

## **Report on the closures of Goodleigh Road, Barnstaple for utility works**

Report of the Chief Officer for Highways, Infrastructure Development and Waste

***Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.***

**Recommendation:** It is recommended that the Committee note the contents of this report.

### **1. Background**

A planning consent was granted to Wainhomes to build dwellings near Barnstaple on land adjacent to the C459 (Goodleigh Road), now known as Goodleigh Rise.

Two closures of Goodleigh Road took place to facilitate connection of utility services to the development; the first over 4 days (4-7 July 2016) and the second over 14 days (22 October to 4 November 2016). A diversion route was identified using roads of the same or higher standard entailing a re-route of about 20 miles. Goodleigh Road carries a 'C' classification and development of the outlying area over the years has seen increased traffic volumes regularly using it, predominantly as a commuter route to Barnstaple.

This report intends to distil the role of the Local Traffic Authority in managing the highway and review the process with diversions, signing, consultation, emergency services and local member involvement all in the context of the experiences with the Goodleigh Road closures.

### **2. Overview**

#### **(a) Role of the Local Traffic Authority (LTA)**

The LTA has a statutory responsibility under the Traffic Management Act 2004 to fulfil its Network Management Duty (NMD) which requires it to do what is reasonably practicable to manage its road network effectively and "*secure the expeditious movement of traffic*".

Clearly, there are competing demands and the NMD states LTA's must establish processes, as far as reasonably practicable, to ensure the identification of causes or potential causes of congestion (or other traffic disruption) on their network. Potential action is considered in response to, or in anticipation of, causes which is wide ranging. This involves monitoring and managing roads, co-ordinating and directing works trying to minimise their impact.

The LTA balances its duty against the conflicting interests of road users, utility services and customers. Utilities have statutory obligations to provide and maintain a supply or service to customers and regulators (OFWAT, OFGEM, and OFCOM) monitor performance ensuring services are restored, maintained or provided in set time scales. If not achieved, customers can be entitled to compensation.

The New Roads & Street Works Act 1991 (NRSWA) requires LTA's to use best endeavours to co-ordinate the execution of works of all kinds (including road works) in streets for which they are responsible (Sec 59). A duty is placed on works undertakers to co-operate with the

LTA and each other to achieve the same objectives. Both LTA's and utilities are required in the interests of safety, to minimise the inconvenience to persons using the street and protect the structure of the street and the integrity of apparatus in it (e.g. mains, ducts, pipes).

The primary objective is co-ordination. This entails management of competing demands for space or time in the street, including traffic, to resolve in a positive and constructive way and minimise disruption while allowing utilities to complete their activities. For Goodleigh Road, the County Council liaised closely with utilities ensuring co-operation for the first closure. Negotiations reduced the duration of the second closure to 14 days and planned it to coincide with the school half term week.

Utilities have no statutory right to close roads but apply to the LTA for traffic management, including road closures, to enable them safe highway access. The LTA has no direct involvement in granting consents for development but must perform its duty in managing the highway and gaining co-operation of utilities wishing to lay or maintain apparatus.

Road closure applications are not merely rubber stamped but scrutinised for co-ordination to minimise potential disruption while balancing conflicting interests. In co-ordinating applications the LTA may place conditions on works timings or suggest reasonable and appropriate supplementary actions to mitigate disruption. Some actions can be seen as viable, however proportionality and justification in the circumstances must be considered.

Inevitably, disruption could not be eliminated with the Goodleigh Road closures and there will be differing views over what is, or is not, acceptable disruption. Proportionate actions were taken to reduce disruption as far as practicable with statutory duties and obligations being observed with both closures. It is acknowledged that some disruption resulted, but the NRSWA Code of Practice itself identifies that disruption can occur with any street works.

#### **(b)     Extent of works, diversions and signing**

Significant co-ordination work was carried out to ensure optimum use of the first closure in bringing together utility's timings and for the second, in reducing the closure duration.

Any supplementary action to reduce disruption is influenced by the traffic sensitivity of the road. This prompts extended working hours, weekend or night working, a requirement to re-open at times of no operations if feasible and maintaining bus or emergency access. Night working was inappropriate in this case due to the proximity of residences and likely disturbance. But, extended working hours took place (7.30am to 6pm or beyond) with weekend working.

A 'Traffic Sensitive' designation requires a detailed procedure and wide consultation by the LTA. The County Council's traffic sensitive routes are currently being reviewed. However, Goodleigh Road does not meet the existing criteria defined in the Code of Practice and applied by the County Council. Despite this, as illustrated, supplementary actions were introduced for Goodleigh Road to mitigate the potential disruption and were considered justifiable and proportionate.

As the first closure in July was for no more than 5 days it was made under a Temporary Traffic Regulation Notice (TTRN) where advertising requirements are reduced. On 7 June an official notice was sent to Barnstaple Town Council, North Devon District Council and the local County elected member. On 15 June, local residents likely to be impacted were sent an explanatory letter by the works promoter. Public transport companies were consulted and about two weeks before the closure, advanced signing was displayed locally.

