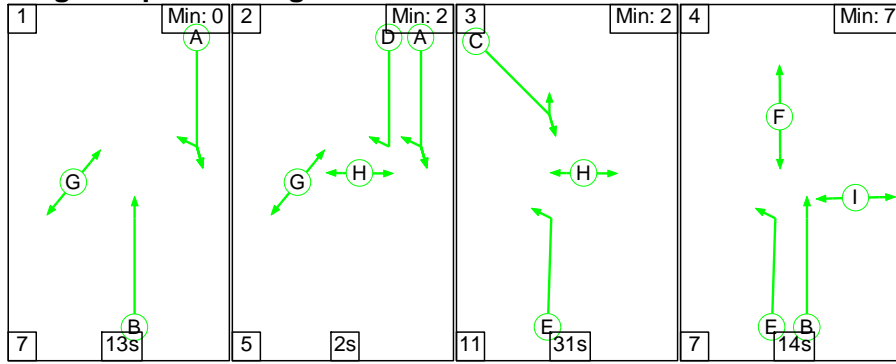
Lane Saturation Flows

Junction: Windy Corner Junction								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1915	1915
1/2 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	84.0 %	1867	1867
				Arm 6 Right	9.30	16.0 %		
2/1 (A379 Darmouth Road (south))	4.00	0.00	Y	Arm 4 Ahead	Inf	100.0 %	2015	2015
3/1 (A3022 Brixham Road)	4.60	0.00	Y	Arm 4 Left	9.00	100.0 %	1779	1779
3/2 (A3022 Brixham Road)	4.60	0.00	N	Arm 5 Right	16.80	100.0 %	2033	2033
4/1				Infinite Saturation Flow			Inf	Inf
5/1				Infinite Saturation Flow			Inf	Inf
5/2				Infinite Saturation Flow			Inf	Inf
6/1				Infinite Saturation Flow			Inf	Inf
7/1				Infinite Saturation Flow			Inf	Inf
8/1 (Dartmouth LT)	4.10	0.00	Y	Arm 6 Left	147.00	100.0 %	2005	2005

Full Input Data And Results

Scenario 1: '2024+Dev AM 2 - NEW FLOWS & 4stage' (FG30: '2024+Dev AM - NEW FLOWS', Plan 1: 'Matt')

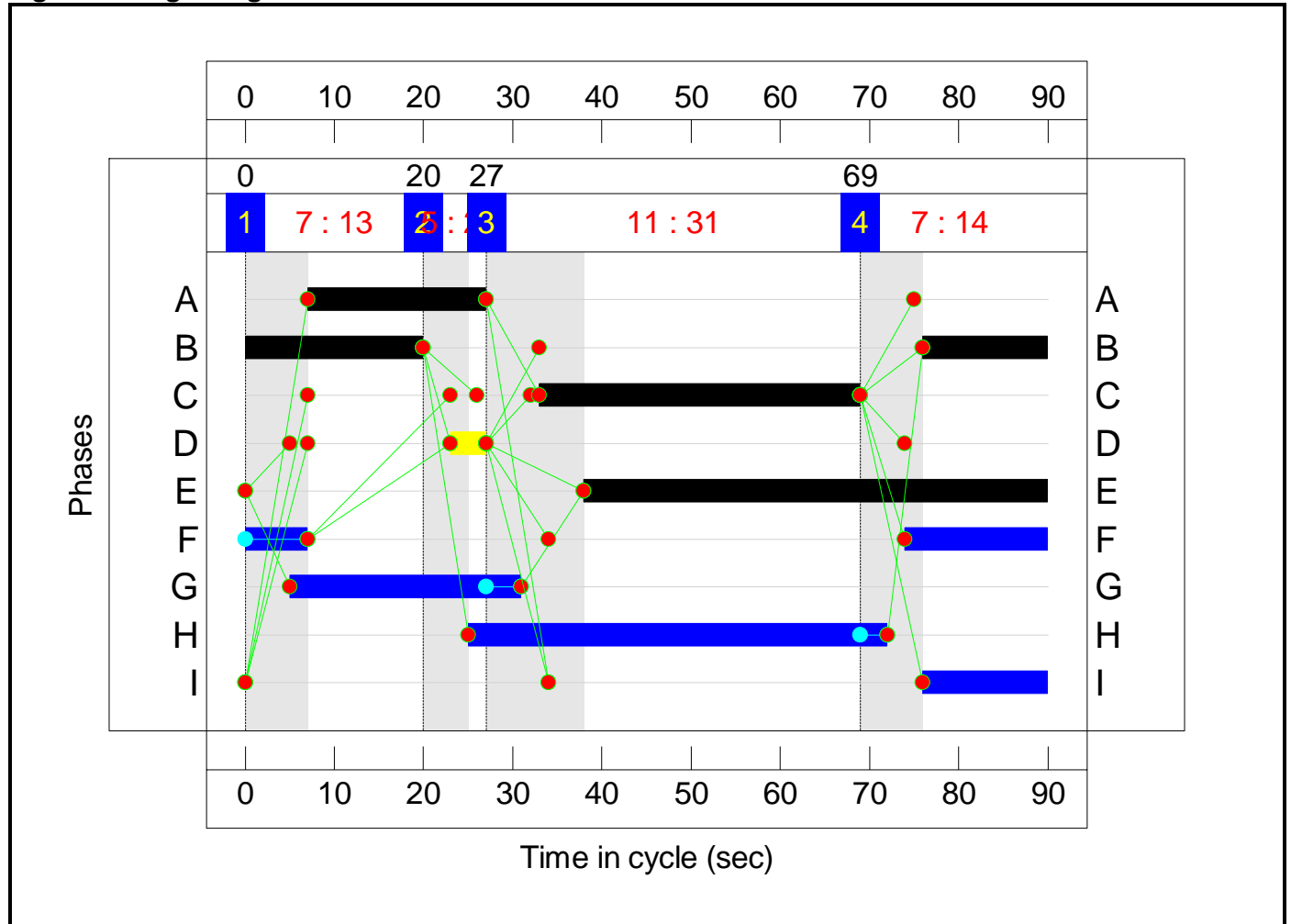
Stage Sequence Diagram




Stage Timings

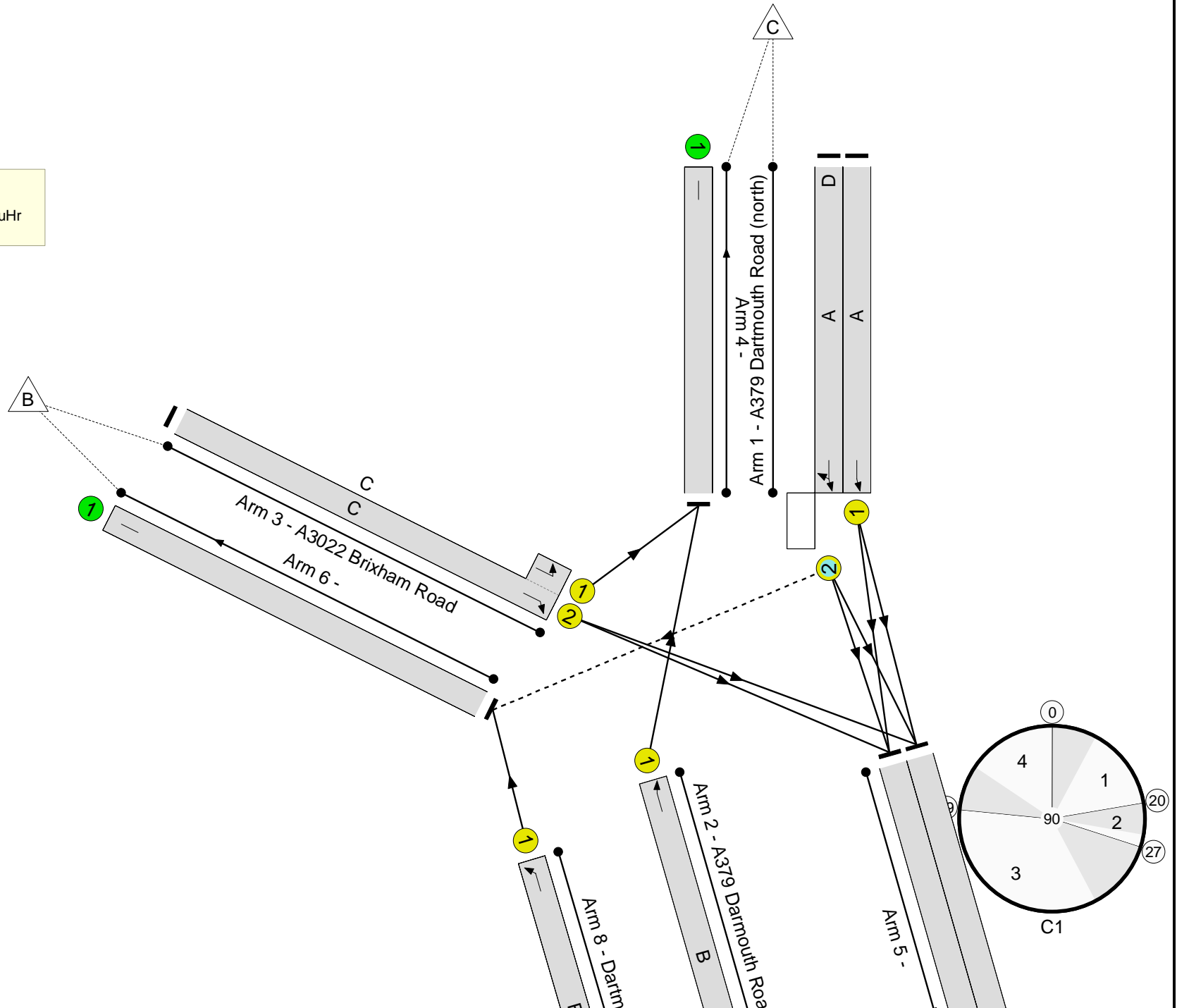
Stage	1	2	3	4
Duration	13	2	31	14
Change Point	0	20	27	69

Signal Timings Diagram



Full Input Data And Results

 Windy Corner Junction
PRC: 5.5 %
Total Traffic Delay: 30.8 pcuHr



Full Input Data And Results

Network Results

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
Network: Windy Corner Junction - KTC proposed highway works	-	-	N/A	-	-		-	-	-	-	-	-	85.3%
Windy Corner Junction	-	-	N/A	-	-		-	-	-	-	-	-	85.3%
1/1	A379 Dartmouth Road (north) Ahead	U	N/A	N/A	A		1	20	-	373	1915	447	83.5%
1/2	A379 Dartmouth Road (north) Ahead Right	O	N/A	N/A	A	D	1	20	4	363	1864	435	83.5%
2/1	A379 Darmouth Road (south) Ahead	U	N/A	N/A	B		1	34	-	618	2015	784	78.9%
3/2+3/1	A3022 Brixham Road Left Right	U	N/A	N/A	C		1	36	-	661	2033:1779	783+41	80.2 : 80.2%
4/1		U	N/A	N/A	-		-	-	-	651	Inf	Inf	0.0%
5/1		U	N/A	N/A	-		-	-	-	651	Inf	Inf	0.0%
5/2		U	N/A	N/A	-		-	-	-	652	Inf	Inf	0.0%
6/1		U	N/A	N/A	-		-	-	-	1068	Inf	Inf	0.0%
7/1	Ahead Ahead2	U	N/A	N/A	-		-	-	-	1625	Inf	Inf	0.0%
8/1	Dartmouth LT Left	U	N/A	N/A	E		1	52	-	1007	2005	1181	85.3%

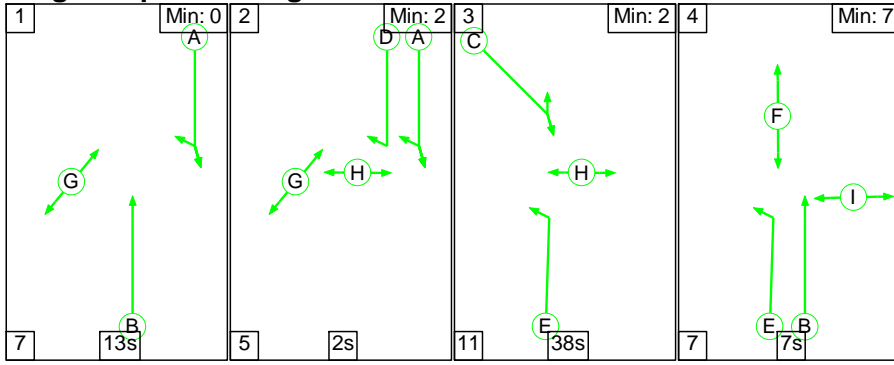
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - KTC proposed highway works	-	-	45	14	2	19.4	11.3	0.0	30.8	-	-	-	-
Windy Corner Junction	-	-	45	14	2	19.4	11.3	0.0	30.8	-	-	-	-
1/1	373	373	-	-	-	3.4	2.4	-	5.8	55.8	8.8	2.4	11.2
1/2	363	363	45	14	2	3.3	2.4	0.0	5.7	56.4	8.6	2.4	10.9
2/1	618	618	-	-	-	4.2	1.8	-	6.0	34.9	13.6	1.8	15.4
3/2+3/1	661	661	-	-	-	4.3	2.0	-	6.3	34.1	14.4	2.0	16.4
4/1	651	651	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	651	651	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/2	652	652	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
6/1	1068	1068	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	1625	1625	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
8/1	1007	1007	-	-	-	4.3	2.8	-	7.1	25.3	20.7	2.8	23.5
C1			PRC for Signalled Lanes (%):		5.5	Total Delay for Signalled Lanes (pcuHr):		30.80	Cycle Time (s): 90				
			PRC Over All Lanes (%):		5.5	Total Delay Over All Lanes(pcuHr):		30.80					

Full Input Data And Results

Scenario 2: '2024+Dev PM 2 - NEW FLOWS & 4stage' (FG31: '2024+Dev PM - NEW FLOWS', Plan 1: 'Matt')

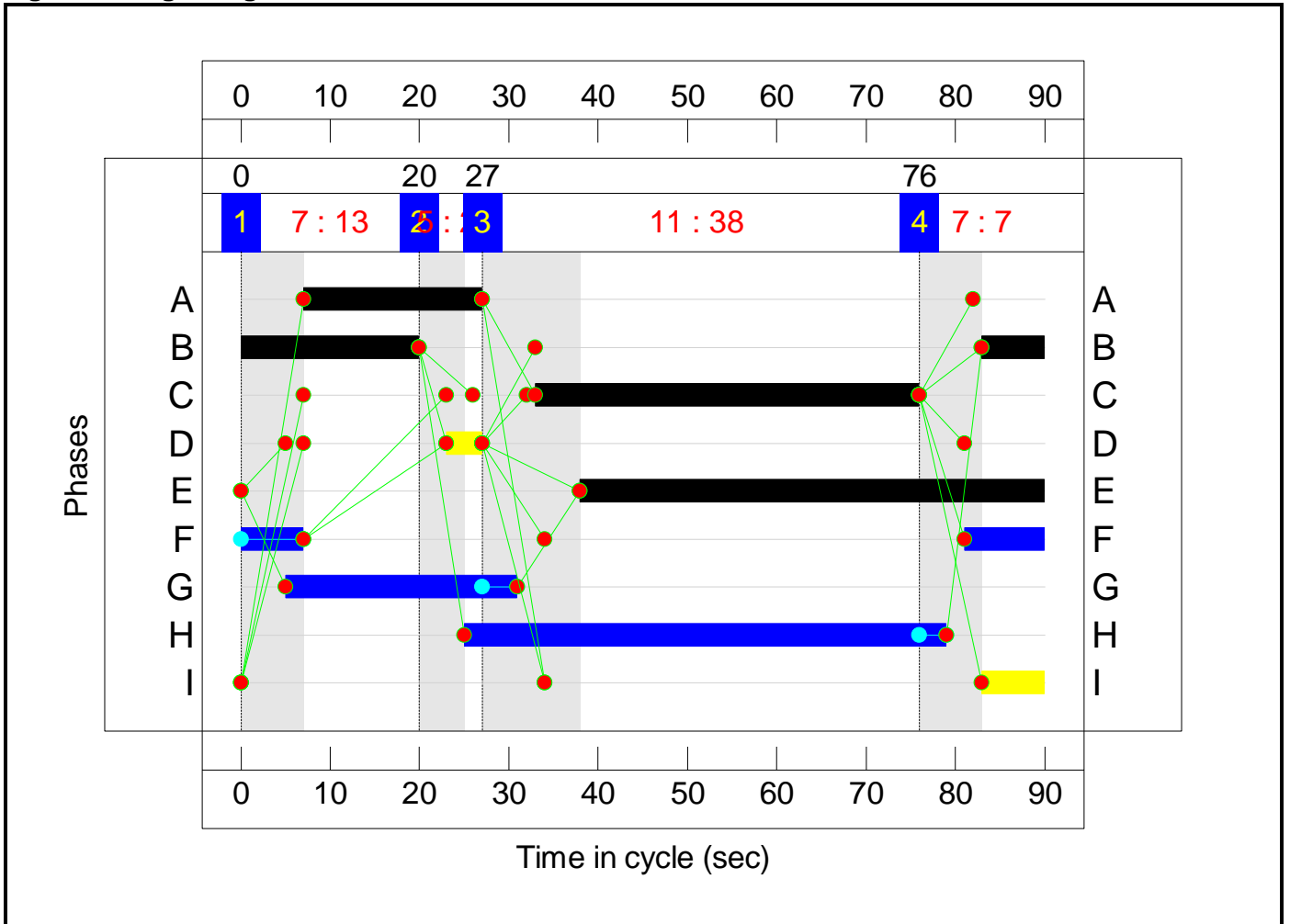
Stage Sequence Diagram




Stage Timings

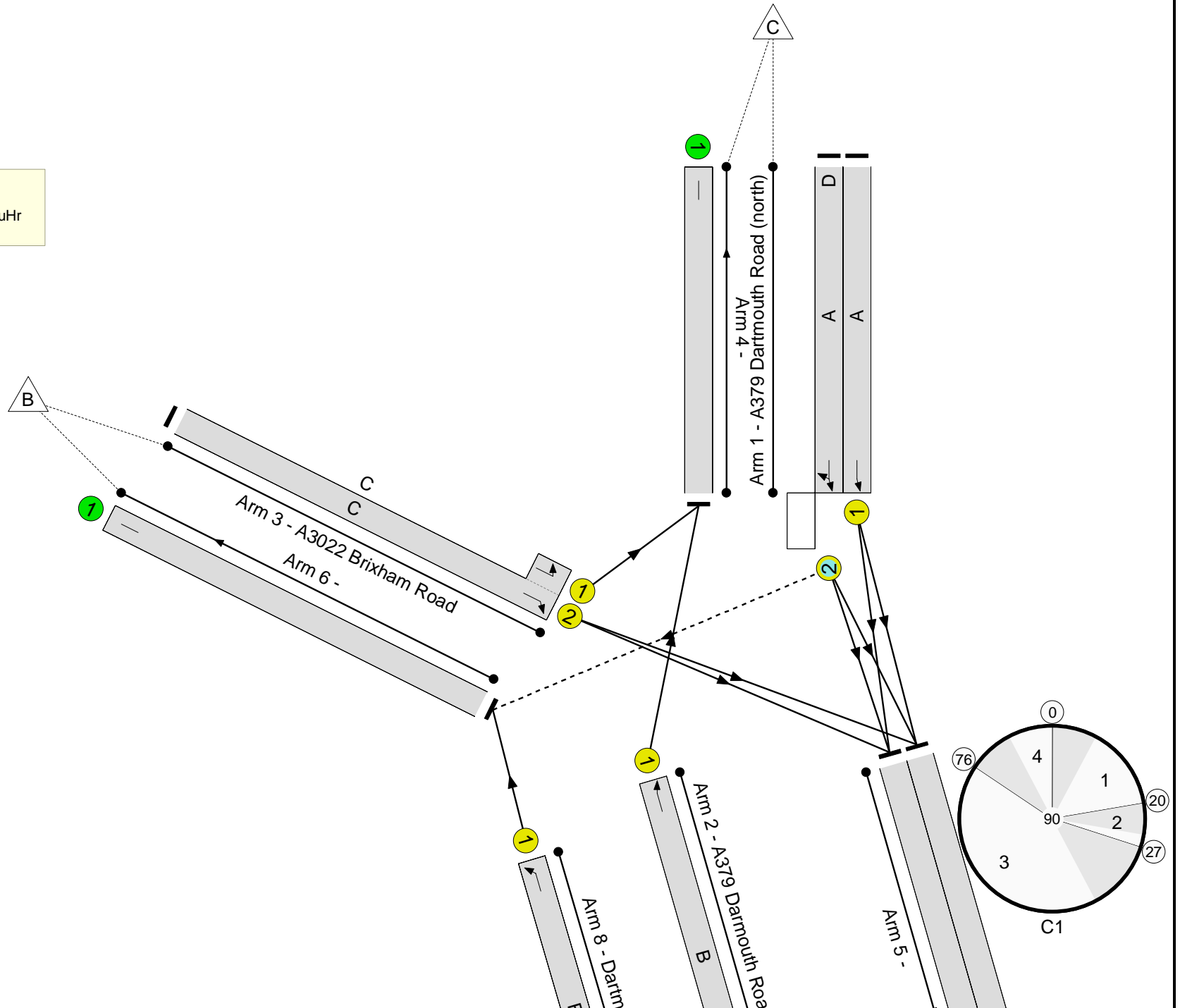
Stage	1	2	3	4
Duration	13	2	38	7
Change Point	0	20	27	76

Signal Timings Diagram



Full Input Data And Results


Windy Corner Junction
 PRC: -12.3 %
 Total Traffic Delay: 46.1 pcuHr



Full Input Data And Results

Network Results

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
Network: Windy Corner Junction - KTC proposed highway works	-	-	N/A	-	-		-	-	-	-	-	-	101.1%
Windy Corner Junction	-	-	N/A	-	-		-	-	-	-	-	-	101.1%
1/1	A379 Dartmouth Road (north) Ahead	U	N/A	N/A	A		1	20	-	331	1915	447	74.1%
1/2	A379 Dartmouth Road (north) Ahead Right	O	N/A	N/A	A	D	1	20	4	319	1867	436	73.2%
2/1	A379 Dartmouth Road (south) Ahead	U	N/A	N/A	B		1	27	-	548	2015	627	87.4%
3/2+3/1	A3022 Brixham Road Left Right	U	N/A	N/A	C		1	43	-	991	2033:1779	913+67	101.1 : 101.1%
4/1		U	N/A	N/A	-		-	-	-	616	Inf	Inf	0.0%
5/1		U	N/A	N/A	-		-	-	-	762	Inf	Inf	0.0%
5/2		U	N/A	N/A	-		-	-	-	760	Inf	Inf	0.0%
6/1		U	N/A	N/A	-		-	-	-	921	Inf	Inf	0.0%
7/1	Ahead Ahead2	U	N/A	N/A	-		-	-	-	1418	Inf	Inf	0.0%
8/1	Dartmouth LT Left	U	N/A	N/A	E		1	52	-	870	2005	1181	73.7%

Full Input Data And Results

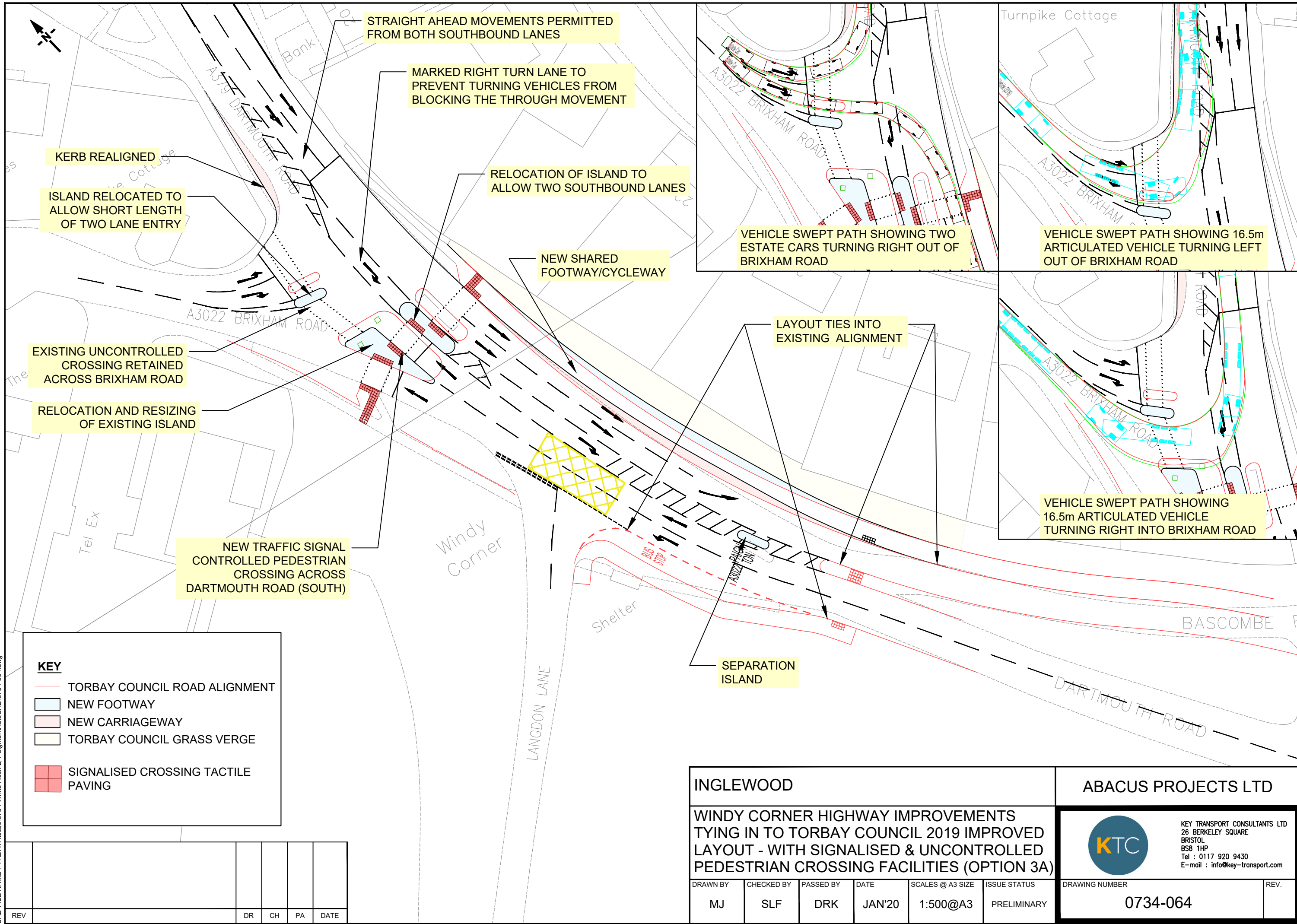
Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - KTC proposed highway works	-	-	43	6	2	20.2	25.9	0.0	46.1	-	-	-	-
Windy Corner Junction	-	-	43	6	2	20.2	25.9	0.0	46.1	-	-	-	-
1/1	331	331	-	-	-	2.9	1.4	-	4.3	47.2	7.6	1.4	9.0
1/2	319	319	43	6	2	2.8	1.3	0.0	4.2	47.5	7.4	1.3	8.7
2/1	548	548	-	-	-	4.5	3.2	-	7.7	50.4	12.9	3.2	16.2
3/2+3/1	991	981	-	-	-	6.7	18.5	-	25.2	91.6	25.2	18.5	43.7
4/1	615	615	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	757	757	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/2	755	755	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
6/1	921	921	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	1418	1418	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
8/1	870	870	-	-	-	3.2	1.4	-	4.6	19.2	15.7	1.4	17.1
C1 PRC for Signalled Lanes (%): -12.3 Total Delay for Signalled Lanes (pcuHr): 46.09 Cycle Time (s): 90 PRC Over All Lanes (%): -12.3 Total Delay Over All Lanes(pcuHr): 46.09													

APPENDIX I

Proposed Highway Works Including Pedestrian Crossing Facilities across Dartmouth Road (South) and Retaining Uncontrolled Crossing across Brixham Road

Drawing 0734-064

NOTE THE PROPERTY OF THIS DRAWING AND DESIGN IS VESTED IN KEY TRANSPORT CONSULTANTS LIMITED AND MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR WRITTEN CONSENT
CAD FILE NAME : F:\DATA\Jobs\0734 White Rook 2_Paignton\AutoCAD\0734-064.dwg



KEY

- TORBAY COUNCIL ROAD ALIGNMENT
- NEW FOOTWAY
- NEW CARRIAGEWAY
- TORBAY COUNCIL GRASS VERGE
- SIGNALISED CROSSING TACTILE PAVING

REV		DR	CH	PA	DATE

INGLEWOOD				ABACUS PROJECTS LTD			
WINDY CORNER HIGHWAY IMPROVEMENTS TYING IN TO TORBAY COUNCIL 2019 IMPROVED LAYOUT - WITH SIGNALISED & UNCONTROLLED PEDESTRIAN CROSSING FACILITIES (OPTION 3A)							
DRAWN BY	CHECKED BY	PASSED BY	DATE	SCALE @ A3 SIZE	ISSUE STATUS	DRAWING NUMBER	REV.
MJ	SLF	DRK	JAN'20	1:500@A3	PRELIMINARY	0734-064	

KEY TRANSPORT CONSULTANTS LTD
 26 BERKELEY SQUARE
 BRISTOL
 BS8 1HP
 Tel : 0117 920 9430
 E-mail : info@key-transport.com

APPENDIX J

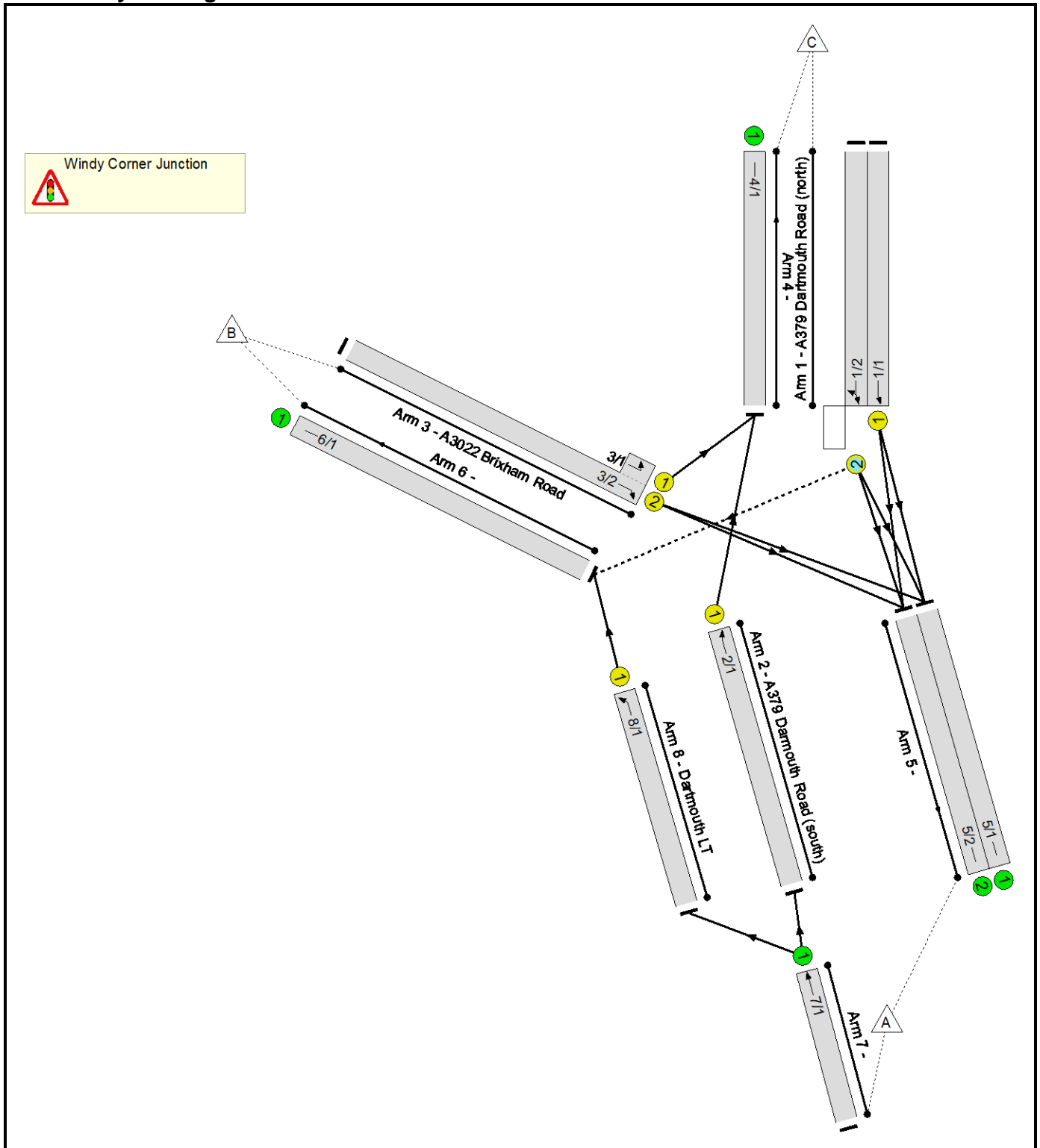
**LinSig Results: Option 3a - Proposed Highway
Works Including Pedestrian Crossing Facilities
across Dartmouth Road (South) and Retaining
Uncontrolled Crossing across Brixham Road**

