

**Note of Roger Key's Response to Third Party Oral Submissions on Highway and Transport Matters  
Presented on Day 1 (12 January 2021) of Inglewood Inquiry**

**18 January 2021**

**1. Introduction**

- 1.1. This note has been prepared by Roger Key, on behalf of the appellant, in response to oral submissions made by Councillor Judith Mills (two submissions), Mr Roger Richards, Mr Tony Box and Mr Pieter Dijkshoorn.
- 1.2. As there is overlap or repetition between the submissions, I have grouped my response to the points raised by topic. I have indicated the originator of the comment by providing the initials of the person in parentheses. I have then provided a precis of the point in bold text, followed by my response.
- 1.3. I have arranged this response in two further sections, the first dealing with comments relating to the proposed improvement at Windy Corner, the second on more general comments.
- 1.4. Throughout this response I refer extensively to evidence already before the inquiry, presented in my proof of evidence (PoE - CD7.26) and the Statement of Common Ground on Transport Issues (SoCGTI) (CD7.21 Appendix 2).

**2. Comments on Windy Corner**

- 2.1. As a preamble, the following comments refer generally to the proposed improvement layout at Windy Corner shown on both drawings 0734-064 and 0734-064A, and the supporting analysis.
- 2.2. I note that the layout of the improvement shown on both versions of drawing 0734-064, the original version, and Revision A, is exactly the same. Drawing 0734-064 was first introduced into the public domain within the March 2020 version of the SoCGTI (CD7.20 Appendix 2 Annex A). In overall layout terms, the layout on drawing 0734-064 was similar to the originally submitted layout shown on drawing 0734-053 (CD1.27) but drawing 0734-064 introduced, for the first time, a significant improvement in the pedestrian provision, through the introduction of traffic signal control to the three pedestrian crossings of traffic lanes on Dartmouth Road to the south of the junction. Drawing 0734-064 Revision A, which is now before the inquiry, simply annotates or clarifies a few minor points that emerged from the Council's November/December 2020 consultation, as set out in paragraph 3.31 of the December 2020 update of the SoCGTI (CD7.21 Appendix 2). The changes shown on Revision A are as follows:



- *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”;*
- *further clarifying 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.*

These changes do not affect in any material way the substance of the overall improvement works layout shown on drawing 0734-064. For highway and traffic engineering purposes, drawings 0734-064 and 0734-064A are synonymous.

2.3. (JM) **Traffic is flowing better since the Councils 2019 improvement than in the past 20 years.** I acknowledge the point and present no evidence to suggest otherwise.

2.4. (JM, RR & TB) **The difficulty of turning right out of Langdon Lane towards Brixham is compounded by the proposed merge of two southbound lanes.** This point was considered on page 7 of Annex D of the December 2020 SoCGTI where Mr Luscombe and I agreed the following comments.

*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.*

*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.*

*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).*

*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.*

- 2.5. In light of the above, at paragraph 3.30 of the SoCGTI Mr Luscombe, for Torbay Council's Highways Department (TCHD), and I agreed the following response:

*TCHD 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.*

- 2.6. (JM & RR) **Fewer gaps in southbound traffic making it impossible to exit Bascombe Road to turn right onto Dartmouth Road.** This point was considered on page 6 of Annex D of the December 2020 SoCGTI where Mr Luscombe and I agreed the following comments.

