

## WHPC Meeting 2<sup>nd</sup> September 2025

### Agenda Item 25/287

#### Village Hall Path Project: Construction Phase

##### 1. Purpose of this paper

- a. To receive a report on the Council's project to create a new entrance and pedestrian path between the Village Hall and West Hill Road.
- b. To consider and approve, if appropriate, a WHPC Permissive Path Policy.
- c. To note decision made under delegated powers (approved Cllrs FP/SMS): application for discharge of planning condition.
- d. To approve payments and note payments made under delegated powers, if applicable.
- e. To approve amendments to the Council's Insurance Cover and approve payment of additional premium.
- f. To consider further actions and approve costs if applicable: including
  - o To consider arrangements for an official opening and approve costs if applicable.
  - o Arrangements for Playpark Notices
  - o Liaison with West Hill Primary School

##### 2. Background

Following community consultations in 2019 and 2021 West Hill Parish Council (WHPC) resolved to create a new pedestrian entrance from West Hill Road to the Village Hall. Working closely with the West Hill Village Hall Trustees the Council gained planning permission for the scheme (21/2207/FUL and 22/1864/VAR).

During 2024 West Hill Village Hall Trustees granted WHPC a long-term lease on a section of land for the purposes of the project.

Stages 1+2 Road Safety Audits have been completed and findings/actions agreed with Devon County Council Highways.

Construction work was scheduled for completion in August 2025.

This paper provides information on the period July/August 2025.

##### 3. Prior to Construction Works

###### 3.1. Planning Permission

To comply with planning conditions for 21/2207/FUL and 22/1864/VAR WHPC:

###### Condition

1. Appointed JRC Engineers: consultancy and drawings for Road Safety Audit and Section 278. Also to check the entrance and path were set out according to the approved plan. (Approved £4,200+vat, Min 24/200).
2. Appointed East Devon Tree Care to monitor the required tree protection measures. (Approved £385.00+vat, Min 25/260)
3. East Devon District Council (EDDC) discharged condition 3 (Stage 2 Road Safety Audit + findings/actions agreed by DCC Highways) prior to construction works (ref 25/1607/DOC).

4. Appointed Richard Green Ecology to carry out the required ecological mitigation measures, including a search of the hedge and Devon Bank prior to works (Approved budget £450+vat Min 24/200). No nesting birds or animals were present during the search.

**For Consideration:** To note final costs (if available):

- |  |                    |
|--|--------------------|
| • JRC Engineers  | £2,350.00+vat      |
| • East Devon Tree Care:  | £175.00+vat        |
|  | <u>£ 87.50+vat</u> |
|  | £262.50+vat        |
| • EDDC Discharge of Planning Condition: Application Fee (after Parish Council discount) approved under Delegated Powers (Cllrs FP/SMS) | £149.00            |
| • Richard Green Ecology  | £236.50+vat        |

### 3.2. Works on West Hill Road

#### a. Section 278 + Security Cash Deposit

For road safety purposes the development of a new pedestrian access required changes to West Hill Road including new line markings, the installation of a guard rail barrier and the re-location of the School Warning sign. Permission to carry out the works required a Section 278 legal agreement between WHPC and DCC Highways.

In October 2024 WHPC appointed Tozers to liaise with DCC's legal team on its behalf (Min 24/305) and approved estimated legal costs of up to £1,800+vat (Min 24/333). This was subsequently increased to £2,500 (Min 25/260).

In February 2025 WHPC resolved to a payment on account of £1,030.00 to Tozers regarding an undertaking for DCC s278 legal fees (Min 25/063).

For several months WHPC requests to DCC Highways experienced significant delays in getting responses. To ensure that the construction works took place during the school holidays additional legal fees were incurred.

- During August 2025, a £500 fee uplift for the Solicitor acting on behalf of DCC was agreed under Delegated Powers (approved by Cllrs FP/SMS).

The Section 278 Agreement between WHPC (the developer) and Devon County Council (DCC) was signed by both parties, sealed and completed prior to works.

A Section 278 agreement requires the developer (WHPC) to deposit a refundable security bond with DCC. This bond ensures the developer will complete the agreed-upon highway works, and it protects DCC against potential costs if the developer defaults on their obligation

WHPC made a refundable security cash deposit of **£9,481.05** (within the £10,000 limit set by WHPC ref Min 25/260)

**For Consideration:**

- To approve, if considered appropriate, additional, legal fees £148.00+vat Tozers LLP
- To note final costs (if available):

Tozers LLP (after CLAS discount)	£2,648.00+vat
Ashfords LLP acting on behalf of Devon County Council	£1,500 in total 326.00 previously paid £1,174 Final Invoice

b. Traffic Regulation Order (TRO)

As the new entrance onto West Hill Road was in the vicinity of the Primary school, new parking restrictions on West Hill Road were required for safety purposes: double yellow lines and SCHOOL CLEAR road markings were specified. Permission for the line marking required a Traffic Regulation Order (TRO).

WHPC was required to apply for a TRO which is a legal document allowing enforcement of the parking restrictions (Application fee £3,000 (reduced fee) Min 24/253, 25/305). Following public consultation Devon County Council confirmed their approval for the TRO on 5<sup>th</sup> June 2025.

### 3.3. Permissive Path

Under the Highways Act 1980, WHVHT wish the path to be a permissive path rather than a public right of way. A permissive path is a route on private land that the landowner allows the public to use, but with the clear intention that it should not become a public right of way. Permissive paths may be closed temporarily or permanently.

