

From: Neil Baker Cabinet Member for Highways and Transport
Simon Jones, Corporate Director, Growth, Environment and Transport

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To: Environment & Transport Cabinet Committee Meeting – 19 September 2024

Subject: Road Closures– Update Report

Key decision: No

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All Districts.

Summary: This report updates the committee on the progress of the recruitment of the Streetworks Road Closure Inspectors and the current performance / actions to date.

Recommendation:

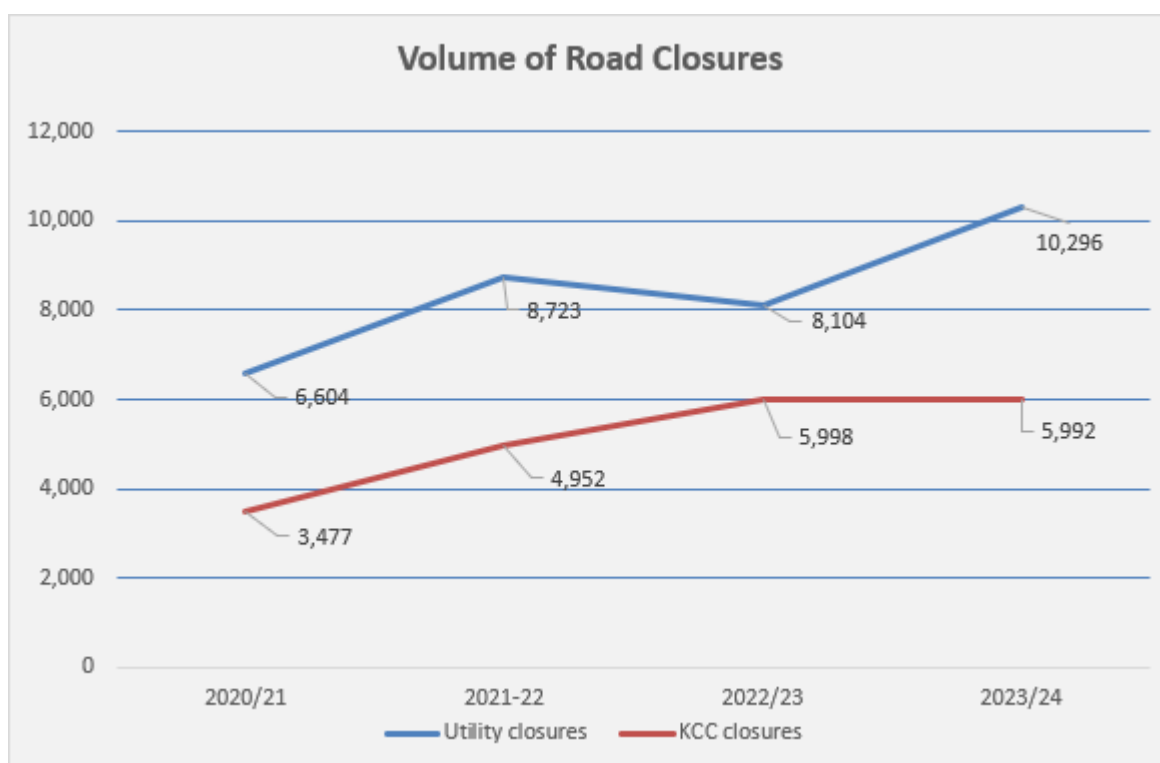
The Cabinet Committee is asked to note the details of this report and actions being taken regarding Temporary Road Closures across the County.

1. Introduction

- 1.1 An update report detailing the Temporary Road Closure Application process and the statutory and associated regulatory process was presented to ETCC on 5th July 2023.
- 1.2 An urgent review was carried out by the Streetworks team in the Maidstone District of emergency road closures that were being undertaken at that time. The data was scrutinised to ensure compliance to both the need for the closure plus Health and Safety, along with duration and potential impact to the local community. The outcome of the review resulted in a business case being completed for the recruitment of four specific Streetworks Road Closure Inspectors and endorsed by this committee, to focus on emergency road closure compliance. The business case was submitted and approved and recruitment commenced during the Winter/Spring of 2023/24.
- 1.3 Four Road Closure Inspectors are now in post, three of which have been fully trained and operational.
- 1.4 Due to recruitment issues, the fourth inspector is currently undergoing training and is due to be fully operational by Autumn 2024.