*Bascombe Road is approximately 80-90m beyond the merge.*

*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.*

- 2.7. At peak times the gaps in the southbound flow of traffic on Dartmouth Road may be reduced by the proposed layout. However, the proposed traffic signal staging arrangements include an "all red" southbound stage, which would be called when a pedestrian registers demand to cross the crossing. Whenever a pedestrian crosses the crossing this will provide an extended inter-green break in the southbound flow on Dartmouth Road, which would be sufficient for the light flows on Bascombe Road to turn right out of the side road. For the residents of Bascombe Road, this would be a benefit of the Inglewood improvement scheme.
- 2.8. At the detailed (Section 278) design stage, we would be willing to investigate the introduction of a vehicle presence detector loop on the Bascombe Road right turn, to trigger the extension of the inter-green period in the traffic signal cycle, when no pedestrians have registered a demand to cross.
- 2.9. (JM, RR & PD) **Continuing pedestrian safety concerns - assumed they would have been part of 2019 Torbay scheme. Question the safe capacity of the reduced island on Dartmouth Road. Wider southbound crossing of Dartmouth Road/doubling of southbound lanes. More pedestrian road safety concerns raised than are solved.** From the statement at the

foot of page 1, it appears that Cllr. Mills failed to understand that the proposed improvement includes the introduction of traffic signal control for the pedestrian movements across all three traffic lanes of Dartmouth Road to the south of the junction. Drawing 0734-064 Revision A introduces new arrows to make this change clear.

- 2.10. Concerns regarding pedestrian (and cyclist) safety were addressed at length on pages 1 to 4 of Annex D to the SoCGTI. I will not repeat the full comments here. However, with particular reference to the crossing of Brixham Road, the agreed comments include the following:

*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 [Annex B to CD7.21 Appendix 2], no slight personal injury collisions involving pedestrians occurred at the Windy Corner junction during the five year period of records examined<sup>1</sup>.*

- 2.11. Informed by the above and the remaining comments, paragraph 3.28 of the SoCGTI provides an agreed response and reads as follows.

*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.*

- 2.12. As the data referenced at paragraph 2.10 provides information on collisions that occurred between 1st January 2012 and 31st May 2017, I have checked the information on the Crashmap website (a reliable source that uses the same Police reporting forms as the records held by local highway authorities) to establish whether there were any notable collisions at Windy Corner since May 2017. The most recent records on Crashmap are for the year 2019. In the three years from 2017 to 2019 no collisions involving personal injury are

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<sup>1</sup> No fatal or serious PIAs were recorded at Windy Corner.

recorded at the Windy Corner junction<sup>2</sup>.

- 2.13. With respect to the reduced size of the triangular island on the crossing of Dartmouth Road to the south of the junction, the island is 4.5m wide at its northern end, tapering to 3.0m on the south side of the crossing points. Measured from its northern side to the south side of the crossing points, it is over 7m long. Hence, it would remain a substantial island providing more than sufficient usable space to meet the expected pedestrian demand. The design conforms to the relevant current design guidance and requirements for the design of signal controlled junctions, which is provided in the Traffic Signs Manual Chapter 6. Being aware of all the above, Torbay Council has been actively involved in the evolution of the design and has not raised a concern about the size of the island. The precise disposition of all the refuge islands and their connecting crossing points will be reviewed and refined as part of the normal (Section 278) design development process.
- 2.14. With respect to the widened crossing of the southbound lanes of Dartmouth Road, the introduction of traffic signal control of the crossing will provide priority to pedestrians crossing at this location and deals with the concern about the widening of the traffic lanes.
- 2.15. **(JM) Upturn in number of students walking and cycling to Churston Ferrers Grammar School due to both pandemic and rising environmental awareness.** Pedestrian movements were surveyed on Tuesday 24<sup>th</sup> September 2019 (prior to any pandemic impacts) and were found to be low. Survey results are provided in Technical Note 9 Appendix B (CD7.21 Appendix 2 Annex B). The survey results are summarised at paragraphs 2.3 to 2.4, which are set out below.

*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.*

*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*

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<sup>2</sup> For clarity, some collisions involving personal injury are recorded on Crashmap away from the Brixham Road/Dartmouth Road junction, such as at the Langdon Lane/Dartmouth Road junction, and on Dartmouth Road south of the bus stop. However, no collisions involving personal injury - whether to vehicle passengers or pedestrians - are recorded specifically at the Brixham Road/Dartmouth Road junction that might be relevant to consideration of safety at that location. I am advised by Mr Luscombe, who has access to more up to date data, that in March 2020 a collision involving serious injury was reported. (Although recorded, the 2020 data has yet to be validated by the authority or DfT. Validation usually occurs in the summer of the year following (i.e. in this case, summer 2021). Mr Luscombe understands that a vehicle entering Langdon Lane ran over the foot of a pedestrian who had started to cross before the vehicle had passed.