**For Consideration:**

- a. To consider and adopt (if appropriate) a WHPC Permissive Path (Village Hall) Policy (appendix 1)
- b. Subject to (a) above to decide the date for the path to be closed on an annual basis.
- c. To note final costs: Permissive Path signs to be installed alongside the path. (Min 25/260)

- The Sign Shed - Permissive Path sign x2 £19.17+vat
- Sign Trade Supplies – Posts +fittings £63.65+vat

### 3.4. Information for Residents

The West Hill community was made aware of the roadworks and temporary closure of the children's playpark through notices placed on site, WHPC noticeboards and website. In addition, letters were distributed to households in the vicinity of the new access onto West Hill Road.

Before the end of the summer term WHPC liaised with the Primary School and Pre-school to provide information on the planned works and advise them of the scheduled dates. Both the Primary School and Pre-school circulated information to parents and asked for their co-operation when parking. A WHPC briefing note providing details of the scheme was circulated to parents.

**For Consideration:**

- a. To note actual costs: To publish notices prior to works (Approved costs £40.00 Min 25/260)
  - Printing - advanced warning notices £43.36
 Additional costs, £3.36 approved under Delegated Powers (Cllrs FP/AC)

### 3.5. Other

#### **For Consideration:**

- a. To note final costs: Lengthsman clear overgrown vegetation on pavement at new entrance (West Hill Road) (Approved costs £150 Min 25/260)
  - Pro-Lawn Garden Services: clear overgrown vegetation £150+vat

## **4. Construction Works**

### **4.1. Works on West Hill Road**

Several contractors were commissioned to complete the required works on West Hill Road:

- a. Devon TarMasters: Line markings (double yellow/School Clear), road surface treatment, installation of guardrail, trenches for road sign and traffic management. (costs: see section 4.2a below)
- b. Enerveo: Re-location of flashing school warning (Wig-Wag) sign. Quote £1,023.51 +vat accepted Min 25/260
- c. National Grid: de-commission supply to device and commission supply to new location for school warning (Wig-Wag) sign. Quote accepted £1,354.12+vat Min 25/162

#### **d. For Consideration:**

To note final costs, previously approved and paid:

- Enerveo £1,023.51 +vat
- National Grid £1,354.12+vat

DCC Highways have waived the fee for the required inspection of the works on West Hill Road.

### **4.2. Works on the Village Hall Site (WHPC Leased Land)**

- a. Devon TarMasters (DTM) were commissioned (Min 24/239):

- To break through hedge line
- To install a pedestrian path and associated drainage, chicane barrier, groundworks for lighting bollards, install permissive path sign, install tree protection barriers for the duration of the works, re-instate bark path to playpark.

At the time of the 1<sup>st</sup> July 2025 meeting, the Parish Council had accepted a DTM quote (West Hill Road + Village Hall site) for £21,452.80+vat (Min 24/239). However, as the quote was being revised to include additional work now required and revised costs due to delays the meeting resolved to accept a revised Devon Tarmasters quote up to the value of £30,000+vat. (Min 25/260).

During July WHPC accepted a revised quote of £22,981.46+vat.

During August WHPC accepted a variation to the Devon Tarmasters contract (under delegated powers approved FP/SMS) including provision of chopped bark for path, additional waste removal (provisional estimate £1,550+vat)

- b. LV Electrical, the Village Hall Trustees preferred electrician, were commissioned to provide, commission and test 3 lighting bollards. (costs £2,750+vat Min 25/260).

c. **For Consideration:**

To note final costs (if available):

- |                    |               |
|--------------------|---------------|
| • Devon TarMasters | awaited       |
| • LV Electrical    | £2,140.00+vat |

**5. Post Construction**

- 5.1. The Working Group recommend the installation of 3 or 4 short sections of fencing:

- to close the gap between the chicane barrier and hedge
- to close the gap either side of the vehicle/pedestrian gate,

**For consideration:** to approve the installation of additional fencing (quotes to be provided to the meeting)

- 5.2. Road Safety Audits: DCC Highways require a Stage 3 Road Safety Audit to be commissioned (previously approved costs £1,300.00 +vat Min 25/260). After 12 months responsibility for the works on West Hill Road will transfer to DCC subject to a final Stage 4 Road Safety Audit.

**For consideration:** To approve costs for a Stage 4 Road Safety Audit, (The Road Safety Forum £1,200+vat)

- 5.3. Section 278 Security Deposit: After 12 months the deposit held by DCC will be returned to WHPC subject to monies retained for works considered necessary (see point 5.2 above).

- 5.4. Insurance:

**For consideration:** To amend the current policy schedule to add the path to the policy under the ground surface cover £43.00 premium including tax and mid-term adjustment fee.

**6. Community Infrastructure Levy (CIL)**

The Council has resolved (Min 25/260) that costs for the project would be funded from CIL where possible, subject to the CIL monies allocated to WHPC.

**7. Further Actions**

- 7.1. Following discussions with WHPC, West Hill Primary School have scheduled an assembly at 10.00am on Friday 19<sup>th</sup> September which will focus on the new entrance and road safety

For consideration: To decide arrangements for the official opening of the path and to approve costs, if applicable.

## 7.2. Parking

During the course of the project residents have raised concerns about possible inconsiderate or dangerous parking on West Hill Road and/or surrounding areas once the new entrance is opened. Beech Park already experiences these problems at the start/end of the school day.

### **For consideration:**

Subject to agreement by West Hill Primary School, the Parish Council could provide them with safety and courtesy signs for use on Beech Park, Ashley Brake and West Hill Road.

- It is proposed that management of the signs would be the responsibility of West Hill Primary School since the parking problems are associated with school hours
- DCC Highways advise that the signs cannot be placed on the road or pavement. The signs must be sited on private land.

Details of safety signs for use near a school are shown on appendix 2.

## 7.3. **For consideration:** To publish this paper on the WHPC website.

Village Hall Path Working Group, 27<sup>th</sup> August 2025