2. Background

- 2.1 Temporary road closures continue to increase. This reflects the ever increasing number of organisations now seeking to access the highway to undertake critical work (e.g. utility companies, telecommunications, and developers – all with increasing numbers of sub-contractors of differing capability and experience of highway working). The data below demonstrates this; road closures have increased year on year. We are also aware that the project BDUK will bring a significant increase in rural closures (Project Gigabit is the government’s £5 billion programme to enable hard to reach communities to access lightning-fast gigabit-capable broadband) –



- 2.2 Statutory undertakers have certain legal rights and obligations when carrying out particular development and infrastructure work. Typically, they are utilities and telecoms companies: those who deal with water, gas, electricity, etc. However, there are also organisations that deal with other aspects of infrastructure such as roads, waterways, rail or airports that all have statutory powers.

Statutory undertakers have a particular role in their designated industry. They have a statutory right, for example, to undertake works on public highways under ss.48–106 of the New Roads and Street Works Act 1991 (NRSWA), and they may not have to apply for planning permission for small works as a result of the General Permitted Development Order 2015.

An authority’s duties and powers must be balanced against the statutory obligations of the promoter and must adhere to duties under sections 59 and 60 of NRSWA for authorities to co-ordinate works and for promoters to co-operate.

KCC's key aim is to coordinate the works to reduce disruption, we are not able to stop the works from taking place.

- 2.3 The permit process is bound by legislation and regulatory procedure. This protects both the works promoter and the highway authority but does place obligations and conditions on both parties.
- 2.4 As the Highways Authority, KCC, through its Streetworks Team, administers the process (for a fee) whilst also seeking to mitigate the impact of the proposed works and coordinate it with other prevailing/competing works.
- 2.5 It is important to note that when a works promoter meets the conditions of the permit, *KCC has no ability to refuse or reject the application and as such the opportunity to reduce permits remains very limited especially during programmes of significant infrastructure modernisation which are stipulated by national regulators, such as broadband roll out.*
- 2.6 Procedurally, when a road closure application is received the Streetworks team will assess the application taking into consideration amongst some others. For immediate/urgent applications we have very little time to do that as the works have already started, however we can impose conditions on the permit. For planned closures we have one month to process the permit and that gives us the time to look at the list below -
- Nature and method of the works required.
 - Conflict with any other works
 - Section of road affected.
 - Diversion route – is it suitable of an equal road quality and classification?
 - Check the Traffic Management plan and request amendments if not suitable.
 - Review duration of closure and whether this is reasonable (compared with other similar or equivalent activity). Where it is not it will be challenged, and this also applies to emergency works.
 - Timings and extent of the closure. Seek extended/reduced working hours prevent impact on School buses and the like.
- 2.7 Any number of conditions can be applied to a permit regarding the timing and working practices related to the closure. Below are examples of sample permit conditions that have been applied previously.
1. *NCT02b: Activities to take place 1900 - 0500*
NCT05a: Works restricted to area agreed in KCC TM Plan
NCT06a: Traffic to follow KCC Diversion route
NCT11b: Advance signs to be erected 4 weeks prior displaying permit numbers also letter drops to effected properties, KCC will consult with stakeholders, emergency services, residents, and bus companies. Environmental have been informed.
 2. *NCT01a: Mandatory*
NCT02a: 09.30-15.30, highway to be clear at all other times
NCT07a: ROAD CLOSURE AS PER ATTACHED PLAN
NCT08b: MANNED AT ALL TIMES

NCT09c: Removal within 1 hour of works completion

NCT11b: Advance warning boards to go out 14 days in advance of road closure start date. Letter drop to residents & businesses in local area to be done 14 days in advance of road closure start date.