*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.*

- 2.16. No other quantified information on pedestrian movements has been presented to the inquiry.
- 2.17. (JM) **Concern about crossing of Dartmouth Road to south of bus lay-by.** This crossing point was introduced as part of the highway improvement introduced by Torbay Council in 2019 (see drawing 0734-060 at CD7.21 Appendix 2 Annex A). The crossing will not be changed as a result of implementing the Inglewood improvement scheme, so this is a matter for the Council to consider separately.
- 2.18. (JM) **Should have been consulted on by Torbay Council.** The layout proposed at Windy Corner within the application was shown on drawing 0734-053, which was included in the supporting Transport Assessment document (CD1.27 Part 2 Appendix F). The layout on drawing 0734-053 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 able to comment on that aspect of the proposal since the application was first registered and consulted in 2017.
- 2.19. Drawing 0734-053 was resubmitted in Technical Note 5 (CD2.36) in June 2018. The proposals then remained unchanged until after the Council completed its own improvement scheme in summer 2019.
- 2.20. 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 the Inglewood proposal.
- 2.21. After further careful consideration, the proposed signal controlled crossing across Dartmouth Road on the south side of the junction was added, as shown on drawing 0734-064. This is the only component of the layout that was introduced as a consequence of the January/February 2020 discussions with TCHD. The layout has been on the application website within the March 2020 SoCGT1 (CD7.20 Appendix 2) since March 2020.
- 2.22. Notwithstanding the fact that the drawing had been in the public domain since March 2020, Torbay Council directly consulted the community on the layout shown on drawing 0734-064 in November and December 2020, the consultation ending on Thursday 3<sup>rd</sup> December. So the community were given an opportunity to consider this specific aspect of the current proposals and consultation has occurred. The responses to the consultation have been presented to the inquiry and were considered by Mr Luscombe and I prior to our updating

the SoCGTI December 2020. It is clear that there is no identified material justification for not proceeding with the scheme as agreed with the Council in the SoCGTI. However, even if a different view were taken with regard to this issue, then the matter can simply be reserved for subsequent determination. I would observe that given the extent of consideration already given to it by the Council, including the recent consultation exercise, such a step does not appear to be obviously warranted.

- 2.23. (JM) **If the scheme goes ahead, then active travel and Windy Corner will be blighted for at least a generation.** As set out at paragraph 3.32 of the SoCGTI, after reviewing the responses to the November 2020 consultation on the current Windy Corner layout and consulting with his professionally qualified highway engineering colleagues, the Council's responsible officer, Mr Luscombe, agreed with me: *"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."* As local highway authority, the Council can use the highway space to make changes in future but has no current detailed plans for the junction that conflict with the proposed Inglewood improvement.
- 2.24. (RR) **Windy Corner has unique constraints and only limited mitigation of traffic capacity problems is possible.** I agree and am pleased to note that, in spite of these difficult circumstances, we have been able to identify an improvement scheme that the Council agrees will mitigate the impact of the Inglewood development.
- 2.25. (RR & TB) **Don't know what comprises the "signalised controlled pedestrian crossing" proposed recently because detail is undecided/could change through S278 agreement without further discussion with community.** The detail presented to this inquiry for the proposed improvement at Windy Corner is commensurate with the level of detail commonly presented at the planning application stage. If the application is granted consent, delivery of the improvement will be secured by planning condition. As the proposed improvement includes the introduction of pedestrian operated traffic signal controls of the pedestrian crossings on Dartmouth Road to the south of the junction, it follows that the introduction of those crossings will be required in order to discharge the planning condition. Further, more detailed design work would be undertaken prior to construction. If at that stage it was to be determined, for some new reason, that the signal controlled crossings should be omitted from the design, then a variation to the planning condition would be required and Torbay Council would be obliged to consult the community on the change.
- 2.26. (RR) **Introduction of signal controls is at variance with the decision not to have a zebra crossing.** To my knowledge, Torbay Council has aspired to introduce at least partial