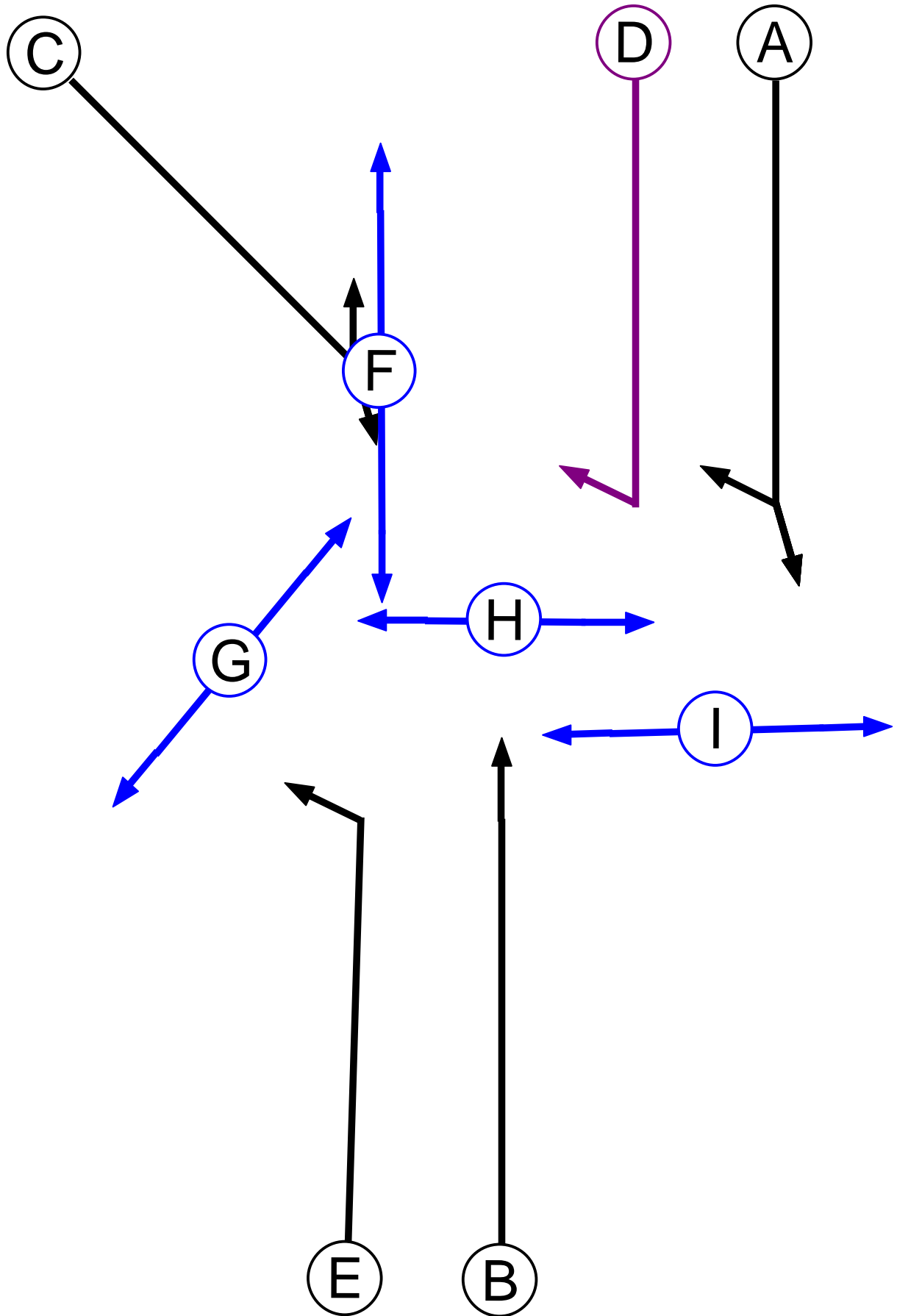
Full Input Data And Results

User and Project Details

Project:	Inglewood
Title:	Windy Corner Junction - KTC proposed highway works
Location:	
Additional detail:	
File name:	Opt3b no PhaseF - RT storage & extend IG Windy Corner (KTC proposed highway works 0734-61) - additional committed development.lsg3x
Author:	FF
Company:	Key Transport Consultants
Address:	26 Berkeley Square, Bristol, BS8 1HP

Network Layout Diagram





Full Input Data And Results

Phase Input Data

Phase Name	Phase Type	Assoc. Phase	Street Min	Cont Min
A	Traffic		7	7
B	Traffic		7	7
C	Traffic		7	7
D	Ind. Arrow	A	4	4
E	Traffic		7	7
F	Pedestrian		7	7
G	Pedestrian		7	7
H	Pedestrian		7	7
I	Pedestrian		7	7

Phase Intergreens Matrix

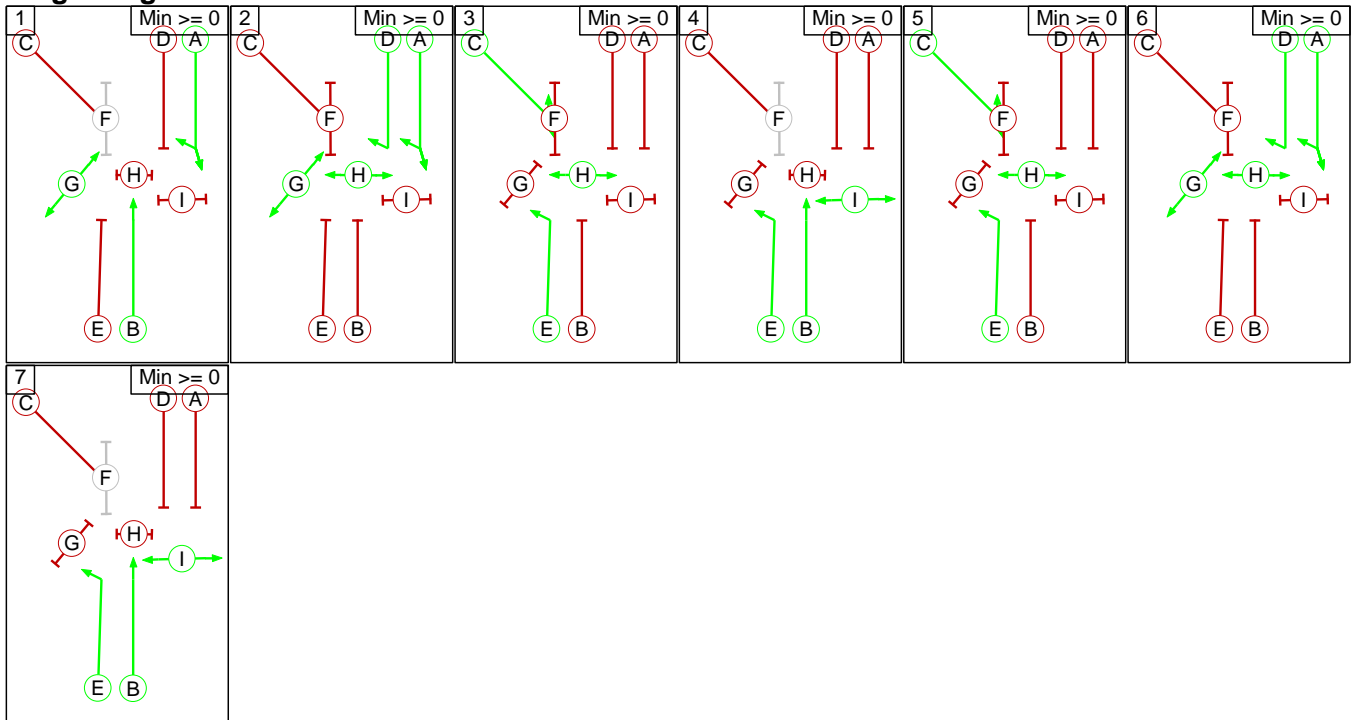
		Starting Phase								
		A	B	C	D	E	F	G	H	I
Terminating Phase	A	-	-	6	-	-	-	-	-	7
	B	-	-	6	3	-	-	-	5	-
	C	6	7	-	5	-	5	-	-	7
	D	-	6	5	-	11	7	-	-	7
	E	-	-	-	5	-	-	5	-	-
	F	-	-	16	16	-	-	-	-	-
	G	-	-	-	-	7	-	-	-	-
	H	-	4	-	-	-	-	-	-	-
	I	7	-	7	7	-	-	-	-	-

Phases in Stage

Stage No.	Phases in Stage
1	A B G
2	A D G H
3	C E H
4	B E I
5	C E H
6	A D G H
7	B E I

Full Input Data And Results

Stage Diagram



Full Input Data And Results

Phase Delays

Term. Stage	Start Stage	Phase	Type	Value	Cont value
2	3	G	Losing	4	4
2	4	G	Losing	4	4
2	4	H	Losing	2	2
2	5	G	Losing	4	4
2	7	G	Losing	4	4
2	7	H	Losing	2	2
3	1	H	Losing	3	3
3	4	H	Losing	3	3
3	7	H	Losing	3	3
4	3	I	Losing	9	9
4	5	I	Losing	9	9
5	1	H	Losing	3	3
5	4	H	Losing	3	3
5	7	H	Losing	3	3
6	1	H	Losing	2	2
6	3	G	Losing	4	4
6	4	G	Losing	4	4
6	4	H	Losing	2	2
6	5	G	Losing	4	4
6	7	G	Losing	4	4
6	7	H	Losing	2	2
7	3	I	Losing	9	9
7	5	I	Losing	9	9

Prohibited Stage Change

		To Stage						
		1	2	3	4	5	6	7
From Stage	1							
	2							
	3							
	4							
	5							
	6							
	7							

Full Input Data And Results

Give-Way Lane Input Data

Junction: Windy Corner Junction											
Lane	Movement	Max Flow when Giving Way (PCU/Hr)	Min Flow when Giving Way (PCU/Hr)	Opposing Lane	Opp. Lane Coeff.	Opp. Mvmnts.	Right Turn Storage (PCU)	Non-Blocking Storage (PCU)	RTF	Right Turn Move up (s)	Max Turns in Intergreen (PCU)
1/2 (A379 Dartmouth Road (north))	6/1 (Right)	1439	0	2/1	1.09	All	3.00	3.00	0.50	3	2.00

Full Input Data And Results

Lane Input Data

Junction: Windy Corner Junction												
Lane	Lane Type	Phases	Start Disp.	End Disp.	Physical Length (PCU)	Sat Flow Type	Def User Saturation Flow (PCU/Hr)	Lane Width (m)	Gradient	Nearside Lane	Turns	Turning Radius (m)
1/1 (A379 Dartmouth Road (north))	U	A	2	3	10.0	Geom	-	3.00	0.00	Y	Arm 5 Ahead	Inf
1/2 (A379 Dartmouth Road (north))	O	A D	2	3	10.4	Geom	-	3.00	0.00	Y	Arm 5 Ahead	Inf
											Arm 6 Right	9.30
2/1 (A379 Dartmouth Road (south))	U	B	2	3	60.0	Geom	-	4.00	0.00	Y	Arm 4 Ahead	Inf
3/1 (A3022 Brixham Road)	U	C	2	3	2.0	Geom	-	4.60	0.00	Y	Arm 4 Left	9.00
3/2 (A3022 Brixham Road)	U	C	2	3	60.0	Geom	-	4.60	0.00	N	Arm 5 Right	16.80
4/1	U		2	3	60.0	Inf	-	-	-	-	-	-
5/1	U		2	3	60.0	Inf	-	-	-	-	-	-
5/2	U		2	3	7.0	Inf	-	-	-	-	-	-
6/1	U		2	3	60.0	Inf	-	-	-	-	-	-
7/1	U		2	3	60.0	Inf	-	-	-	-	-	-
8/1 (Dartmouth LT)	U	E	2	3	37.0	Geom	-	4.10	0.00	Y	Arm 6 Left	147.00

Full Input Data And Results

Traffic Flow Groups

Flow Group	Start Time	End Time	Duration	Formula
1: '2017 Base PM'	17:00	18:00	01:00	
4: 'Growthed 2019 AM'	08:00	09:00	01:00	F?*1.0288
5: 'Growthed 2019 PM'	17:00	18:00	01:00	F1*1.0268
6: '2019 + Deveopment AM'	08:00	09:00	01:00	F4+F2
7: '2019 + Development PM'	17:00	18:00	01:00	F5+F3
8: 'Growthed 2024 AM'	08:00	09:00	01:00	F?*1.1159
9: 'Growthed 2024 PM'	17:00	18:00	01:00	F1*1.1111
10: '2024 + Development AM'	08:00	09:00	01:00	F8+F2
11: '2024 + Development PM'	16:00	17:00	01:00	F9+F3
16: 'TA 2019 Am'	08:00	09:00	01:00	F?+F12
17: 'TA 2019 PM'	17:00	18:00	01:00	F1+F13
18: 'Sensitivity Test - 2017 + H Adj Com + Dev AM'	08:00	09:00	01:00	F16+F2
19: 'Sensitivity Test - 2017 + H Adj Com + Dev PM'	17:00	18:00	01:00	F17+F3
20: 'TA 2024 AM'	08:00	09:00	01:00	F?+F14
21: 'TA 2024 PM'	17:00	18:00	01:00	F1+F15
22: 'TA 2024 + Dev AM'	08:00	09:00	01:00	F20+F2
23: 'TA 2024 + Dev PM'	17:00	18:00	01:00	F21+F3
26: '2024 + Add Com Dev AM'	08:00	09:00	01:00	F20 + F24
27: '2024 + Add Com Dev PM'	17:00	18:00	01:00	F21 + F25
28: '2024 + Add Com Dev + Dev AM'	08:00	09:00	01:00	F22 + F24
29: '2024 + Add Com Dev + Dev PM'	17:00	18:00	01:00	F23 + F25
30: '2024+Dev AM - NEW FLOWS'	08:00	09:00	01:00	
31: '2024+Dev PM - NEW FLOWS'	16:00	17:00	01:00	

Full Input Data And Results

Scenario 1: '2024+Dev AM 2 - NEW FLOWS & 4stage' (FG30: '2024+Dev AM - NEW FLOWS', Plan 1: 'Matt')

Traffic Flows, Desired

Desired Flow :

		Destination			
		A	B	C	Tot.
Origin	A	0	1007	618	1625
	B	628	0	33	661
	C	675	61	0	736
	Tot.	1303	1068	651	3022

Traffic Lane Flows

Lane	Scenario 1: 2024+Dev AM 2 - NEW FLOWS & 4stage
Junction: Windy Corner Junction	
1/1	373
1/2	363
2/1	618
3/1 (short)	33
3/2 (with short)	661(In) 628(Out)
4/1	651
5/1	651
5/2	652
6/1	1068
7/1	1625
8/1	1007

Full Input Data And Results

Lane Saturation Flows

Junction: Windy Corner Junction								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1915	1915
1/2 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	83.2 %	1864	1864
				Arm 6 Right	9.30	16.8 %		
2/1 (A379 Dartmouth Road (south))	4.00	0.00	Y	Arm 4 Ahead	Inf	100.0 %	2015	2015
3/1 (A3022 Brixham Road)	4.60	0.00	Y	Arm 4 Left	9.00	100.0 %	1779	1779
3/2 (A3022 Brixham Road)	4.60	0.00	N	Arm 5 Right	16.80	100.0 %	2033	2033
4/1	Infinite Saturation Flow						Inf	Inf
5/1	Infinite Saturation Flow						Inf	Inf
5/2	Infinite Saturation Flow						Inf	Inf
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf
8/1 (Dartmouth LT)	4.10	0.00	Y	Arm 6 Left	147.00	100.0 %	2005	2005

Scenario 2: '2024+Dev PM 2 - NEW FLOWS & 4stage' (FG31: '2024+Dev PM - NEW FLOWS', Plan 1: 'Matt')

Traffic Flows, Desired

Desired Flow :

	Destination				
	A	B	C	Tot.	
Origin	A	0	870	548	1418
	B	923	0	68	991
	C	599	51	0	650
	Tot.	1522	921	616	3059

Full Input Data And Results

Traffic Lane Flows

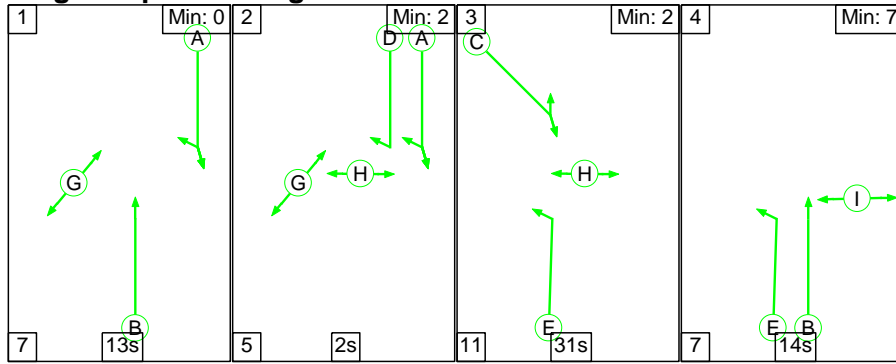
Lane	Scenario 2: 2024+Dev PM 2 - NEW FLOWS & 4stage
Junction: Windy Corner Junction	
1/1	331
1/2	319
2/1	548
3/1 (short)	68
3/2 (with short)	991(In) 923(Out)
4/1	616
5/1	762
5/2	760
6/1	921
7/1	1418
8/1	870

Lane Saturation Flows

Junction: Windy Corner Junction								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1915	1915
1/2 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead Arm 6 Right	Inf 9.30	84.0 % 16.0 %	1867	1867
2/1 (A379 Darmouth Road (south))	4.00	0.00	Y	Arm 4 Ahead	Inf	100.0 %	2015	2015
3/1 (A3022 Brixham Road)	4.60	0.00	Y	Arm 4 Left	9.00	100.0 %	1779	1779
3/2 (A3022 Brixham Road)	4.60	0.00	N	Arm 5 Right	16.80	100.0 %	2033	2033
4/1	Infinite Saturation Flow						Inf	Inf
5/1	Infinite Saturation Flow						Inf	Inf
5/2	Infinite Saturation Flow						Inf	Inf
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf
8/1 (Dartmouth LT)	4.10	0.00	Y	Arm 6 Left	147.00	100.0 %	2005	2005

Scenario 1: '2024+Dev AM 2 - NEW FLOWS & 4stage' (FG30: '2024+Dev AM - NEW FLOWS', Plan 1: 'Matt')

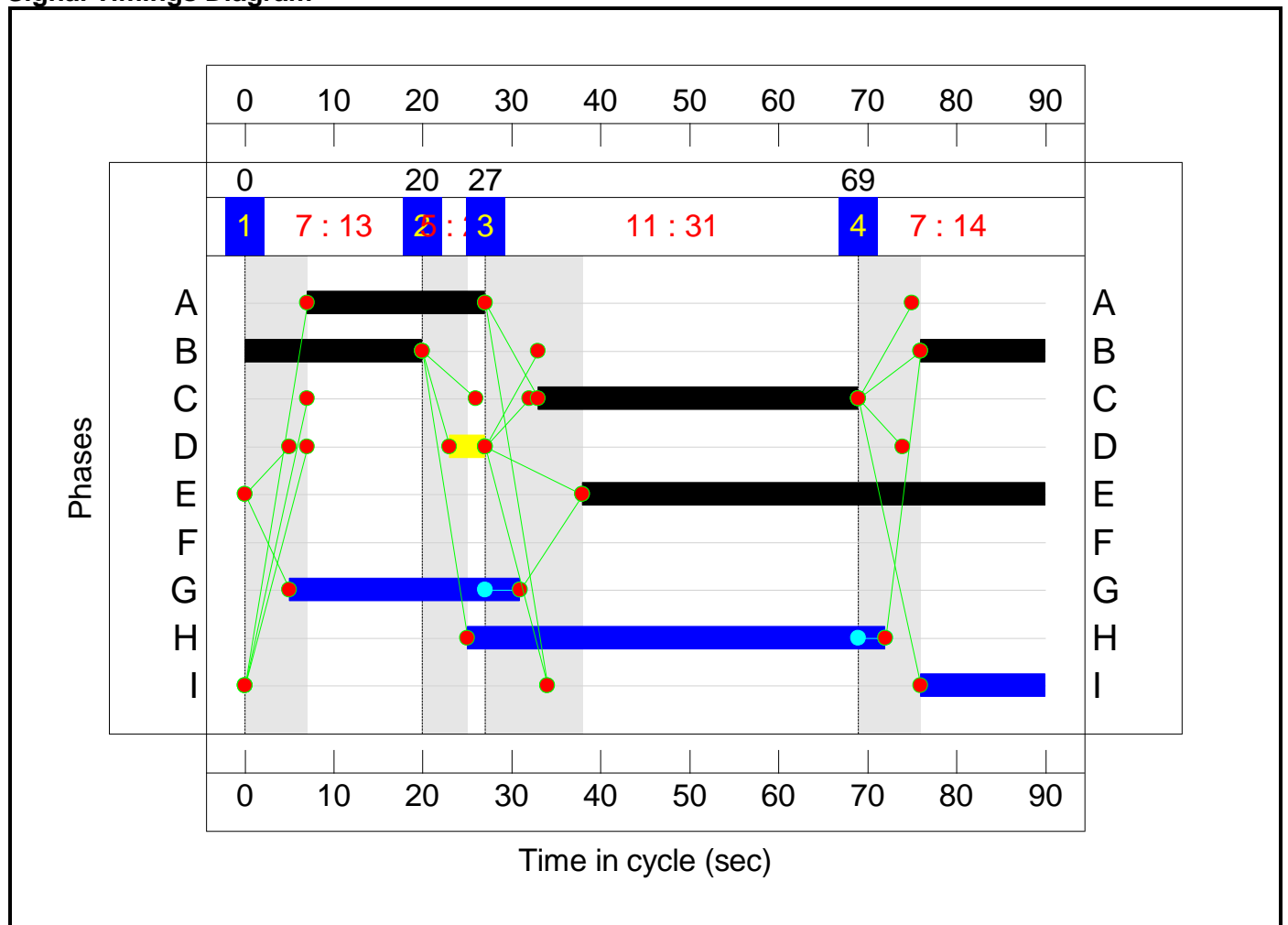
Stage Sequence Diagram




Stage Timings

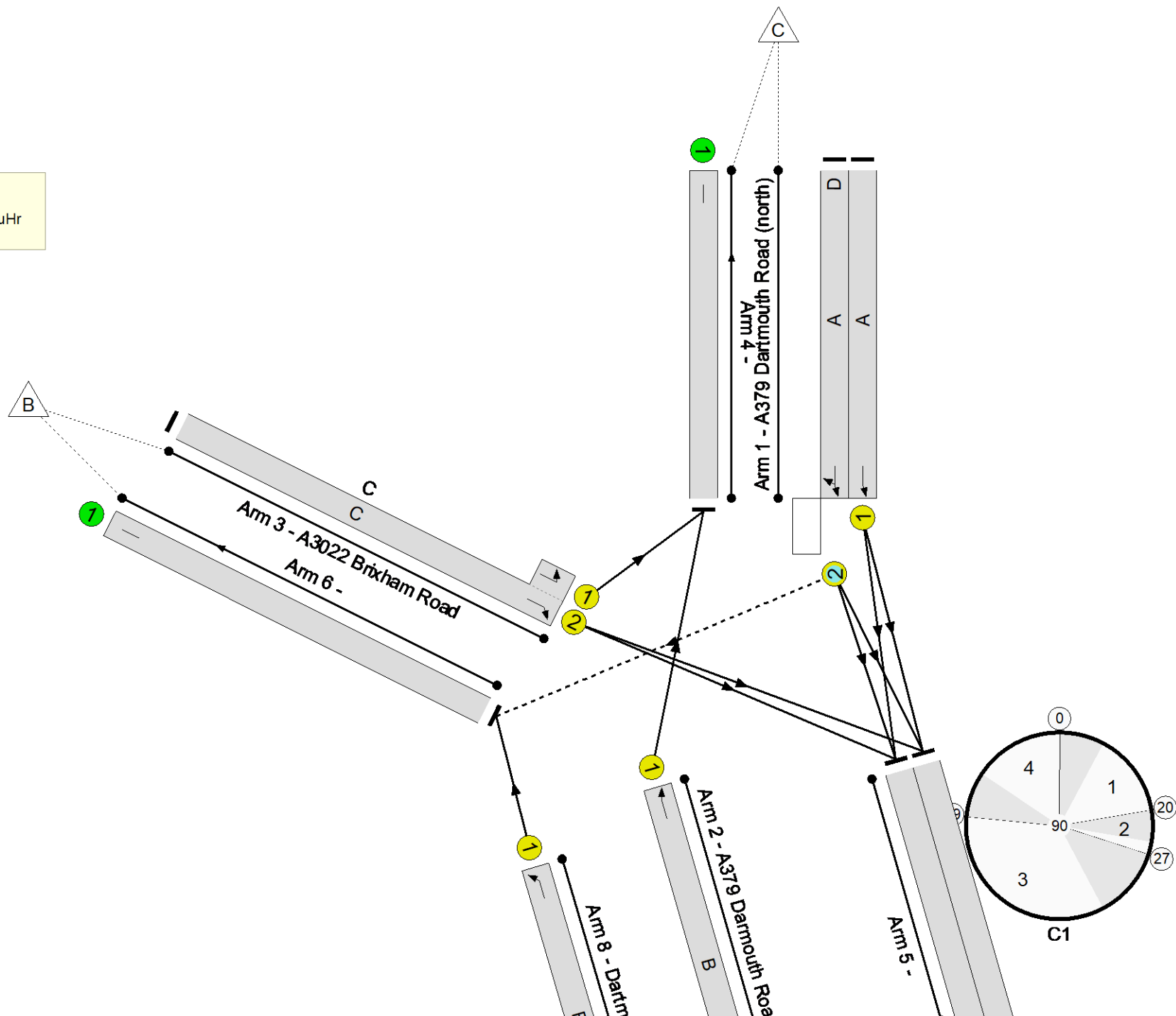
Stage	1	2	3	4
Duration	13	2	31	14
Change Point	0	20	27	69

Signal Timings Diagram



Full Input Data And Results


Windy Corner Junction
 PRC: 5.5 %
 Total Traffic Delay: 30.8 pcuHr



Full Input Data And Results

Network Results

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
Network: Windy Corner Junction - KTC proposed highway works	-	-	N/A	-	-		-	-	-	-	-	-	85.3%
Windy Corner Junction	-	-	N/A	-	-		-	-	-	-	-	-	85.3%
1/1	A379 Dartmouth Road (north) Ahead	U	N/A	N/A	A		1	20	-	373	1915	447	83.5%
1/2	A379 Dartmouth Road (north) Ahead Right	O	N/A	N/A	A	D	1	20	4	363	1864	435	83.5%
2/1	A379 Darmouth Road (south) Ahead	U	N/A	N/A	B		1	34	-	618	2015	784	78.9%
3/2+3/1	A3022 Brixham Road Left Right	U	N/A	N/A	C		1	36	-	661	2033:1779	783+41	80.2 : 80.2%
4/1		U	N/A	N/A	-		-	-	-	651	Inf	Inf	0.0%
5/1		U	N/A	N/A	-		-	-	-	651	Inf	Inf	0.0%
5/2		U	N/A	N/A	-		-	-	-	652	Inf	Inf	0.0%
6/1		U	N/A	N/A	-		-	-	-	1068	Inf	Inf	0.0%
7/1	Ahead Ahead2	U	N/A	N/A	-		-	-	-	1625	Inf	Inf	0.0%
8/1	Dartmouth LT Left	U	N/A	N/A	E		1	52	-	1007	2005	1181	85.3%

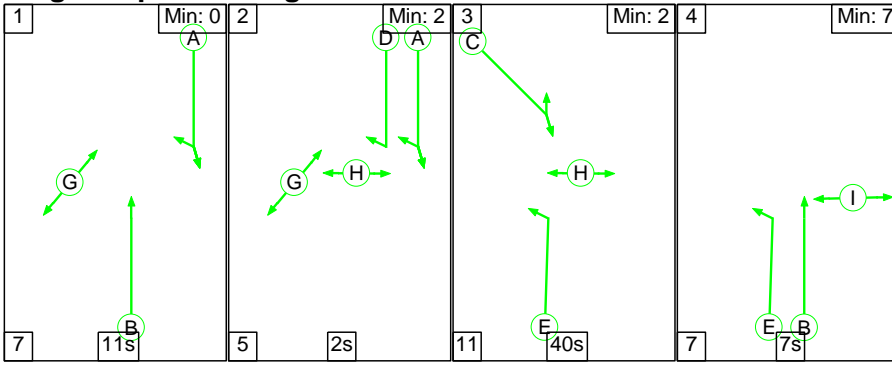
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - KTC proposed highway works	-	-	45	14	2	19.4	11.3	0.0	30.8	-	-	-	-
Windy Corner Junction	-	-	45	14	2	19.4	11.3	0.0	30.8	-	-	-	-
1/1	373	373	-	-	-	3.4	2.4	-	5.8	55.8	8.8	2.4	11.2
1/2	363	363	45	14	2	3.3	2.4	0.0	5.7	56.4	8.6	2.4	10.9
2/1	618	618	-	-	-	4.2	1.8	-	6.0	34.9	13.6	1.8	15.4
3/2+3/1	661	661	-	-	-	4.3	2.0	-	6.3	34.1	14.4	2.0	16.4
4/1	651	651	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	651	651	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/2	652	652	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
6/1	1068	1068	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	1625	1625	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
8/1	1007	1007	-	-	-	4.3	2.8	-	7.1	25.3	20.7	2.8	23.5
C1			PRC for Signalled Lanes (%):		5.5	Total Delay for Signalled Lanes (pcuHr):		30.80	Cycle Time (s): 90				
			PRC Over All Lanes (%):		5.5	Total Delay Over All Lanes(pcuHr):		30.80					

Full Input Data And Results

Scenario 2: '2024+Dev PM 2 - NEW FLOWS & 4stage' (FG31: '2024+Dev PM - NEW FLOWS', Plan 1: 'Matt')

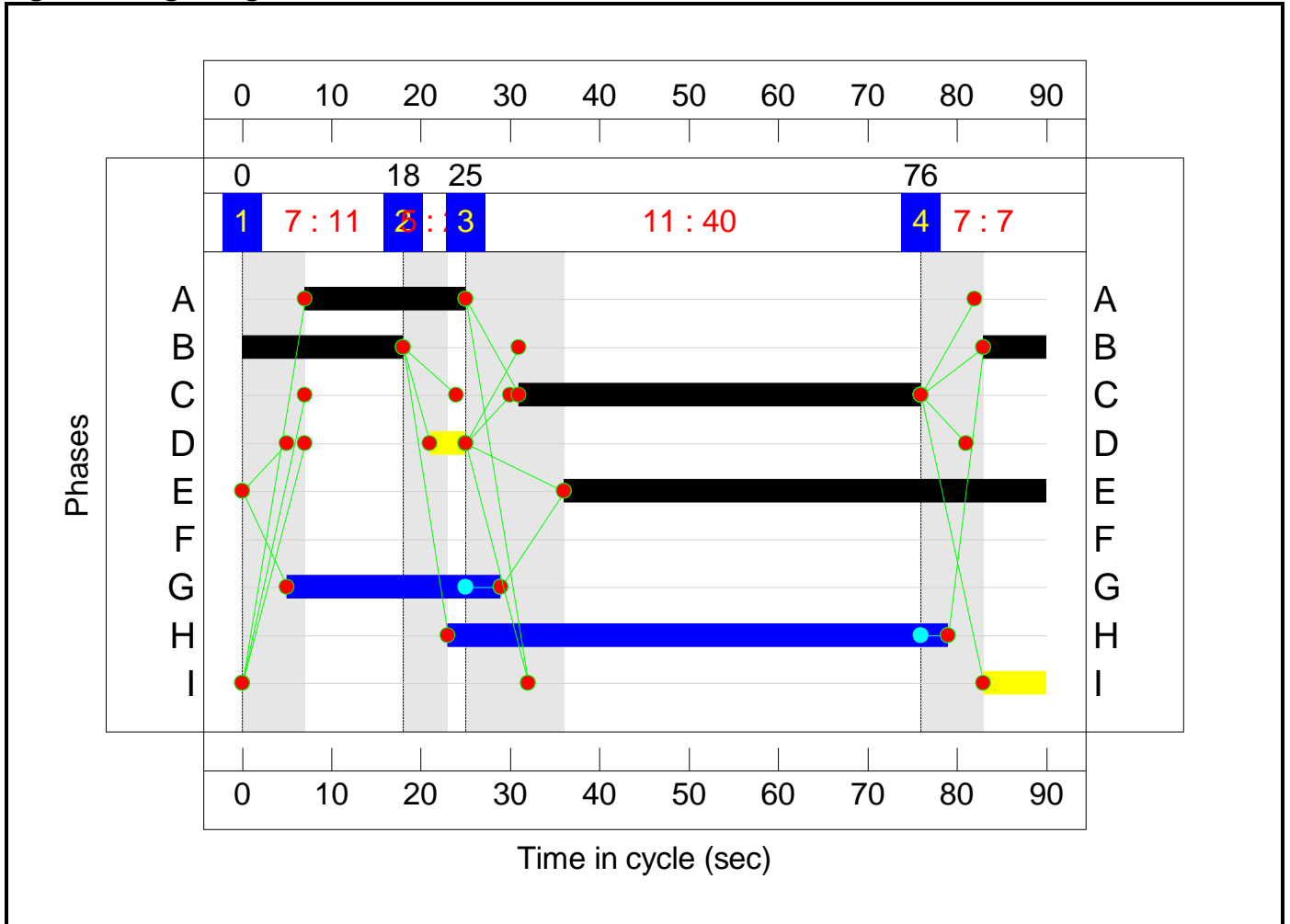
Stage Sequence Diagram




Stage Timings

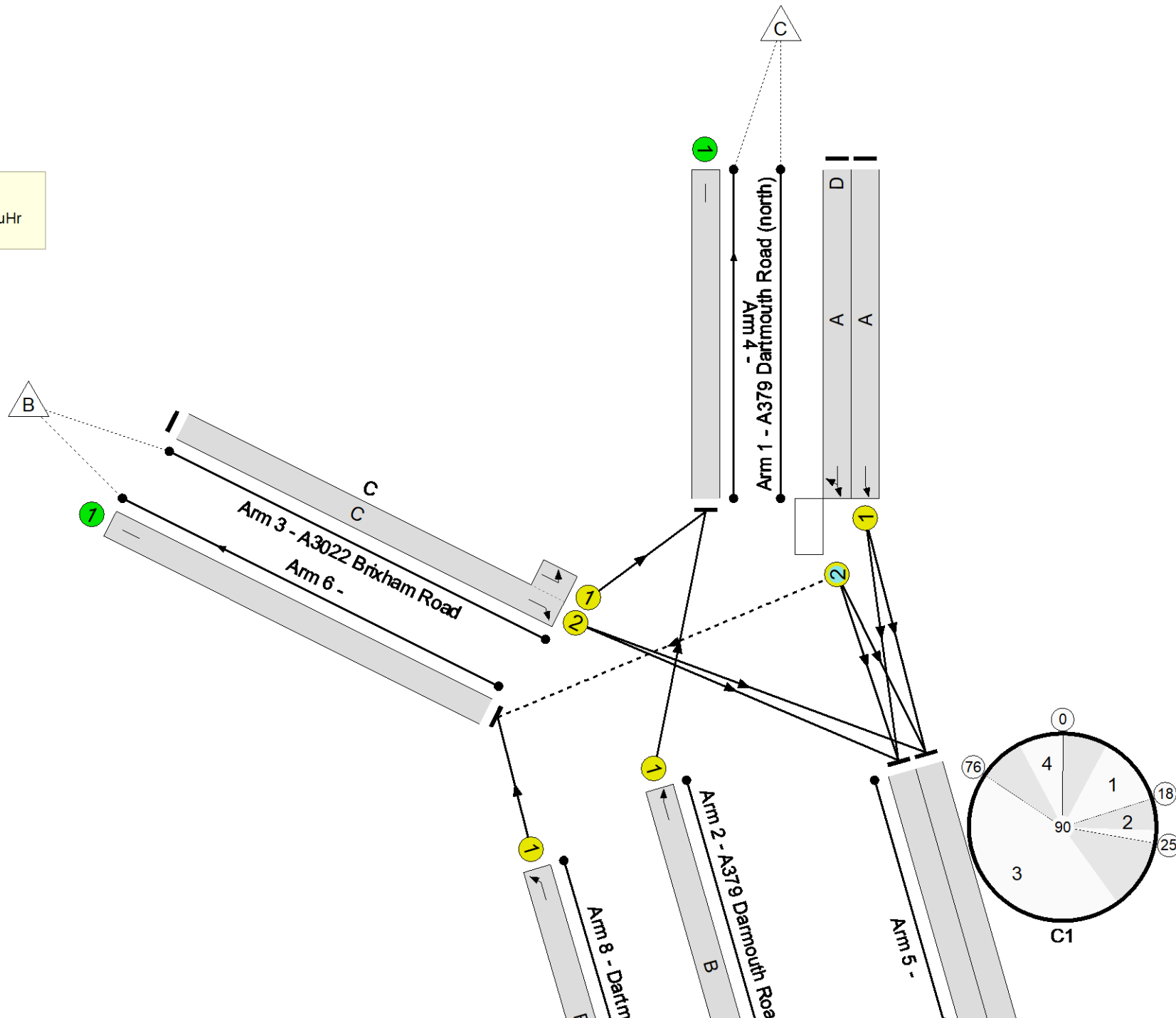
Stage	1	2	3	4
Duration	11	2	40	7
Change Point	0	18	25	76