Challenges were experienced on the first day of the July closure. Several utilities were on site and limited liaison led to some confusion over responsibility for the closure. This closure was scheduled for 5 days, but the road was open in 4 days. The second closure was under a Temporary Traffic Regulation Order (TTRO) with advertisement and a notice distributed on 1 July and 16 August. Improved notification and media engagement was asked of South West Water (SWW) to local parishes, mindful that what is broadcast rests with the media.

Complaints were made about the signing adequacy of the first closure which was reviewed. The next closure had the signing schedule independently checked against the signs placed to confirm compliance. Contractors on site reported much abuse directed at them from motorists, irrespective of the adequately signed diversion. Some drivers either failed to see or chose not to act on road closure signing and use an alternative route before reaching the site itself. A signed diversion does not compel all traffic to use it if alternatives are viable and legal to use. For these closures, other local lower standard routes were available to use.

The use of local roads in a one way system for light traffic as an alternative to the diversion was proposed through the County Member for Chulmleigh & Swimbridge. Local one way systems restricting the type of traffic using them cannot only be complex and challenging but lead to limited observance with increased potential danger. A high level of disturbance is created for those living on the routes and, while not impossible to achieve, such systems can be disproportionate often only benefiting commuters and not the local residents.

The action of 'plating' an excavation is rarely undertaken for safety and practicality reasons. On occasions it may be used over a very limited space to facilitate access to premises from the road, but it is rarely implemented for more general trafficking. If the excavation is shallow, plating may at times be used on streets deemed to be 'traffic sensitive'.

An email from SWW dated 25 August 2016 to a customer cited emergency service access would be maintained; "... by laying a temporary road plate and moving barriers should access be required." Enquiries reveal neither Kier Group (SWW's contractor) nor the County Council had prior knowledge of this information. This has been challenged with SWW and they now fully acknowledge it was an erroneous comment and incorrectly provided. It is hugely regretful as this created misunderstanding between the County Council, SWW, their contractor and the public over access intentions, elevating local expectations.

The issue of why all works did not occur in one closure was raised. Connection of the mains services (gas, electricity, water and communications) was co-ordinated once closure applications were received and allowing 3 months' notice. The contract for laying sewerage services was let at a later stage by the developer meaning a delayed application for that work. While this is not an unusual practice by developers, consideration could be given to stipulating in planning consents (i.e. Section 106 agreements) assurances over meaningful co-ordination by a developer in utility service connection to help limit highway disruption.

### **(c) Emergency services**

Contention was expressed over not maintaining emergency service access through the works. Formal notification was sent to all three emergency services in advance of the closure with the diversion route allowing for representations to be made. Once notified, the emergency services may request consideration of maintaining access if the route is operationally strategic with limited alternatives. If unfeasible, mitigation options for the services include the strategic pre-location of reactive assets and staff briefing.

No representations were received from the emergency services hence there were no discussions on maintaining access. The County Council also received no communication from any emergency service during or after the works detailing any consequential

operational challenges with either closure. It is incumbent on the emergency services to advise of any operational issues once notified, not for the LTA to seek them out.

A supplementary issue concerned the impact on in-home care services. Advanced signing of the closure on local roads informed regular users, whether on domestic journeys or business. While the closures did impact both, an anticipated approach as a responsible business continuity decision is to forward plan and adjust travel and call arrangements.

#### **(d) Local Member involvement**

Throughout the process the local County Member was consulted with road closure details circulated in advance. The existing notification processes for a TTRO/TTRN requires circulation to the elected County Member for the area the closure is taking place. As the impact extended beyond, other elected members subsequently became involved. Future consideration can be given to notifying neighbouring elected members of road closures to ensure earlier, wider knowledge and awareness during the consultation process.

Ahead of the second closure, a meeting took place in Barnstaple on 11 August to discuss a strategy to reduce the duration. While the County Member for Chulmleigh & Swimbridge was unable to attend, those present included the County Member for Barnstaple North, SWW, Keir and County Council officers from Highway Enforcement, Neighbourhood Highways and Development Control. During the works, there was regular liaison with elected County Members through the local Highway Enforcement and Neighbourhood officers and subsequent to the works, Councillor Edgell met with County Council officers.

### **3. Conclusions**

Evidently the Goodleigh Road works caused inconvenience and some disruption, particularly for regular users of the road living in the outer parishes.

The closures and diversion route were unavoidable and while other options were suggested, they have questionable proportionality and viability. In all circumstances, if a road is closed the official signed diversion route used must be of a similar or higher standard. While acknowledging the signing on the first closure required improvement; it was for the second with wider notification and consultation.

Essentially, it may have benefitted if the works occurred together under one closure. Good co-ordination and negotiation did take place with the utilities to limit both closure periods. Multiple utilities accessed the closure over 4 days in July. However, mains sewerage work could not be incorporated due to inconsistent contractual issues and timing of works.

All emergency services were all contacted about both road closures with no representations received by the County Council before, during or after the works. Checks have been made with the services confirming systems are in place to deal with these notifications.

Future consideration can be given to notifying neighbouring elected members of road closures to ensure earlier, wider knowledge and awareness during the consultation process.

David Whitton  
Chief Officer for Highways, Infrastructure Development and Waste

***Electoral Divisions: Barnstaple North; Barnstaple South; South Molton Rural; Chulmleigh & Swimbridge; Ilfracombe***

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
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