controlled crossings at Windy Corner since 2008<sup>3</sup>. During the early stages of the life of this application Torbay's aspiration was to introduce a zebra (controlled) crossing across the northbound Dartmouth Road to Brixham Road lane. For that reason, Key Transport's early drawings showed a zebra crossing in this location. During the detailed design stage for the Council's own improvement scheme, the Road Safety Audit identified concerns with the proposal to introduce a zebra crossing and the proposal was removed from the scheme.

- 2.27. New technical guidance on the provision of traffic signal controlled crossings was published in 2019 and summarised in section 3 of Technical Note 9 (Annex B of CD7.21 Appendix 2). Options for introducing signal controlled crossings within the junction were then assessed in section 5 of TN9 having regard to the 2019 guidance and wholly independent of any previous evaluation of zebra crossing options. The conclusion was reached and agreed that signal controlled crossings should be introduced on Dartmouth Road, as shown on drawing 0734-064A.
- 2.28. **(RR) Double the road width (across Brixham Road) to cross on the north side.** The uncontrolled crossing of the north side of the Brixham Road arm of the junction would increase from 7.9m to 10.3m, a proportionate increase of 30%, not double the width suggested by Mr Richards. A pedestrian can cross this traffic lane with confidence when traffic approaching from Brixham Road is stopped by a red traffic signal. The crossing of the southern half of the Brixham Road arm (across the exit to Brixham Road) will be reduced in width from 9.7m to 8.4m, a reduction of 13%, which would make it a little easier to cross. The changes are not considered to be significant with respect to the ability of a pedestrian to cross the Brixham Road arm of the junction.
- 2.29. **(TB) Procedure for production of March 2020 Transport Statement of Common Ground was unsatisfactory.** The SoCGTI March 2020 (CD7.20 Appendix 2) was produced jointly by Mr Luscombe, the responsible officer dealing with highway and transportation matters on behalf of Torbay Council, and by me, on behalf of the appellant. The SoCGTI March 2020 was produced in line with the relevant Procedural Guide: Planning Appeals – England and submitted by the then due date, that is, within five weeks from the Start Date set by PINS. The SoCGTI March 2020 has been available on the Council's application website since March 2020.
- 2.30. **(TB & PD) Not unreasonable to assume twin southbound lanes would increase traffic capacity. Capacity calculations sample checked and turn out to be correct but: a) input**

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<sup>3</sup> As evidenced by the 2008 Google Street View image, which shows traffic signal poles (without signal heads), crossing studs and a stop line on the northbound movement from Dartmouth Road towards Brixham Road.



**flows are too low; b) lane capacities are too high; c) traffic can't make optimal use of traffic lanes due to blocking back; and d) the downstream length of two lanes on the Dartmouth Road southbound exit is too short. Hence, traffic forecasts can't be relied upon to provide absolute forecast of conditions, though they can be used for mutual comparison. Probably insufficient capacity to mitigate increased traffic generated by Inglewood.** The introduction of two lanes on the southbound Dartmouth Road exit from the junction is, indeed, the key feature that increases the traffic capacity of the junction. To the north of the junction on Dartmouth Road there are two existing southbound lanes and, other than the lane markings, these would remain unchanged. In the current layout, the offside lane is assigned to right turning traffic only. Unlike the present arrangement, the provision of two lanes on the exit to the south means that both existing southbound lanes on Dartmouth Road to the north of the junction can be allocated for use by vehicles passing straight ahead through the junction, with right turns also being permitted from the offside lane. The introduction of the short right turn lane also contributes to the capacity enhancement, by allowing the small number of vehicles turning right into Brixham Road to pull clear of the path of vehicles proceeding southbound ahead. In turn, this will increase the use of the offside lane by vehicles heading south on Dartmouth Road. The addition of the short section of two lanes on the Brixham Road approach plays only a minor part in increasing the traffic capacity of the junction.

