

**Report of the Cabinet Member for
Highway Management**

I have been asked to report as follows for Full Council on 16 February 2023:

1. **By Councillor Biederman** on planning for road works and utility works, authorisation and process of obtaining permits and minimisation of congestion.
2. **By Councillor Connett** on road re-surfacing schemes in Kenton and Starcross and when they will be undertaken.
3. **By Councillor Hannaford** on Police enforcement of 20mph and 30mph speed zones in Devon, with or without traffic calming measures, and the Exeter City Council bylaws.
4. **By Councillor Wrigley** on recent cold and wet weather and its impact on potholes in the roads including issues such as emergency fixes, claims, repeated pothole fixes, economics of pothole repairs and economic impact of increased potholes and flooding and budgets for Gully clearance and Gully cleaning cycles.

Response

1. Road works undertaken by utility companies in Bickington

The local member and the residents' and ward councillors' frustrations with the quantity of streetworks activities that have taken place in Bickington and particularly on the B3233 over the last 12 months are understood. It is not possible to separate out the B3233 activity alone. However, I have reviewed the permitted activity in the street works register for any permits raised in 2022 which include 'Bickington' quoted in the works location. It appears there have been 154 completed sets of works, 47 Immediate (unplanned works of various durations), 73 Minor (3 days or less), 20 Standard (4 to 10 days) and 14 Major (11 days or more). Almost 60% of these works were undertaken by communications providers and 25% by the County Council with the remainder being for gas, electricity and water.

Any works promotor applying for a permit must do so through the Dft Street Manager software. The permit is then processed by the Network Operations Support Team (NOST) in accordance with the 'Devon Permit Scheme for Road and Street Works'.

On average 48,000 applications to carryout street work activity on our network are received each year. Towards the end of 2022, we saw this demand rise for a period.

When applying for a permit to work on the network, the works promotor is encouraged to check conflict their activity may have with other ongoing or planned streetworks activity. This is then reviewed when the permit is processed by NOST.

While permits provide the County Council with a capacity to arbitrate activity, this primarily relates to their coordination and overall management on the highway. If works promoters, whether utility or highway authority, need to undertake activity on the network and the works are properly coordinated to prevent conflicts along with the road space being available, preventing them from taking place can be challenging.

The utility companies, as Statutory Undertakers (SUs), have certain legal rights to access, lay, maintain, repair, or remove their apparatus. Where there are faults or limitations to services or they are out of service, SUs have a legal right to enter the highway and take necessary remedial actions to restore or repair the service without giving advanced notice to the County Council. Clearly, any planned activity is different and can be better coordinated and managed.

A permit scheme allows the County Council methods to engage with work promoters to improve coordination of activity on the network and regular coordination meetings are held to assist this process. Permit applications are assessed and decisions taken within enabling parameters prior to approval or rejection. If there are certain issues requiring resolution with an application, a permit modification request can be sent to the applicant to review and then resubmit the permit. Permits are not generally refused simply because other works have taken place recently in a locality.

If a submitted permit is flawed such that it cannot be resolved, then it is refused. Exceptionally, in critical situations with works in progress, a permit can be revoked however, this is a rare occurrence as a resolution would always initially be sought with the promoter.

The traffic management proposed, and work period is assessed by NOST as part of the permit approval to check it is appropriate and minimise congestion. Where a road closure is required, there is liaison with the local Neighbourhood Officer who assesses the diversion and either agrees or rejects it. If agreed and ahead of it coming into force it is distributed to key consultees, including the emergency services and the local elected member.

There are many imperatives placed on utility companies by both regulators and the Government. As you may be aware, the Government's 'National Infrastructure Strategy' is to achieve a minimum 85% gigabit capable coverage nationally by 2025. This has led to a substantial increase in communications providers and the introduction of reforms to roll back 'red tape' and make it simpler for the industry to roll out its infrastructure to achieve this target with much of this 'red tape' relating to planning and street works permissions.

The gas industry also has significant targets to replace its old iron mains across the country by 2032 under its 'Iron Mains Risk Reduction Programme' which is monitored and overseen by the gas regulator to ensure targets are being

reached. This is seeing significant works across much of our county by Wales & West Utilities and other gas utilities.

Equipment failure within temporary works is unfortunate. During the latter part of 2022, Wales and West Utilities carried out emergency gas main repairs in the B3233 at Bickington. It is important to acknowledge that these particular works were necessary for public safety and to ensure the gas supply is securely maintained to customers allowing them to heat homes and use their gas appliances. The utility company did respond promptly to the emergency situation and undertook critical safety work immediately.

