



Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	Highways and Transport Scrutiny Committee
Date:	30 October 2023
Subject:	Anglian Water Performance - Six-Month Review

Summary:

This is a follow-on report from the report received at the Highways and Transport Scrutiny Committee on 24 April 2023 (Agenda Item 5) and provides an update on Anglian Water's performance when undertaking work on or next to the highway, as part of its statutory undertakings.

The report identifies areas of cooperation regarding Anglian Water's quality of work and traffic management and provides details on the progress since their attendance at the April Committee.

The report contains background, data, actions, and ongoing steps obtained by Lincolnshire County Council's Streetworks and Permitting Team.

Anglian Water submit approximately 20,000 permit applications a year, around a third of all permits, making the utility the largest works promoter in the County. Thus, performance issues can and will affect the flow of traffic on the County's highway network.

Actions Required:

The Highways and Transport Scrutiny Committee is invited to:

- (1)** review and comment on the contents of this report;
- (2)** ask questions of Anglian Water regarding the report and make recommendations as the Committee sees fit; and
- (3)** request that a further update report on the proposed action plan is added on the Committee's future work programme (proposed for summer 2024).

1. Background

Following the report and presentation received from Anglian Water (AW) on 24 April 2023 (Agenda Item 5), this report provides an update on the AW action plan and improvements achieved so far.

AW's work volume in 2023/24 has reduced (this follows a significant increase in work in summer 2022, due to the hottest summer on record), although they remain the largest works promoter in Lincolnshire, undertaking 31% of the 70,000 permits submitted to the County Council (LCC) each financial year.

AW are heavily targeted by their regulator Ofwat, in respect of keeping customers supplied with water and repairing burst/leaking mains within a swift timeframe. AW committed to working with LCC to improve their performance in several key areas.

S.60 of NRSWA 1991 places a legal duty on all statutory undertakers to 'use his best endeavours to co-operate with the street authority and with other undertakers—

- (a) in the interests of safety,
- (b) to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability), and
- (c) to protect the structure of the street and the integrity of apparatus in it.'

In relation to AW's legal duties under S.60, positive actions have been taken to improve, however, further, and continued action is required to achieve consistency.

General actions and outcomes

The following actions and outcomes have taken place and are ongoing:

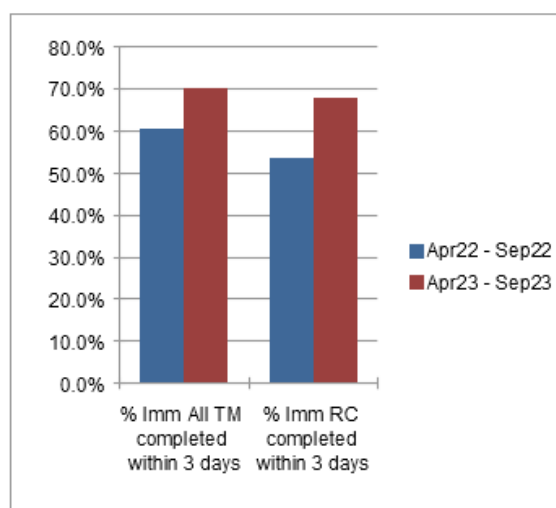
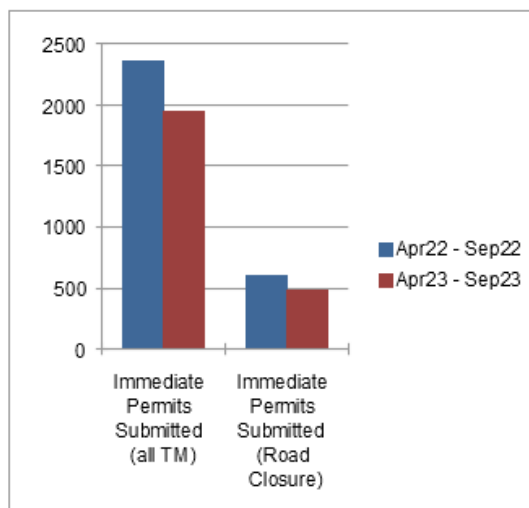
- AW were the first utility company to commit to the [Lincolnshire Street Works Charter](#), which LCC launched on 1st September 2023 – further meeting planned for November 2023 to embed the objectives of the charter.
- AW initiated a circa £350,000 Road Closure Reduction Project, with a view to completing works under less intrusive forms of traffic management where possible. LCC have attended and contributed suggestions to four project meetings since April. This project has since been extended with further funding provided to cover temporary traffic signals. Since April 2023, the Reduction Project initiatives have prevented 56 road closures, where works were able to take place with lesser impactful traffic management.
- As part of the above project, discussions are taking place around a trial of the use of 'Temporary Obstruction 15-minute delay' boards where these would be more appropriate than a full road closure. A trial will be conducted in the near future in Lincolnshire and Suffolk. LCC will align the requirements for these with Suffolk to ensure consistency for AW. This traffic management option is best suited for low