- 2.31. The underlying traffic analysis has been scrutinised thoroughly, at length and repeatedly by Torbay Council and their traffic engineering consultant, Jacobs, both prior to and after submission of the application. An example of this scrutiny can be seen in the submission of the Transport Assessment Addendum 1 (CD2.5), which presented a substitute chapter on traffic impact to correct a mistake found by Jacobs in the original Transport Assessment (CD1.27). Issues of forecast input traffic flows, lane capacities, the impact of blocking back and the impact of the short downstream length of two lanes on Dartmouth Road have all been considered over time and resolved to the satisfaction of Torbay Council, the responsible local highway authority.
- 2.32. I agree with Mr Dijkshoorn that traffic models can only present an approximation of forecast traffic conditions and should not be relied upon to present an absolute forecast of future traffic conditions. Use of traffic capacity models is, nonetheless, an industry standard approach and modelling can be representative, the validity of the results being dependent on the data input. Provided the underlying analysis is sound, the comparative principles remain. In light of this, I also agree with Mr Dijkshoorn that traffic models do serve to enable a mutual comparison of likely future conditions in different circumstances. Given that Mr

Luscombe and I were considering whether the residual impact of the development might be severe (NPPF 109), that mutual comparison provided a useful tool to inform decision making. In this instance, the comparison was most recently presented in the SoCGTI December 2020 (CD7.21 appendix 2) at paragraphs 3.14 to 3.24. The comparison supports the conclusion reaffirmed at paragraph 3.32, which reads:

*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.*

2.33. Prior to submission of this note I expressly confirmed with Mr Luscombe that none of the points raised by Mr Dijkshoorn cause Mr Luscombe to revise our agreed professional judgement, as set out in paragraph 3.32 of the SoCGTI December 2020. I understand that the Council would be able to confirm this position on behalf of Mr Luscombe.

2.34. (TB) **Continues to deny cyclists and pedestrians adequate Active Travel opportunities.** The provision of facilities for pedestrians and cyclists at Windy Corner was addressed on pages 1 to 4 of Annex D to the SoCGTI December 2020. Improvements to pedestrian amenities were addressed in several items above. With respect to cycle infrastructure the agreed response (from page 3 of Annex D) is presented below.

*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.*

*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.*

2.35. (TB) **Request three conditions: a) require further consultation with local community on provision of signal controlled crossings and other road safety measures; b) take account of recent submissions and consult community prior to entering S278 agreement; c) include active travel in redesign by extending footway/cycleway through junction to Broadsands shops.** The proposed layout shown in drawing 0734-064A has been agreed by TCHD and draft conditions have been agreed between the Council and the appellant. These include a condition which requires the provision of highway works in accordance with drawing 0734-64A. It is not appropriate to impose a planning condition which requires the planning authority to consult the community at the detailed design stage. Effectively that would be imposing a requirement on the planning authority, when it is the planning authority's role to

regulate and enforce compliance with planning conditions, not to be regulated and bound by them itself. As I understand it, it would not be a valid planning condition. As with the point addressed in paragraph 2.25, if at detailed design stage it was determined that the works should in any way differ from the layout shown on the approved drawings, then a variation to the planning condition would be required and Torbay Council would be obliged to consult the community on the change.