- 2.8 Where planned closures are to be implemented as part of the permit application, advanced warning signs will be requested, as will formal and continued consultation and community engagement and this will include public meetings (on larger schemes) and letter drops to affected residents and businesses. Liaison with bus operators and other transport providers is required and any impact to local schools and businesses will also need notification and engagement. In some instances, we will request that additional signage is made up advising that "Business is Open as usual". All this is to be undertaken by the works promoter.
- 2.9 Whilst KCC has no control on whether a road needs to be closed, utility companies are bound by the Safety Code when deciding to close a road.
- 2.10 KCC will be notified of an emergency road closure within two hours of the works having begun. If starting after 4.30pm we will be notified within two hours of the start of the next day (by 10.00am). Kent has no control over these emergency works and quite often Members and/or the Public will be aware of works before the Street Work teams. For emergency closures s14(2) of the Road Traffic Regulation Act 1984 s14 requires the restrictions/prohibitions come into force without delay. When using this power it is not possible to give advance notice to anyone.
- 2.11 Data is produced monthly highlighting the volume of closures and the action taken by the Inspectors. Since the Road Closure Inspectors have been in post we have carried out 506 inspections. July 2024 performance data is attached as annex 1.
- 2.12 Any site identified with a defect issued against it is sent either a two hour (High Risk) or four hour (low risk) inspection via Street Manager, and the contractor is obliged to attend site within the specified times to resolve the issues highlighted.
- 2.13 The issues raised have been presented to work promoters and parent utility companies and form part of formal improvement plans. These are being monitored and measured during routine performance meetings and will form part of any future enforcement/penalty charge conversation in the future.
- 2.14 From April 2023, a new, performance-based inspections regime commenced which further assesses, monitors and, where necessary, improve a work promoters' performance and reduce levels of non-compliance. It is hoped that this will *improve the experience for Kent residents and businesses*. Clear signage, quickly deployed and removed with simple and easily followed diversion routes.
- 2.15 Performance-based inspections mean that poor performers are inspected more often than those who have high levels of compliance with the safety code and the Specification for Reinstatement.

- 2.16 Road Closure Inspectors will carry out inspections on as many emergency closures as possible; the aim is to minimise disruption to the travelling public and to ensure other Traffic Management options are considered before a closure is requested. They will also focus on emergency closures that occur within an existing diversion to ensure works are being carried out timely and effectively to reduce the impact on traffic.
The data collected will provide assurance to Members that action is being taken and utilities/Kent are challenged appropriately.
- 2.17 KCC would like to see a reduction in full road closures but in reality this is not going to happen. The teams continue to challenge this form of Traffic Management but the reason for closures is for the safety of the workforce and that of the public, and a road is only closed because we are unable to maintain the required safety widths.
- 2.18 One.network is a key tool which allows the Public to set up alerts for any works that may impact their daily routes they take. Training can be provided for Members by our Street Work data team.
- 2.19 A meeting took place on 4th June for the Cabinet Member and Deputy Cabinet Member to meet the Road Closure Inspectors, Senior Inspectors and Street Work Managers and the issues faced daily were discussed. A further meeting was held on 13th September when Seán Holden attended to meet the same personnel for a similar discussion.

3. Financial Implications

- 3.1 The charge for processing a Temporary Traffic Regulation Order (TTRO) to external organisations has been increased from £710 to £910 for 2024/25 and this includes all legal administrative and advertising costs.

4. Legal implications

- 4.1 Temporary road closures require a legal notice to be published and this is done in accordance with the Road Traffic Regulation Act 1984 and The Road Traffic (Temporary Restrictions) Procedure Regulations 1992.
- 4.2 Statutory guidance on safety is published in the Safety at Street Works and Road Works Code of practice.

5. Equalities implications

- 5.1 Not applicable as this report is for information and has no effect on policy or service standards.

6. Background Documents

- 6.1 Link to KCC web site for a Road Closure Application [Apply to close a road - Kent County Council](#)