Signal Timings Diagram



Full Input Data And Results


Windy Corner Junction
 PRC: -7.4 %
 Total Traffic Delay: 40.3 pcuHr



Full Input Data And Results

Network Results

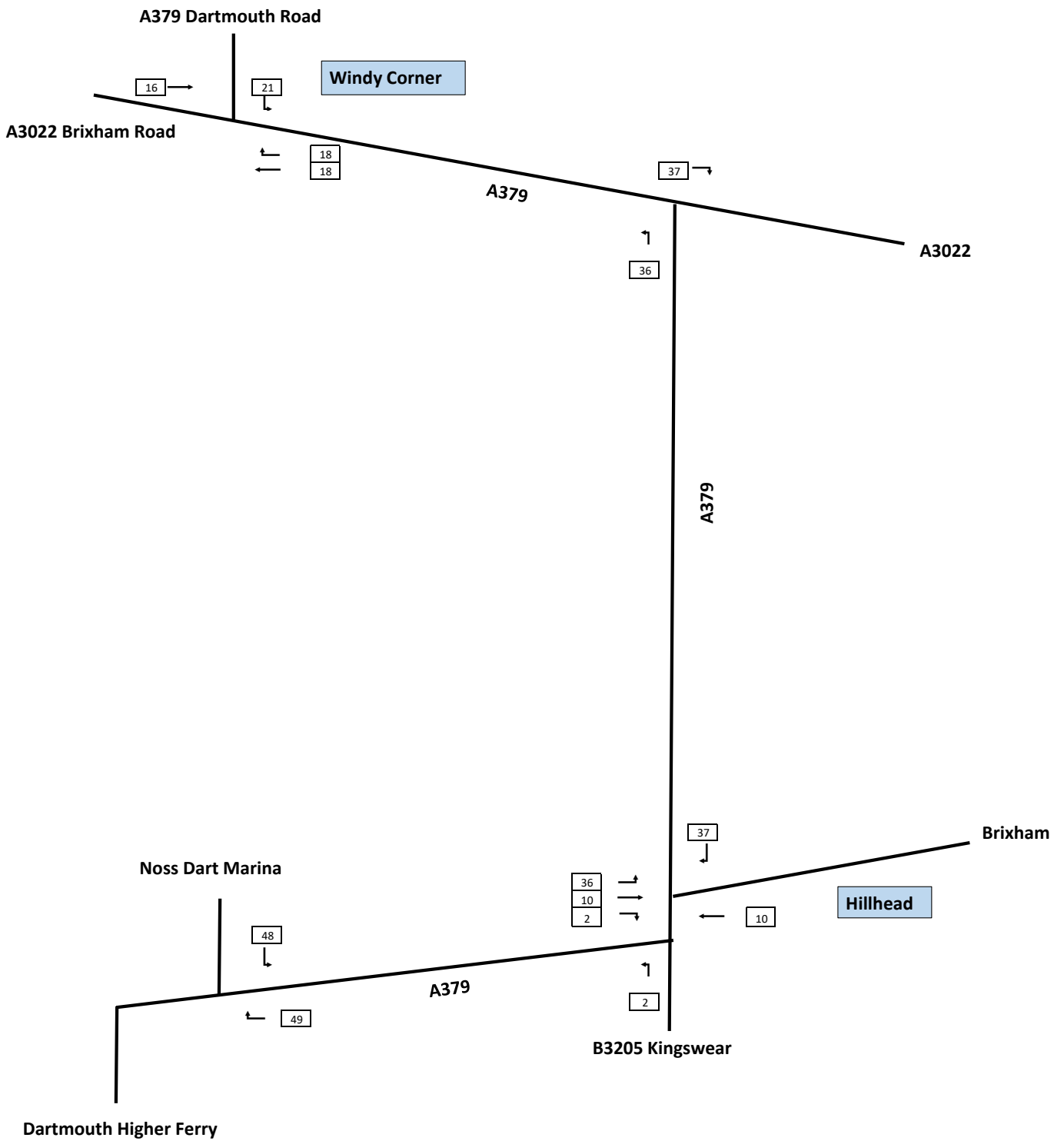
Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
Network: Windy Corner Junction - KTC proposed highway works	-	-	N/A	-	-		-	-	-	-	-	-	96.6%
Windy Corner Junction	-	-	N/A	-	-		-	-	-	-	-	-	96.6%
1/1	A379 Dartmouth Road (north) Ahead	U	N/A	N/A	A		1	18	-	331	1915	404	81.9%
1/2	A379 Dartmouth Road (north) Ahead Right	O	N/A	N/A	A	D	1	18	4	319	1867	394	80.9%
2/1	A379 Darmouth Road (south) Ahead	U	N/A	N/A	B		1	25	-	548	2015	582	94.1%
3/2+3/1	A3022 Brixham Road Left Right	U	N/A	N/A	C		1	45	-	991	2033:1779	955+70	96.6 : 96.6%
4/1		U	N/A	N/A	-		-	-	-	616	Inf	Inf	0.0%
5/1		U	N/A	N/A	-		-	-	-	762	Inf	Inf	0.0%
5/2		U	N/A	N/A	-		-	-	-	760	Inf	Inf	0.0%
6/1		U	N/A	N/A	-		-	-	-	921	Inf	Inf	0.0%
7/1	Ahead Ahead2	U	N/A	N/A	-		-	-	-	1418	Inf	Inf	0.0%
8/1	Dartmouth LT Left	U	N/A	N/A	E		1	54	-	870	2005	1225	71.0%


Full Input Data And Results

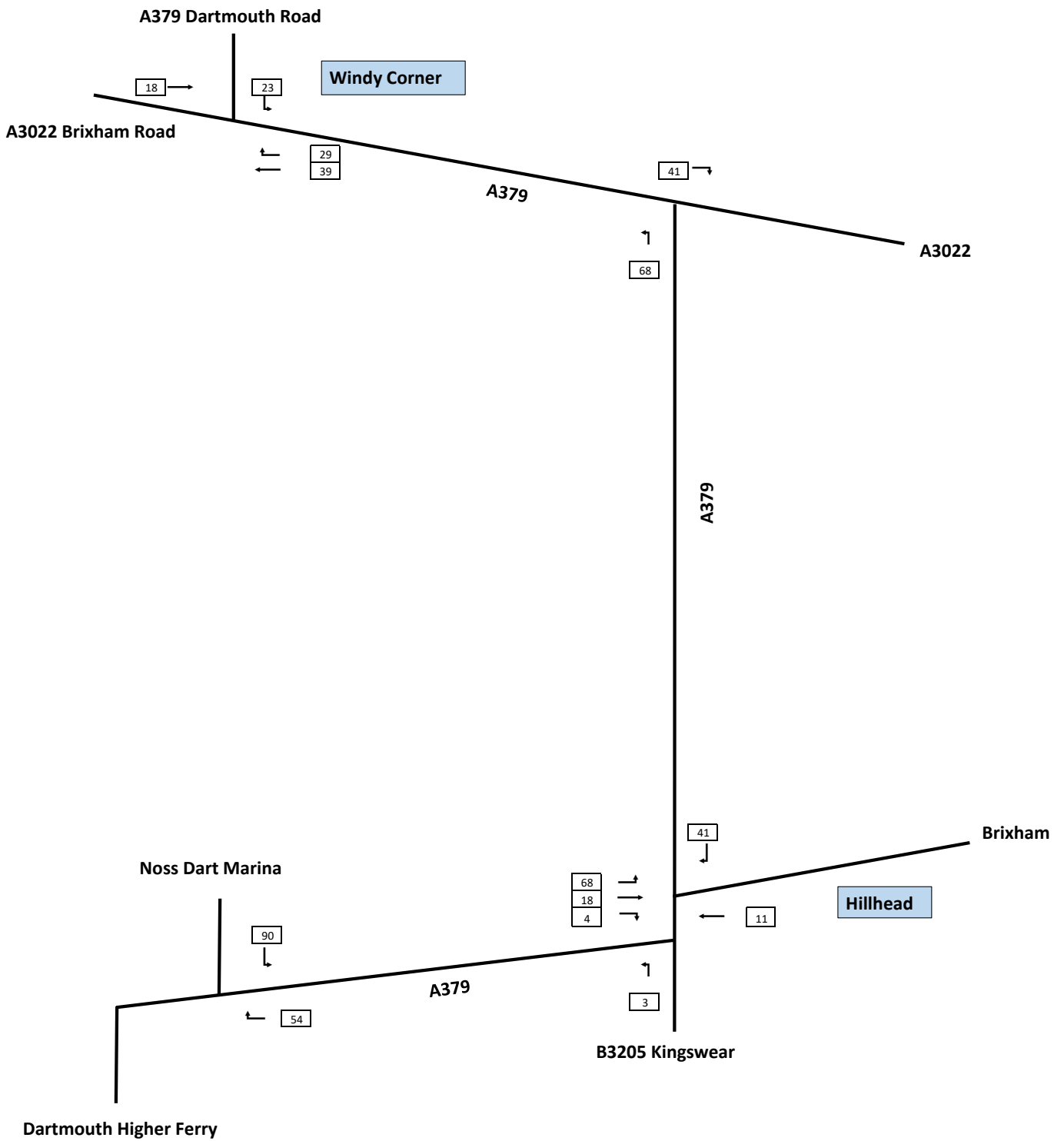
Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - KTC proposed highway works	-	-	19	31	2	19.6	20.7	0.1	40.3	-	-	-	-
Windy Corner Junction	-	-	19	31	2	19.6	20.7	0.1	40.3	-	-	-	-
1/1	331	331	-	-	-	3.1	2.1	-	5.2	57.1	7.8	2.1	9.9
1/2	319	319	19	31	2	3.0	2.0	0.1	5.1	57.1	7.5	2.0	9.5
2/1	548	548	-	-	-	4.8	6.0	-	10.7	70.4	13.2	6.0	19.2
3/2+3/1	991	991	-	-	-	5.9	9.3	-	15.2	55.2	23.5	9.3	32.9
4/1	616	616	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	762	762	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/2	760	760	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
6/1	921	921	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	1418	1418	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
8/1	870	870	-	-	-	2.9	1.2	-	4.1	17.1	14.7	1.2	16.0
C1 PRC for Signalled Lanes (%): -7.4 Total Delay for Signalled Lanes (pcuHr): 40.34 Cycle Time (s): 90 PRC Over All Lanes (%): -7.4 Total Delay Over All Lanes(pcuHr): 40.34													


Annex C

New Capacity Analysis of Windy Corner Junction Including Noss Dart Marina Traffic



INGLEWOOD	ABACUS PROJECTS LTD			
NOSS DART MARINA DEVELOPMENT TRAFFIC FLOWS 08:00-0900 AM PEAK HOUR	Produced	Checked	Passed	Date
	BE	SLF	DRK	Nov-20
		26 Berkeley Square Bristol, BS8 1HP 0117 920 9430		



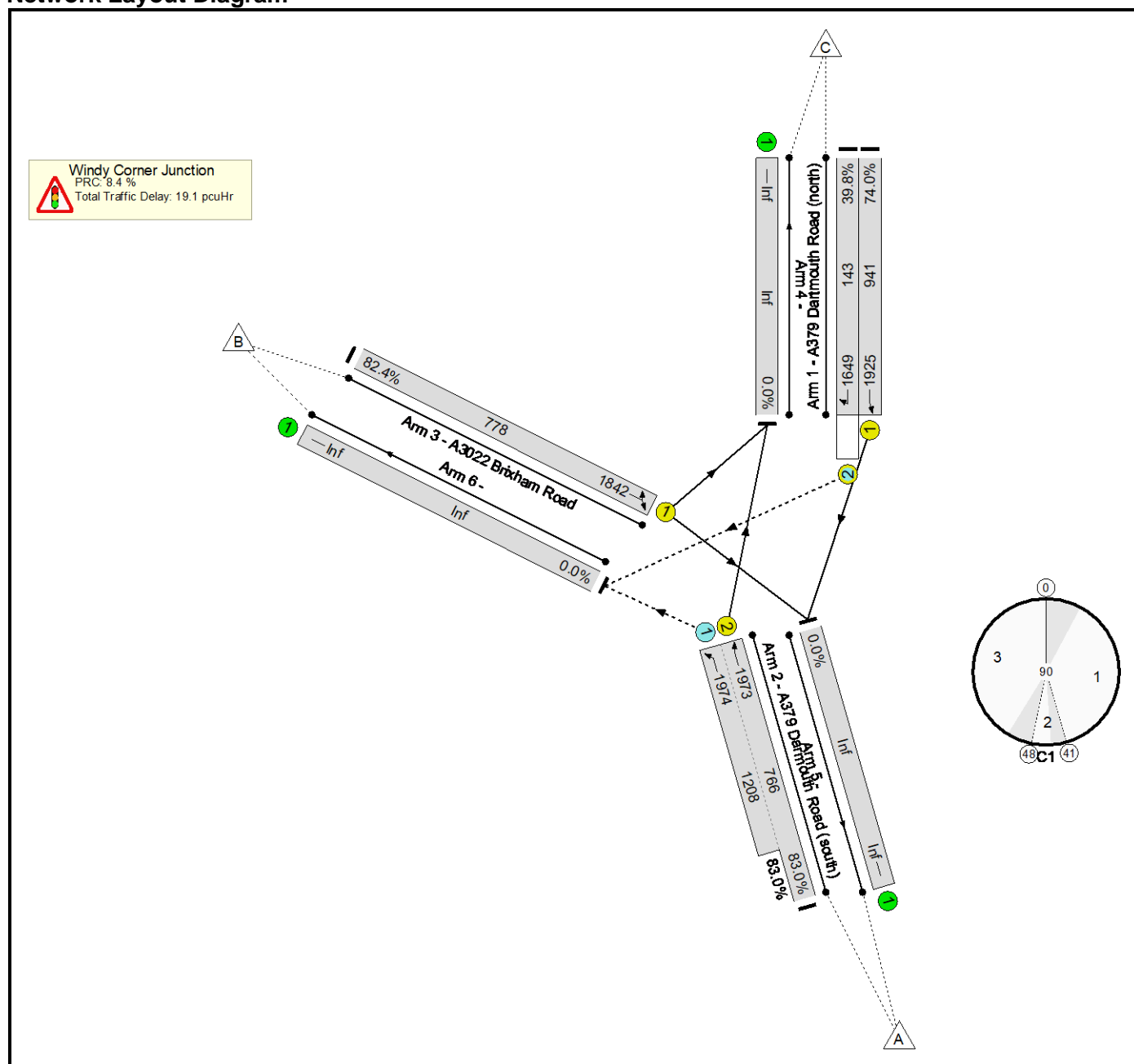
INGLEWOOD	ABACUS PROJECTS LTD			
NOSS DART MARINA DEVELOPMENT TRAFFIC FLOWS 16:00-17:00 PM PEAK HOUR	Produced	Checked	Passed	Date
	BE	SLF	DRK	Nov-20
		26 Berkeley Square Bristol, BS8 1HP 0117 920 9430		

Basic Results Summary
Basic Results Summary

User and Project Details

Project:	Inglewood
Title:	Windy Corner Junction - with Torbay Council Proposed Highway Works
Location:	
Additional detail:	
File name:	Windy Corner Existing Copy (s 0734-033A) - additional committed development including Noss Dart Marina.lsg3x
Author:	FF
Company:	Key Transport Consultants
Address:	26 Berkeley Square, Bristol, BS8 1HP

Scenario 19: 'Add Com Dev 2024 AM' (FG27: '2024 + Add Com Dev AM', Plan 1: 'Network Control Plan 1')
Network Layout Diagram



Basic Results Summary

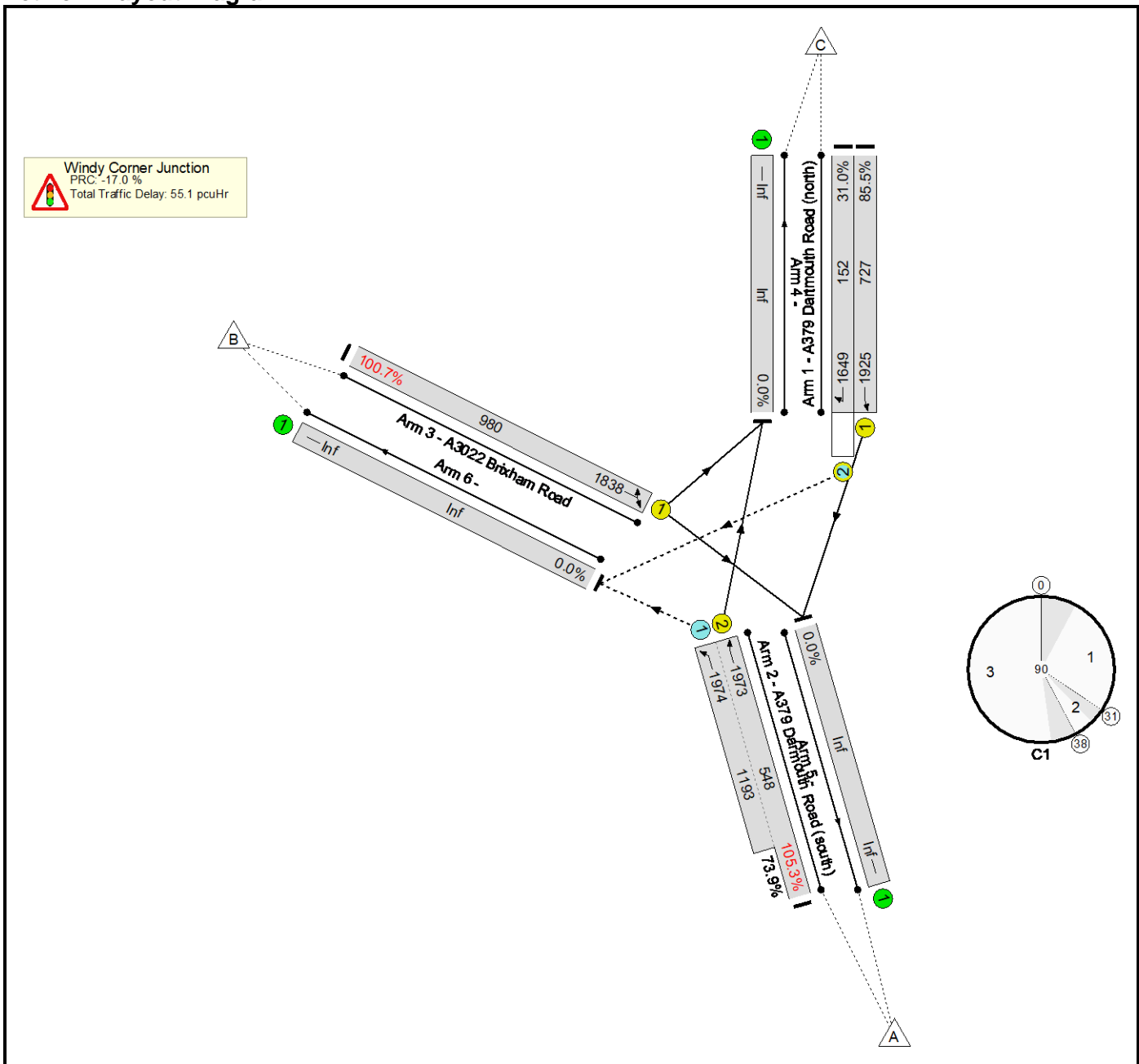
Network Results

Item	Lane Description	Lane Type	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Mean Max Queue (pcu)			
Network: Windy Corner Junction - with Torbay Council Proposed Highway Works	-	-	-		-	-	-	-	-	-	83.0%	547	513	0	19.1	-	-			
Windy Corner Junction	-	-	-		-	-	-	-	-	-	83.0%	547	513	0	19.1	-	-			
1/1	A379 Dartmouth Road (north) Ahead	U	A		1	43	-	696	1925	941	74.0%	-	-	-	5.0	25.7	15.3			
1/2	A379 Dartmouth Road (north) Right	O	A	D	1	43	4	57	1649	143	39.8%	57	0	0	1.0	61.8	1.1			
2/2+2/1	A379 Dartmouth Road (south) Ahead Left	U+O	B -		1	34	-	1639	1973:1974	766+1208	83.0 : 83.0%	490	513	0	6.8	14.9	16.7			
3/1	A3022 Brixham Road Left Right	U	C		1	37	-	641	1842	778	82.4%	-	-	-	6.4	35.8	16.3			
		C1	PRC for Signalled Lanes (%):		8.4		PRC Over All Lanes (%):		8.4		Total Delay for Signalled Lanes (pcuHr):		19.11		Total Delay Over All Lanes(pcuHr):		19.11		Cycle Time (s): 90	

Basic Results Summary

Scenario 20: 'Add Com Dev 2024 PM' (FG28: '2024 + Add Com Dev PM ', Plan 1: 'Network Control Plan 1')

Network Layout Diagram



Basic Results Summary

Network Results

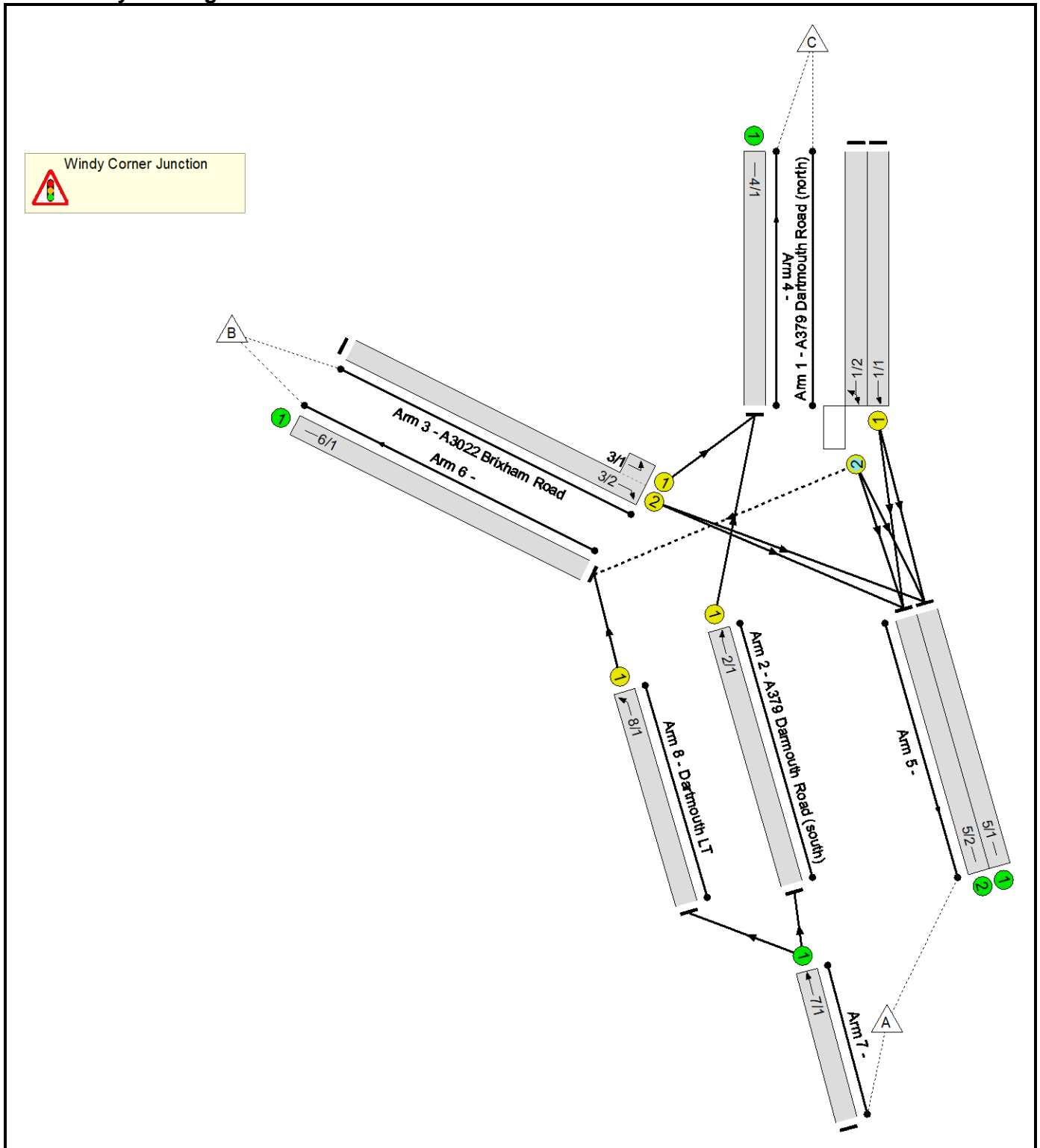
Item	Lane Description	Lane Type	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - with Torbay Council Proposed Highway Works	-	-	-		-	-	-	-	-	-	105.3%	380	549	0	55.1	-	-
Windy Corner Junction	-	-	-		-	-	-	-	-	-	105.3%	380	549	0	55.1	-	-
1/1	A379 Dartmouth Road (north) Ahead	U	A		1	33	-	622	1925	727	85.5%	-	-	-	7.3	42.0	17.0
1/2	A379 Dartmouth Road (north) Right	O	A	D	1	33	4	47	1649	152	31.0%	47	0	0	0.7	54.7	1.0
2/2+2/1	A379 Dartmouth Road (south) Ahead Left	U+O	B -		1	24	-	1459	1973:1974	548+1193	105.3 : 73.9%	333	549	0	23.5	58.0	32.2
3/1	A3022 Brixham Road Left Right	U	C		1	47	-	987	1838	980	100.7%	-	-	-	23.6	86.1	42.3
		C1	PRC for Signalled Lanes (%):		-17.0		Total Delay for Signalled Lanes (pcuHr):		55.08		Cycle Time (s):		90				
			PRC Over All Lanes (%):		-17.0		Total Delay Over All Lanes(pcuHr):		55.08								

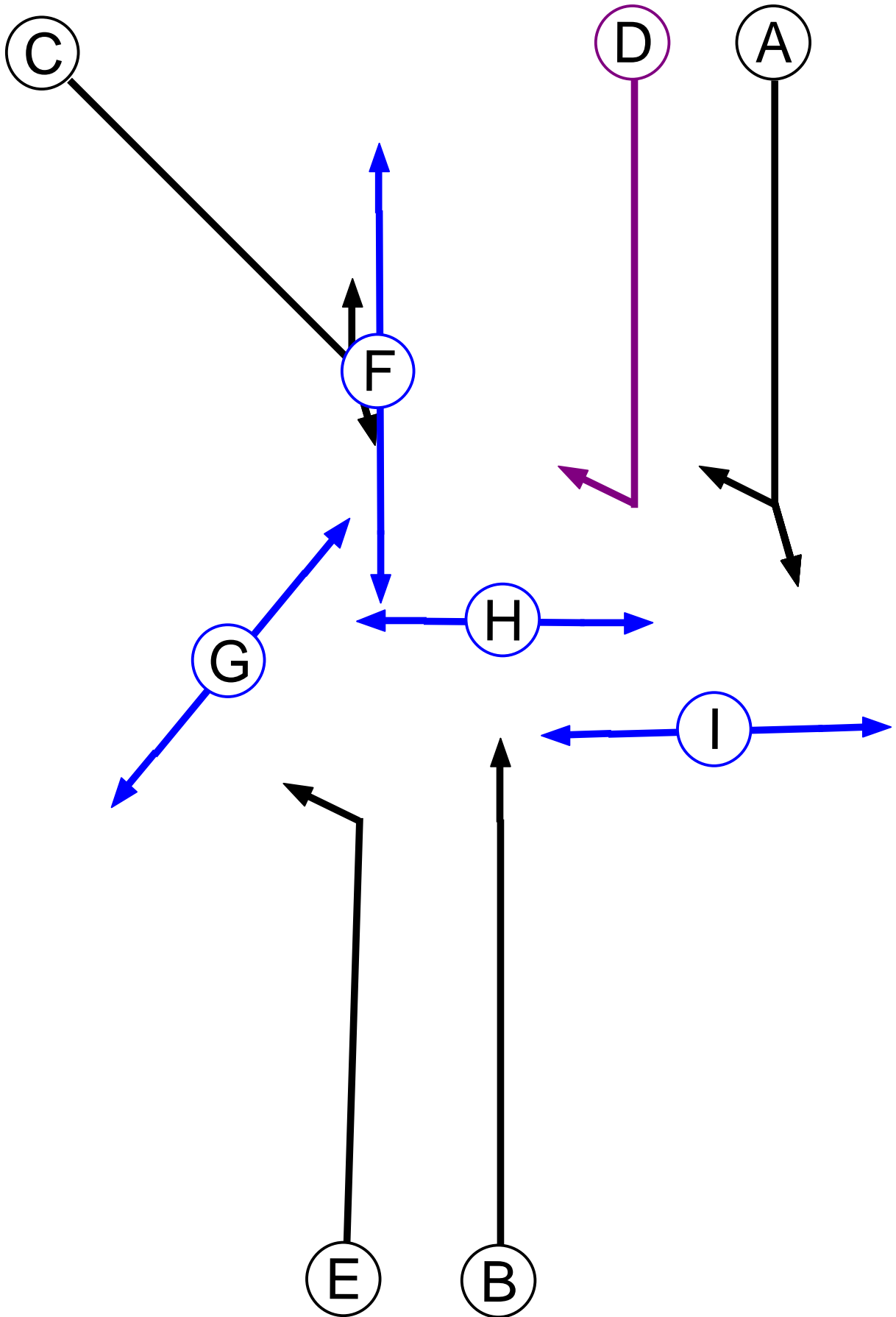
Full Input Data And Results

User and Project Details

Project:	Inglewood
Title:	Windy Corner Junction - KTC proposed highway works
Location:	
Additional detail:	
File name:	Opt3b no PhaseF - RT storage & extend IG Windy Corner (0734-64) - additional committed development including Noss Dart Marina.lsg3x
Author:	FF
Company:	Key Transport Consultants
Address:	26 Berkeley Square, Bristol, BS8 1HP

Network Layout Diagram





Full Input Data And Results

Phase Input Data

Phase Name	Phase Type	Assoc. Phase	Street Min	Cont Min
A	Traffic		7	7
B	Traffic		7	7
C	Traffic		7	7
D	Ind. Arrow	A	4	4
E	Traffic		7	7
F	Pedestrian		7	7
G	Pedestrian		7	7
H	Pedestrian		7	7
I	Pedestrian		7	7