### 3. General Comments

- 3.1. (PD) **An acceptable starting situation is necessary for the application to be approved (NPPF 108c & 109, Torbay Local Plan and BPNP).** 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. This principle was most recently confirmed by the High Court in *Hawkhurst PC v Tunbridge Wells DC* [2020] EWHC 3019 (Admin) [138] (CD8.18). In the case of the improvement proposed at Windy Corner, the proposed improvement shown on drawing 0734-064A satisfies these NPPF requirements.
- 3.2. (PD) **The Council places implementation of mitigation measures in the hands of applicant.** Should the application be granted consent it will be subject to planning conditions that will place further approval of the mitigation measures under the control of the Council. Delivery of off-site highway works will be implemented in the usual way under Section 278 of the Highways Act, which allows developers to enter into a legal agreement with a Council, in its capacity as the Highway Authority, to make permanent alterations or improvements to a public highway, as part of a planning approval. Responsibility for approval of designs for Section 278 works rests with the local highway authority. Through these mechanisms, the Council will retain control of the design and construction of the mitigation measures and the works will be delivered for the appellant by a suitably experienced contractor.
- 3.3. (PD) **Improvement of the bus service is not secured.** Delivery of improvements to the bus service are secured in the Section 106 agreement (CD7.33).
- 3.4. (PD) **Choice of transport mode not taken into account.** The choice of transport modes has been taken into account. At various locations, measures are proposed to facilitate and encourage walking, cycling and use of public transport. The application is supported by a Framework Travel Plan (FTP - CD1.27a) that sets out measures to reduce the need for residents of the development to travel by car and to encourage walking, cycling, public transport use, car sharing and working from home. The FTP sets an initial target to reduce

- single occupancy car driving by 10%, equivalent to a 6.5% reduction in single occupancy car travel mode.
- 3.5. No allowance has been made in the traffic analysis to reflect the successful delivery of the FTP measures, so in this respect the traffic analysis reflects a worst-case assessment. In practice, successful delivery of the FTP should result in smaller traffic impacts from the development than those predicted in the traffic analysis.
- 3.6. In line with NPPF paragraph 111, proposed planning condition 30 (CD7.34) requires the prior approval by the local planning authority and subsequent timely implementation of a Travel Plan.
- 3.7. **(PD) Bus stop infrastructure is on edge of development and use will be low.** In line with a standard design criterion for the design of new developments, almost the entire site would be within a 5 minute/400m walk of the proposed bus stops. The service frequency would be at least half hourly during the working day, the same as that provided on the existing service that serves the adjacent Hookhills area. I discussed routing the bus service through the estate with Stagecoach, the main operator of services in Torbay, at an early stage of scheme development. At present, Stagecoach, would not be prepared to route a service through the development because of the likely increase in route journey time that would thereby arise. However, Stagecoach supports the application, as explained at paragraphs 3.21 to 3.25 of my PoE (CD7.26).
- 3.8. **(PD) Improvements to Brixham Road to north of site access hardly affect capacity. Level of Service with Inglewood traffic would reduce from Level D to E.** Mr Dijkshoorn asserts that the “Level of Service” would reduce from Level D to Level E. “Level of Service” is not a concept that is used as a highway design tool or standard in England, though I understand that it is used in the United States of America.
- 3.9. The capacity of the A3022 Brixham Road on the bend at White Rock, to the north of the proposed site access roundabout, has been assessed. Indeed, it was a key topic considered and agreed with TCHD prior to assembly of the illustrative site masterplan, well before submission of the application. The highway improvement was addressed at paragraphs 3.19 and 3.21 of the Transport Assessment (TA - CD1.27 Part 1). It was agreed with TCHD that the improvements proposed on drawings 0734-018A and 0734-020 (CD1.27 Part 2 Appendix F) will mitigate the traffic capacity impact of the development in this location, while also providing significant improvements to highway safety by widening the carriageway and improving forward visibility, both across the inside of the bend and over the crest of the hill.

- 3.10. (PD) **The Toucan crossing on Brixham Road will restrict traffic flow - a tunnel should be provided instead.** The provision of a crossing on Brixham Road was carefully considered and agreed at the pre-application stage with TCHD. The crossing is described at paragraph 3.5 of the TA (CD1.27 Part 1) and the layout is shown on drawing 0734-023B (CD1.27 Part 2 appendix F). Technical Note 4 (CD2.35) provided the full assessment.
- 3.11. The reasons for including a Toucan crossing within the package of off-site works are summarised in the SoCGTI at paragraph 2.6, which is repeated below.

