

From: David Brazier, Cabinet Member for Highways and Transport
Haroon Chughtai, Director of Highways and Transportation

To: Environment & Transport Cabinet Committee – 23 May 2023

Subject: Temporary Road Closures – Update Report

Key decision: No

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All Divisions

Summary: This report updates Members on the position regarding Temporary Road Closure applications and actions since report to this Cabinet Committee on 8th November 2022.

Recommendation:

The Cabinet Committee is asked to note the revised details and follow up actions regarding Temporary Road Closure Applications.

1. Introduction

- 1.1 A report detailing the Temporary Road Closure Application process and the statutory and associated regulatory process was presented to ETCC on 8th November 2022.
- 1.2 A number of recommended actions were resolved at the committee namely:
- a) note the 225% increase, from approximately 4833 to nearly 16,000 per year, in road closure permits issued between 2018 and 2022;
 - b) recommend that the Cabinet Member tasks highways officers with seeking to reduce the number of road closure permits issued in the county to levels of the year ending 2018, namely fewer than 5,000;
 - c) recommend that the Cabinet Member ensures that every road closure should carry conditions of extended hours and weekend working to shorten the disruption suffered by road users;
 - d) recommend that the Cabinet Member ensures there is a programme of rigorous enforcement of conditions and organisation of diversions; and
 - e) requests that Scrutiny Committee undertake a Short-Focused Inquiry into reducing the numbers of road closures in the county.

2. Update on Actions

2.1 Action a) and action b). These relate to the volume of temporary road closures and a request to reduce.

2.2 During the investigation into the volume of temporary closures an error in the reporting was discovered. The system had double counted several road closure applications where a closure had either been re-applied for and / or the date had changed. The closure would have only taken place once and not multiple times.

2.3 The table below details the revised numbers for 20/21 and 21/22.

Year	Number of applications received: Yearly total
2017/18	4,833
2018/19	6,224
2019/20	7,284
2020/21	9,991
2021/22	9,455
2022/23	10,736

Year	Previously reported as:	Actual volume
2020/21	12,027	9991
2021/22	15,751	9455

2.3 The temporary road closure applications for 2022/23 have been interrogated to consider both the works promoter and the relationship between planned and emergency road closures.

Works Promoter	Planned Road Closure	Emergency Road Closure
Kent County Council	1073	2858
South East Water	352	1391
Southern Water	450	530
Southern Gas Networks	848	150
Openreach	1112	546
Thames Water	104	151

UK Power Networks	333	287
Other	426	125
Totals	4698	6038

- 2.4 The increase in temporary road closures from 2018/19 has almost doubled over the past few years. This reflects the 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).
- 2.5 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.
- 2.6 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.
- 2.7 It is important to note that when a works promoter meets the conditions of the scheme, *KCC has no ability to refuse or reject the application and **as such the opportunity to reduce permits remains limited especially during programmes of significant infrastructure modernisation which are stipulated by national regulators.***
- 2.8 Procedurally, when a road closure application is received the Streetworks team will assess the application taking into consideration amongst some others:
- 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 is 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.
- 2.9 *Actions c) and d) relate to the conditions of the closure and enforcement.*
- 2.10 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.

- 2.11 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. A liaison with bus operators and other transport providers is required and any impact on 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.
- 2.12 Whilst KCC have no control on whether a road needs to be closed, utility companies are bound by the Safety Code when deciding to close a road.
- 2.13 In order to scrutinise emergency closures and the performance and practice on site the Street Works team have undertaken a rapid review to assess emergency utility road closures.
- 2.14 This was to ascertain whether roads were closed for no reason or were unnecessarily closed to carry out works when other less disrupting Traffic Management (TM) could have been deployed. It also sought to determine whether incorrect or unsuitable diversions were being used and checked how these sites were being managed, following the work commencing.
- 2.15 During the Period 24th November 2022 through 2nd December 2022 the team endeavoured to attend all emergency utility closures in the Maidstone and Ashford area. These locations have historically had the highest level of activity. Within the short review period 44 visits were made which accounted for 18 individual sites.
- 2.16 Each visit objectively considered:
- Is the road closed when other forms of TM could have been utilised? And were the team on site? and was the closure required whilst the contractor was on site?
 - Are the works complete but road still closed?
 - Is road closed but works not started?
 - Are the works complete awaiting reinstatement?
 - Is the site safe?
 - Is the diversion suitable?

- Is the signage suitable/correct?

2.17 The rapid review determined:

1. *Is the road closed when other forms of TM could have been utilised?*

Of the 18 sites visited 16 were determined to have needed a road closure to comply with the Safety Code of Practice

2. *Are the works Complete but the road still closed?*

Of the 18 sites visit, 2 sites were completed and still had the road closed. All others were awaiting reinstatement or had open excavations.

3. *Is the road closed but works not started?*

Of the 18 sites, 1 site had been closed before the operatives were on site.

4. *Are the works complete awaiting reinstatement?*

Of the 18 sites, 7 had the repair completed and were awaiting reinstatement. The remainder either had open excavations or the closure had been removed.

5. *Is the site safe?*

2 of the 18 sites were deemed to be unsafe with high-risk defect notices issued.

6. *Is the diversion suitable?*

10 sites were found to have unsuitable diversions.

7. *Is the road closure signage correct?*

12 sites were found to have insufficient, inadequate, or incorrect signage.

2.18 In this small sample it was generally found that roads were not closed unnecessarily and most complied with the safety Code of Practice. Furthermore, the roads assessed did need to be closed whilst the works were in progress.

2.19 Significant issues were found with diversion routing and signage. These issues 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.

2.20 This review also identified that there was a high probability that emergency closures clashed with other closures. This caused significant confusion and disruption to the traveling public arising from contradictory or competing signage and diversion routes.

2.21 It was determined that in many cases, this was a result of South East Water (SEW) attending to high quantity of water leaks. Bi-weekly meetings are in place to address these performance issues. SEW are seeking to rectify using new ways of working and to work more closely with the Streetworks team.

2.22 From April 2023, a new, performance-based inspections regime has commenced which will further assess, monitor and, where necessary, improve a work promoters' performance and reduce levels of non-compliance. It is hoped that this will improving the experience for Kent residents and businesses. Clear signage, quickly deployed and removed with simple and easily followed diversion routes.

2.23 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.

2.24 Action e) Attendance at Scrutiny Committee

2.25 There has been no request to attend Scrutiny Committee to date. This will be followed up with Democratic Services.

3. Financial Implications

3.1 The charge for processing a TTRO to external organisations is £710 for 2023/24 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:

The Cabinet Committee is asked to note the revised details and follow up actions regarding Temporary Road Closure Applications.

8. Contact details

Report Authors: Andrew Loosemore Head of Highways 03000 411652 andrew.loosemore@kent.gov.uk	Relevant Director: Haroona Chughtai Director Highways and Transportation 03000 412479 Haroona.chughtai@kent.gov.uk
---	--

Richard Emmett
Senior Highway Manager
richard.emmett@kent.gov.uk

Alison Hews
Compliance & Performance Manager (Street
Works)
Alison.hews@kent.gov.uk