Phase Intergreens Matrix

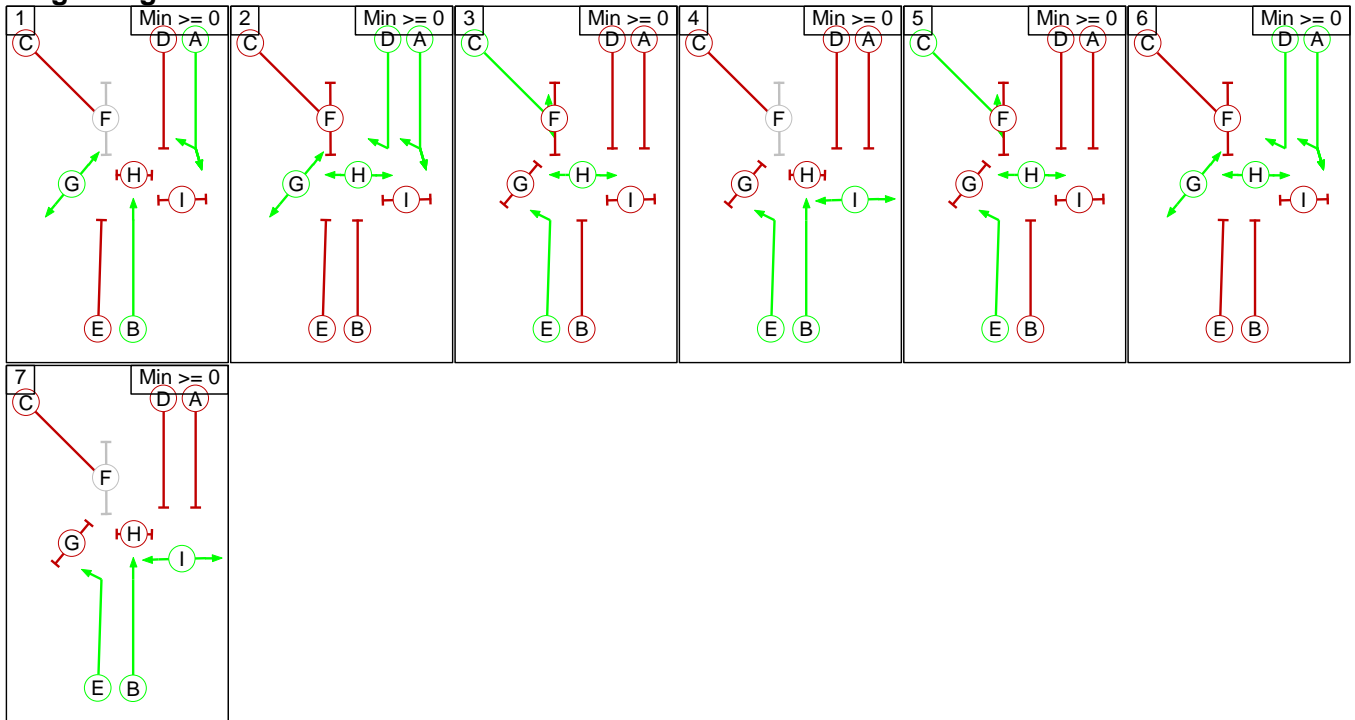
		Starting Phase								
		A	B	C	D	E	F	G	H	I
Terminating Phase	A	-	-	6	-	-	-	-	-	7
	B	-	-	6	3	-	-	-	5	-
	C	6	7	-	5	-	5	-	-	7
	D	-	6	5	-	11	7	-	-	7
	E	-	-	-	5	-	-	5	-	-
	F	-	-	16	16	-	-	-	-	-
	G	-	-	-	-	7	-	-	-	-
	H	-	4	-	-	-	-	-	-	-
	I	7	-	7	7	-	-	-	-	-

Phases in Stage

Stage No.	Phases in Stage
1	A B G
2	A D G H
3	C E H
4	B E I
5	C E H
6	A D G H
7	B E I

Full Input Data And Results

Stage Diagram



Full Input Data And Results

Phase Delays

Term. Stage	Start Stage	Phase	Type	Value	Cont value
2	3	G	Losing	4	4
2	4	G	Losing	4	4
2	4	H	Losing	2	2
2	5	G	Losing	4	4
2	7	G	Losing	4	4
2	7	H	Losing	2	2
3	1	H	Losing	3	3
3	4	H	Losing	3	3
3	7	H	Losing	3	3
4	3	I	Losing	9	9
4	5	I	Losing	9	9
5	1	H	Losing	3	3
5	4	H	Losing	3	3
5	7	H	Losing	3	3
6	1	H	Losing	2	2
6	3	G	Losing	4	4
6	4	G	Losing	4	4
6	4	H	Losing	2	2
6	5	G	Losing	4	4
6	7	G	Losing	4	4
6	7	H	Losing	2	2
7	3	I	Losing	9	9
7	5	I	Losing	9	9

Prohibited Stage Change

		To Stage						
		1	2	3	4	5	6	7
From Stage	1							
	2	6		11	11	11	0	11
	3	7	X		7	0	X	7
	4	7	7	16		16	7	0
	5	7	X	0	7		X	7
	6	6	0	11	11	11		11
	7	7	7	16	0	16	7	

Full Input Data And Results

Give-Way Lane Input Data

Junction: Windy Corner Junction											
Lane	Movement	Max Flow when Giving Way (PCU/Hr)	Min Flow when Giving Way (PCU/Hr)	Opposing Lane	Opp. Lane Coeff.	Opp. Mvmnts.	Right Turn Storage (PCU)	Non-Blocking Storage (PCU)	RTF	Right Turn Move up (s)	Max Turns in Intergreen (PCU)
1/2 (A379 Dartmouth Road (north))	6/1 (Right)	1439	0	2/1	1.09	All	3.00	3.00	0.50	3	2.00

Full Input Data And Results

Lane Input Data

Junction: Windy Corner Junction												
Lane	Lane Type	Phases	Start Disp.	End Disp.	Physical Length (PCU)	Sat Flow Type	Def User Saturation Flow (PCU/Hr)	Lane Width (m)	Gradient	Nearside Lane	Turns	Turning Radius (m)
1/1 (A379 Dartmouth Road (north))	U	A	2	3	10.0	Geom	-	3.00	0.00	Y	Arm 5 Ahead	Inf
1/2 (A379 Dartmouth Road (north))	O	A D	2	3	10.4	Geom	-	3.00	0.00	Y	Arm 5 Ahead	Inf
											Arm 6 Right	9.30
2/1 (A379 Dartmouth Road (south))	U	B	2	3	60.0	Geom	-	4.00	0.00	Y	Arm 4 Ahead	Inf
3/1 (A3022 Brixham Road)	U	C	2	3	2.0	Geom	-	4.60	0.00	Y	Arm 4 Left	9.00
3/2 (A3022 Brixham Road)	U	C	2	3	60.0	Geom	-	4.60	0.00	N	Arm 5 Right	16.80
4/1	U		2	3	60.0	Inf	-	-	-	-	-	-
5/1	U		2	3	60.0	Inf	-	-	-	-	-	-
5/2	U		2	3	7.0	Inf	-	-	-	-	-	-
6/1	U		2	3	60.0	Inf	-	-	-	-	-	-
7/1	U		2	3	60.0	Inf	-	-	-	-	-	-
8/1 (Dartmouth LT)	U	E	2	3	37.0	Geom	-	4.10	0.00	Y	Arm 6 Left	147.00

Full Input Data And Results

Traffic Flow Groups

Flow Group	Start Time	End Time	Duration	Formula
1: '2017 Base PM'	17:00	18:00	01:00	
4: 'Growthed 2019 AM'	08:00	09:00	01:00	F?*1.0288
5: 'Growthed 2019 PM'	17:00	18:00	01:00	F1*1.0268
6: '2019 + Deveopment AM'	08:00	09:00	01:00	F4+F2
7: '2019 + Development PM'	17:00	18:00	01:00	F5+F3
8: 'Growthed 2024 AM'	08:00	09:00	01:00	F?*1.1159
9: 'Growthed 2024 PM'	17:00	18:00	01:00	F1*1.1111
10: '2024 + Development AM'	08:00	09:00	01:00	F8+F2
11: '2024 + Development PM'	16:00	17:00	01:00	F9+F3
16: 'TA 2019 Am'	08:00	09:00	01:00	F?+F12
17: 'TA 2019 PM'	17:00	18:00	01:00	F1+F13
18: 'Sensitivity Test - 2017 + H Adj Com + Dev AM'	08:00	09:00	01:00	F16+F2
19: 'Sensitivity Test - 2017 + H Adj Com + Dev PM'	17:00	18:00	01:00	F17+F3
20: 'TA 2024 AM'	08:00	09:00	01:00	F?+F14
21: 'TA 2024 PM'	17:00	18:00	01:00	F1+F15
22: 'TA 2024 + Dev AM'	08:00	09:00	01:00	F20+F2
23: 'TA 2024 + Dev PM'	17:00	18:00	01:00	F21+F3
26: '2024 + Add Com Dev AM'	08:00	09:00	01:00	F20 + F24
27: '2024 + Add Com Dev PM'	17:00	18:00	01:00	F21 + F25
28: '2024 + Add Com Dev + Dev AM'	08:00	09:00	01:00	F22 + F24
29: '2024 + Add Com Dev + Dev PM'	17:00	18:00	01:00	F23 + F25
30: '2024+Dev AM - NEW FLOWS'	08:00	09:00	01:00	
31: '2024+Dev PM - NEW FLOWS'	16:00	17:00	01:00	

Full Input Data And Results

Scenario 1: '2024+Dev AM 2 - NEW FLOWS & 4stage' (FG30: '2024+Dev AM - NEW FLOWS', Plan 1: 'Matt')

Traffic Flows, Desired

Desired Flow :

		Destination			
		A	B	C	Tot.
Origin	A	0	1025	636	1661
	B	644	0	33	677
	C	696	61	0	757
	Tot.	1340	1086	669	3095

Traffic Lane Flows

Lane	Scenario 1: 2024+Dev AM 2 - NEW FLOWS & 4stage
Junction: Windy Corner Junction	
1/1	384
1/2	373
2/1	636
3/1 (short)	33
3/2 (with short)	677(In) 644(Out)
4/1	669
5/1	670
5/2	670
6/1	1086
7/1	1661
8/1	1025

Full Input Data And Results

Lane Saturation Flows

Junction: Windy Corner Junction								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1915	1915
1/2 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	83.6 %	1866	1866
				Arm 6 Right	9.30	16.4 %		
2/1 (A379 Dartmouth Road (south))	4.00	0.00	Y	Arm 4 Ahead	Inf	100.0 %	2015	2015
3/1 (A3022 Brixham Road)	4.60	0.00	Y	Arm 4 Left	9.00	100.0 %	1779	1779
3/2 (A3022 Brixham Road)	4.60	0.00	N	Arm 5 Right	16.80	100.0 %	2033	2033
4/1	Infinite Saturation Flow						Inf	Inf
5/1	Infinite Saturation Flow						Inf	Inf
5/2	Infinite Saturation Flow						Inf	Inf
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf
8/1 (Dartmouth LT)	4.10	0.00	Y	Arm 6 Left	147.00	100.0 %	2005	2005

Scenario 2: '2024+Dev PM 2 - NEW FLOWS & 4stage' (FG31: '2024+Dev PM - NEW FLOWS', Plan 1: 'Matt')

Traffic Flows, Desired

Desired Flow :

	Destination				
	A	B	C	Tot.	
Origin	A	0	909	577	1486
	B	941	0	68	1009
	C	622	51	0	673
	Tot.	1563	960	645	3168

Full Input Data And Results

Traffic Lane Flows

Lane	Scenario 2: 2024+Dev PM 2 - NEW FLOWS & 4stage
Junction: Windy Corner Junction	
1/1	342
1/2	331
2/1	577
3/1 (short)	68
3/2 (with short)	1009(In) 941(Out)
4/1	645
5/1	782
5/2	781
6/1	960
7/1	1486
8/1	909

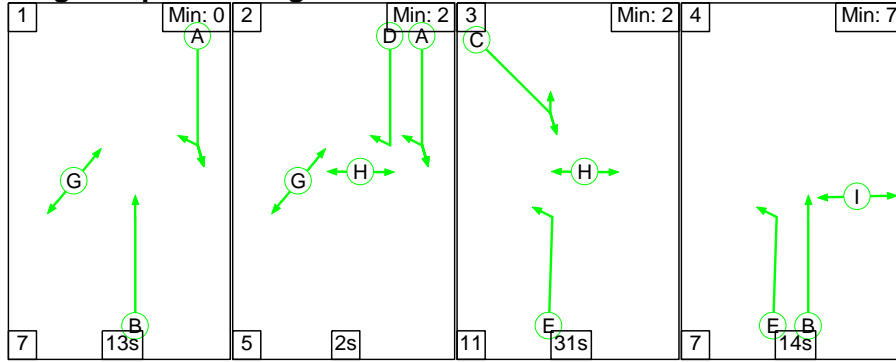
Lane Saturation Flows

Junction: Windy Corner Junction									
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)	
1/1 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1915	1915	
1/2 (A379 Dartmouth Road (north))	3.00	0.00	Y	Arm 5 Ahead Arm 6 Right	Inf 9.30	84.6 % 15.4 %	1869	1869	
2/1 (A379 Darmouth Road (south))	4.00	0.00	Y	Arm 4 Ahead	Inf	100.0 %	2015	2015	
3/1 (A3022 Brixham Road)	4.60	0.00	Y	Arm 4 Left	9.00	100.0 %	1779	1779	
3/2 (A3022 Brixham Road)	4.60	0.00	N	Arm 5 Right	16.80	100.0 %	2033	2033	
4/1	Infinite Saturation Flow						Inf	Inf	
5/1	Infinite Saturation Flow						Inf	Inf	
5/2	Infinite Saturation Flow						Inf	Inf	
6/1	Infinite Saturation Flow						Inf	Inf	
7/1	Infinite Saturation Flow						Inf	Inf	
8/1 (Dartmouth LT)	4.10	0.00	Y	Arm 6 Left	147.00	100.0 %	2005	2005	

Full Input Data And Results

Scenario 1: '2024+Dev AM 2 - NEW FLOWS & 4stage' (FG30: '2024+Dev AM - NEW FLOWS', Plan 1: 'Matt')

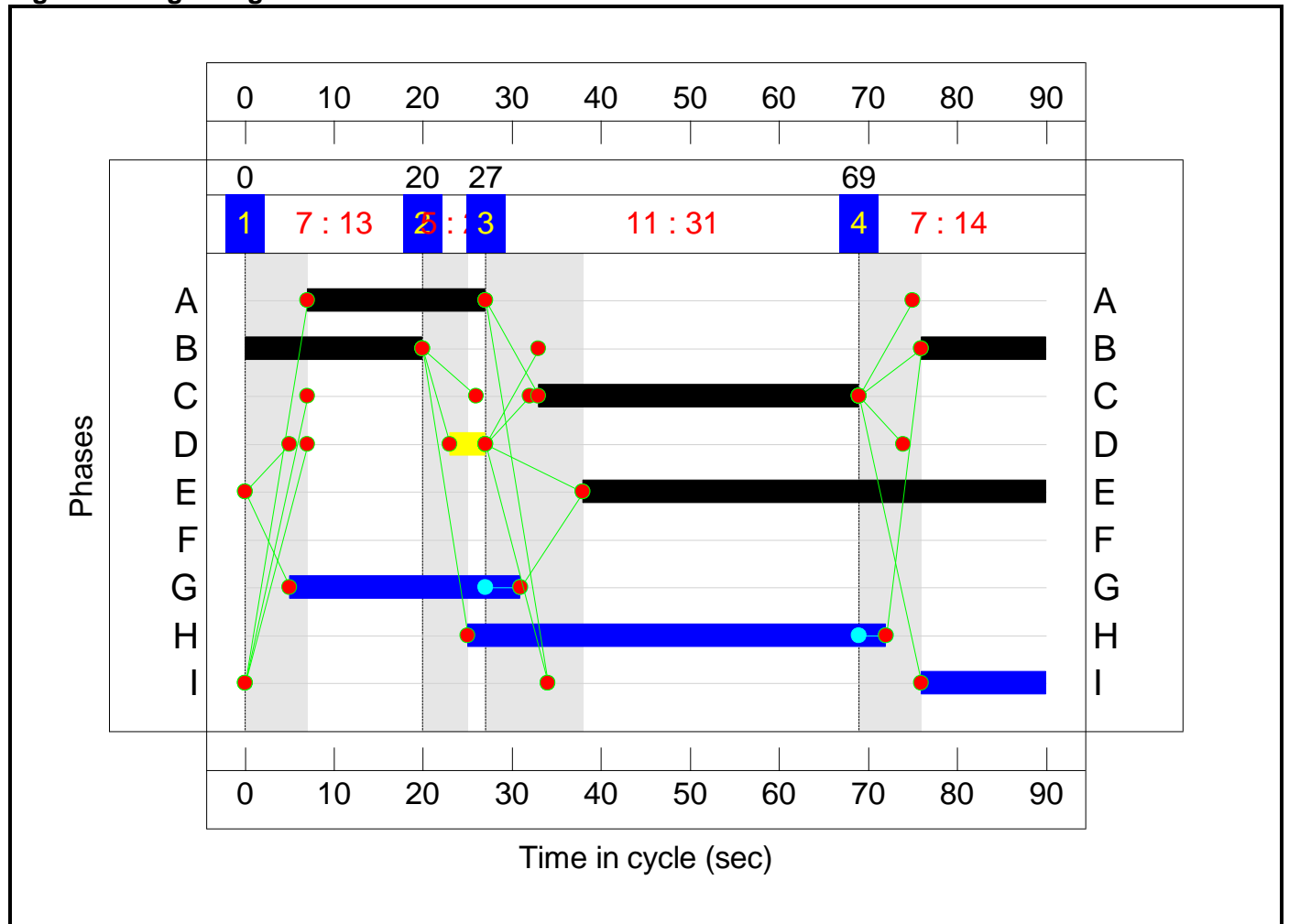
Stage Sequence Diagram




Stage Timings

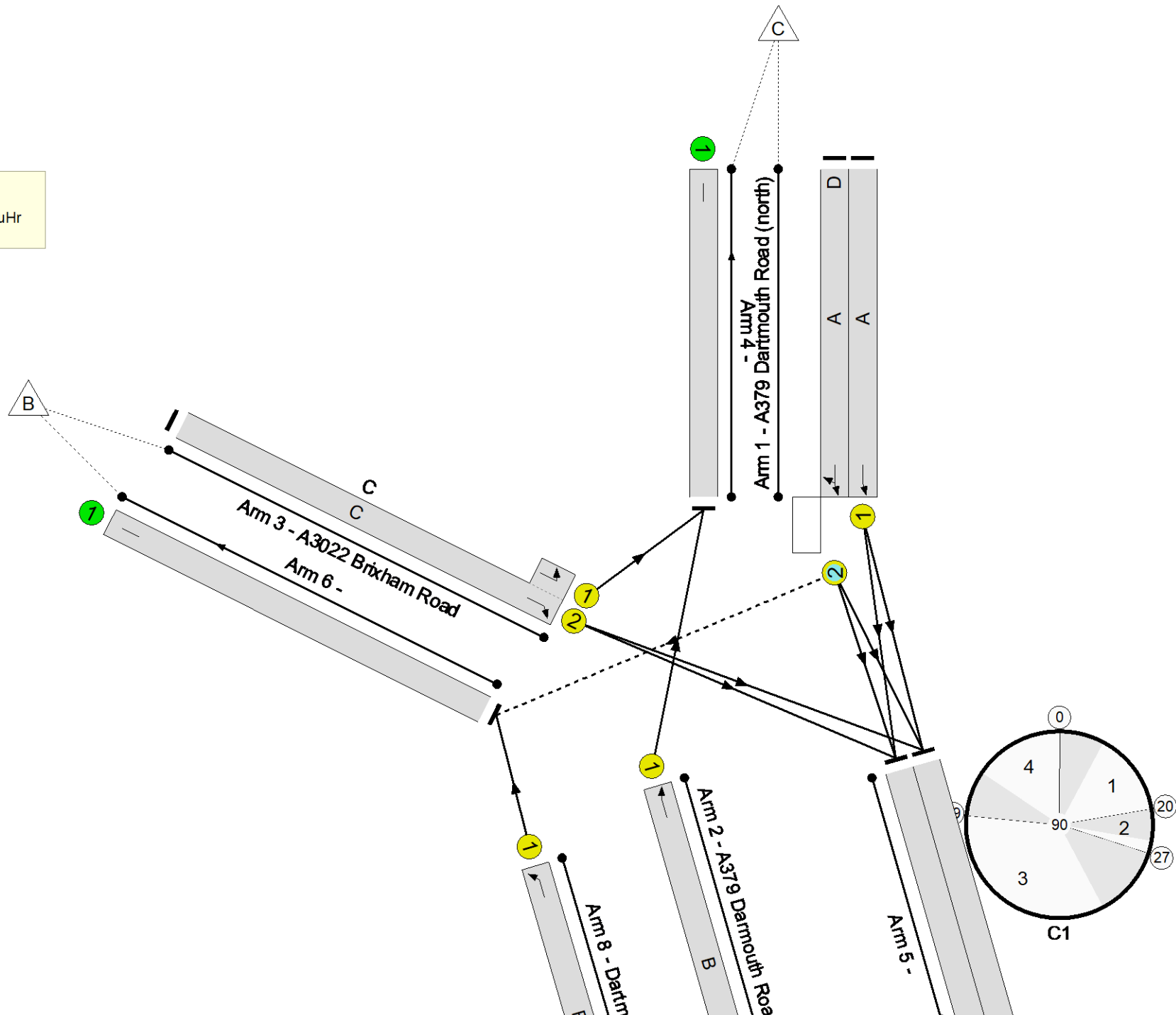
Stage	1	2	3	4
Duration	13	2	31	14
Change Point	0	20	27	69

Signal Timings Diagram



Full Input Data And Results


Windy Corner Junction
 PRC: 3.7 %
 Total Traffic Delay: 33.2 pcuHr



Full Input Data And Results

Network Results

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
Network: Windy Corner Junction - KTC proposed highway works	-	-	N/A	-	-		-	-	-	-	-	-	86.8%
Windy Corner Junction	-	-	N/A	-	-		-	-	-	-	-	-	86.8%
1/1	A379 Dartmouth Road (north) Ahead	U	N/A	N/A	A		1	20	-	384	1915	447	85.9%
1/2	A379 Dartmouth Road (north) Ahead Right	O	N/A	N/A	A	D	1	20	4	373	1866	435	85.7%
2/1	A379 Dartmouth Road (south) Ahead	U	N/A	N/A	B		1	34	-	636	2015	784	81.2%
3/2+3/1	A3022 Brixham Road Left Right	U	N/A	N/A	C		1	36	-	677	2033:1779	784+40	82.1 : 82.1%
4/1		U	N/A	N/A	-		-	-	-	669	Inf	Inf	0.0%
5/1		U	N/A	N/A	-		-	-	-	670	Inf	Inf	0.0%
5/2		U	N/A	N/A	-		-	-	-	670	Inf	Inf	0.0%
6/1		U	N/A	N/A	-		-	-	-	1086	Inf	Inf	0.0%
7/1	Ahead Ahead2	U	N/A	N/A	-		-	-	-	1661	Inf	Inf	0.0%
8/1	Dartmouth LT Left	U	N/A	N/A	E		1	52	-	1025	2005	1181	86.8%

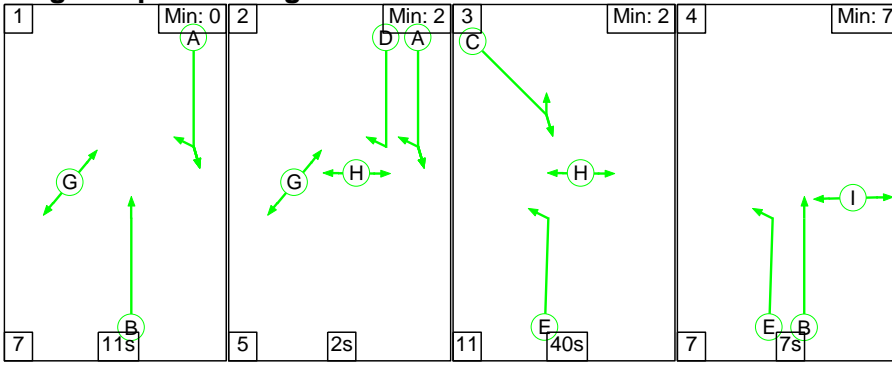
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - KTC proposed highway works	-	-	44	15	2	20.2	13.0	0.0	33.2	-	-	-	-
Windy Corner Junction	-	-	44	15	2	20.2	13.0	0.0	33.2	-	-	-	-
1/1	384	384	-	-	-	3.5	2.8	-	6.3	59.4	9.2	2.8	12.0
1/2	373	373	44	15	2	3.4	2.7	0.0	6.2	59.7	8.9	2.7	11.7
2/1	636	636	-	-	-	4.3	2.1	-	6.4	36.4	14.1	2.1	16.2
3/2+3/1	677	677	-	-	-	4.4	2.2	-	6.7	35.5	14.9	2.2	17.2
4/1	669	669	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	670	670	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/2	670	670	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
6/1	1086	1086	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	1661	1661	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
8/1	1025	1025	-	-	-	4.4	3.2	-	7.6	26.7	21.4	3.2	24.5
C1 PRC for Signalled Lanes (%): 3.7 Total Delay for Signalled Lanes (pcuHr): 33.22 Cycle Time (s): 90 PRC Over All Lanes (%): 3.7 Total Delay Over All Lanes(pcuHr): 33.22													

Full Input Data And Results

Scenario 2: '2024+Dev PM 2 - NEW FLOWS & 4stage' (FG31: '2024+Dev PM - NEW FLOWS', Plan 1: 'Matt')

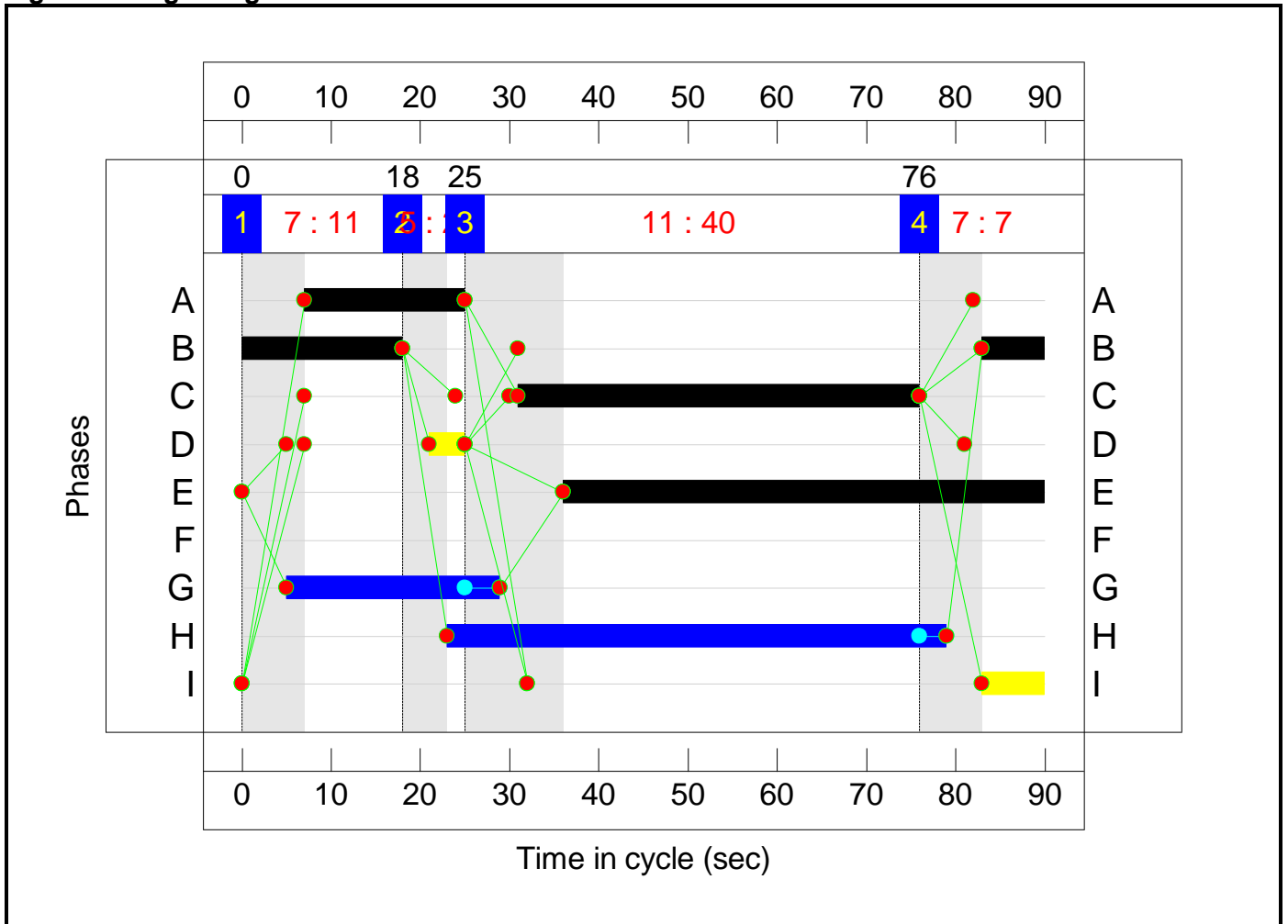
Stage Sequence Diagram




Stage Timings

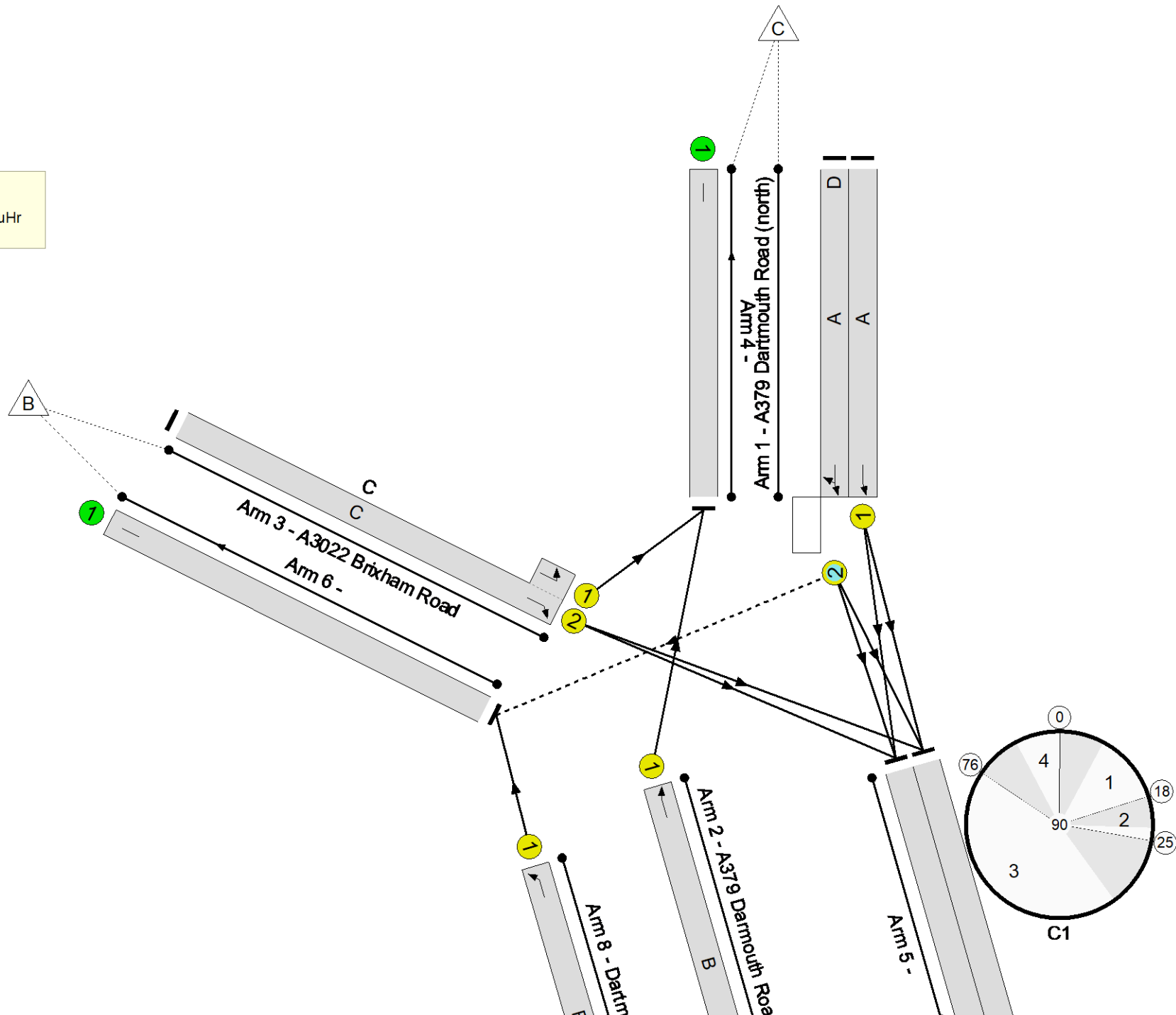
Stage	1	2	3	4
Duration	11	2	40	7
Change Point	0	18	25	76

Signal Timings Diagram



Full Input Data And Results


Windy Corner Junction
 PRC: -10.1 %
 Total Traffic Delay: 50.2 pcuHr



Full Input Data And Results

Network Results

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
Network: Windy Corner Junction - KTC proposed highway works	-	-	N/A	-	-		-	-	-	-	-	-	99.1%
Windy Corner Junction	-	-	N/A	-	-		-	-	-	-	-	-	99.1%
1/1	A379 Dartmouth Road (north) Ahead	U	N/A	N/A	A		1	18	-	342	1915	404	84.6%
1/2	A379 Dartmouth Road (north) Ahead Right	O	N/A	N/A	A	D	1	18	4	331	1869	395	83.9%
2/1	A379 Dartmouth Road (south) Ahead	U	N/A	N/A	B		1	25	-	577	2015	582	99.1%
3/2+3/1	A3022 Brixham Road Left Right	U	N/A	N/A	C		1	45	-	1009	2033:1779	956+69	98.4 : 98.4%
4/1		U	N/A	N/A	-		-	-	-	645	Inf	Inf	0.0%
5/1		U	N/A	N/A	-		-	-	-	782	Inf	Inf	0.0%
5/2		U	N/A	N/A	-		-	-	-	781	Inf	Inf	0.0%
6/1		U	N/A	N/A	-		-	-	-	960	Inf	Inf	0.0%
7/1	Ahead Ahead2	U	N/A	N/A	-		-	-	-	1486	Inf	Inf	0.0%
8/1	Dartmouth LT Left	U	N/A	N/A	E		1	54	-	909	2005	1225	74.2%

Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
Network: Windy Corner Junction - KTC proposed highway works	-	-	0	49	2	20.7	29.5	0.1	50.2	-	-	-	-
Windy Corner Junction	-	-	0	49	2	20.7	29.5	0.1	50.2	-	-	-	-
1/1	342	342	-	-	-	3.2	2.5	-	5.8	60.8	8.2	2.5	10.7
1/2	331	331	0	49	2	3.1	2.4	0.1	5.6	61.0	7.9	2.4	10.3
2/1	577	577	-	-	-	5.1	10.8	-	15.9	99.3	14.3	10.8	25.1
3/2+3/1	1009	1009	-	-	-	6.1	12.3	-	18.4	65.5	24.5	12.3	36.8
4/1	645	645	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	782	782	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/2	781	781	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
6/1	960	960	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	1486	1486	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
8/1	909	909	-	-	-	3.1	1.4	-	4.6	18.1	16.2	1.4	17.6
C1 PRC for Signalled Lanes (%): -10.1 Total Delay for Signalled Lanes (pcuHr): 50.24 Cycle Time (s): 90 PRC Over All Lanes (%): -10.1 Total Delay Over All Lanes(pcuHr): 50.24													