*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.*

- 3.12. In short, use of the crossing is expected to be limited in duration and frequency but is agreed to be necessary to provide a controlled priority crossing to enable pedestrians to cross safely. The crossing is not expected to cause a significant interruption to traffic flows along Brixham Road.
- 3.13. Although tunnels remove conflict between pedestrians and vehicles and, to that extent present technically safe options, tunnels are generally unpopular. They are expensive and difficult to install and maintain, are often seen as unpleasant, inaccessible and unsafe, and are not generally suitable for cyclists or mobility impaired people. They may make journeys longer as they force people to divert off the desire line. As a result, people do not use them, putting themselves at risk by continuing to cross at street level where there is no feature to facilitate crossing, as it provides a more direct route. For these reasons, they are seldom used in modern highway design in this country for a road such as the A3022 Brixham Road. Indeed, across the country many subway crossings have been removed and replaced with surface level crossings, where the pedestrian is visible to others in the vicinity. In light of all the above, a tunnel crossing is not considered to be an appropriate solution in this location.

- 3.14. (PD) **Uncontrolled crossing of Brixham Road (near Hunters Tor Drive) should not be implemented in this form as it is contrary to Council's sustainable safety policy.** It is not clear which sustainable safety policies Mr Dijkshoorn has in mind when asserting that the crossing shown on drawing 0734-029A should not be implemented in its current form. However, as indicated in Table 4.1 of the SoCGTI, the layout has been agreed with Torbay Council as part of the off-site highway mitigation package. Similarly, policy compliance was considered in section 6 of the SoCGTI and it was agreed that the proposed development satisfies all transport policy requirements of the Torbay Local Plan 2012-2030 (paragraph 6.3) and the Brixham Peninsula Neighbourhood Plan (paragraph 6.4). It was also agreed at paragraph 6.5 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”.
- 3.15. (PD) **Should invest in east-west cyclist/pedestrian routes.** I agree that there will be demand for cycling on the east-west alignment between the development and the existing built-up areas to the east. For this reason, a Toucan crossing is proposed on Brixham Road located a short way north of the main site access roundabout, which connects via an existing segregated footway/cycleway to various routes leading east through the Hookhills residential area. The Toucan crossing will provide a safe place for cyclists to cross Brixham Road, thereby overcoming the single main barrier to safe east-west cycle movement.
- 3.16. (PD) **Development does not meet policy requirements and will preserve misery.** Policy compliance was considered in section 6 of the SoCGTI and, as noted at paragraph 3.14, the proposed development was found to satisfy all transport policy requirements, including those in NPPF.
- 3.17. (PD) **Traffic will shortcut through Galmpton. Traffic from Brixham will choose to route via Waddeton Road and Stoke Gabriel Road to avoid worse conditions on Brixham Road caused by development.** Mr Dijkshoorn’s assertion that Brixham traffic will re-route to avoid worse conditions on Brixham Road caused by additional Inglewood development traffic is unfounded. At all locations where the impact of the development on the Brixham Road corridor warrants improvement, Torbay Council has agreed appropriate mitigation measures, as proposed by the appellant. Hence, as the significant development impacts are mitigated, there is no reason to suppose that conditions on the Brixham Road corridor will get worse as a result of the development proceeding. In turn, there is no reason to suppose that traffic from Brixham will divert through Galmpton on Stoke Gabriel Road and on via Waddeton Road.

- 3.18. (PD) **Local Transport Plan 2011-26 requires localised junction improvements.** The requirements of the Local Transport Plan to improve junctions on the Torbay Ring Road are met by the package of off-site mitigation measures that the appellant proposes to provide, where required and agreed by the Council.