7. Recommendation:

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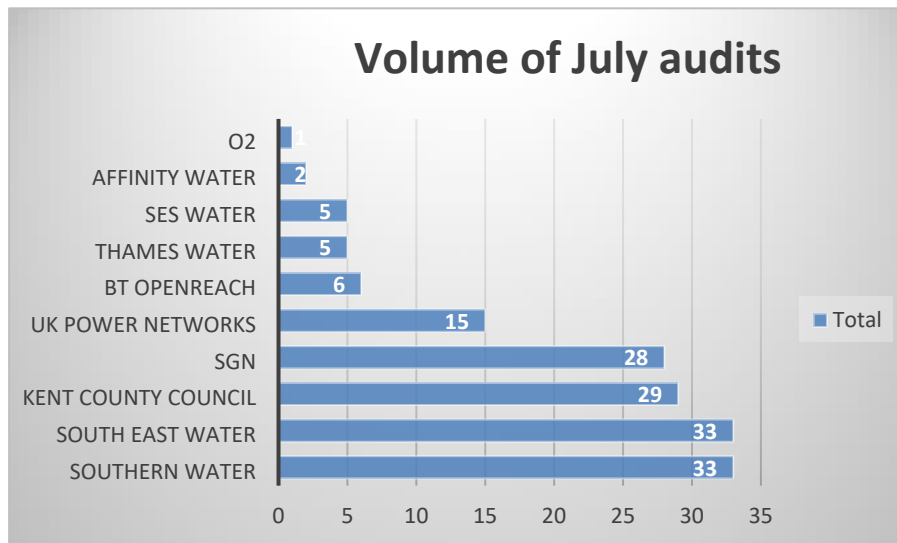
8. Contact details

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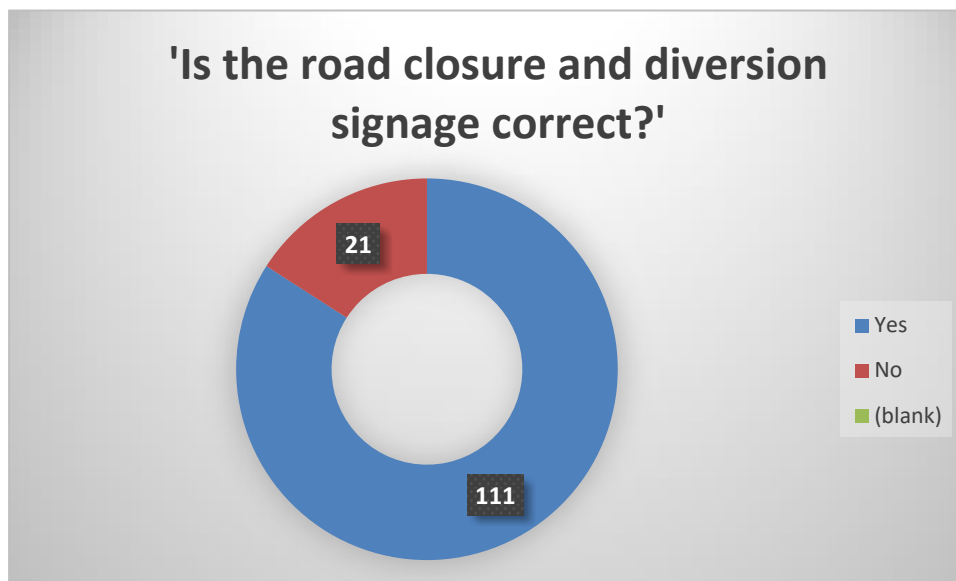
Annex 1 – July data

July Road Closure Audits

158 Audits carried out in July of which only 132 had an active closure in place at time of assessment



Of all the sites visited where the road closure was in place 84% were found to be compliant. The majority of issues were related to missing or damaged signage.



Inspector comments made on the sites inspected

Called through to utility requesting a 4Hr response (low risk) . Missing signage on Jw Crown Lane and The Street. Diversion is incorrect - Uses Woodlands Lane as opposed to Tanyard Hill and The Ridgeway.

Fort Road is a one way road, due to works it has been made into 2-way using correct signage. However, no entry signs need to be bagged off or sprayed out to allow legal entry for residents and emergency services access.

No road closed ahead signage. Missing diversion signage on route and not accompanied by cones as required. No information board displayed

Diversion signage propped down and diverting traffic in incorrect directions

TM gang advised to conduct full drive of diversion route, missing signage.

More cones required at hard closure point (2 min at each end). No road ahead closed signage

X1 Road Closed sign missing at point of hard closure

Raised 4 hour response. Signage missing from the diversion route.

Diversion signage directing traffic incorrect way. X1 diversion sign faulty, arrow is made with duct tape. Not to be used, replacement required.

X1 Road Closed sign missing at point of hard closure

Incorrect Diversion - Using the A2 instead of The Ridgeway, Peartree Lane & A226 Gravesend Road.