traffic rural areas or residential streets and is less disruptive and has the ability to be removed quickly when not required for site operation.

- AW are now making payments for temporary traffic regulation orders (TTROs) online, which is providing a cost and time saving for LCC and is greatly appreciated.
- The previous report identified that AW did not have a mechanism for prioritising works with positive traffic management (i.e., road closures and traffic signals), where it is expected these should be given a higher priority for completion to reduce disruption to road users. AW completed system changes to allow prompt identification of such sites which has been a reduction in their overall works durations.
- AW have reduced the duration of works with road closures and traffic lights. 67% of AW road closures are now completed within three working days, an improvement of 14%, which is pleasing within a six-month period. 70% of all immediate works are now completed within 3 working days, an improvement of 10%. 95% of both road closure and traffic signal work is completed within five working days. Where the duration for these types of works is longer than these timescales, this can mostly be attributed to other factors such as where a more complex repair is required.

AWA Immediate Permits - Half Year Comparison

	Apr 22 - Sep 22	Apr 23 - Sep 23	Change
Immediate Permits Submitted (all TM)	2356	1947	-409
Immediate Permits Submitted (Road Closure)	604	483	-121
Completed in 3 days (all TM)	1419	1365	-54
Completed in 3 days (Road Closure)	323	327	+4
% Imm All TM completed within 3 days	60.2%	70.1%	+9.9%
% Imm RC completed within 3 days	53.5%	67.7%	+14.2%



- AW issued a briefing to contract partners with regards to removing road closures where safe to do so and when the closure is not needed for site operation (i.e., in

between the actual works and reinstatement), which was an agreement made as part of the Street Works Charter. Compliance in this area is still inconsistent and further investigations and briefings are required to ensure further improvement.

- AW delivered traffic management awareness training, procured from a leading industry representative. The training focused on their Network Technicians who raise jobs and suggest traffic management. LCC attended the training, and it was felt beneficial.
- Since April 2023, LCC have issued Duration Challenges (requesting AW complete works in a quicker timeframe than their initial permit submission) on 237 works. 40% of these were rejected by AW, although a further challenge was issued by LCC on 50% of the rejections – discussion is ongoing with AW regarding the importance of Duration Challenges and ensuring they are adhered to wherever possible going forward.
- AW have reduced the number of outstanding reinstatement defects by 60%. LCC carried out remedial work on AW’s most longstanding defects and recharged the costs. LCC will consider this again should it prove necessary.
- LCC have increased on site monitoring of AW works, undertaking an average of 18 inspection per working day (around 40% of all AW works in progress at any one time).
- Through increased monitoring, LCC have identified more Fixed Penalty Notice offences for AW works, leading to a 60% increase in Q1 and Q2 of the 2023/24 financial year. These offences are reviewed at performance meetings held between LCC and AW with a view to a reduction going forward. The increase in offences relates to the increase in inspections and an enhanced method of identifying ‘administrative’ offences, which whilst are legislative breaches, are unlikely to have a direct impact on road users. The breakdown of the Fixed Penalty Notices (1 April – 30 September 2023) is shown below:

Works Promoter	05 - SECTION 70 (Incorrect Reinstatement Registration)		06 - SECTION 74 (Incorrect Start/Stop Information)		08 - REGULATION 19 (Working without a valid permit)		09 - REGULATION 20 (Breach of permit condition)		Total Count of Offence code	Total Sum of Charge
	Count of Offence code	Sum of Charge	Count of Offence code	Sum of Charge	Count of Offence code	Sum of Charge	Count of Offence code	Sum of Charge		
ANGLIAN WATER	88	£7,040.00	484	£38,720.00	13	£3,900.00	188	£15,040.00	773	£64,700.00