Annex D

Summary of Responses to Torbay Council November 2020 Consultation on Latest Windy Corner Layout with Comments Agreed by Torbay Council and Key Transport Consultants

**Annex D to Statement of Common Ground – Transport Issues
Responses to Torbay Council November 2020 Consultation on Latest Windy Corner Layout
Shown on Drawing 0734-064 with Comments Agreed by Torbay Council and Key Transport
Consultants**

Response	Agreed Comment
Consultation	
<p>There has been a lack of consultation.</p>	<p>The evolution of the proposals at Windy Corner is presented at section two of this Statement of Common Ground (CD 7.21 Appendix 2 December 2020). The layout proposed at Windy Corner within the application was shown on drawing 0734-044, which was included in the supporting Transport Assessment document (CD1.27). The Transport Assessment was first made available in the public domain soon after the application was registered in November 2017.</p> <p>The layout on drawing 0734-044 includes two lanes on the southbound Dartmouth Road exit from the junction and that component of the scheme has not changed in a significant way since first submission. The community has therefore been consulted on that aspect of the proposal previously and again on this revision.</p> <p>A further revision was submitted in Technical Note 5 (CD2.36) in June 2018. It included drawing 0734-053, which presented a minor realignment of the layout but continued to show a two lane exit on the Dartmouth Road southern exit from the junction.</p> <p>The proposals then remained unchanged until after the Council completed its own improvement scheme in summer 2019.</p> <p>Reassessment of the proposals at that stage led to the inclusion of the shared footway/cycleway on the east side of the junction because by then, the new facility had been introduced by the Council and warranted being maintained in this proposal.</p> <p>After further careful consideration, the proposed signal controlled crossing across Dartmouth Road on all sections of the south side of the junction was added, as shown on the current drawing 0734-064. This is the only component of the layout that was introduced into the public domain for the first time in November 2020. The community has had an opportunity to consider this aspect of the current proposals during November/December 2020 and the responses are presented to the inquiry in this summary table.</p>
Provision for Pedestrians and Cyclists	
<p>There should be a controlled crossing over Brixham Road.</p>	<p>An uncontrolled crossing of the Brixham Road arm of the junction is provided within the existing layout and visibility to the right for pedestrians crossing from north to south is very limited. For this reason, an option to introduce signal control of</p>

	<p>this crossing was examined as Option 3 in Technical Note 9 (see paragraphs 5.17 to 5.25 of Annex B). Space available to improve the junction is very limited and the investigation concluded that there was insufficient space available to introduce traffic signal control of the pedestrian movement of the Brixham Road arm.</p> <p>The uncontrolled crossing of Brixham Road is part of the existing junction layout and is retained in the proposed layout, albeit with the layout amended. So, for pedestrians who feel able to cross Brixham Road now, the amenity of the crossing will not be reduced. For pedestrians who do not feel safe to cross Brixham Road, there would in future be an option to pass through the junction via the controlled crossing of Dartmouth Road (south). As noted at paragraph 2.6 of Technical Note 9, no slight personal injury collisions involving pedestrians occurred at the Windy Corner junction during the five year period of records examined.</p> <p>For those wishing to pass along the west side of Dartmouth Road, who will encounter a combination of one controlled crossing and two sections of uncontrolled crossing, the distinction will be clear because there will be no green man display and push button controls on the uncontrolled movements. Hence, it would be obvious that those crossings are not controlled crossings.</p> <p>Signage will be provided between Hookhills Road and Langdon Lane, directing pedestrians across the Zebra crossing and returning across the signalised crossing on Dartmouth Road, highlighting this as the controlled crossing route.</p>
<p>Some crossings are sub-standard.</p>	<p>The pedestrian crossing on the Brixham Road arm of the junction does not meet current design standards. In particular, there is limited visibility to the right for pedestrians crossing from north to south and insufficient space to introduce tactile paving within the footway at the north end of that crossing. The proposed improvement includes a traffic signal controlled crossing of Dartmouth Road to the south of the junction, designed in accordance with modern standards.</p> <p>If the scheme proceeds, pedestrians wishing to pass the junction from the western footway of Dartmouth Road to the north of the junction, to the western footway of Dartmouth Road to the south (and vice versa) would be able to cross Dartmouth Road at the zebra crossing near the Churston Broadway shops, pass along the eastern footway of Dartmouth Road and back across Dartmouth Road via the proposed new signal controlled crossing. While longer than the direct route, pedestrians who are not confident about crossing the uncontrolled Brixham Road arm will be able to pass through</p>

	<p>the junction by using two crossings of Dartmouth Road that would provide priority to the pedestrian.</p> <p>Although not ideal, this is the best solution that can be achieved at the Windy Corner junction within the limits of the public highway and would provide a significant safety improvement for pedestrians compared to the existing layout.</p> <p>If the scheme does not proceed, Torbay Council has no plans to alter the existing crossings, which will remain sub-standard.</p>
Concern over eventual status of controlled crossings.	<p>The introduction of controlled pedestrian crossings within the scheme to mitigate the impact of the Inglewood development was first proposed by the local highway authority, Torbay Council, to the applicant in November 2019. Subsequent investigations concluded that a signal controlled crossing could be introduced across the southern arm of Dartmouth Road with limited impact on road traffic. The revised proposal is supported by both the local highway authority and the appellant, so if the appeal is allowed, the improvement will proceed with the signal controlled crossing on Dartmouth Road.</p> <p>A condition is proposed requiring implementation of highway works in accordance with the submitted plans.</p>
Priority should be given to pedestrians (particularly school children).	<p>Priority will be given to pedestrians, including school children, at the new crossing on the southern arm of Dartmouth Road.</p>
Question whether changes in traffic flows post pandemic could mean the improvements are not required and that cycling can instead be prioritised.	<p>Highway layouts are changed at intervals to meet changing travel demands. The Council is investigating options to improve walking and cycling routes in the vicinity. Implementation of this scheme would not preclude future alteration of the junction to improve the cycling amenities, should the Council deem it to be appropriate. One reason this might arise is if post-pandemic traffic levels do not return to their pre-pandemic levels.</p>
<p>The cycle infrastructure through the junction should be improved instead and these proposed works preclude such improvements at a later date.</p> <p>A 'Golden opportunity' to widen footway between shops and junction missed, representation insists that a shared cycle/walking route is provided.</p>	<p>It is acknowledged that the cycle infrastructure at the junction is not ideal. This proposal seeks to mitigate the impact of movement arising from the development and is not intended to resolve existing problems in the transport network. It is agreed that the proposed improvement strikes a reasonable balance between mitigating the traffic impact of the development and improving pedestrian amenities.</p> <p>Highway layouts are changed at intervals to meet changing travel demands. The Council is investigating options to improve walking and cycling routes in the vicinity. Implementation of this scheme would not preclude future alteration of the junction, to improve cycling amenities, should the Council deem it to be appropriate.</p>

	<p>NPPF paragraphs 108 and 109 require a development to mitigate its own transport impacts but do not require it to resolve existing traffic problems on the local network. The proposed improvement shown on drawing 0734-064 satisfies these NPPF requirements.</p>
<p>The proposed second southbound lane compromises already complex and sub-standard pedestrian and cyclist safety, and precludes future Active Travel improvements.</p>	<p>The shared footway/cycleway constructed in 2019 to the east of the widening would be displaced eastwards by up to 1.5m in order to functionally retain the facility. The existing sub-standard section to the north would remain unchanged.</p> <p>There is no reduction in overall space available at and around the junction and the Council can decide at a later date to reallocate highway space to suit the need, with separate engagement with the community.</p>
<p>Traffic Signal Analysis</p>	
<p>The capacity assessments are inaccurate.</p>	<p>The traffic analysis has been developed and scrutinised repeatedly since the analysis was first submitted in a Transport Assessment in support of the application in November 2017. In particular, during the spring of 2018 the analysis was scrutinised in fine detail by Torbay Council's framework consultant, Jacobs. This process identified an error in the analysis that was corrected by Key Transport in Technical Note 5, submitted in June 20018 and revised in December 2018.</p> <p>The capacity assessments for the Windy Corner junction have been updated since Torbay Council completed its own improvement scheme to the south of the junction in the summer of 2019, in line with the detail agreed following Jacobs' 2018 scrutiny, to test evolving options for improvement of the junction.</p> <p>Capacity assessments have therefore been carried out both in term time and school holiday periods to ensure robustness.</p> <p>The traffic capacity analysis is considered to provide a fair, reasonable and robust means of assessing the future performance of all junctions assessed in connection with the application.</p>
<p>Method of analysis is not appropriate.</p>	<p>The method of analysis follows a national industry standard approach for assessment of the capacity of traffic signal controlled junctions employed by highway authorities across the country, and uses the industry standard and nationally recognised LinSig software.</p> <p>The methodology has been agreed at all stages with the local highway authority, Torbay Council.</p>

	<p>The detail of the analysis has also been scrutinised by the Council and its transport consultant and the results are accepted as a fair assessment of: the performance of the existing junction; of the same junction in the future assessment year allowing for traffic growth; and of the impact of the proposed improvement.</p>
<p>Actual signal cycle times at the junction are longer than the cycle times adopted in the analysis supporting the proposed improvement.</p>	<p>It is not uncommon for a traffic signal controlled junction to operate in practice with a cycle time that differs from the cycle time selected for use in junction capacity analysis. For Windy Corner the analysis has been undertaken adopting the same cycle time (the LinSig default value of 90 seconds) for all scenarios. This means that the results for the different tests can be compared on a like for like basis. Increasing the cycle time to 120 seconds or more would increase the Practical Reserve Capacity of the junction because the longer the cycle time, the longer the green time that can be allocated to each stage of the cycle as a proportion of the overall cycle time.</p>
<p>The improvement is insufficient (because it will leave a PM peak capacity shortfall of -7.4%). [Paraphrasing of GRA response bottom of page 5/top of page 6.]</p>	<p>The junction will be over capacity regardless of whether the Inglewood development proceeds. Traffic conditions would be made worse with Inglewood and no improvements. Those conditions can be improved to both mitigate the full effect of the development and provide additional traffic capacity, compared to the position without Inglewood. Introduction of the necessary pedestrian crossing does reduce the potential overall benefit to traffic flow and capacity but the improvement of the pedestrian movements is considered to be sufficiently important to justify the reduction.</p> <p>The overall effect of the proposed improvement will be to mitigate the traffic impact of the Inglewood development by delivering a small improvement in traffic capacity in the PM peak, compared to the conditions forecast if the development does not proceed, while also introducing a pedestrian safety benefit in the form of a signal controlled crossing of Dartmouth Road.</p>
<p>It would only create a short-term improvement in capacity.</p>	<p>NPPF paragraphs 108 and 109 require a development to mitigate its own transport impacts but do not require it to resolve existing traffic problems on the local network. The proposed improvement shown on drawing 0734-064 satisfies these NPPF requirements.</p>
<p>Junction Layout</p>	
<p>There should not be a second lane outside the shops as this will have safety and air quality issues arising</p>	<p>There are two lanes outside the Churston Broadway shops on Dartmouth Road at present. The number of lanes will not change as a consequence of introducing the proposed scheme. The only change in this area is that southbound traffic will be able to use both lanes to pass through the junction. This would</p>

<p>from it (as well as impact on village setting).</p>	<p>provide additional capacity to mitigate the impact of development traffic and enable the introduction of the signal controlled pedestrian crossing on Dartmouth Road to the south of the junction, thereby improving pedestrian safety. The anticipated reduction in queuing at the junction should also improve air quality.</p>
<p>Right turning traffic from Dartmouth Road (north) towards Brixham Road will exceed capacity of right turn lane and block through traffic lane.</p>	<p>Right turning flows are low (61 in AM peak and 51 in PM peak) and would normally be expected to be within the capacity of the right turn lane.</p>
<p>Safety concern with convergence of 2 lanes to 1 before Bascombe Road and impact on congestion at Bascombe Road.</p> <p>There will be a “drag race” on the new two lane section.</p>	<p>Bascombe Road is approximately 80-90m beyond the merge.</p> <p>The Bascombe Road junction has been designed to modern standards with appropriate visibility splays. It has a yellow box marking to discourage drivers from obstructing movement of opposing traffic through the junction. Both movements across the box markings are ahead movements only. Drivers obstructing a yellow box marking when proceeding ahead commit an offence.</p> <p>The relatively short length of two lane carriageway on the southbound carriageway prior to the merge point is not uncommon. As an example, a similar length of two lane exit from a signal controlled junction is provided on the eastbound side of Torbay Road at its junction with The King’s Drive in Torquay (near the Grand Hotel). There the downstream length of two lanes is curtailed by the presence of parked cars downstream of the junction and is shorter than is proposed at Windy Corner. Accident records indicate that there was just one collision involving personal injury in the five years reported in the Transport Assessment. This does not suggest that the objection point raised is likely to occur in practice.</p> <p>A second example exists on the southbound side of Torbay Road adjacent to the Grand Hotel, where the two lanes on the entry side of a signal controlled crossing merge immediately after the crossing, with no downstream length of two lanes to provide space for adjacent vehicles to align themselves in preparation for the merge. At this location just one collision involving personal injury was reported in the five years reported in the Transport Assessment.</p> <p>Other similar examples exist at the Clennon Valley (Dartmouth Road/ Tanners Road) junction and at Brixham Road/Kingsway Avenue, although there the two lane length is longer.</p>
<p>Creation of a four lane traffic corridor, separating communities and</p>	<p>The improvement scheme proposes widening of the existing carriageway on its eastern side by a maximum of approximately 1.5m, tapering out to nothing over a length of about 40m to</p>

<p>compromising heavily used pedestrian and cycle routes.</p>	<p>both north and south. This will have a minimal impact with respect to separation of communities.</p> <p>The introduction of a signal controlled pedestrian crossing on Dartmouth Road to the south of the junction will improve connectivity between communities, particularly between Galmpton and the shops and other amenities at Churston Broadway, including Churston Library, to the north-east of the junction.</p>
<p>Difficulty of exiting right from Langdon Lane.</p> <p>Include Langdon Lane in traffic lights.</p>	<p>Very few drivers choose to turn right out of Langdon Lane with the existing layout. Between the hours of 7.00 and 9.00 and 16.00 and 19.00 in the September 2019 traffic surveys the total number of vehicles turning right out in one hour varied between 3 and 10.</p> <p>Langdon Lane is one of three side roads that serve Galmpton with junctions on the A379 Dartmouth Road. The Langdon Lane junction is the most complex of the three and this probably influences route choice. For drivers wishing to turn right to travel to destinations to the south, who experience difficulty turning out of Langdon Lane, travel via Manor Vale Road or Greenway Road present alternative route options. At both these junctions Dartmouth Road is a single carriageway. At Manor Vale Road the junction with Dartmouth Road is a simple tee junction, whereas at Greenway Road, there is a ghost island junction layout. Both are simpler forms of junction, where it would be easier to turn right onto Dartmouth Road than from Langdon Road. One representation also noted that currently decisions are made about route choice by local residents to avoid the right turn.</p> <p>The proposed introduction of traffic signal control of the Langdon Lane junction is a matter for the local highway authority, which considered the option in 2017 in response to representations from Galmpton Residents Association (GRA). The introduction of traffic signal controls was rejected at the time but was identified as an option for further future consideration (see letter from Mr Jones of Torbay Council at GRA Annex 2).</p> <p>The introduction of traffic signals at the Langdon Lane junction is not part of the improvement proposed to mitigate the impact of the Inglewood development. However, the introduction of that scheme would not preclude the local highway authority reconsidering the introduction of traffic signals at Langdon Lane in future.</p>

Appendix 3: Ecology Statement

INGLEWOOD: CHRONOLGY OF ECOLOGY MATTERS – November 2020

- I.1 The following text provides a chronology of the key ecology matters in relation to the Inglewood application.
- I.2 The Site was subject to ecology surveys in 2010 and 2015/16 by EcoSulis to inform the White Rock application (P/2011/0197 and subsequent reserved matters applications) to the north and the potential allocation of the Inglewood land in the Local Plan. Whilst the White Rock application was approved, Inglewood was not selected for inclusion in the Local Plan (with insufficient ecology survey data cited as a key reason for it not to be included).
- I.3 Nicholas Pearson Associates (NPA) started to undertake ecology surveys to inform the current proposals in 2016. These comprised of surveys of habitat, Badgers, bats, breeding birds, Cirl Buntings, Dormice, Great Crested Newts, invertebrates and reptiles. The surveys were undertaken in accordance with best practice. As the application site is within the sustenance zone for Greater Horseshoe Bats associated with the South Hams Special Area of Conservation (SAC) the detailed scope of the bat surveys was agreed with Torbay and Natural England (NE) in April 2016.
- I.4 NPA provided ecology text for the Scoping Report (December 2016), with Torbay issuing the EIA scoping opinion (16th February 2017, CD 1.38). Torbay broadly agreed with the contents of ecology section and generally supported the survey effort undertaken/proposed.
- I.5 Dialogue continued with Torbay, Natural England and the RSPB through the design process. This dialogue and the results of the ecology surveys were integral to the design of the proposals. The dialogue included a pre-app meeting with Torbay (5th January 2017) and a site meeting with Torbay and the RSPB (February 2017). It also included a meeting (28th September 2017) with NE and Torbay, through NE's Discretionary Advice Service. NE advised (letter 12th October 2017, CD 3.2) that they supported the overall conclusions of the draft ecology chapter regarding screening of risk regarding designated sites, they concurred that key potential impacts relate to Greater Horseshoe Bats associated with the South Hams SAC and welcomed the enhancement and mitigation measures that had been put forward.

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- I.6 NPA then prepared the finalised ecology chapter of the ES in November 2017, CD I.17, which was submitted as part of the planning application. The chapter predicted that there would be no significant negative residual impacts to any of the ecological receptors identified (including the South Hams SAC), with significant positive impacts predicted for bats and birds in the long term.
- I.7 NE responded to the application (December 2017, CD 4.10) requesting further information (a comprehensive mitigation, avoidance and enhancement package, and a Habitat Regulations Assessment) in order to determine the significance of potential significant effects on Greater Horseshoe Bats associated with the South Hams SAC.
- I.8 The RSPB objected (December 2017, CD 4.15) to the application and requested clarification/more information on a number of detailed matters.
- I.9 The concerns raised were discussed with Torbay, NE and RSPB and led to meeting with Torbay (1st February 2018) and the production of an Ecological Addendum (February 2018), updated Proposed Farming Practices Plan (February 2018), Phasing Plan (March 2018) and revised Framework Landscape and Ecological Management Plan (March 2018) to provide further information/clarification.
- I.10 Following receipt of further information in March 2018, Natural England's further response was received 12 April 2018 CD 4.11. This states that Natural England have no objection subject to appropriate mitigation being secured. Without appropriate mitigation the application would: have an adverse effect on the integrity of South Hams Special Area of Conservation and a range of mitigation measures is set out that need to be secured through S106 Obligation or condition. Natural England noted that the enhancement measures affect the landscape and ecology mitigation measures for the White Rock development and stated that their agreement to this course of action was exceptional and has only been accepted because the enhancement measures being proposed are sufficiently robust to address concerns with this type of approach.
- I.11 The RSPB (letter 22nd March 2018, CD 4.16) responded that if the RSPB has confirmation that Natural England is satisfied that the amended proposals are adequate in relation to greater horseshoe bats and that the funding and security mechanisms are acceptable to Torbay Council and South Hams then they will withdraw the objection. RSPB reiterated this position in January 2020.

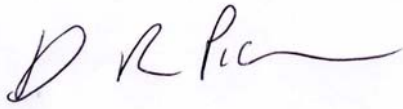
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- I.12 Jacobs on behalf of Torbay undertook a Habitat Regulations Assessment (March 2018, CD 2.28) which concluded there would be no likely significant effect, alone or in combination with other proposals or projects, on a European Site (i.e. the South Hams SAC or the Lyme Bay and Torbay SCI). Torbay also produced a memorandum (11th April 2018, CD 2.29) which concluded “*they were satisfied that the key ecological issues raised through consultation have been resolved by the applicant.... and that there are currently no ecological grounds for objection to the application*”. Subsequent to the People over Wind case, CD 8.4, Jacobs for Torbay carried out an Appropriate Assessment (May 2018) and came to the same conclusions of the original HRA.
- I.13 The ecology chapter of the Environmental Statement (CD 1.17) and the Ecology Addendum (CD 2.20) stated that a contribution would be made for an off-site bat house. This was welcomed by Natural England in their responses (CDs 4.10 and 4.11) to Torbay. In their HRAs (CDs 2.28, 2.30 and 2.48) Torbay also welcomed this, but stated “*however as the delivery of the off-site bat house cannot be guaranteed at this time it will not be relied upon as part of the mitigation package for greater horseshoe bats within this HRA.*” As the second bat house is not necessary to mitigate negative impacts associated with the proposals the council agrees that a contribution for an off-site bat house is not required.
- I.14 Given the progress of the application and the time elapsed since the surveys which supported the application had been undertaken, update surveys were undertaken for breeding birds, badgers (included in the habitat assessment), bats, Cirl Buntings and habitat between November 2018 and November 2019, CD 2.41, 2.42, 2.43, 2.44, 2.45. The assessment of the results of the update surveys concluded that there were no significant changes in the result and that the conclusions made within the ecology chapter of the Environmental Statement remain valid, CD 1.17. During the course of these surveys the South Hams SAC Greater Horseshoe Bat HRA Guidance (July 2019, CD 6.13) was finalised. The updated guidance does not affect/change any of the survey work or conclusions of the assessments undertaken.
- I.15 The Council’s Strategic Appraisal Officer reviewed Jacobs’ HRA in December 2019 in light of the passage of time and updated Greater Horseshoe Bat guidance. The conclusions of this were broadly the same as the previous AA, i.e. “that In light of the mitigation measures identified and consideration of the implications for the sites Conservation Objectives in Section 17 and 18 there is NO Adverse Effect on the Integrity of the South Hams SAC - alone or in combination with other proposals or projects.”
-

- I.16 The Council's updated Habitats Regulations Assessment identified a possible marginal effect upon calcareous grassland habitats (at the Berry Head component of the SAC).
- I.17 The Appellants do not agree with the Berry Head Grassland aspect of the HRA and consider that the proposal will not have a significant impact on the grassland. The appellants and Council are seeking to resolve this issue in the context of the ongoing discussions about the s106 Agreement.
- I.18 The Habitats Regulations Assessment was further updated on 10th February by the Council's officer to take account of the GHB Survey undertaken in 2019. Its conclusion was the same as above i.e. that the proposal, with the various mitigation measures proposed, would not have an adverse effect on the integrity of the South Hams SAC.
- I.19 The Council notes that there are outstanding objections on HRA grounds. In recognition of concerns raised by a third party (Farrer & Co April 2018 and November 2018, CD 5.1 restated in later objections), an ecology briefing note was prepared to explain the difference between mitigation and compensation measures (2nd December 2019, CD 2.35). Based on this and further advice from Jacobs, the officer report to Planning Committee on 10th February concluded that the ecological package that is proposed with the development scheme constitutes mitigation and not compensation (as is Natural England's view confirmed in e-mail of 16th December 2019, CD 3.3) and that all ecology matters have been satisfactorily addressed subject to the mitigation measures within Torbay and South Hams being secured in perpetuity through a S106 Agreement and/or planning condition.
- I.20 In the light of representations made to the Committee by Greg Jones QC on behalf of Farrer and Co, the Planning Committee also requested that the Council seeks legal advice about the objectors' argument that the proposal does not comply with legal requirements under the Habitat Regulations and include this as part of the reasons for refusal if applicable.
- I.21 The Council's barrister subsequently advised that the application was supported by updated surveys and a full Appropriate Assessment in consultation with Natural England. The measures designed to avoid impacts will be in place before those impacts arise and there is no direct loss to a European Protected Site. This means they are properly considered under the Article 6(3) procedure (mitigation) rather than the Article 6(4) procedure (compensation). Accordingly, had it determined the application, the LPA would not have imposed an HRA reason for refusal, providing the

mitigation measures were secured through a S106 Agreement on the basis of the information before it at the time.

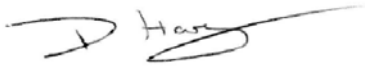
- I.22 The Council agrees that subject to the completion of an agreement made pursuant to s.106 of the TCPA 1990 and s.33 of the Local Government (Miscellaneous Provisions) Act 1982, the arrangements for a Farm Business Tenancy (as described in paragraph 7.3 of the Ecological Addendum (February 2018)), should be sufficient to secure the management of the farmland in accordance with the mitigation measures agreed (as set out in the Proposed Farming Practices Plan (February 2018)). In addition, the Council has no evidence to contradict the applicant's position that, if need be, another tenant could be found. It is agreed therefore that the management of the farmland in accordance with the proposed mitigation measures should be self-financing and the cash deposit anticipated by paragraph 7.6 of the Ecological Addendum is not required.

Inglewood Chronology of Ecology Matters signed on behalf of Torbay Council (LPA)



Print Name	David Pickhaver
Date	25 November 2020
Position	Senior Planner, Strategy and Project Management - Spatial Planning

Inglewood Chronology of Ecology Matters signed on behalf of Abacus Projects Limited and Deeley Freed Estates Limited (Appellant)



Print Name	David Harvey for Nicholas Pearson Associates
Date	26 November 2020
Position	Senior Ecologist

Appendix 4: Draft Conditions

**APP/X1165/W/20/3245011: Land to the South of White Rock Adjacent To Brixham Road Aka Inglewood Paignton, TQ4 7BQ (LPA Reference P/2017/1133).
CONDITIONS SUGGESTED BY TORBAY COUNCIL IN THE EVENT THAT THE APPEAL IS ALLOWED.
WITHOUT PREJUDICE**

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

In pursuance of its powers under the above-mentioned Act and Orders, the Secretary of State hereby grants APPROVAL to outline application P/2017/1133 subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved drawings, and in accordance with the phasing plan required pursuant to condition 5 below.

Application Red Line Boundary	15230_P_001_R evD	8 November 2017
Inglewood Regulatory Plan		8 March 2018
Detailed Highways Plans		
On-line Road Widening on A3022 Brixham Road to 7.3m with 70m Forward Visibility	0734-018 Rev A	3 November 2017
Investigation of On-Line Widening of A3022 Brixham Road to 7.3m Long Section Along 70m Forward Visibility Splay	0734-020 Rev A	3 November 2017
Potential Northern Crossing Toucan Crossing	0734-023 Rev B	3 November 2017
Potential Southern Crossing Option 3 – Uncontrolled Crossing	0734-029 Rev A	3 November 2017
Proposed Long Road Junction Improvements	0734-040 Rev A	24 January 2018
Summary of Onsite and Offsite Highway Works	0734-045 Rev B	3 November 2017
Shared Footway/ Cycleway to the North	0734-055	3 November 2017
Proposed Site Access Junction and Proposed Bus Stop Infrastructure	0734-057	3 November 2017
Windy Corner Highway Improvements Tying in to Torbay Council 2019 Improved Layout – With Signalised and Uncontrolled Pedestrian Crossing Facilities (Option 3A)	0734-064	12 February 2020

Reason: To ensure satisfactory completion of development.

Reserved Matters and Phasing

2. Applications for approval of the reserved matters shall be made to the Planning Authority for the whole development or if the development is to be phased, for the first phase of the development before the expiration of three years from the date of this permission.

For phased development, applications for approval of the reserved matters for subsequent phases of the development shall be made to the Local Planning Authority no later than two years from the date of approval of the last reserved matters application to be approved for the preceding phase of the development.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters ~~for the first phase of the development to be approved~~, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990

3. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval in accordance with the time limits condition above:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping

Approval of all reserved matters in any phase shall be obtained from the Local Planning Authority in writing before that phase of development is commenced. The reserved matters shall be carried out as approved. The details of the reserved matters shall be in general accord with the Urban Design Framework (Rev A), Stride Treglown, March 2018).

The development shall be carried out in accordance with these details.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended); and to ensure that the site is developed in accordance with the principles established in the Urban Design Framework which seek to mitigate landscape, ecological and other impacts, and with Policies SS14 and ES1 of the Adopted Torbay Local Plan and Policies BH7 of the Brixham Peninsula Neighbourhood Plan.

Sustainable Construction

4. All reserved matters applications shall include details of sustainable construction in accordance with Local Plan policies SS14 and ES1. This should indicate how development orientation, design and layout, sustainable construction, adaptive technologies, eco-innovation and other measures to minimise energy use and combat climate change have been incorporated into the development.

Reason: To comply with Policies SS14 and ES1 of the Adopted Torbay Local Plan and Policies BH7 of the Brixham Peninsula Neighbourhood Plan.

Phasing Plan ~~Phasing and Provision of Play Areas and Green Infrastructure~~

5. ~~In the event of phased development a~~ phasing plan shall be submitted to and approved in writing by the Local Planning Authority ~~as part of no later than~~ the first application for reserved matters approval. The plan shall set out how the development will be implemented in relation to an agreed timetable of works, and shall include the provision of on-site and off-site planting and ecological mitigation prior to commencement of development on site ~~in accordance with~~ consistent with the principles established in the Urban Design Regulatory Plan (Stride Treglown, March 2018), and Urban Design Framework (Rev A) (Stride Treglown, March 2018), Environmental Statement (Stride Treglown, 2017), Farm Management Plan (Stride Treglown, October 2017), Ecological Addendum (Nicholas Pearson Associates, February 2018), and Proposed Farming Practices Plan (February 2018).

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended); and to ensure that this site is developed in accordance with the principles established in the Urban Design Framework (Rev A) which seek to mitigate landscape, ecological and other impacts.

~~Phasing and Provision of Play Areas and Green Infrastructure~~

6. The phasing plan shall also include ~~details~~ locations of play areas and green infrastructure consistent with the principles established in the Urban Design Regulatory Plan (Stride Treglown, March 2018) and Urban Design Framework (Rev A) (Stride Treglown, March 2018), to include a minimum of:
- (i) 1 Neighbourhood Equipped Area of Play;
 - (ii) 2 Locally Equipped Areas of Play;
 - (iii) Incidental open space (c. 25,000 sq m) with the ability to accommodate Local Areas of Play and/or trim trails and to include a community orchard; and
 - (iv) Allotments (of at least 5,700 sq m) with an informal amenity footpath around the perimeter, countryside access route, highway works and other ancillary infrastructure.

~~The development shall then be implemented~~ Applications for reserved matters approval shall be submitted in accordance with the approved phasing plan.

The phasing plan or reserved matters should include a fully detailed specification of the play areas and Public open space and allotments, and a timescale for their provision. This shall include at least one play area in the first phase of development. No more than 50 dwellings shall be occupied in any phase which includes a play area until such play area has been completed and made available for use by the general public, unless otherwise agreed by the LPA in the phasing plan.

Reason: To ensure that green infrastructure and play areas are provided in accordance with Policies SS9, SS11, DE1 and SC 2 of the Torbay Local Plan 2012-2030.

7. Play areas shall be provided to at least the following standard:

Neighbourhood Equipped Area for Play (NEAP) should be designed so as to be aimed at 8-14 year olds and should include a grassed kickabout area, a hard surfaced area for ball games or wheeled activities, 8 types of play equipment appropriate to

children in this age group and seating, including a youth shelter. It should have an activity zone of at least 1000 sq m.

Local Equipped Area(s) for Play (LEAP) should be designed so as to be aimed at children of early school age (mainly 4-8 year olds). The activity zone should have a minimum area of 400 sq m, with grass playing space and at least five types of play equipment with appropriate safety surfacing. There should also be seating for accompanying adults.

Play areas should incorporate buffer zones of at least 30 metres for the NEAP and 20 metres for the LEAPs from the edge of the "activity zone" and the boundary of the nearest dwelling.

Play areas shall be provided to at least European Standard EN1776 (play area) and EN1777 (hard surfaces) and maintained for at least 25 years.

Reason: To ensure the satisfactory provision of playing facilities for children, in accordance with Policies SS1, SC1, SC2 and SC5 of the Adopted Torbay Local Plan 2012-30

Ecology and Landscaping

8. All reserved matters applications shall include a Landscape and Ecological Management Plan (LEMP) for the phase to which they relate. The LEMP should be consistent with the principles established in the Framework Landscape and Ecological Management Plan (Stride Treglown, March 2018). The LEMP shall include an implementation strategy and timetable for implementation, and the development shall then be implemented in accordance with the agreed timetable for the duration of the agreed management plan period.

Reason To ensure satisfactory landscaping and ecological mitigation measures in accordance with Policies SS8, DE1 NC1 and C4 of the Adopted Torbay Local Plan and Policies E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

Landscaping and Trees

9. Prior to the commencement of any phase of the development, [except for the principal access onto Brixham Road as shown on approved drawing 0734-057](#), a detailed Landscaping Scheme for strategic offsite [and](#) boundary planting, onsite planting, and hard landscaping for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - (i) Details of hard and soft landscaping, including all boundary treatments
 - (ii) Tree and plant species and methods of planting; and
 - (iii) Retention and management of existing strategic hedgerows and creation of new hedgerows within the site.

[The first such Landscaping Scheme to be submitted for approval. This shall also include details for the retention of the area of Nords Plantation within the applicant's control \(indicated on 15230_P_001_Rev D \(Application Red Line\)\).](#)

[The development shall then be implemented in accordance with the approved Landscaping Scheme for each phase.](#)

Reason: To ensure satisfactory landscape and ecological mitigation of the development in accordance with Policies SS8, DE1 NC1 and C4 of the Adopted Torbay Local Plan and Policies E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

10. Planting shall be carried out no later than the first planting season following the occupation of the dwellings or completion of the residential development of that phase, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the residential development as a whole die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenity, design and biodiversity, and to minimise the visual impact of development, in accordance with Policies SS8, DE1, NC1 and C4 of the Adopted Torbay Local Plan and Policies E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

11. No development (including ~~demolition and~~ ground works) or vegetation clearance works shall take place for any phase of the development until a Tree Protection Plan for that phase has ~~been~~ submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 (or any superseding British Standard) and include details of tree protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development in the phase of the development that they relate to. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Tree Protection Plans shall be adhered to throughout the construction of the development.