Incorrect Diversion using Jellicoe Avenue & Kitchener Road

No information board displayed as required by Red Book

One way signs to be bagged off / sprayed out or turned around at school exit / entrance. This is to prevent drivers being confused and causing a collision as road is now 2-way

Missing advance warning signage on Chipstead Lane & Witches Lane on the approach to Bullfinch Lane

No diversion route present.

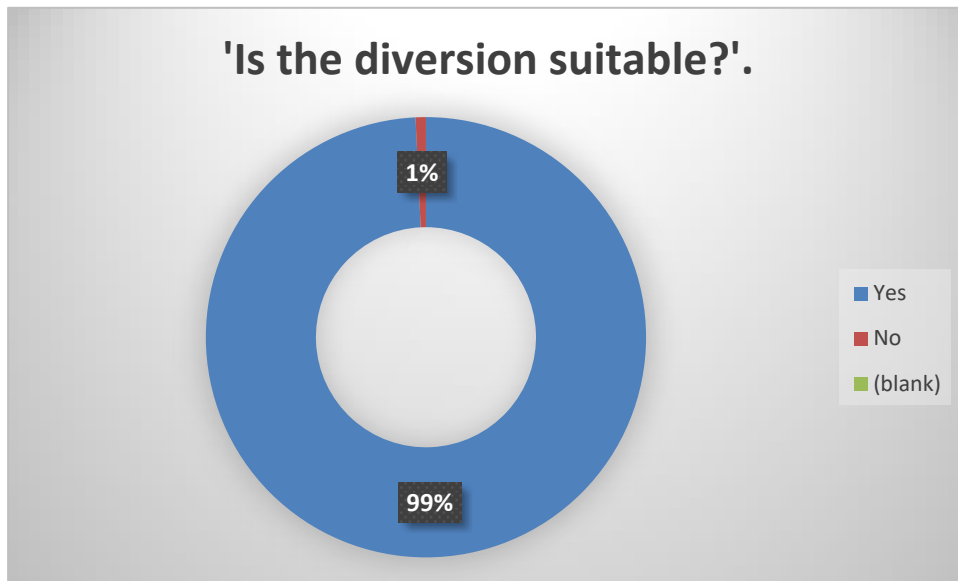
Signs not set out as per the TM plan. Signs have also been placed on the incorrect side of the road in places.

Diversion signage defect

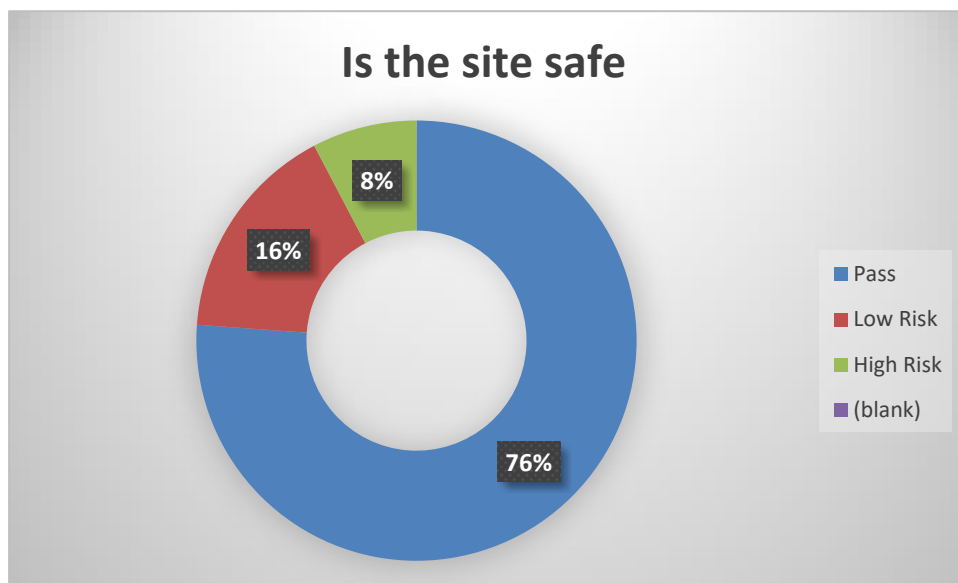
Signage knocked over and A frames damaged, which will require replacing. Diversion signage is pointing in incorrect direction, rectified by Inspector on arrival

