

WHPC Meeting 1st October 2024

Agenda Item 24/305

Village Hall Pedestrian Path

1. Purpose

- a. To receive an update on progress of the project and matters to be considered at future meetings:
 - Lease on land at the Village Hall
 - A Section 278 legal agreement allowing works to the public highway.
 - Application for a Traffic Regulation Order
- b. To consider:
 - i. a revised contractors quote (if available)
 - ii. The establishment of a Section 278 bond.
 - iii. The appointment of a Solicitor with regards to the s278 legal agreement.

2. Background

The Council has previously discussed and agreed the selection and appointment of contractors, specialist advisors and engineers subject to agreement of the lease terms with the Village Hall Trustees. The lease terms were agreed at an extraordinary meeting of the Council on 5th August and the final details of the Highways works were being discussed between the Highways Department and our consulting Engineers JRC.

A requirement to paint Zig Zag “School Clear” warning markings on West Hill Road adjacent to the entry/exit of the footpath is subject to obtaining a Traffic Regulation Order (TRO). There is an application fee of £5,000 for a TRO and the approvals process may take up to 12 months. Our Ward Councillor undertook to meet with the Highways Department to see whether there was any way to reduce the size of the application fee and to speed up the approvals process. Highways have agreed to waive their inspection fees however we await their decision on whether the application fee can be waived or reduced.

It was further agreed at the extraordinary meeting that the construction work would start so we can demonstrate that “material work” had commenced before the expiry of the planning permission in January 2025.

Since the August Council meeting, minor amendments to the draft lease proposed by the Solicitors for the Village Hall Trustees were accepted as they were considered to be straightforward and uncontentious by the Council’s Solicitor.

For Consideration and Decision:

<p>1. Lease on land at the Village Hall:</p>	<p>The lease has been completed and the Solicitor costs, £1,813.00+vat, paid (ref Min 24/162)</p>
<p>2. Road Safety Audit</p>	<p>The Stage 2 Road Safety Audit recommended the flashing warning light on West Hill Road near the entry/exit point of the footpath should be re-located. Our consulting engineers, JRC, are liaising with Highways to agree the details of this work. The Council has previously approved JRC costs 24/200.</p> <p>a. Highways have agreed a suitable location for the warning sign. JRC have updated the plan to re-locate the sign to the east of the new entrance point. These plans have been approved by Highways and accepted for a s278 agreement.</p>

	<p>b. The plans have also been updated to include double yellow lines at the junction of West Hill Road and Ashley Brake.</p> <p>Highways have agreed all of the actions arising from the Stage 2 Road Safety Audit.</p> <p>The parking restrictions arising from the double yellow lines and “School Clear” road marking will be the subject of a TRO public consultation.</p>
<p>3. Traffic Regulations Order (TRO)</p>	<p>The August 2024 meeting of the Council resolved to submit an application for a Traffic Regulation Order (TRO) and to pay the associated fee, £5,000, subject to any reduction secured by DCC Cllr Jess Bailey (ref Min 24/253).</p> <p>DCC Highways set the TRO fee at £3,000, reflecting a £2,000 reduction secured by DCC Cllr Bailey. Highways have reserved the right to further request the additional £2,000 subject the volume of work generated by the public consultation. It is hoped Highways will conduct the consultation during Autumn 2024.</p> <p>WHPC has submitted a TRO application and has paid the £3,000 fee</p>
<p>4. Revised Contractor Quote</p>	<p>Action: WHPC will seek a revised quote to include: double yellow line road markings and the re-located road sign.</p>
<p>5. Section 278</p>	<p>A Section 278 agreement allows developers (the Parish Council) to enter into a legal agreement with the DCC Highways, to make alterations and improvements to a public highway, as part of a planning application.</p> <p>a. There is a DCC Highways requirement to deposit a refundable bond equivalent to 100% of the cost of all the highway works. The size of the bond will be determined by the point (a) above. The bond is to protect the Highways Department in the event of the developer failing to complete the agreed works for any reason. The bond is refundable with 85% refunded on completion of the agreed works and 25% refunded 12 months after completion.</p> <p>Action: WHPC will need to approve the bond.</p> <p>b. As the s278 is a legal agreement there is a requirement for a Solicitor to act on behalf of the Parish Council.</p> <p>Action: WHPC will need to appoint a Solicitor.</p> <p>DCC Highways will not begin work on the s278 agreement until the bond is in place and a Solicitor appointed.</p>
<p>6. Planning Permission</p>	<p>Material works must begin on site to protect the expiry date of the planning approval (January 2025).</p> <p>Action: WHPC to write to East Devon District Council to establish that proposed “material construction works” on the Village Hall site comply with the terms of the planning approval.</p>