Reason: To ensure that trees are protected during site clearance and construction, in the interests of the amenities of the area and biodiversity, in accordance with Policies C4 and NC1 of the Adopted Torbay Local Plan and Policies E1, E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

Tree Protection

12. No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be undertaken until a statement of the reasons for non-avoidance has been submitted to and approved in writing by the Local Planning Authority. The works shall not be undertaken except in the presence of a suitably qualified ecologist. If breeding birds are found or suspected to be present on the part of the site the subject of such works, the works will not be permitted until the ecologist is satisfied that such breeding is complete.

Reason: To protect nesting birds in accordance with Policies SS8 and NC1 of the Torbay Local Plan 2012-30

Greater Horseshoe Bats (GHB) and Cirl Bunting Mitigation

13. No development (including ~~demolition and~~ ground works) or vegetation clearance works, except for the principal access onto Brixham Road as shown on approved drawing 0734-057 shall take place for any phase of the development until a detailed scheme of onsite and off-site planting and land management, to mitigate impacts of

the development on GHB and Cirl Buntings, has been submitted to and approved by the Local Planning Authority. These details shall be in general accord with the Framework Landscape and Ecological Management Plan and Figures, Ecological Addendum and Farm Management Plan (save for the appended proposed farming practices plan which shall be in accordance with the Framework LEMP). These works shall be implemented in accordance with the approved scheme.

Reason To ensure that ecological mitigation measures are provided and maintained to avoid significant effects on the South Hams SAC or other species in accordance with Policies SS8, NC1 and SDB1 of the Torbay Local Plan and Policies BH3 and E8 of the Brixham Peninsula Neighbourhood Plan

14. No development (including ~~demolition and~~ ground works) or vegetation clearance works shall take place for any phase of the development, except for the principal access onto Brixham Road as shown on approved drawing 0734-057, until details setting out:

the broad ~~D~~details of the numbers and types of habitat boxes (including general bird boxes integral to new development, ~~and~~

- (i)
- (ii) ~~Details of siting and dimensions of a bat barn, and~~
- (iii) Details of wildlife information boards to highlight the biodiversity interests of the site and surrounding area,

have been submitted to and approved by the Local Planning Authority. ~~These features relevant to any phase shall be put in place in accordance with the approved details prior to the occupation of 50 dwellings in any phase.~~

Reason: To ensure that wildlife mitigation and enhancement measures are provided in accordance with Polices SS8 and NC1 of the Torbay Local Plan 2012-30.

Greater Horseshoe Bat and Cirl Bunting Monitoring Strategy

15. Prior to the first occupation or use of the development hereby permitted, a Greater Horseshoe Bat (GHB) and Cirl Bunting Monitoring Strategy shall be submitted to and approved in writing by the Local Planning Authority in order to provide early warning of any change in site conditions (such as those brought about by loss of suitable habitat features or adverse light spill) that are likely to impair or disturb greater horseshoe bats using the bat mitigation measures on the site (including the dark bat corridors and foraging area in the public open space); and to put in place remedial measures to avoid harm to these species. ~~The Monitoring Strategy shall include the following:~~

- (i) Aims and objectives of monitoring to match the stated purpose.
- (ii) Identification of adequate baseline conditions prior to the start of development.
- (iii) Success criteria, thresholds, triggers and targets against which the continued effectiveness of the bat mitigation measures can be judged.
- (iv) Methods for data gathering and analysis.
- (v) Location of monitoring/sampling points.
- (vi) Timing and duration of monitoring.
- (vii) Responsible persons and lines of communication.
- (viii) Review, reporting, intervals of reporting and where appropriate, publication of results and outcomes.

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The Monitoring Strategy shall be implemented as approved. A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals as identified in the Monitoring Strategy. The report shall set out where the results from monitoring show that site conditions are changing and what remedial action is required to ensure the mitigation measures remain effective. The remedial action shall be agreed with the Local Planning Authority and implemented in full.

Reason: To secure a means by which a suitable habitat will be conserved and enhanced for greater horseshoe bats and cirl buntings, to ensure that such mitigation measures can be monitored and any necessary contingencies put in place to avoid adverse impacts on biodiversity in accordance with Policies SS8 and NC1 of the Adopted Torbay Local Plan 2012-2030, and Policies BH3 and E8 of the Brixham Peninsula Neighbourhood Plan.

Lighting Scheme

16. Prior to development in any phase continuing above slab level a Lighting Scheme to maintain "dark areas" on the site shall have been submitted to and approved in writing by the Local Planning Authority demonstrating compliance with the principles established in the External Light Report Rev P05 and Dark Areas Plan as contained within the Ecological Addendum Report, Nicholas Pearson Associates, March 2018. The Scheme shall include the location and specification of all external lighting. The Lighting Scheme shall be implemented as approved prior to the occupation of the dwellings or use of other development. Should any of the external lighting become damaged or defective and need replacement it shall be replaced with external lighting of ~~lesser~~^{the same or brighter} specification. No additional outdoor lighting shall be installed on the site without the prior written approval of the Local Planning Authority.

The Lighting Scheme shall include

- (i) An evidence based assessment of light levels of the proposed development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the "dark areas" shown by appropriate isolines.
- (ii) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the "dark areas".
- (iii) Where ii) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the "dark areas" for the lifetime of the development-. These details shall be incorporated into the Detailed Landscaping Schemes and Landscape and Ecological Management Plans (LEMPs) where applicable.

The Lighting Scheme shall be implemented and maintained as approved.

Reason: In the interests of biodiversity, amenity, design, crime prevention and in accordance with Policies NC1, DE1 and DE3 of the Adopted Torbay Local Plan and Policies BH3, E7 and E8 of the Made Brixham Peninsula Neighbourhood Plan.

Construction and Environment Management Plan

17. No development (including ~~demolition and~~ ground works) or vegetation clearance works shall take place of any phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and

approved in writing by the Local Planning Authority. Each CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- (i) Risk assessment of potentially damaging construction activities.
- (ii) Identification of "biodiversity protection zones".
- (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce environmental impacts during construction.
- (iv) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- (v) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- (vi) Responsible persons and lines of communication.
- (vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (viii) Details of how lighting will be controlled during the construction phase of development.

~~Each~~ The approved CEMPs shall be adhered to and implemented throughout the construction period of the phase of the development that they relate to strictly in accordance with the approved details.

Reason: To ensure that protected species and biodiversity are protected during site preparation and construction phases of the development, in accordance with Policies SS8 and NC1 of the Adopted Torbay Local Plan and Policies BH3, E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

Construction Method Statement

18. No development (including ~~demolition and~~ ground works) or vegetation clearance works shall take place of any phase of the development until a Construction Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- (i) The parking of vehicles of site operatives and visitors.
 - (ii) Loading and unloading of plant and materials.
 - (iii) Storage of plant and materials used in constructing the development.
 - (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - (v) Wheel washing facilities.
 - (vi) Measures to control the emission of dust and dirt during construction.
 - (vii) A scheme for recycling/disposing of waste resulting from ~~demolition and~~ construction works, with priority given to reuse of building materials on site wherever practicable.
 - (viii) Measures to minimise noise nuisance to neighbours from plant and machinery.
Construction working hours from 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. [
 - (ix) The approved Statements shall be adhered to throughout the construction period of the phase of the development that they relate to.

Reason: To ensure that site clearance and construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users.

Archaeology

19. No development on any phase shall take place until a Written Scheme of Investigation (WSI), comprising an archaeological field evaluation with trial trenching for land within that phase, has been submitted to and approved in writing by the Local Planning Authority. Within 3 months of the completion of the archaeological field evaluation a Further WSI (FWSI) for a programme of archaeological mitigation in respect of any areas of significant buried archaeological remains identified by the initial WSI shall be submitted to the Local Planning Authority for approval, and the FWSI shall include the programme (including timetable) for post-investigation assessment and subsequent analysis, publication, dissemination and deposition of the resulting material. No development shall take place on land within the FWSI other than in accordance with that FWSI and carried out by a competent person(s) or organisation to undertake the agreed works

Reason: To ensure a programme for the investigation, recording and if appropriate, curation of historic artefacts is in place prior to commencement of works, in accordance with Policy SS10 of the Adopted Torbay Local Plan

20. Before the junction works hereby approved to Windy Corner are commenced an archaeological evaluation, and details of monitoring construction works for artefacts shall be submitted to and approved in writing by the Local Planning Authority. This shall include a programme for post-investigation assessment and subsequent analysis, publication, dissemination and deposition of any resulting finds.

Reason: To ensure the investigation, recording and if appropriate, curation of historic artefacts, in accordance with Policy SS10 of the Adopted Torbay Local Plan

Transport and Highways

21. No part of the development shall be occupied or brought into use prior to the proposed site access junction works and bus stop infrastructure, Brixham Road widening, and Toucan crossing as shown on drawings 0734-018 Rev A, 0734-020 Rev A, 0734-023 and 0734-057 listed in Condition 4 above being implemented in accordance with the necessary s278/s38 highways agreement as entered into with the Local Highway Authority to secure necessary works to the public highway.

Reason: To ensure site accessibility and promote sustainable modes of transport in accordance with Policies SS6, TA1, and TA2 of the Adopted Torbay Local Plan 2012-30 and Policies BH8 and T1 of the Made Brixham Peninsula Neighbourhood Plan.

22. Details of the bus stop infrastructure, including detailed layout and access for buses and pedestrians as well as waiting areas for pedestrians, shall be submitted within the first reserved matters application and shall be provided in accordance with the approved plans before the occupation of the 100th dwelling.

Reason: To ensure site accessibility and promote sustainable modes of transport in accordance with Policies SS6, TA1, and TA2 of the Adopted Torbay Local Plan 2012-30 and Policies BH8 and T1 of the Made Brixham Peninsula Neighbourhood Plan.

23. A plan showing the proposed adoptable highway network within the development shall be submitted with ~~any~~ all reserved matters applications for layout associated with the implementation of this outline application. If more than one reserved matters application is submitted for the site the plan is only required to cover the extent of the area included within the application at the time but will need to demonstrate where connections will be made to other areas within and beyond the site. Development shall take place in accordance with the approved details.

Reason: To ensure satisfactory development access in accordance with Policy TA2 of the Adopted Torbay Local Plan 2012-30

24. No development in any phase, except the principal access onto Brixham Road, as shown on approved drawing 0734-057, shall be commenced prior to a Section 38 Highways agreement being entered into with the Local Highway Authority to ensure that all roads are built to an appropriate standard, allowing in particular for waste collection and safe routes/access for all persons and vehicles.

This agreement shall be in accord with the plans submitted and agreed pursuant to reserved matters and condition 2 above.

Reason: To ensure satisfactory development access in accordance with Policy TA2 of the Adopted Torbay Local Plan 2012-30 and BH8 of the Made Brixham Peninsula Neighbourhood Plan.

25. Prior to the school or public house/restaurant being brought into use, or the first dwelling being occupied, the shared footway/cycleway to the north shown on drawing 0734-055 shall be constructed, made available for use, and connected to a safe route, which shall have been previously agreed in writing with the LPA, within the development site. The shared footway/cycleway will thereafter be maintained at all times to ensure safe pedestrian and cycle provision is.

Reason: in the interests of highway safety and in accordance with Policies TA1 and TA2 of the Adopted Torbay Local Plan 2012-30 and BH8 of the Made Brixham Peninsula Neighbourhood Plan and to ensure that safe pedestrian and cycle provision is available and that the development areas are well connected between the approved development and the neighbouring 'White Rock' development to serve the residents of both developments.

26. Prior to the school being brought into use, or any dwellings south of the site access junction being occupied, the southern crossing and site access path as shown on drawing 0734-029 Rev A shall be implemented fully and made available for use in accordance with the necessary s278/s38 highways agreement that shall have previously been entered into with the Local Highway Authority.

Reason: in the interests of highway safety and to encourage walking and cycling accordance with Policies TA1 and TA2 of the Adopted Torbay Local Plan 2012-30 and BH8 of the Brixham Peninsula Neighbourhood Plan.

27. Prior to the school being brought into use, a safe pedestrian route, the details of which shall have previously been approved in writing by the LPA, shall be provided and maintained for the lifetime of the development, connecting to the school to residential areas on the development. .

Reason: in the interests of highway safety and to encourage walking and cycling accordance with Policies TA1 and TA2 of the Adopted Torbay Local Plan 2012-30 and BH8 of the Brixham Peninsula Neighbourhood Plan.

28. Prior to any dwelling being occupied, the highway works at the junction of Brixham Road and Dartmouth Road ('Windy Corner') and at the junction of Brixham Road and Long Road, as shown respectively on drawings 0734-064 and 0734-040, shall be implemented fully and made available for use.

Reason: To ensure adequate levels of accessibility on the road network in accordance with Policies SS6 and TA2 of the Adopted Torbay Local Plan 2012-30.

Informative: It is noted that implementation of this condition will require a s278/s38 highways agreement to be entered into with Local Highway Authority, in order to secure necessary works to the public highway.

29. No dwelling shall be occupied until electric vehicle charging and cycle parking to serve that dwelling is installed and made available fully in accordance with the Policy TA3 and Appendix F of the Torbay Local Plan 2012-30. Details of such provision shall be submitted for approval with the reserved matters application for layout and/or external appearance for that phase of development.

Reason: To encourage sustainable modes of transport and encourage the use of low emission vehicles in accordance with Policies SS6, TA1, TA2 and TA3 of the Adopted Torbay Local Plan 2012-30 and BH7 of the Made Brixham Peninsula Neighbourhood Plan.

30. Neither the school nor the public house/restaurant shall be brought into use until electric vehicle charging and cycle parking to serve that development is installed and made available fully in accordance with the Policy TA3 and Appendix F of the Torbay Local Plan 2012-30. Details of such provision shall be submitted for approval with any reserved matters application for layout and/or external appearance which includes the school and/or public house/restaurant. The electric charging points and cycle parking shall be maintained and retained as such for the lifetime of the development.

Reason: To encourage sustainable modes of transport and encourage the use of low emission vehicles in accordance with Policies SS6, TA1, TA2 and TA3 of the Adopted Torbay Local Plan 2012-30 and BH7 of the Made Brixham Peninsula Neighbourhood Plan.

Travel Plans

31. Prior to the marketing of any dwelling within the site or recruitment of staff for the school or public house/restaurant, a full but proportionate Travel Plan must be submitted to and approved by the Local Planning Authority. Any such Travel Plan shall be implemented from occupation of 80% of the first phase of development and thereafter shall be updated annually for a period of 5 years post completion of the development.

Reason: To encourage sustainable modes of transport in accordance with Policies SS6, TA1, TA2 of the Adopted Torbay Local Plan 2012-30 and BH8 and T1 of the Made Brixham Peninsula Neighbourhood Plan.

Parking/Cycle Storage and Waste

32. No dwelling shall be occupied until its allocated parking space(s) and access thereto, as shown in the approved details of reserved matters, has been provided and made available for use. All car parking spaces and access thereto, including any visitors parking, as shown in the approved details of reserved matters, shall be provided and made available for use prior to the occupation of the development that they serve. The parking space(s) and access thereto shall be kept permanently available for parking and access purposes thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided for the dwellings and kept permanently available for use in the interests of highway safety and residential amenity, in accordance with Policies TA2 and TA3 of the Torbay Local Plan 2012-2030 and BH8 of the Made Brixham Peninsula Neighbourhood Plan.

33. The details of reserved matters for each phase shall include details of cycle parking and bin storage/waste recycling facilities for the dwellings and for the pub/restaurant and school hereby permitted. The cycle parking shall be secure, covered and located where it is well overlooked, wherever practicable, to reduce opportunities for crime. The relevant cycle parking and bin storage/waste recycling facilities shall be provided as approved prior to the first occupation or first use of the dwelling or development to which it relates.

Reason: To promote cycling as an alternative mode of transport to the private car in accordance with Policy TA1, TA2 and TA3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and to ensure appropriate space is provided for the storage and removal of waste, including waste recycling facilities, in accordance with Policy W1 of the Torbay Local Plan 2012-30.

School Land

34. No development other than the principal access [onto Brixham Road as shown on approved drawing 0734-057](#) shall commence until the area of land that is to be offered as the School Land and playing fields has been identified on a plan which has been approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory layout of the school land in the interests of Policy SC4 of the Adopted Torbay Local Plan and Policy L2 and S&L2 of the Brixham Peninsula Neighbourhood Plan.

Countryside Access

35. No more than 50 dwellings shall be occupied until the Countryside Access route identified on the Regulatory Plan (Stride Treglown, March 2018) has been submitted to and approved in writing by the Council and no more than 100 dwellings shall be occupied until the Countryside Access route has been implemented. The Countryside access route shall be retained and maintained for public access in perpetuity.

Reason: To ensure that the development provides opportunities for recreation in accordance with Policies SS9, SC1 and SC2 of the Adopted Torbay Local Plan 2012-

Drainage

36. No phase of the development (including ground works) shall take place until a detailed surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage design is to be in general accord with the principles established in the Addendum to the FRA/DS Report

(WB03590/FR01 V5, Technical Note WB03590 TN01(v4) Appendix F Updated Drainage Strategy Drawing.

The drainage scheme shall

- (1) give priority to the use of sustainable urban drainage systems, with soakaways designed in accordance with Building Research Establishment Digest 365 (or subsequent version thereof) and include details of how they have been designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.
- (2) provide evidence that trial holes and infiltration tests have been carried out in accordance with Building Research Establishment Digest 365 in the same location as any soakaways or sustainable drainage features must be provided.
- (3) demonstrate that there will be no increased risk of flooding to surrounding buildings, roads and land.

No phase of the development shall be occupied or brought into use until the approved surface water drainage scheme for that phase has been completed as approved and it shall be continually maintained thereafter.

Reason: To ensure that details to manage water and flood risk are in place prior to construction, in accordance with Policies ER1, ER2 and W5 of the Adopted Torbay Local Plan and the Critical Drainage Area.

Foul Drainage

37. Prior to the construction of any building foundations:

- (i) A detailed survey and evaluation of the public foul sewerage network shall be carried out (at the Owner's expense) to identify improvements necessary to accommodate the discharge of foul sewage from the development; and
- (ii) The Owner shall submit an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 which shall include the provision and completion of public sewerage improvement works identified as necessary. Connection to the foul sewer in agreement with the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the development shall be made before the occupation of any part of the development.

Reason: To ensure the public foul sewerage network has capacity to accommodate the development and any necessary improvement works are carried out in accordance with Policies ER2 and W5 of the Adopted Torbay Local Plan and Critical Drainage Area.

Pub/restaurant

38. Notwithstanding the provisions of the Town and County Planning Use Classes Order 1987 (as amended) and the Town and Country Planning General Permitted Development Order (England) 2015, as amended, without the prior written consent of the Local Planning Authority the pub/restaurant use hereby approved shall only be used as a pub/restaurant and for no other use including any other use included within Class A3/A4 of the Use Classes Order, 1987, as amended.

Reason: in the interests of local amenity and to ensure that the use functions as a village asset.

Soil Quality

39. No development (including ~~demolition and~~ ground works) or vegetation clearance works shall take place of any phase of the development until an assessment of soil quality by a suitably qualified expert has been submitted to and approved by the Local Planning Authority. This assessment should identify the best and most versatile soil on site and set out a programme for reuse of soils for the proposed green infrastructure uses (such as the allotments or community orchard), or agricultural use in the nearby vicinity of the development, where practicable to do so. The development shall be carried out in accordance with this programme.

Reason: To ensure that a programme of conservation and reuse of the best quality soil is in place prior to the commencement of development, in accordance with Policies SC4 of the Adopted Torbay Local Plan 2012-30.

Crime Prevention

40. Reserved matters applications for layout, external appearance and/or landscaping shall include details to demonstrate that the development is consistent with the standards set out in Secured by Design as far as is reasonably practicable.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030, and guidance within the NPPF.

Waste Audit

41. No development (including ~~demolition and~~ ground works) or vegetation clearance works shall take place of any phase of the development until a Waste Audit and 5 year Waste Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Waste Audits and 5 year Waste Management Plans shall include measures to:

- (i) Prevent and minimise, re-use and recycle waste (including composting where appropriate).
- (ii) Minimise the use of raw materials.
- (iii) Minimise the pollution potential of unavoidable waste.
- (iv) Seek alternative modes of transport (to the use of roads) to move waste (wherever possible).
- (v) Make provision for the storage and collection of waste.
- (vi) Dispose of unavoidable waste in an environmentally acceptable manner.

The Waste Audits and 5 year Waste Management Plans shall be implemented as approved.

Reason: To minimise waste from the development in accordance with Policy W2 of the Adopted Torbay Local Plan

Removal of Permitted Development Rights

42. Notwithstanding the provisions of, Schedule 2, Part 1, class B, C, F and AA, and Part 2 A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order), no enlargement or extension to the roof, hardstandings forward of the main elevation, gates fences or

walls, and no external lighting of greater than 0.5 lux shall be installed without the prior written approval of the Local Planning Authority.

Reason: to ensure that development does not adversely affect landscape or ecological issues, and in accordance with Policies SS8 and NC2, of the Adopted Torbay Local Plan and Policies BH3, E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

Informatives:

- I. This Permission is also subject to a Section 106 Agreement dated xxxx which govern the implementation of this proposal, and place Obligations on the landowner and its successors in title and on Torbay Council as the Local Planning Authority.
- II. The applicant is advised that the granting of planning permission is a separate matter to that relating to the issue of restrictive covenants that may exist on the land. Such covenants protect private rights and benefits. They have not been a material consideration in the determination of this application. You should make your own enquiries relative to such covenants before proceeding to implement the approved development.
- III. This proposal constitutes EIA (Environmental Impact Assessment) development and as such an Environmental Statement (ES) was submitted with the application. The submitted ES was considered as part of the determination of this application.
- IV. This application has been the subject of consideration under the Habitats Regulations, under which an Appropriate Assessment was carried out. It has been determined that, subject to the relevant provisions in this notice and the accompanying legal agreement, this proposal will not have an adverse effect on the integrity of the South Hams SAC.
- V. **Informative on Travel Plans:** It is recognised that there will be multiple Travel Plans or Travel Plan updates throughout the course of implementation of the development. The Travel Plans (or subsequent updates) required by this condition shall set out how at least 30% of the potential users can gain access by foot, cycle or public transport, and how this will be implemented and monitored including SMART targets and a regular review period. It should also include information on how the carbon footprint from travel has been minimised and the health and well-being of travellers (in particular commuters) maximised. The travel plan should include implementation and ongoing monitoring by a Travel Plan Co-ordinator appointed by the appropriate company (Developer/management company/owner/commercial occupant/school) to ensure the targets and objectives are being met. In the event of the objectives or targets not being met, the Travel Plan shall be reviewed and updated as appropriate. Any amendments or updates to the Travel Plan will require further agreement by the Local Planning Authority. The contact details for the Travel Plan Co-ordinator/s should be stated within the Travel Plan and should they change, the Local Planning Authority shall be notified as such

Appendix 5: Draft S106 Agreement

DATED

2021

THE COUNCIL OF THE
BOROUGH OF TORBAY

- and -

ABACUS PROJECTS LIMITED

PLANNING OBLIGATION

under Section 106 of the
Town & Country Planning Act 1990
relating to land to the south of White Rock,
adjacent to Brixham Road, Paignton

in the Borough of Torbay

Torbay Council
Town Hall
TORQUAY

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THIS AGREEMENT is made on

BETWEEN:

- (1) **THE COUNCIL OF THE BOROUGH OF TORBAY** of Town Hall Castle Circus Torquay Devon TQ1 3DR (“the Council”)
- (2) **ABACUS PROJECTS LIMITED** (Co. Regn. No. 1460919) of Eaton Court, Maylands Avenue, Hemel Hempstead, Hertfordshire, HP2 7TR (“the Owner”)

WHEREAS :-

1. The Council is the Local Planning Authority for the purposes of the 1990 Act for the area which includes the Site
2. The Owner has by the Application applied to the Council for planning permission for the Development
3. The Owner is the registered proprietor of the Site and the Farmland with title absolute under Title Numbers DN346107, DN562334, DN690151, DN523013 and DN577590 subject to the entries disclosed on the Charges Register of the said titles but otherwise free from incumbrances
4. The Council has not determined the Application and the Owner has appealed under reference APP/X1165/W/20/3245011
5. This Deed is conditional upon the matters hereinafter referred to

NOW THIS DEED WITNESSETH as follows:

1 Definitions

In this Deed unless the context otherwise requires the following expressions shall have the following meanings:-

- 1.1 **“the 1990 Act”** means the Town & Country Planning Act 1990
- 1.2 **“Adapted Dwelling”** means Affordable Dwelling(s) constructed to be suitable for occupation by households which include a person who has a physical disability and/or a need for wheelchair access
- 1.3 **“Administration Charge”** means the sum of [five thousand eight hundred and fifty pounds (£5,850) Index Linked] towards the Council's costs incurred in monitoring and administering the Ecological Mitigation provided pursuant to Paragraph [10] of the [First] Schedule
- 1.4 **“Affordable Dwellings”** means the Dwellings on the Site that are to be used as Affordable Housing
- 1.5 **“Affordable Housing”** means affordable housing within the meaning of Annex 2 of the NPPF being Dwellings on the Site:
 - (a) to be let on Social Rent Tenancies or Affordable Rent Tenancies through a Registered Provider (or alternative approved by Torbay Council); or
 - (b) disposed of on the basis of Equity Sharing Leases; or

- (c) such Intermediate Housing tenure as may be approved in writing by the Council where all the resulting homes are let sold or disposed of to Eligible Persons and are covered by a Local Authority Building Control New Home Warranty or other suitable warranty provider
- 1.6 **"Affordable Housing Manager"** means the Council's Affordable Housing Manager or similar post-holder carrying out the Council's housing functions from time to time
- 1.7 **"Affordable Rent Dwelling"** means a Dwelling that may only be occupied under an Affordable Rent Tenancy
- 1.8 **"Affordable Rent Tenancy"** means a tenancy regulated by the Regulator of Social Housing for a minimum term of two years at a rent of up to 80% of gross Market Rent (including service charges and Rentcharge) whereby an Affordable Rent Dwelling is let to an Eligible Person and provided by a Registered Provider
- 1.9 **"Allotments"** means an area of allotment plots of at least 5,700 sq metres as identified indicatively [hatched brown] on Plan 2 to be used for the purpose of producing flowers fruit and/or vegetables for personal use
- 1.10 **"Appeal"** means the appeal lodged in respect of the non-determination by the Council of the Application and given the appeal reference APP/X1165/W/20/3245011
- 1.11 **"the Application"** means an outline planning application for the Development with details of access to be determined with all other matters reserved by the Owner and validated by the Council on 13th November 2017 with number P/2017/1133
- 1.12 **"Assistant Director"** means the Council's Assistant Director of Planning, Housing and Climate Emergency or similar post holder, responsible for the Council's spatial planning functions, employed by the Council from time to time.
- 1.13 **"Bat House"** means a bat house to be provided on the Farmland in accordance with details to be approved by the Council in writing prior to the commencement of its construction and in accordance with the principles set out in section 8 of the Ecological Addendum or as otherwise agreed in writing by the Council
- 1.14 **"Berry Head Grassland Contribution"** means the sum of £49.50 per Dwelling (Index Linked) paid in accordance with paragraph 3.1 of the First Schedule to be used towards the mitigation of the effects of the recreational use of Berry Head by occupants of the Development on calcareous grassland at Berry Head. The mitigation provided at Berry Head shall consist of habitat management and increased visitor engagement work.
- 1.15 **"Bidding Period"** means the period from 12:00am on a given Wednesday to 11:59pm the following Monday being the time within which Devon Home Choice will advertise available Affordable Dwellings
- 1.16 **"Bus Service"** means a bus service operated to serve the Development in accordance with the Bus Service Operational Plan
- 1.17 **"Bus Service Agreement"** means a contractual arrangement between the Owner or Management Entity and a bus service operator for the provision of the Bus Service in accordance with the Bus Service Operational Plan
- 1.18 **"Bus Service Operational Plan"** means the operational plan approved by the Council in accordance with paragraph [8] of the First Schedule [*and shall include, inter alia, details of the route(s), frequency of service and type of vehicles to be provided and shall*

provide that the Bus Service shall be operational prior to the earlier of Occupation of the fiftieth (50th) Dwelling to be Occupied or first opening of the School]

- 1.19 **“Ceiling Rent”** means in respect of Social Rented Dwellings, the total weekly sum payable in rent which sum shall be limited to the Regulator of Social Housing’s rent standard for social rented accommodation in Torbay or successor regime approved by the Affordable Housing Manager
- 1.20 **“Commencement of Development”** means the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, landscaping works and the erection of any temporary means of enclosure, the temporary display of site notices or advertisements, the laying out or construction of any construction access to the Site, offsite highway works, the erection and installation of site compound/welfare facilities, and the carrying out of any environmental or ecological works including construction of the Bat House SAVE in respect of paragraph [9] of the First Schedule where such operations, save for the carrying out of environmental or ecological works including construction of the Bat House, shall not be excluded in relation to the use of the term “Commencement of Development” and “Commence Development” shall be construed accordingly
- 1.21 **“Community Orchard”** means the area of Open Space to be set aside and used as an orchard for the benefit of the community in accordance with paragraph [4.2.5] of the Second Schedule
- 1.22 **“Delivered”** means in respect of an area of Open Space built and equipped in accordance with the Open Space specification for that area of land, transferred to the Management Entity and the Forward Fund payable in respect of that area of land has been paid to the Management Entity and **“Deliver”** shall be construed accordingly
- 1.23 **“the Details”** means with respect to individual Affordable Dwellings:
- 1.23.1 the physical location
 - 1.23.2 layout
 - 1.23.3 specification (including that of any common parts serving the Affordable Dwellings);
and
 - 1.23.4 the type and tenure
- 1.24 **“the Development”** means the development of the Site of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation
- 1.25 **“Dispute Notice”** means notice in writing which shall set out the matters which the party giving the Dispute Notice disagrees with and the detailed reasons for that disagreement

- 1.26 **“Dwelling”** means a dwelling (including a house, flat or maisonette) designed for residential occupation by a single household and to be constructed pursuant to the Planning Permission and shall include the Affordable Dwellings
- 1.27 **“Ecological Mitigation”** means the carrying out of the Ecological Mitigation Works and the ongoing management and maintenance of both the Farmland in accordance with the Farmland Management Scheme and the Open Space for the purposes of providing and protecting suitable habitat and fly paths for cirl buntings and greater horseshoe bats
- 1.28 **“Ecological Addendum”** means the document titled Ecological Addendum dated February 2018 annexed hereto at Part [3] of Annex 6
- 1.29 **“Ecological Mitigation Works”** means those works detailed in Part 1 of Annex [6]
- 1.30 **“Education Contribution”** means an Index Linked sum calculated and paid in accordance with [paragraphs 7 and 8 of the Third Schedule] to be used towards the provision of additional primary school places in Paignton based on the following figures:

Floorspace	Contribution per Market Dwelling
37- 58 sq m	0
59 - 70 sq m	£3,170
71- 79 sq m	£4,750
80-109 sq m	£6,330
110+ sqm	£7,920

- 1.31 **“Eligible Person”** means any person or persons who immediately prior to the occupation of an Affordable Dwelling satisfies the criteria below:
- (a) is on the 'Devon Home Choice' waiting list or 'South West Homes ' waiting list (or such waiting lists allocation or policies adopted by the Council in their replacement) managed by or on behalf of the Council, or is eligible for an allocation of housing accommodation pursuant to Section 16 of the Homelessness Act 2002 in Torbay; or
- (b) is identified by the Council as being:
- (i) on a low income and/or on housing and/or other welfare benefits or in low paid employment and having low capital and not being entitled to housing or other welfare benefits; and
- (ii) would be given reasonable preference for an offer of accommodation under Torbay Council's allocation scheme under Section 167 of the Housing Act 1996, provided that if in relation to any proposed person the Council fails to indicate whether or not that person would be given preference under the said allocation scheme within 15 working days of receiving a request for such information (or if the said allocation scheme shall be discontinued without replacement), that element of the test as to whether the person is an Eligible Person shall be deemed to have been satisfied and the expression "Eligible Persons" shall be construed accordingly;
- and in the case of both (a) and (b):
- (c) satisfy the requirements of policy BH2 of the Brixham Peninsula Neighbourhood Plan in that they

- (i) have had a minimum period of 5 years in the last 10 years of permanent and continuous residence in the area of the Brixham Peninsula Neighbourhood Plan ('the Peninsula'); or
- (ii) have lived in the Peninsula for at least 5 years and whose parents or children are currently living in the Peninsula and have at least 10 years continuous residency; or
- (iii) are a key worker as defined by the UK Government and are working within the Peninsula

and where no persons who meet the criteria in all of (a) (b) and (c) have bid for an Affordable Dwelling within the relevant Bidding Period

- (d) satisfy both (a) and (b) and the Local Connection Criteria unless otherwise agreed in writing by the Affordable Housing Manager (not to be unreasonably withheld or delayed)

1.32 **"Employment Contribution"** means the sum of five hundred thousand pounds (£500,000) paid in accordance with [paragraph 3.1 of the First Schedule] to be used towards the delivery of the Claylands Industrial Park, Paignton and/or the creation of B1/B2/B8 jobs in the Borough of Torbay

1.33 **"Equity Share Dwelling"** means a Dwelling that may only be let under an Equity Sharing Lease or such similar or equivalent means of tenure being of a type approved by the Regulator of Social Housing or by the Council

1.34 **"Equity Sharing Lease"** means a lease (of not less than 99 years) of an Equity Share Dwelling substantially in the form of the model form shared equity lease published from time to time by the Regulator of Social Housing whereby:

- (a) the leaseholder acquires an initial equity share in an Affordable Dwelling the value of which is not more than fifty per cent (50%) of the market value except in cases where the Regulator of Social Housing (in cases where financial assistance has been given to a Registered Provider) has agreed the Equity Sharing Leases shall be granted on the basis of a higher percentage of value being transferred to purchasers; and
- (b) the purchaser pays to the Registered Provider a rent in respect of the remaining equity of up to 2.75% of unsold equity

1.35 **"the Farmland"** means those areas of land [edged green and edged pink] on Plan [3]

1.36 **"Farmland Management Entity"** means the Management Entity or such alternative management organisation as may be approved in writing by the Council to own and manage the Farmland in accordance with the Farmland Management Scheme

1.37 **"Farmland Management Scheme"** means the scheme for the management of the Farmland annexed hereto at Part [2] of Annex [6] or as may otherwise be approved in writing by the Council