X1 diversion from route has been propped down, resulting in incomplete diversion route. Sign erected by Inspector on arrival

The diversion route being used was found to be suitable on 99% of the audits carried out



Of the 132 sites audited there was only a 76% pass rate for safety of the sites



High risk failures as follows:

- No reflective barrier around excavation
- High Risk - Fort Road is a one way road, due to works it has been made into 2-way using correct signage. However, no entry signs need to be bagged off or sprayed out to allow legal entry for residents and emergency services access.
- Harris fencing and barrier had been thrown into hedges cones driven over leaving open excavation and spoil unguarded and dangerous.
- High Risk - Excavations open and unprotected in carriageway, pedestrians can walk through site. Barriers / tape required as physical barrier to protect pedestrians. Marshalls on site

Of the 132 Sites audited 130 did require a closure to carry out the works - 98% compliance

Could the works safely be carried out under other traffic management methods?	
Road closure required	131
Give & Take	1
Grand Total	132

Of the 132 sites audited only 1 site was found to be closed when the works had not started – this site was a KCC site where Road was closed but the Gang expected on site shortly. 99% compliance

Is the road closed but works have not yet started?	
No	131
Yes	1
Grand Total	132

Of the 132 sites audited 27 were found to have the repair works completed at time of inspection and were awaiting backfill

Are the works complete and awaiting reinstatement?	
No	105
Yes	27
Grand Total	132

12 sites were found to have works completed but road was still closed - 90% compliance

Are the works fully complete but the road is still closed?	
No	120
Yes	12
Grand Total	132

Below is a list of actions taken by the inspectors on site to rectify any issues

Actions taken - Non-compliant site
4hr low risk defect raised with promoter
4hr defect raised with promoter
4hr called through for signs not set out as per the TM plan. Signs have also been placed on the incorrect side of the road in places.
X1 diversion from route has been propped down, resulting in incomplete diversion route. Sign erected by Inspector on arrival. Follow up pass
Spoke to operatives on site who will get changes implemented

2hr high risk defect raised via KCC procedure
FPN for wrong permit number displayed.
2hr high risk defect raised with promoter
Signage rectified by Inspector, no further action required. Site follow up pass
4hr low risk defect raised with promoter, spoke to operatives on site who will arrange the missing signage to be replaced
Two hour response and waited on site until it was corrected.
Attended site and driven what should be the diversion route. Signage is missing. Diversion in place does not match one network and is different to the TTRO too. Current symbol triangle diversion diverts traffic towards Duke of York roundabout into NH diversion
I've spoken to Trident TM who have advised that they have experienced a high volume of theft on this site. I have been informed that they will get a TM gang out asap to rectify.
2hr defect raised with promoter. Rectified after speaking to supervisor and TM crew on site
2hr high risk defect raised with promoter to deploy TM gang so that one way signs on road to be bagged off / sprayed out or turned around at school exit / entrance. This is to prevent drivers being confused and causing a collision as road is now 2-way
Incorrect Diversion - Using the A2 instead of The Ridgeway, Peartree Lane & A226 Gravesend Road. Called through to UKPN on a for a 4hr response.
Reported 2 x additional signs needed and 1 x Diversion route sign to be relocated.
Called through a 4HR.
No permit board on display, fpn done
Called through on a 4hr
Signage knocked over and A frames damaged, which will require replacing. Diversion signage is pointing in incorrect direction, signage and diversion rectified by Inspector on arrival. Follow up pass
Called through on a 4hr.
Site has passed I have asked for some information boards to be put up stating north lane is closed follow diversion in place.
Called through on a 4Hr. Missing signage on Jw Crown Lane and The Street. Diversion is incorrect - Uses Woodlands Lane as opposed to Tanyard Hill and The Ridgeway.
Spoken to the crew on site to make them aware this is a high risk site which I am leaving in their control and no more works can be carried out until more barrier is on site.
Called through to SGN for a 4hr response.
Two hour response issued as spoil and excavation are unguarded.
Called through to SGN on a 4HR.
Called through to South East Water to put out additional signage.
Called through to UKPN