Due to the location, a five-way set of temporary traffic lights with a number of pedestrian crossings incorporated had to be installed. This is a challenging and complex setup. I understand that the red time at some heads was longer than would normally be anticipated by road users. This resulted in complaints of the lights not working or road users believing this to be the case and running the red light due to unwillingness to await the phase completion. In addition, due to the complexity, several failures of the setup occurred. This was addressed promptly between Wales and West Utilities and their TM contractor having been escalated by the County Council following your report.

2. Road re-surfacing schemes in Kenton and Starcross

On the road resurfacing schemes in Kenton and Starcross the position is as follows:

Kenton – Advance drainage works are currently underway, resurfacing is planned to commence on 28th Feb. The planing of the old carriageway and resurfacing will take place at night (no noisy operations after midnight), the current completion date is 27th March.

Starcross – This scheme will be delivered in 2023/24. We are arranging the necessary consent with Network Rail to work adjacent to the main line. Once this permission has been granted we will be able to establish a works programme and will notify the local elected member of the start date.

3. Police enforcement of 20mph and 30 mph speed zones and Exeter Bylaws

Subject to Traffic Regulation Orders being valid and correct, the police will actively enforce in all speed limits.

However speed enforcement activity will be evidence led based on speed compliance and road safety. Due to resource and competing priorities there cannot be a realistic expectation for police officers to routinely enforce in speed limits across Devon and Cornwall.

There should not be a reliance on police enforcement to make a new or existing 20mph limit work effectively. For effective long term speed management, requests for enforcement in 20mph limits should be considered in conjunction with other behavioural change measures. Community Speed Watch (CSW) is one such measure that can be an effective way to both take routine action at a local level

and to help to help change longer term driver behaviours. Through the CSW activity undertaken by local volunteers, the police will issue warnings to any offending drivers detected. Where CSW activity identifies ongoing problems with speed compliance, then CSW will be supported with active police enforcement.

There are no known byelaws in Exeter that prevents or hinders enforcement of speed limits

4. Recent cold and wet weather and its impact on potholes in the roads, flooding and gully clearance

In 2022 the number of potholes recorded each month was well below the five year average. However due to long term under investment in both maintenance and renewals our assets have deteriorated and become very fragile. The winter weather this year has highlighted the fragility of the network

The number of insurance claims made for damage associated with potholes for the last five Januarys is

Jan '23 – 146

Jan '22 – 97

Jan '21 – 115

Jan '20 – 246

Jan '19 – 48

The number of potholes completed, between October and April are as follows.

17/18: 41,267

18/19: 33,495

19/20: 38,315

20/21: 31,238

21/22: 23,166

22/23: 15,628 (to 13th Feb).

As the Highway Authority we have a duty to maintain the network which we do in line with the County's Highway Safety Inspection Manual. This document which was approved by Cabinet in January 2021 lays out the frequency of inspections and time scales for repairs which vary between immediate and 28 days. As such, in order to maintain the safety of the network we operate a reactive approach to deal with defects identified by inspectors and reports received from members of the public via our 'report a problem' web pages. Due to the liability associated with failing to meet our posted timescales our contractor is often in the position where they are carrying out repairs in conditions that are outside of our specification such as standing surface water or low temperatures. This can lead to repairs that fail prematurely.

Rather than patching, the preference would be for other cost effective surface treatments e.g. surface dressing to be carried out in advance of the carriageway failing and potholes forming. However, due to the long term decline in the condition of the network and inadequate capital funding there are limited opportunities for this approach and more expensive renewals such as patching and resurfacing are the only option.

The triennial policy is only applied to gullies in urban areas. There are in the order of 120,000 rural gullies that continue to be cleaned on an annual cycle and approximately 80,500 cleaned every three years. In addition, there are approximately 4,000 gullies that are cleaned more frequently than annual in known problem locations.

In real terms, the budgets for cyclic drainage cleaning have remained static over the last decade. The greater challenge is a lack of resources to provide a reactive service to deal with issues that arise between scheduled cleans. This is particularly relevant when there are issues such as overgrown drainage features, broken or stuck covers or significant blockages that the standard gully wagons are unable to address. The additional allocation of money to the service for drainage and cyclic maintenance should assist in reducing some of the known problems.

Councillor Stuart Hughes

Cabinet Member for Highway Management