1.38 **"the Financial Contributions"** means

- (a) the Berry Head Grassland Contribution
- (b) the Employment Contribution
- (c) the Lifelong Learning Contribution
- (d) the Sports Contribution
- (e) the Sustainable Transport Contribution

- (f) the Waste Management Contribution
Index Linked and payable in accordance with the [First] Schedule
- 1.39 **“Forward Fund”** means the sum of [one hundred and forty six thousand three hundred and sixty seven pounds (£146,367.00) or as otherwise agreed via the Management and Maintenance Scheme] payable by the Owner to the Management Entity for maintenance of the Northern Access Route, Open Space and SUDS until such time as the Rentcharge received from the owners and occupiers of the Dwellings pursuant to the Rentcharge Agreement is sufficient to fund the continued management and maintenance of such items
- 1.40 **“Growing Season”** means the part of the year when conditions are warm enough for plants and crops to grow which for the purposes of this Deed shall be taken to end on 31 October in any year
- 1.41 **“Health CCG Contribution”** means the sum of three hundred and ninety nine pounds (£399) per Dwelling to be spent on a new extension at the Compass House Medical Centre at Galmpton to serve residents of the Development
- 1.42 **“Health FT Contribution”** means the sum of seven hundred and seventy five pounds and thirty pence (£775.30) per Dwelling to be spent on a new health and wellbeing centre to serve the local community including the Development
- 1.43 **“Homes England”** means the executive non-departmental public body, sponsored by the Ministry of Housing, Communities & Local Government, national agency for funding housing regeneration in England being the successor to the Homes and Communities Agency which definition shall include any statutory successor to that function
- 1.44 **“Inspector”** means the inspector appointed by the Secretary of State for Housing Communities and Local Government to preside over the Appeal
- 1.45 **“Intermediate Housing”** means Affordable Housing which is within the definition of intermediate housing contained in Annex 2 of the NPPF
- 1.46 **“Index Linked”** means an adjustment in the amount of any sums paid under this Deed in accordance with the provisions set out in the [Sixth] Schedule
- 1.47 **“Lifelong Learning Contribution”** means a sum calculated and paid in accordance with [paragraph 3.1 of the First Schedule] to be used towards [the provision of adult community learning centres or museums or libraries_in the vicinity of the Development] based on the following figures:
- £125 per 37-60 sqm Market Dwelling
- £170 per 61-79 sqm Market Dwelling
- £232 per 80-108 sqm Market Dwelling
- £267 per 109+ sqm Market Dwelling
- 1.48 **“Local Connection Criteria”** means the criteria set out in Annex 3 or such other criteria adopted from time to time by the Council (including, inter alia a residency test) which ensures that prospective occupants of Affordable Housing have an established connection with Torbay
- 1.49 **“Management and Maintenance Scheme”** shall mean a scheme setting out
- 1.49.1 a framework for the Management Entity including its purpose, powers, responsibilities and internal procedures and

- 1.49.2 the detailed specification for the upkeep and future maintenance and management of the Open Space, the Farmland (save where the Farmland is transferred to an alternative body with the Council's written approval), the SUDS (save where the SUDS are transferred to a statutory undertaker) and the Northern Access Route following the satisfactory laying out and provision of the same in accordance with this Deed and the Planning Permission and
- 1.49.3 shall include the details set out in Annex [5]
- 1.50 **"Management Entity"** means any organisation approved in writing by the Council pursuant to paragraph 6 of the First Schedule whose responsibilities shall include the ownership management and maintenance of the Farmland (save where the Farmland is transferred to an alternative body with the Council's written approval), Open Space, the Northern Access Route and the SUDS (save to the extent that the SUDS are transferred to a statutory undertaker)
- 1.51 **"Market Dwellings"** means any Dwellings that are not Affordable Dwellings
- 1.52 **"Market Rent"** means the rent that a willing tenant at arm's length would be willing to pay to rent a Dwelling on an assured shorthold tenancy if this Deed had not been made
- 1.53 **"Mortgagee"** means a bone fide arm's length
- 1.53.1 mortgagee
- 1.53.2 chargee
- 1.53.3 a security trustee; or
- 1.53.4 other person
- regulated under the Financial Services and Markets Act 2000 (as amended) and who holds a charge over the Site or any part thereof
- 1.54 **"NEAP"** means the Neighbourhood Equipped Area for Play to be located within an area of Open Space as identified indicatively [with a blue star] on Plan 2 and which is to be no smaller than 1000 sq metres
- 1.55 **"Nomination Agreement"** means an agreement to be entered into between the Council and the Registered Provider which sets the terms of the letting protocol for occupation of the Affordable Dwellings during the Perpetuity Period whether vacant by reason of first availability for Occupation or after initial Occupation
- 1.56 **"Northern Access Route"** means the pedestrian/cycle link to enable access to the White Rock site to the north of the Site as shown indicatively marked [dashed blue] on Plan 4
- 1.57 **"NPPF"** means the Government's National Planning Policy Framework dated February 2019 or any amendment or replacement thereof
- 1.58 **"Occupation" "Occupy"** and **"Occupied"** means occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations
- 1.59 **"Open Market Value"** means the price that a willing purchaser at arm's length would be willing to pay for a Dwelling if this Deed had not been made
- 1.60 **"Open Space"** means those parts of the Site to be set aside for public recreation or amenity including the NEAP, the Phase A LEAP, the Phase B LEAP and the Allotments and incidental green space of up to 25,000 sq metres including the Community Orchard all as indicatively shown [hatched green] on Plan 2
- 1.61 **"the Parties"** means the parties to this Deed being the Owner and the Council as defined

- 1.62 **“Perpetuity Period”** means the period of one hundred and twenty five years (125) from the date of this Deed and **“in Perpetuity”** shall be construed accordingly
- 1.63 **“Phase”** a distinct part of the Development as described in any Phasing Plan submitted to and agreed in writing by the Assistant Director
- 1.64 **“Phase A LEAP”** means the Local Equipped Area for Play to be located within an area of Open Space as identified indicatively [with a red star] on Plan 2 and which is to be no smaller than 400 sq metres
- 1.65 **“Phase B”** means that area marked ‘Phase B’ and coloured pink on the drawing titled Proposed Phasing Plan annexed to the Ecological Addendum
- 1.66 **“Phase B LEAP”** means the Local Equipped Area for Play to be located within an area of Open Space as identified indicatively [with a green star] on Plan 2 and which is to be no smaller than 400 sq metres
- 1.67 **“Phasing Plan”** means a plan or plans setting out details for the implementation of the Development in distinct sections
- 1.68 **“Plan 1”** means the plan at Annex 2 and marked "Plan 1" (showing the Site edged red)
- 1.69 **“Plan 2”** means the plan at Annex 2 and marked "Plan 2" (showing the indicative location of features of the Development)
- 1.70 **“Plan 3”** means the plan at Annex 2 marked "Plan 3" (showing the Farmland and titled Proposed Farming Practices Plan)
- 1.71 **“Plan 4”** means the plan at Annex 2 and marked “Plan 4” (showing the Northern Access Route dashed blue)
- 1.72 **“the Planning Permission”** means a planning permission issued pursuant to the Application and the expression Planning Permission shall include all approvals granted thereunder or such other permission as may be granted in respect of the Site pursuant to an application for planning permission to amend such permission made pursuant to section 73 of the 1990 Act
- 1.73 **“Practical Completion”** means the date of issue of a certificate of practical completion by the Owner’s architect or contract administrator or, if the Development is constructed by a party other than the Owner, by that other party’s architect or contract administrator or a CML Professional Consultant Certificate or the production of the warranty provider cover note
- 1.74 **“Registered Provider”** means a social landlord registered pursuant to the Housing Act 1996 and/or a non-profit registered provider of social housing pursuant to Section 80 of the Housing and Regeneration Act 2008 and/or a ‘for profit’ registered provider of Affordable Housing to whom Affordable Housing on the Site is transferred
- 1.75 **“Regulator of Social Housing”** means the executive non-departmental public body, sponsored by the Ministry of Housing, Communities & Local Government, as national agency for regulating registered providers of social housing and publishing rent standards which definition shall include any statutory successor to that function or Homes England (as the context so requires)
- 1.76 **“Rentcharge”** means the perpetual yearly estate rentcharge (whether variable or fixed) imposed on each Dwelling to be paid to the Management Entity to cover the costs of complying with its obligations under the Management and Maintenance Scheme PROVIDED ALWAYS THAT the rentcharge on each individual Dwelling shall be a fair and proportionate share of the

total costs incurred and budgeted by the Management Entity in relation to its obligations under the Management and Maintenance Scheme

- 1.77 **"Rentcharge Agreement"** means an agreement to be entered into between the Management Entity and each owner and/or occupier of each Dwelling and with the Registered Provider detailing the services that the Management Entity will provide and the Rentcharge that may be levied by the Management Entity and which shall include a disputes mechanism and the specification for the management and maintenance of the SUDS, the Open Space, the Northern Access Route and the Farmland
- 1.78 **"Reserved Matters"** means those aspects (specified in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) of the Development which the First Owner has through the Application reserved for later determination
- 1.79 **"Right to Acquire"** means the right pursuant to s.180 of the Housing & Regeneration Act 2008 as amended of a tenant of a Registered Provider to acquire the dwelling of which he is a tenant
- 1.80 **"School Land"** means the land shown indicatively edged yellow on Plan [2] or such other part of the Site as may be agreed between the Owner and the Council PROVIDED THAT wherever it is located on the Site such land shall consist of a single area of not less than [1.4694] hectares in area and shall be free of ecological and archaeological constraints
- 1.81 **"Serviced Land"** means an area of land which has vehicular and pedestrian access completed to an adoptable standard which is connected to an adoptable highway with foul and surface water sewers connected to adoptable sewers and with pipes and cables which are connected to mains services so as to be suitable for the supply of gas water electricity and telephone (consisting of the provision of ducting from a suitable telecommunications distribution point up to the boundary of the School Land to facilitate the provision of broadband)
- 1.82 **"the Site"** means the land to the south of White Rock, adjacent to Brixham Road, Paignton, Devon shown edged red on Plan 1
- 1.83 **"Social Rent Dwelling"** means a Dwelling that may only be Occupied under a Social Rent Tenancy
- 1.84 **"Social Rent Tenancy"** means a tenancy regulated by the Regulator of Social Housing being either a weekly or monthly periodic assured or secure tenancy or an assured shorthold tenancy used solely to serve the purpose of a probationary or introductory tenancy in accordance with paragraph 4.2.2 of the Second Schedule at a Ceiling Rent whereby the Dwelling is let to an Eligible Person and provided by a Registered Provider
- 1.85 **"Sports Pitches"** means a grassed sports pitch and hard standing physical education courts of 4,694 square metres in total to be incorporated within the School Land together with ancillary facilities, including changing facilities for referees and two teams, and Surface Water Infrastructure required to serve these facilities for dual use by the school and the community
- 1.86 **"Sports Contribution"** means the sum of seventy three thousand five hundred and ninety pounds (£73,590) to be spent on the provision or improvement of sports facilities in Torbay
- 1.87 **"Staircase"** means where a tenant under an Equity Sharing Lease purchases an increased share of the equity up to and including the whole of the equity and accordingly becomes the freehold owner

- 1.88 **"SUDS"** means a sustainable drainage system comprising treatment and drainage systems of surface water including any pipework and typical SUDS components such as swales reed beds ponds filter trenches attenuation tanks and detention basins
- 1.89 **"SUDS Maintenance Scheme"** means a scheme for the management and maintenance of the SUDS in any Phase
- 1.90 **"SUDS Scheme"** means a scheme for a Phase of the Development setting out the location and specification and detailing the ongoing maintenance obligations for the SUDS including:
- 1.90.1 On-plot soakaways;
- 1.90.2 Attenuation tank(s);
- 1.90.3 Pumping station(s);
- 1.90.4 The timing of the transfer of the SUDS or any part or parts thereof to the Management Entity or to the relevant statutory undertaker; and
- 1.90.5 the amount of Forward Fund relevant to the SUDS to be paid in relation to that Phase
- 1.91 **"Supplementary Sustainable Transport Contribution"** means the sum of seven hundred and twenty five thousand pounds (£725,000) to be spent on a bus service or alternative sustainable transport measures to service the Development
- 1.92 **"Sustainable Transport Contribution"** means the sum of two hundred and twenty two thousand pounds [(£222,000) and paid in accordance with [paragraph 3.1 of the First Schedule] to be used towards the provision of walking and cycling routes between the Site and Paignton Town Centre
- 1.93 **"the Waste Management Contribution"** means the sum of eighty five pounds (£85) (Index Linked) per Dwelling to be used towards the provision of waste collection/recycling bins for each Dwelling
- 1.94 **"Working Day"** means any day Monday to Friday (other than bank or public holidays)

2 Construction of this Deed

- 2.1 Where in this Deed reference is made to a clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it

- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successor(s) to its statutory functions
- 2.7 The headings and contents list are for reference only and shall not affect construction

3 Legal Basis

- 3.1 This Deed is made pursuant to Section 106 of the 1990 Act, section 111 of the Local Government Act 1972, section 33 of the Local Government (Miscellaneous Provisions) Act 1982, section 1 of the Localism Act 2011 and any other enabling powers
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to section 106 of the Act and are enforceable by the Council as local planning authority against the Owner

4 Conditionality

- 4.1 The covenants contained in this Deed are conditional and shall take effect only upon the grant of the Planning Permission and Commencement of Development save for the provisions of Clause 6.1 (legal costs) and paragraph 2 of the First Schedule (notification of disposal) which shall come into effect immediately on completion of this Deed
- 4.2 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by statutory procedure or expires before the Commencement of Development

5 Covenant on behalf of the Owner

The Owner hereby covenants with the Council to observe and perform the obligations contained in the First, Second, Third and Fourth Schedules

6 General

- 6.1 Upon the completion of this Deed the Owner shall pay the Council's reasonable legal costs incurred in the negotiation, preparation and execution of this Deed
- 6.2 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed
- 6.2.1 where that person has no interest in that part of the Site in respect of which the breach was committed; or
- 6.2.2 after it shall have parted with its entire interest in that part of the Site in respect of which the breach was committed but without prejudice to liability for any subsisting breach arising prior to parting with such interest
- 6.3 A person who is not a party to this Deed shall have no rights under the Contract (Rights of Third Parties) Act 1999 to enforce any of its terms other than the parties to it under that Act
- 6.4 Where in this Deed approval consent or expression of satisfaction is required by the Owner from the Council such approval consent or expression of satisfaction shall not be

- unreasonably withheld or delayed and any such approval consent or expression of satisfaction if not otherwise specified in this Deed shall be given by the Assistant Director
- 6.5 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than as specified in the Planning Permission) granted (whether or not on appeal) after the date of this Deed
- 6.6 This Deed is a Local Land Charge and shall be registered as such
- 6.7 If the Inspector or Secretary of State (as the case may be) in his decision letter concludes that any of the planning obligations contained herein (or relevant part of a planning obligation) are incompatible with any one or more of the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and accordingly attaches no weight to that planning obligation in determining the Appeal then the relevant planning obligation(s) (or part of the planning obligation as appropriate) shall from the date of the decision letter immediately cease to have effect and the Owner shall be under no obligation to comply with it
- 6.8 The Council will upon the written request of the Owner at any time after the obligations of the Owner under this Deed have been fulfilled issue written confirmation thereof and thereafter cancel all related entries in the Register of Local Land Charges
- 6.9 Nothing in this Deed is or amounts to or shall be construed as a Planning Permission or approval
- 6.10 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid or unenforceable then such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed
- 6.11 This Deed shall not be enforceable against:
- 6.11.1 owner-occupiers or leaseholders or tenants of individual Dwellings nor against those deriving title from them (except paragraphs [4, 5, 6 and 7] of the Second Schedule which shall apply in respect of the Affordable Dwellings) or any mortgagee or chargee of any such persons;
- 6.11.2 any statutory undertaker or other person who acquires any part of the Site or any interest in it for the purposes of the supply of electricity, gas, water, drainage, telecommunications services or public transport services or any mortgagee or chargee of any such persons; or
- 6.12 any Management Entity except in respect of the restrictions and obligations relating to the part or parts of the Site which are transferred to the Management Entity pursuant to this Deed

7 Termination

This Agreement will come to an end if:

- 7.1 the Appeal is dismissed; or
- 7.2 in determining the Appeal the Secretary of State or the Inspector state in the decision letter that the Agreement is not a material planning consideration

8 Interest

If any payment due under this Deed is late, interest will be payable from the date payment is due until the date of payment at the rate of the National Westminster Bank PLC base rate from time to time in force plus 4 per cent

9 Waiver

No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default

10 Covenant on behalf of the Council

The Council hereby covenants with the Owner to observe and perform the obligations contained in the Fifth Schedule

11 Dispute Resolution

11.1 In the event of a dispute or difference arising between the parties touching or concerning any matter or thing arising out of this Deed any party may serve on another a Dispute Notice and such dispute or difference may be referred to an expert being an independent and fit person holding appropriate professional qualifications to be appointed (in the absence of agreement) by the president (or equivalent person) for the time being of the professional body chiefly relevant in England to such qualifications

11.2 In the absence of agreement between the relevant parties to the dispute or difference (the "Relevant Parties") as to the professional qualifications of the expert to be appointed pursuant to clause 10.1 or as to the appropriate professional body within ten (10) Working Days after any one of the Relevant Parties has given to the other Relevant Party or Parties a written request to concur in the professional qualifications of the expert to be appointed pursuant to clause 10.1 then the question of the appropriate qualifications or professional body shall be referred to a solicitor to be appointed by the president for the time being of the Law Society for England and Wales on the application of a Relevant Party and such solicitor shall act as an expert and his decision as to the professional qualifications of such person or as to the appropriate professional body shall be final and binding on the Relevant Parties and his costs shall be payable by the Relevant Parties in such proportion as he shall determine and failing such determination shall be borne by the Relevant Parties in equal shares

11.3 The expert shall act as an expert and not an arbitrator and his reasonable costs shall be at his discretion

11.4 The expert shall be required to give notice to the Relevant Parties inviting each of them to submit to him within fifteen (15) Working Days of his appointment written submissions and supporting material and shall afford to the Relevant Parties an opportunity to make counter submissions within a further fifteen (15) Working Days in respect of any such submission and supporting material and the expert's decision shall be given in writing within fifteen (15) Working Days from receipt of any counter submissions or in the event

that there are no counter submissions within fifteen (15) Working Days of receipt of the written submissions and supporting material with reasons unless such time periods are varied by agreement between the Relevant Parties

11.5 The Expert's decision shall be final and binding on the Relevant Parties unless one or more of them has notified the other(s) in writing of its dissatisfaction with it in accordance with clause 10.6 of this Agreement

11.6 If after the expert has made a decision pursuant to clause 10.5 any one of the Relevant Parties is dissatisfied with it and such Party has notified the other Relevant Parties in writing of his dissatisfaction within ten (10) Working Days of the date of receipt of the expert's decision, the Relevant Parties to shall be entitled to commence legal proceedings in the court

IN WITNESS whereof the parties hereto have executed and delivered this document as a deed the day and year first before written

EXECUTED AS A DEED by affixing)
THE COMMON SEAL OF)
THE COUNCIL OF THE BOROUGH OF TORBAY)
in the presence of :-)

Proper Officer
and Authorised Signatory

Executed as a deed by

ABACUS PROJECTS LIMITED

acting by

[NAME OF FIRST DIRECTOR]

a director and

.....

[NAME OF SECOND DIRECTOR OR SECRETARY],

a director **OR** its secretary

.....

[SIGNATURE OF FIRST DIRECTOR]

Director

.....

[SIGNATURE OF SECOND DIRECTOR OR SECRETARY]

[Director **OR** Secretary]

FIRST SCHEDULE

Owner's Covenants

Commencement of Development, Notification of Disposal, Payment of Financial Contributions, Open Space, SUDS, Management Entity, Northern Access Route and Ecological Mitigation

Save as may otherwise be agreed in writing by the Council the Owner covenants as follows:

1. Commencement of Development

To notify the Assistant Director in writing of the Commencement of Development of each Phase within seven (7) Working Days of the same.

2. Notification of Disposal

Save for individual plot sales, to give immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations in this Deed have been discharged such notice to give details of the transferee's full name and registered office (if an company or usual address if not) together with the area of the Site transferred by reference to a plan

3. Payment of Financial Contributions

3.1 The Owner shall pay the Financial Contributions by Phase and proportionately in tranches prior to the Occupation of fifty percent (50%) of the Market Dwellings on the Phase in question

3.2 The Owner shall pay the Administration Charge to the Council on or prior to Commencement of Development

4. Open Space

4.1 No Dwelling shall be Occupied on any Phase until the ownership and responsibility for management and maintenance of the Open Space, and the Northern Access Route (as applicable) for that Phase has been transferred to the Management Entity and the Forward Fund in relation to the Open Space and the Northern Access Route (as applicable) has been paid to the Management Entity

4.2 The Management Entity shall thereafter manage and maintain the Open Space and the Northern Access Route (as appropriate) transferred to it in accordance with the Management and Maintenance Scheme in Perpetuity or for as long as any Dwelling remains Occupied on the Development whichever is the earlier

5. **SUDS**

- 5.1 No Dwelling shall be Occupied on any Phase until the ownership and responsibility for management and maintenance of the SUDS Scheme has been transferred to the Management Entity (save for those elements that will be adopted by the relevant statutory undertaker) and the Forward Fund in relation to the SUDS that are to be maintained by the Management Entity for that Phase has been paid to the Management Entity
- 5.2 The Management Entity shall thereafter manage and maintain that part of the SUDS Scheme for which it has maintenance responsibility in accordance with the SUDS Maintenance Scheme in Perpetuity or for as long as any Dwelling remains Occupied on the Development whichever is the earlier

6. **Management Entity**

- 6.1 Not to Commence Development without having first obtained the Council's written approval to the proposed Management Entity and the Management and Maintenance Scheme and having established (where necessary) and appointed the Management Entity to the reasonable satisfaction of the Council
- 6.2 If the Council does not approve or reject the proposed Management Entity or proposed Management and Maintenance Scheme pursuant to paragraph 6.1 of this First Schedule within thirty (30) Working Days of receipt of such proposal such failure to do so shall be treated as the Council's deemed approval to the Management Entity or Management and Maintenance Scheme respectively
- 6.3 Not to cause or permit Occupation of the Development without having first obtained the Council's written approval to the template Rentcharge Agreement
- 6.4 If the Council does not approve or reject the proposed template Rentcharge Agreement pursuant to paragraph 6.3 of this First Schedule within thirty (30) Working Days of its receipt such failure to do so shall be treated as the Council's deemed approval to the Rentcharge Agreement
- 6.5 No Dwelling shall be Occupied unless a Rentcharge Agreement substantially in accordance with the template approved by the Council pursuant to paragraph 6.4 above has been entered into between the Management Entity and the owner and/or occupier of that Dwelling
- 6.6 The Management Entity shall manage and maintain the Open Space, Farmland (unless transferred to an alternative body in accordance with paragraph 9 of this Schedule), SUDS (save where the SUDS are transferred to a statutory undertaker) and Northern

Access Route in accordance with the Management and Maintenance Scheme and the Rentcharge Agreement

7. Northern Access Route

7.1 The Owner/Management Entity shall keep the Northern Access Route open as a permissive route and freely available for use by the public SAVE THAT the Owner/Management Entity may close all or part of the said route for the purposes of maintenance and repair or for reasons of public safety as and when is reasonably necessary PROVIDED THAT any such closure shall be for the minimum amount of time as is reasonably necessary

8. Bus Service

8.1 Not to Commence Development without having first obtained the Council's written approval to the Bus Service Operational Plan

8.2 If the Council does not approve or reject the proposed Bus Service Operational Plan pursuant to paragraph 8.1 of this First Schedule within twenty (20) Working Days of its receipt such failure to do so shall be treated as the Council's deemed approval to the Bus Service Operational Plan

8.3 No Dwelling shall be Occupied until the Owner or Management Entity has used reasonable endeavours to enter into a Bus Service Agreement with a bus service operator

8.4 If the Bus Service Agreement cannot be entered into for reasons outside of the reasonable control of the Owner/Management Entity then the Owner shall pay the Supplementary Sustainable Transport Contribution to the Council and no Dwelling shall be Occupied until the Supplementary Sustainable Transport Contribution has been paid to the Council

9. Ecological Mitigation

9.1 Not to Commence Development until :

9.1.1 One (1) Growing Season following completion of the Ecological Mitigation Works

9.1.2 The Bat House has been provided on the Farmland

9.1.3 A restriction has been placed on the title of the Farmland in the following terms

"No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by the Council of the Borough of Torbay or its conveyancers that the terms of paragraph 9 of the First Schedule of the Section 106 Agreement dated [] 2021 and made between (1) the Council of the Borough of Torbay and (2) Abacus Projects Limited have been complied with:

- 9.1.4 the Farmland has been transferred to the Farmland Management Entity

- 9.2 Not to commence construction of Phase B until three (3) Growing Seasons following completion of the Ecological Mitigation Works

- 9.3 To manage the Farmland in accordance with the Farmland Management Scheme in Perpetuity and not to permit or carry out any activities on the Farmland which would impede or interfere with implementation of the Farmland Management Scheme

- 9.4 To ensure that any tenancies created or interests granted in respect of the Farmland or any part thereof shall require management of the Farmland in compliance with the Farmland Management Scheme in Perpetuity

SECOND SCHEDULE

Owner's Covenants

Affordable Housing

1. Type and Tenure

1.1 Thirty per cent (30%) of the Dwellings to be constructed on Site (with fractions of 0.5 or more rounded up to give a whole number of Dwellings) shall be Affordable Dwellings which (save for the provisions of this Deed) for the Perpetuity Period shall not be Occupied other than as Affordable Housing subject to the provisions of this Schedule

1.2 Save as may otherwise be agreed in writing between the parties, the Affordable Housing shall be provided in accordance with the details shown in Table A below and shall comprise a mixture of Dwelling types matching and in proportion to the overall mixture of Dwelling types on the Site and shall be distributed throughout the Site

Table A

Social Rent				Number based on total scheme of 373 units
Percentage	Housetype	Min Size m	Size ft	
14.0%	1b2p flat	46	495	15
13.0%	2b4p flat	67	721	15
6.0%	4b6p house	96	1033	7
				37
Affordable Rent				
Percentage	Housetype	Size m	Size ft	
18.0%	2b4p house	76	818	20
15.0%	3b5p house	86	926	17
				37
Shared Ownership				
Percentage	Housetype	Size m	Size ft	
19.0%	2b4p house	76	818	21
15.0%	3b5p house	86	926	17
				38
100.0%				112

1.5 At least five per cent (5%) of the Affordable Dwellings shall be Adapted Dwellings

1.6 Prior to the Commencement of Development of each Phase, the Owner shall agree with the Affordable Housing Manager the following matters with respect to the Affordable Dwellings –

- a. the physical location

- b. layout
- c. specification (including that of any common parts serving the Affordable Dwellings); and
- d. type and tenure of individual Affordable Dwellings

(collectively referred to as “**the Details**”) which shall thereafter be annexed to this Deed and shall be interpreted as having formed part of this Deed from the date hereof subject to changes as may be agreed in writing between the Parties from time to time

2. Specifications for Affordable Dwellings

- 2.1 The Affordable Dwellings shall be constructed either in accordance with the minimum quality and design standards set by the Regulator of Social Housing or to a standard equal to the Market Dwellings so as to be tenure blind; additionally
- 2.2 The Adapted Dwelling(s) shall be constructed to the specification contained in Annex 1 to this Deed (or such amendments to Annex 1 which may be agreed by the Affordable Housing Manager in writing) and shall comprise part of the Details to be agreed by the Affordable Housing Manager pursuant to paragraph 1.7 of this Schedule

3. Delivery of Affordable Housing

- 3.1 The Owner shall not cause or permit Occupation of more than 50% of the Market Dwellings on any Phase until 50% of the Affordable Dwellings for that Phase have been:
 - a. constructed to Practical Completion;
 - b. transferred to one or more Registered Provider on such terms as agreed between the Owner and the Registered Provider; and
 - c. made available for Occupation

unless otherwise agreed by the Affordable Housing Manager in writing

- 3.2 The Owner shall not cause or permit Occupation of more than 75% of the Market Dwellings on any Phase until 100% of the Affordable Dwellings for that Phase have been:
 - a. constructed to Practical Completion;
 - b. transferred to one or more Registered Provider on such terms as agreed between the Owner and the Registered Provider; and
 - c. made available for Occupation

unless otherwise agreed by the Affordable Housing Manager in writing

4. Social Rent Dwellings

- 4.1 The Social Rent Dwellings shall not be Occupied unless they are
 - 4.4.1 let as Social Rent Dwellings; and
 - 4.1.2 Occupied by Eligible Persons

- 4.2 The Social Rent Dwellings shall not be let other than
- 4.2.1 on Social Rent Tenancies unless the resident of any such Social Rent Dwelling exercises their Right to Acquire; or
 - 4.2.2 initially (both on initial lettings of the Dwellings and on subsequent relets), as an assured shorthold tenancy for a period of 12 months, unless otherwise agreed in writing by the Council, (or where the incoming tenant has rights to be issued an assured tenancy due to holding a full assured tenancy immediately prior to occupying the property) to serve as a probationary tenancy. At the expiry of the 12 month period, an assured tenancy shall then be granted to the tenant unless he or a member of his household has breached the terms of the probationary tenancy
- 4.3 The Owner shall give to the Affordable Housing Manager not less than 6 weeks' notice in writing of the date on which the Social Rent Dwellings will be available for first Occupation

5. Adapted Dwelling

- 5.1 No Adapted Dwelling shall be Occupied unless it is
- 5.1.1 let as a Social Rent Dwelling (and the provisions of paragraph 2.1 above shall apply); and
 - 5.1.2 Occupied by Eligible Persons who are or are part of a household which includes a person who has a physical disability and/or a need for wheelchair access
- 5.2 The Owner shall give to the Affordable Housing Manager not less than 6 months' notice in writing of the date on which the Adapted Dwelling will be available for first Occupation

6. Affordable Rent Dwellings

- 6.1 The Affordable Rent Dwellings shall not be Occupied unless they are
- 6.1.1 let as Affordable Rent Dwellings; and
 - 6.1.2 Occupied by Eligible Persons
- 6.2 The Affordable Rent Dwellings shall not be let other than on Affordable Rent Tenancies
- 6.3 The Owner shall give to the Affordable Housing Manager not less than 6 weeks' notice in writing of the date on which the Affordable Rent Dwellings will be available for first occupation

7. Equity Share Dwellings

- 7.1 Subject to paragraph 7.5 below the Equity Share Dwellings shall not be Occupied unless they are Occupied by Eligible Persons
- 7.2 The Owner shall give to the Affordable Housing Manager not less than 6 months' notice in writing of the date on which the Equity Share Dwellings will be available for first Occupation
- 7.3 Subject to paragraphs 7.4 and 9 (Mortgagees and Certain Purchasers) of this Schedule the Equity Share Dwellings shall not be disposed of other than on Equity Sharing Leases or such similar or equivalent means of tenure being of a type approved by the Regulator of Social Housing or the Affordable Housing Manager

- 7.4 Nothing in this Deed shall prevent an Occupier of an Equity Share Dwelling to Staircase to 100% ownership
- 7.5 In the event that the Occupier of an Equity Share Dwelling does Staircase and through this process acquires the whole of the equity, the Dwelling in question shall no longer be Affordable Housing and the provisions of this Schedule shall not apply to that Dwelling

8. Nomination Agreement

- 8.1 The Owner shall procure that
- 8.1.1 the Registered Provider shall enter into a Nomination Agreement at least six months prior to any of the Affordable Dwellings being available for Occupation and at least six months prior to the Adapted Dwellings being available for Occupation and shall not cause or permit any of the Affordable Dwellings to be Occupied until the Nomination Agreement has been entered into; and
- 8.1.2 the Registered Provider pays the Council's reasonable legal costs incurred in the negotiation and preparation of the Nomination Agreement

9. Mortgagees and certain purchasers

- 9.1 The provisions of this Schedule shall not be binding upon a Mortgagee of the Affordable Dwellings or any one of them or of an individual Equity Share Dwelling or any receiver (including an administrative receiver) appointed by a Mortgagee either of whom may manage or sell the Affordable Dwellings free from the terms of this Schedule, provided that:-
- 9.1.1 the Mortgagee or receiver (including an administrative receiver) (as the case may be) first gives written notice to both the Council and the Regulator of Social Housing that it is seeking a purchaser for the Affordable Dwellings; and
- 9.1.2 after a period of 60 days from the date of such notice the Council or a Registered Provider has not exchanged contracts unconditionally with the Mortgagee or receiver for the purchase of the Affordable Dwellings with a completion date no later than one month from exchange of contracts
- 9.2 The purchase price payable by the Council or another Registered Provider shall be limited to:-
- 9.2.1 the Open Market Value of the Affordable Dwellings in question (subject to the provisions of this Deed); or
- 9.2.2 if higher, the amount required to redeem the outstanding borrowing (including interest accrued plus costs and reasonable expenses the Mortgagee is entitled to recover under the terms of its mortgage) secured upon the Affordable Dwellings concerned, up to a maximum amount being the Open Market Value of the Affordable Dwellings as if unencumbered by the provisions of this Deed
- 9.3 If the provisions in paragraph 9.1.1 and 9.1.2 of this Schedule are met, the Council will forthwith certify to that effect, and the Mortgagee or receiver (including an administrative receiver) and any person deriving title under such Mortgagee or receiver (including an administrative receiver) may manage and/or sell the Dwelling or Dwellings concerned free from the terms of this Schedule

- 9.4 If the former lessee under an Equity Sharing Lease granted by a Registered Provider exercises his Right to Acquire the whole of the equity in the whole of the Dwelling then upon the transfer of Ownership to that person that Dwelling shall, so far as is legally permissible, be subject to a right of pre-emption in favour of the Registered Provider, exercisable within 28 days, provided that if such right of pre-emption is not exercised on the first occasion on which it arises, the former lessee shall be entitled to transfer the Dwelling free from the provisions of this Schedule
- 9.5 Subject to paragraph 9.4 above the provisions of this Schedule shall not be binding upon
- 9.5.1 a tenant (or their mortgagee or successors in title) of the Registered Provider or an occupier of an Affordable Dwelling who has exercised a Right to Acquire or a Right to Buy in respect of an Affordable Dwelling; and/or
- 9.5.2 a tenant (or their mortgagee or successors in title) of an Equity Share Dwelling where the tenant has Staircased out and acquired 100% of the equity of the Dwelling

THIRD SCHEDULE

School Land

The Parties covenant as follows:-

Council to serve notice

1. Prior to Occupation of the [75th] Dwelling on the Site the Council shall serve written notice on the Owner informing it whether or not it wishes the School Land to be transferred to either the Council or a nominee of the Council in order for the School Land to be developed for a primary school and nursery

School Land required

2. If the Council serves notice indicating that it wishes the School Land to be transferred to either the Council or a nominee of the Council in order for the School Land to be developed for a primary school ('a Positive Notice') then the Owner shall as soon as reasonably practicable thereafter transfer the School Land to the Council or the Council's nominee at nil cost and such transfer to include the clauses set out in Annex 4 to this Deed
3. In the event that the Council serves a Positive Notice in accordance with paragraph 1.1 of this Schedule then immediately prior to the transfer of the School Land the Owner shall ensure that the School Land:
 - 3.1 is clear of all buildings plant apparatus and other structures;
 - 3.2 is in a clean and tidy condition free from contamination and all waste materials rubbish debris and refuse;
 - 3.3 has installed up to the boundary of the School Land in locations to be agreed with the Council or its nominee and of a size and standard acceptable to relevant utility companies statutory undertakers and service providers all such means pipes mains sewers drains gullies culverts wires cables and any other service conducting media and any ducts conduits channels or trenches carrying the same and any necessary pumps housing supports plant engineering works equipment and means of access thereto or egress therefrom as shall be necessary to ensure the proper provision of services to the School Land; and
 - 3.4 has carried out and completed such other works required for the School Land to become Serviced Land
4. During construction and development of the School Land the Council or its nominee shall
 - 4.1 hold the Owner harmless and keep the Owner indemnified from and against any claim in connection with or incidental to the carrying out of any development of the School Land including the carrying out of any highway works by or on behalf of the Council required solely in connection with the School Land or the construction and operation of the School Land by or on behalf of the Council or its nominee pursuant to this Deed

- 4.2 not obstruct or unreasonably interfere with the rights of the Owner or occupiers of any Dwellings in carrying out the development of the School Land
 - 4.3 cooperate in accepting the transfer of the School Land from the Owner pursuant to the provisions of this Schedule and to hold develop and use the School Land thereafter solely for the provision of a primary school and/or nursery open to the public without the payment of fees and for no other use or purpose
- 5 The Council shall use all reasonable endeavours to ensure that the use of the School Land for the provision of a school/nursery shall commence by the September following five (5) years after the transfer of the School Land to the Council or its nominee
 - 6 In the event that the Council elects for the School Land to be transferred either to the Council or a nominated transferee the Council shall procure that the Sports Pitches are Delivered as part of the development of the school and are made available for community use as a dual use facility in Perpetuity

School not delivered

- 7 If the use of the School Land as a school and/or nursery has not commenced within 5 years of the School Land being transferred to the Council or its nominee then the transfer of the School Land to the Council or its nominee shall be treated as void and title in the School Land shall revert to the Owner or their nominated successors in title to adjoining land and the Council or its nominee shall cooperate in effecting registration of the School Land back into the Owner's or nominated successor's name and the restrictions on use of the School Land (but excluding the Sports Pitches) set out in this Deed shall cease to have effect AND upon completion of the registration of the School Land into the name of the Owner or its nominated successor the Education Contribution shall immediately be payable to the Council.

School Land not required

- 8 If the Council:
 - 8.1 serves notice confirming that it does not wish the School Land to be transferred to either the Council or a nominee of the Council in order for the School Land to be developed for a primary school and nursery; or
 - 8.2 fails to serve notice pursuant to paragraph 1.1 of this schedule prior to Occupation of [75] Dwellings on the Sitethen the Owner shall instead pay to the Council the Education Contribution. The Education Contribution shall be paid to the Council by Phase and proportionately in tranches prior to the Occupation of fifty percent (50%) of the Dwellings on the Phase in question and SUBJECT TO paragraph 9.1 below, the Owner shall be at liberty to apply for planning permission to develop the School Land (but excluding the Sports Pitches) for an alternative use
9. Where the School Land is not transferred to the Council or alternative nominee in accordance with paragraphs 1 and 3 above or where the Council has confirmed pursuant to paragraph 8.1 that it does not require the School Land to be transferred or if the School Land is transferred

back to the name of the Owner or its nominated successor pursuant to paragraph 7 then the following shall apply:

9.1 the Owner shall:

9.1.1 Deliver the Sports Pitches;

9.1.2 obtain the Council's approval to the Sports Pitches Management Scheme; and

9.1.3 transfer ownership management and maintenance of the Sports Pitches to the Management Entity;

each to take place on or before Occupation of the one hundred and eightieth 180th Dwelling and no more than one hundred and eighty 180 Dwellings shall be Occupied unless the Sports Pitches have been Delivered, the Sports Pitches Management Scheme has been approved in writing by the Council and ownership management and maintenance obligations of the Sports Pitches have been transferred to the Management Entity

9.2 If the Council does not approve or reject the proposed Sports Pitches Management Scheme submitted pursuant to paragraph 9.1.2 of this Schedule within twenty (20) Working Days of its receipt such failure to do so shall be treated as the Council's deemed approval to the Sports Pitches Management Scheme

9.3 The Management Entity shall thereafter manage and maintain the Sports Pitches as part of the Open Space and in accordance with the Sports Pitches Management Scheme

FOURTH SCHEDULE
Health Contributions

Health CCG Contribution

1. The Owner shall pay the Health CCG Contribution to the Council by Phase and proportionately in tranches prior to the Occupation of fifty percent (50%) of the Dwellings on the Phase in question

Health FT Contribution

2. The Owner shall pay the Health FT Contribution to the Council by Phase and proportionately in tranches prior to the Occupation of fifty percent (50%) of the Dwellings on the Phase in question

FIFTH SCHEDULE
Council's Covenants

The Council covenants:

1. To use all the sums received from the Owner under the terms of this Deed for the purposes specified in this Deed for which they are to be paid or for such other purposes for the benefit of the Development as the Owner and the Council shall agree in writing
2. To repay to the Owner with interest at the rate of 1% over the base rate of National Westminster Bank PLC any elements of the Financial Contributions paid by the Owner to the Council under this Deed which are
 - 2.1 unspent 5 years after receipt by the Council (and money shall be deemed to have been expended if the Council has properly entered into a contract for the expenditure of the money for the purpose for which it is paid which is reasonably likely to result in the fulfilment of that purpose); or
 - 2.2 used for purposes other than those referred to in this Deed

Health Contributions

3. Upon receipt of the Health CCG Contribution to make payment of the same to the Devon Clinical Commissioning Group and to ensure that the Devon Clinical Commissioning Group spends the Health CCG Contribution on the provision of additional consulting and clinic rooms to serve residents of the Development at Galmpton Surgery.
4. To secure repayment to the Owner of any part of the Health CCG Contribution that has not been spent or committed to be spent for the purposes for which it has been collected after a period of five (5) years from the date that the Health CCG Contribution was paid to the Council in full.
5. Upon receipt of the Health FT Contribution to make payment of the same to the Torbay & South Devon NHS Foundation Trust and to ensure that the Torbay & South Devon NHS Foundation Trust spends the Health FT Contribution on the provision of a new health and wellbeing centre to serve to serve the local community including residents of the Development.
6. To secure repayment to the Owner of any part of the Health FT Contribution that has not been spent or committed to be spent for the purposes for which it has been collected after a period of five (5) years from the date that the Health FT Contribution was paid to the Council in full.

Evidence and Discharge

7. To provide to the Owner such evidence as the Owner shall reasonably require in order to confirm the expenditure of the sums paid by the Owner under this Deed
8. At the written request of the Owner to provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been performed

SIXTH SCHEDULE
Provisions for Index Linked Payments

1. **“The Index”** means the All Items Index of Retail Prices issued by the Office for National Statistics or any publication substituted therefor
2. **“Increase”** means the amount (if any) by which the Index for the month preceding the date of payment exceeds the Index for the month in which this Deed is dated
3. **“Base Figure”** means any sum payable under the provisions of this Deed and stated to be Index Linked
4. **“Additional Payment”** means the sum that bears the same proportion to the Base Figure as the Increase bears to the Index for the month in which the Deed is dated PROVIDED ALWAYS that:
 - 4.1 If the reference base used to compile the Index shall change after today’s date the figure taken to be shown in the Index after the change shall be the figure which would have been shown in the Index if the reference base current at today’s date had been retained
 - 4.2 If it becomes impossible by reason of any change after today’s date in the methods used to compile the Index or for any other reason whatever to calculate the Additional Payment by reference to the Index or if any dispute or question whatever shall arise between the Parties with respect to the amount of the Additional Payment or the construction or effect of this paragraph the determination of the Additional Payment or other matter of difference shall be determined by an Arbitrator to be appointed either by agreement or in the absence of agreement between the Parties by the President for the time being of the Royal Institute of Chartered Surveyors (or his duly appointed deputy or any person authorised by him to make appointments on his behalf) on the application of either party who shall have full power to determine on such date as he shall deem appropriate what would have been the increase in the Index had it continued on the basis and in view of the information assumed to be available for the operation of this clause or (if that determination shall also be impossible) shall determine a reasonable Additional Payment having regard to the purposes and intent of the provisions of this paragraph
5. Any sum payable under this Deed and stated to be Index Linked shall be increased by the Increase and any Additional Payment shall be payable at the same time as the sum to which it refers.

Annex 1

Specification for Adapted Dwellings

(please note – the terms of this annex are not negotiable)

Annex 2
Plan[s]

Annex 3
Local Connection Criteria

(please note – the terms of this annex are not negotiable)

1. The applicant (or member of the applicant's household) must have lived within Torbay for 5 years.
2. Applicants who are not currently resident in the district/area but who can demonstrate a strong association to the local area will be able to qualify (e.g. through family association or employment). This is defined as:
 - 2.1 Need to work in Devon. The Local Government Association guidelines define this as employment other than of a casual nature. For the purposes of this policy this will be defined as having had permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months.
 - 2.2 Have family connections in Devon. The Local Government Association guidelines define this as immediate family members (parents, siblings and nondependent children) who have themselves lived in the area for 5 years
3. Exceptions to the 5 year residency test will be:
 - 3.1 Existing Social Housing tenants, in Devon
 - 3.2 Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
 - 3.3 Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - 3.4 Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - 3.5 People who are assessed as being within the reasonable preference categories – Bands A, B, Emergency and High Housing Need, as per the DHC Policy
 - 3.6 Applicants requiring Sheltered Housing.

Annex 4

Draft Clauses for Inclusion in Transfer for School Site

- 1 Transferee to hold develop and use the School Land solely for the provision of:
 - 1.1 a government-funded school open for the education of pupils without the payment of fees; and
 - 1.2 for community, fundraising and recreational purposes which are ancillary to the use specified in paragraph 1.1 above
- and for no other use or purpose.

Annex 5

Management Entity - Management & Maintenance Scheme

- 1 Identify the relevant areas of Open Space, Farmland, SUDS and Northern Access Route to be covered by the Management and Maintenance Scheme
- 2 Include full details of the maintenance specifications for the Open Space, Farmland, SUDS and Northern Access Route including details of how the Management Entity will engage and liaise with residents and deal with their concerns and the service level that the residents will be entitled to expect with regard, for example, to the mowing of grassed areas
- 3 Identify and include details of the Management Entity (including emergency contact details and arrangements for contacting the Management Entity both within office hours and out of office hours, constitution, composition, objectives, responsible person and management arrangements)
- 4 Include details of the management of the Open Space, Farmland, SUDS and Northern Access Route including ecological landscape, hydrological function, social wildlife and amenity use
- 5 Include the amount of Forward Fund that shall be paid in relation to each Phase or how the Forward Fund for any Phase will be calculated
- 6 Include details of funding arrangements to ensure the maintenance and management of the Open Space, Farmland, SUDS and Northern Access Route in Perpetuity (which may involve the imposition of a rent or service charge) including arrangements to cover the periodic costs of replacement and or refurbishment of features, facilities and/or equipment
- 7 Include details of the procedure to be implemented to safeguard the Open Space, Farmland, SUDS and Northern Access Route should the Management Entity become insolvent or fail in its duties
- 8 Include for approval a draft of the Rentcharge Agreement to be entered into by the Management Entity and owners of individual plots on the Site. Such a Rentcharge Agreement must include details of:
 - 8.1 how the rentcharge is calculated and the method by which it will be increased
 - 8.2 how often information relating to budget information and the calculation of the rentcharge will be provided to rentcharge payers
 - 8.3 the level of service that will be provided for the rentcharge e.g. the types of maintenance works which will be carried out, the frequency of regular maintenance and the time-limits within which repairs will be completed
 - 8.4 details of the procedure for reporting damage or lack of maintenance, and for the resolution of complaints

- 8.5 the circumstances for and method by which rentcharge payers will have the collective right to change the Management Entity AND for the avoidance of doubt such a right should be exercisable after a vote to do so by a super-majority of [60%] of those taking part in the vote
- 8.6 the process by which assets will be assessed and transferred to a new management entity in the event that a vote to change the Management Entity is passed
- 9 References to the Farmland in the above paragraphs shall not apply where the Farmland is transferred to an alternative body with the Council's written approval
- 10 References to the SUDS in the above paragraphs shall only apply to the extent that the SUDS are owned and managed by the Management Entity and have not been transferred to a statutory undertaker.

Annex 6

Part 1

Ecological Mitigation Works

On the Farmland:

- a) Planting/creation of approximately 2.5km of new hedgebanks and associated fencing.
- b) Hedge planting to include diverse/species-rich mix of native plants, mature stock and standard trees at least every 30m;
- c) Reversion of approximately 16ha of the arable off-site Farmland to cattle grazed pasture;
- d) Creation of approximately 4ha of spring sown barley crops to be left as over-wintering stubble;
- e) Preparation and seeding of margins around pasture and over-wintering stubble fields with wildflower meadow mixture to create 0.6ha of unimproved neutral grassland margins;
- f) Preparation and seeding of 2.5m margins around pasture and over-wintering stubble fields of an additional (i.e. over and above the 2m margins currently required under entry level stewardship option, plus new margins adjacent to new hedgerows) 1.0 ha tussock grassland;
- g) Creation/planting of 0.3ha of broad-leaved native woodland on the Farmland and groups of native trees (e.g. Oak) within the proposed pasture to the south of the main development to establish wood pasture and a wildlife pond;

All to be carried out in accordance with the proposed farming practices shown on Plan 3; and

On the Site:

- h) Planting/creation of approximately 600m of new hedgebanks and associated fencing;
- i) Creation/planting of 0.7ha of broad-leaved native woodland; and
- j) Creation/planting of 0.4ha of orchards;

in the areas indicated in dark green on the proposed phasing plan annexed to the Ecological Addendum

Part 2

Farmland Management Scheme

1. The Farmland will be set out and managed in accordance with the proposed farming practices shown on Plan 3.
2. Records of management activities will be kept in a farm diary which will be submitted to the Council as part of the Greater Horseshoe Bat and Cirl Bunting Monitoring Strategy to be approved by the Council pursuant to condition [15] of the Planning Permission

3. The Farmland Management Scheme will be reviewed between the Farmland Management Entity and the Council in accordance with the principles set out in section 10 of the Ecological Addendum and any agreed amendments to the scheme shall be implemented accordingly.

Part 3

Ecological Addendum (February 2018)

Appendix 6: Draft Core Document List

DRAFT Core Document List

Set A: Appeal Ref: P/2017/1133

CD1 Application Documents, Plans and Reports

- 1.1 Application Covering Letter (3 November 2017)
- 1.2 Application Form (3 November 2017)
- 1.3 Application Road Map (3 November 2017)
- 1.4 Owner Letter (Tully) 3 November 2017
- 1.5 Owner Letter – (Tully) 3 November 2017
- 1.6 Owner Letter (Seagrave) 3 November 2017
- 1.7 S.106 agreement Draft Heads of Terms (3 November 2017)
- 1.8 Planning notice - Inglewood –for Herold Express ref 326066573 (3 November 2017)
- 1.9 Notice number 1 - 15230_T_171103_Notice no 1 (3 November 2017)
- 1.10 Notice Number 2 - 15230_T_171103_Notice no 2 (3 November 2017)
- 1.11 Community Infrastructure Levy Form (3 November 2017)
- 1.12 Air Quality Assessment, Air Quality Consultants (3 November 2017)
- 1.13 Cultural Heritage Assessment (3 November 2017)
- 1.14 Archaeological Magnetometer Survey (3 November 2017)
- 1.15 Flood Risk Assessment and Drainage Strategy (3 November 2017)
- 1.16 Ecological Baseline Report (3 November 2017)
- 1.17 Environmental Statement (3 November 2017)
- 1.18 Environmental Statement Non-Technical Summary (3 November 2017)
- 1.19 Farm Management Plan (3 November 2017)
- 1.20 Phase 1 Desk Study (3 November 2017)
- 1.21 Preliminary Geoenvironmental Investigation (3 November 2017)
- 1.22 Landscape and Visual Impact Assessment (3 November 2017)
- 1.23 Report of Community Involvement (3 November 2017)
- 1.24 Noise Impact Assessment (3 November 2017)
- 1.25 Rapid Health Impact Assessment (3 November 2017)
- 1.26 Outline Sustainability Strategy (3 March 2017)
- 1.27 Transport Assessment (4 parts) (20 November 2017)
 - a. Framework Travel Plan (3 November 2017)
- 1.28 Application Red Line Boundary (8 November 2017)
- 1.29 Indicative Proposed Site Sections (3 November 2017)

- 1.30 Shared Footway/Cycleway to the North Plan (3 November 2017)
- 1.31 Potential Southern Crossing Option 3 Plan – Uncontrolled Crossing (3 November 2017)
- 1.32 On-line Road Widening on A30322 Brixham Road to 7.3m with 70m Forward Visibility (3 November 2017)
- 1.33 Investigation of On-Line Widening of A3022 Brixham Road to 7.3m / Long Section Along 70m Forward Visibility Splay (3 November 2017)
- 1.34 Potential Northern Crossing / Toucan Crossing (3 November 2017)
- 1.35 Summary of Onsite and Offsite Highway Works (3 November 2017)
- 1.36 Regulation 18(5) Statement in respect of Environmental Statement (3 November 2017)
- 1.37 Request for Environmental Impact Assessment Scoping Opinion (22 December 2016)
- 1.38 Environmental Impact Assessment Scoping Opinion (16 February 2017)
- 1.39 Jacobs Ecology Report (March 2018)
- 1.40 Jacobs review of Transport Impact (December 2017)
- 1.41 Jacobs Landscape Advice (7th June 2018)
- 1.42 Jacobs Landscape Advice (27th July 2018)
- 1.43 NPA Rebuttal (June 2018)

CD2 Additional/Amended Plans, Reports and Technical Notes

- 2.0 White Rock 2 Urban extension Visual Assessment and Landscape Analysis (July 2014 / February 2015)
- 2.1 Public House Assessment (30 November 2017)
- 2.2 Waste Management Strategy Report, (30 November 2017)
- 2.3 Drainage Strategy Technical Note 1, Clarkebond, (21 December 2017)
- 2.4
- 2.5 Transport Assessment Addendum (3 parts) (24 January 2018)
- 2.6 Proposed Long Road Junction Improvements Plan (24 January 2018)
- 2.7 Public Open Space Obligation Schedule (21 February 2018)
- 2.8 10 Principles of Active Design Note (5 February 2018)
- 2.9 Minerals Safeguarding Assessment, (5 February 2018)
- 2.10 Minerals Rebuttal, (12 March 2018)
- 2.11 Inglewood Proposed Context Masterplan (8 March 2018)
- 2.12 Inglewood Proposed Green Infrastructure Plan (8 March 2018)
- 2.13 Proposed Masterplan (8 March 2018)
- 2.14 Inglewood Proposed Nodes and Views Plan (8 March 2018)
- 2.15 Inglewood Proposed Street Hierarchy Plan (8 March 2018)

- 2.16 Inglewood Proposed Townscape Analysis Plan (8 March 2018)
- 2.17 Inglewood Proposed Phasing Plan (8 March 2018)
- 2.18 Tree Protection Plan with Arboricultural Method Statements (8 March 2018)
- 2.19 Tree Survey and Constraints Analysis Arboricultural Impact Assessment and Tree Protection Plan (8 March 2018)
- 2.20 Ecological Addendum (8 March 2018)
- 2.21 Framework Landscape and Ecological Management Plan (8 March 2018)
- 2.22 Landscape and Visual Impact Assessment Addendum (8 March 2018)
- 2.23 Planning Design and Access Statement (8 March 2018)
- 2.24 Urban Design Framework (8 March 2018)
- 2.25 External Lighting Report (8 March 2018)
- 2.26 Addendum to Flood Risk Assessment and Drainage Strategy Report, (14 March 2018)
- 2.27 Urban Design Regulatory Plan (March 2018)
- 2.28 Habitats Regulation Assessment (March 2018)
- 2.29 Torbay / Jacobs Memorandum (11 April 2018)
- 2.30 Habitat Regulation Assessment (May 2018)
- 2.31 Landscape and Visual Review David Wilson Partnership (July 2018)
- 2.32 Abacus Response to Torbay Five Year Housing Supply 2019 Draft Statement for Consultation and the Implication for application (6 August 2019)
- 2.33 Torbay Council Windy Corner 2019 Junction Improvement (October 2019)
- 2.34 Ecology Briefing Note (2 December 2019)
- 2.35 Technical Note 4 (6 April 2018)
- 2.36 Technical Note 5 (17 December 2019)
- 2.37 Technical Note 6 (17 October 2019)
- 2.38 Technical Note 8 (17 December 2019)
- 2.39 Windy Corner Highway Improvements Tying in to Torbay Council 2019 Improved Layout (January 2020)
- 2.40 Update Habitat Assessment 2019 (January 2020)
- 2.41 Cirl Bunting Winter Survey 2018/19 & Breeding Survey 2019 (January 2020)
- 2.42 Greater Horseshoe Bats 2019 (January 2020)
 - a. Revision A (November 2020)
- 2.43 Other Bats 2019 (January 2020)
- 2.44 Breeding Bird Survey 2019 (January 2020)
- 2.45 Agricultural Land classification Report (January 2020)
- 2.46 Landscape and Visual Impact Assessment Addendum (Incorporating VVM's) (January 2020)
- 2.47 Socio-economic Benefits Statement (January 2020)
- 2.48 Habitats Regulation Assessment (December 2019)

CD3 Correspondence with Local Authority and other Statutory Bodies

- 3.1 Email from Torbay Landscape Officer re scheme development (5 May 2017)
- 3.2 Letter Natural England (12 October 2017)
- 3.3 Email Natural England (16 December 2019)
- 3.4 Correspondence from LPA's case officer
 - a) South Devon AONB Correspondence (15 December 2017)
 - b) Letter from Torbay Council to Stride Treglown (28 August 2019)
 - c) Email from David Pickhaver to Stride Treglown (7 December 2018)
- 3.5 Stride Treglown Representation (15 December 2017)
- 3.6 Stride Treglown (DAC Beachcroft / NPA) representations (31 May 2018)
- 3.7 Stride Treglown accompanying emails (31 May 2018)
- 3.8 Stride Treglown representation (21 June 2018)
- 3.9 Email from Torbay Green Infrastructure Coordinator (31 January 2017)

CD4 Consultation Responses

- 4.1 Arboriculture Report
- 4.2 Brixham Peninsula Neighbourhood Forum
- 4.3 Brixham Town Council
- 4.4 Campaign to Protect Rural England
- 4.5 Cornworthy Parish Council
- 4.6 David Stewart – Drainage Report (9 April 2018)
- 4.7 Devon County Council (29 March 2018)
- 4.8 Historic England (23 March 2018)
- 4.9 Historic Environment Officer (11 December 2017)
- 4.10 Natural England (8 December 2017)
- 4.11 Natural England (April 2018)
- 4.12 NHS (December 2018)
- 4.13 Paignton Neighbourhood Forum
- 4.14 Police Designing Out Crime (6 December 2017)
- 4.15 RSPB (December 2017)
- 4.16 RSPB (March 2018)
- 4.17 South Devon AONB (27 March 2018)
- 4.18 South Devon AONB (10 May 2018)
- 4.19 South Hams District Council (4 December 2017)
- 4.20 South West Water (20 March 2018)
- 4.21 Sport England
- 4.22 Stagecoach (21 October 2017)
 - a. Stagecoach (4 December 2017)

- 4.23 Stoke Gabriel Parish Council
- 4.24 Teignbridge District Council (Torbay Landscape Officer) (8 January 2018)
- 4.25 Teignbridge District Council Landscape (28 March 2018)
- 4.26 Torbay and South Devon NHS Foundation Trust (DATE 3 March 2020?)
- 4.27 Torbay Development Agency (23 March 2018)
- 4.28 Torbay Development Agency (27 March 2018)
- 4.29 Natural England (30 January 2020)
- 4.30 RSPB (27 January 2020)
- 4.31 RSPB (9 December 2020)

CD5 Third Party Representations

- 5.1 Farrer & Co. (On behalf of Mr and Mrs Yallop and Mr and Mrs Brownsword) (Incorporating Michelle Bolger Report) (23 November 2018)
- 5.2 Farrer & Co. (On behalf of Mr and Mrs Yallop and Mr and Mrs Brownsword (7 February 2020)
- 5.3 Speaking note by Gregory Jones QC (10 February 2020)

CD6 Plans, Policies and Guidance

- 6.1 Torbay Landscape Character Assessment Part 1
- 6.2 Torbay Landscape Character Assessment Part 2
- 6.3 Devon Landscape Character Assessment (Extracts)
- 6.4 National Character Area profile: 151 South Devon (Extracts)
- 6.5 Brixham Peninsula Neighbourhood Plan(Aecom Update Site Appraisal for Submission July 2017) (Para 5.7, page 31 and Appendix B Site Proforma: White Rock Extension)
- 6.6 Brixham Peninsula Neighbourhood Plan Housing Site Assessment
- 6.7 Torbay Green Infrastructure Delivery Plan (Extracts)
- 6.8 Guidance for Landscape Visual Impact Assessment Third Edition
- 6.9 Fareham Landscape Assessment 2017 (Extracts)
- 6.10 South Devon Area of Outstanding Natural Beauty Management Plan, AONB Planning Guidance and other Annexes
- 6.11 Natural Environment PPG (Extracts) (www.gov.uk/guidance/natural-environment)
- 6.12 Torbay Five Year Housing Land Supply Draft Statement for Consultation (July 2019)
- 6.13 South Hams SAC Greater Horseshoe Bat HRA Guidance (June 2019, updated October 2019)
- 6.14 Consultation Statement (2nd version) (October 2017)
- 6.15 Torbay Housing Delivery Test Action Plan 2019
- 6.16 Torbay Local Plan 2012-2030
- 6.17 Brixham Peninsula Neighbourhood Plan 2012-2030
- 6.18 Five Year Land Supply Statement (25 February 2020)
- 6.19 Torbay Five Year Housing Supply 2019 (February 2020)

- 6.20 Torbay Five Year Land Supply Spreadsheet
- 6.21 Torbay Five Year Housing Supply Consultation Response 2019 (October 2019)
- 6.22 Employment Site Assessment
- 6.23 Green Space Site Assessment
- 6.24 Broadsands Village Design Statement
- 6.25 Churston Village Design Statement
- 6.26 Galmpton Village Design Statement
- 6.27 Brixham Town Design Statement
- 6.28 Brixham Town Centre Master Plan
- 6.29 AECOM Habitats Regulations Assessment Screening (November 2018)
- 6.30 AECOM Strategic Environmental Assessment (August 2017)
- 6.31 Devon Historic Landscape Characterisation Extract Map
- 6.32 Landscape Institute Technical Guidance Note TGN 06/19
- 6.33 Planning and Contributions and Affordable Housing Supplementary Planning Document
- 6.34 National Planning Policy Framework
- 6.35 Planning Policy Guidance Relevant Extracts
- 6.36 2020 Housing Delivery Test Action Plan
- 6.37 Torbay Five Year Housing Supply 2020 (Consultation Draft) (May 2020)
- 6.38 Torbay Five Year Housing Supply 2020 (July 2020)
- 6.39 Torbay Five Year Housing Supply 2020 Officer Summary Schedule (August 2020)
- 6.40 Local Development Scheme (2017)
- 6.41 Authority Monitoring Report (2018)
- 6.42 Authority Monitoring Report (2019)
- 6.43 [Torbay Strategic Housing Land Availability Assessment \(SHLAA\) PBA2013: Site 756d](#)

CD7 Other Relevant Documents

- 7.1 Tranquillity – An Overview (Landscape Institute Technical Information Note 2017)
- 7.2 Guidance for Assessing Landscapes for Designation as National Park or Area of Outstanding Natural Beauty in England (Extracts - Natural England 2011)
- 7.3 Planning history:
 - a) 1997 Inquiry Inspector's Report-conclusions
 - b) Secretary of States Refusal
 - c) Torbay Local Plan Examiner's Report (October 2015)
- 7.4 Statement by Right Honourable Robert Jenrick MP
- 7.5 Landscapes Review Final Report, Julian Glover (September 2019)
- 7.6 Article "Natural England's revised approach to considering habitat creation as mitigation following the Briels, Orleans and grace & Sweetman judgments" The Habitats Regulations

- Assessment Journal (December 2020)
- 7.7 Footprint Ecology Assessment (2014)
 - 7.8 Footprint Ecology Assessment (2016)
 - 7.9 Wildlife and development Guidance Note: Cirl Bunting (October 2017)
 - 7.10 Agri-environment Schemes in England 2009
 - 7.11 English Nature – The Management of feeding areas for greater horseshoe bats
 - 7.12 English Nature – Greater horseshoe bat Project 1998-2003
 - 7.13 English Nature – Dispersal and Foraging behaviour of greater horseshoe bats, Brixham, Devon
 - 7.14 Cirl Bunting Project RSPB (2017)
 - 7.15 Highways Advice Note 135/10 (2010)
 - 7.16 Inspectors Reports Finding White Rock Phase 1 Local Plan Inquiry (2002/2003)
 - 7.17 Abacus Projects Statement of Case (December 2020)
 - 7.18 Torbay Council Statement of Case (December 2020)
 - 7.19 Brixham Town Council Statement of Case (December 2020)
 - 7.20 Statement of Common Ground (March 2020)
 - 7.21 Statement of Common Ground (December 2020))
 - 7.22 Highways / Transport Position Statement (December 2020)
 - 7.23 Brixham Town Council Ecology Position Statement (July 2020)
 - 7.24 Landscape Position Statement (December 2020)
 - 7.25 Planning Position Statement (December 2020)
 - 7.26 Highways / Transport Proof of Evidence (December 2020)
 - 7.27 Ecology Proof of Evidence (December 2020)
 - 7.28 Landscape Proof of Evidence (December 2020)
 - 7.29 Planning Proof of Evidence (December 2020)

CD8 Relevant Judgements

- 8.1 Barker Mill Estates v SSCLG & Test Valley BC [2016] EWHC 3028 (Admin)
- 8.2 City and District of St Albans and The Queen (On the application of) Hunston Properties LTD and SSCLG [2013]EWCA Civ1610
- 8.3 Crane v Secretary of State for Communities and Local Government [2015] EWHC 425 (admin)
- 8.4 Edward Ware Homes Ltd vs SSCLG and Bath and North East Somerset Council [2016] EWHC 103 (Admin)
- 8.5 Gladman Developments and SSHCLG and Corby Borough Council [2020]EWHC518 Admin
- 8.6 Hargreaves v Secretary of State for Communities and Local Government [2011] EWHC 1999 (Admin)
- 8.7 Lee Valley and Regional Park Authority v Epping Forest District Council 2015 EWHC 1471 (Admin)
- 8.8 People Over Wind, Peter Sweetman v Coillte Teoranta [2018] Ecr I-244 c-323/17
- 8.9 R. (on the application of East Bergholt Parish Council) v Babergh District Council [2019] EWCA Civ 2200

- 8.10 St Modwen Developments V SSCLG & East Riding of Yorkshire Council [2016] EVVHC 968 (admin)
- 8.11 Suffolk Coastal DC v Hopkins Homes & SSCLG and Richborough Estates V Cheshire East BC & SSCLG [2016] EWCA Civ 168
- 8.12 Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and Another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37
- 8.13 Wavendon Properties [2019] EWHC 1524 (Admin)
- 8.14 Forest of Dean District Council v SSHCLG and Gladman Developments Limited [2016] EWHC 2429 (Admin)
- 8.15 Stroud district Council v SSHCLG and Gladman Developments Limited [2015] EWHC 488 (Admin)
- 8.16 Hawkhurst Parish Council v Tunbridge Wells BC and Progressive Developers Land Ltd and McCarthy and Stone Retirements Lifestyles Limited [2020] EWHC 3019 (Admin)

CD9 Relevant Appeal Decisions

- 9.1 Dymock Road, Ledbury HR8 2HT; Appeal Ref: APP/W1850/W/19/3225309
- 9.2 Land at Clavering Walk, Cooden, Bexhill on Sea; Appeal Ref: APP/U1430/W/19/3234340
- 9.3 Land off Colchester Road, Bures Hamlet, Essex; Appeal Ref: APP/Z1510/W/18/3207509
- 9.4 Maple House, Gilberts End Lane, Hanley Castle WR8 0BX: Appeal Ref: APP/J1860/W/18/3207450
- 9.5 Mead Park Bickington, Barnstaple, Devon EX31 2PF; Appeal Ref: APP/X1118/A/14/2224465
- 9.6 Land at Junction of Narrowleys and Moor Road, Ashover : Appeal Ref: APP/R1038/W/15/3133527
- 9.7 Land to the north of Totnes Road, Collaton St Mary, TQ4 7PW APP/X1165/W/20/3250977
- 9.8 Land South East of Williamthorpe Road and West Tibshelf Road, Holmewood, Derbyshire. Appeal Ref: APP/R1038/W/20/3251554

CD10 Committee Report and Decision Notice

- 10.1 Officer's Report
- 10.2 Minutes of committee meeting
- 10.3 Decision Notice (13 February 2020)