- Since April 2023, AW have reduced Section 74 overstay offences (where works continue after the agreed permit dates expire) by 74% which is a vast improvement and reduces prolonged disruption to road users.
- LCC have continued to undertake inspections at weekends on a random basis. These inspections focus on sites which should have been completed on the preceding Friday. When these inspections were conducted throughout the 2022/23 financial year, a significant number of AW works were found still in-situ

and Fixed Penalty Notices issued for these. Since April 2023, inspections at a weekend have found a significant reduction in this non-compliance by AW, with very few instances found.

- Regular performance meetings continue to be held and issues identified are discussed and investigated.

24 April 2023 Actions/Outcomes

- LCC have shared data with AW and asked that they look to prioritise sites with traffic management for completion in a quicker timeframe.

***Update** – as identified above, AW works with positive traffic management is now being completed in a quicker timeframe. LCC will continue to monitor this to drive further improvement.*

- LCC will aim to inspect all immediate road closures within 48hrs to assess the works and traffic management.

***Update** – LCC have inspected a larger volume of AW works with positive traffic management, issuing Duration Challenges and Authority Imposed Variation (imposing specific conditions around removal of road closures and traffic management) where appropriate. LCC will continue to do this and monitor improvement.*

Further areas of improvement

Unnecessary Road Closures / Works Durations

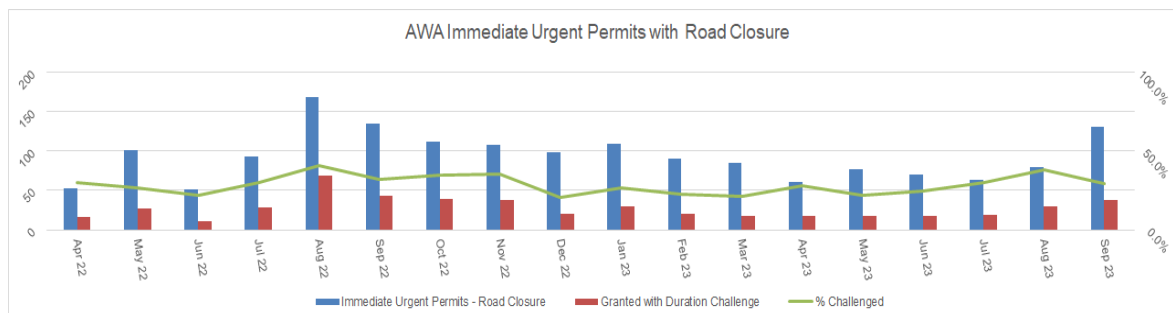
An agreement is made as part of the Charter, that road closure signs will be removed/set aside when not required for site operation. As identified above, there have been improvements in this area, however, it is felt that further work is required to achieve consistency.

The Street Works Charter objectives seek to address road closures being left up for long period of time, where work takes place outside of the carriageway and nobody is seen working. This causes unnecessary disruption and gives a poor public perception of road works and typically happens in rural areas because of the gap between repairs being undertaken and the reinstatement being complete.

The nature of leaving roads closed unnecessarily also creates a potential hazard for operatives when they are working, as road users are more likely to attempt driving through a closure point believing they can travel through.

Another issue still being explored, is traffic management being set up before it is confirmed a team is available to attend site. LCC have asked AW to ensure a team is available before setting up traffic management and adherence to this is being monitored.

Anglian Water immediate road closures shown below in blue. Number granted with a challenge to the duration in red, average of 30%.



Temporary Traffic Regulation Orders (TTRO) not applied for

The April 2023 report outlined that AW had failed to apply for a TTRO for 23% of road closures. Whilst permits were in place for these works, a TTRO is required to legalise a road closure. LCC recovered costs of circa £220,00 from the missing applications.

AW also failed to provide LCC with diversion information for emergency road closures, meaning we were unable to publish accurate diversion routes via One.Network for members of the public to use.

Since April 2023, AW have failed to apply for a TTRO for 163 road closures (12%). This is an improvement on the previous period.

Actions:

- LCC to continue to gather data in this area and re-charge the costs to AW. LCC have asked AW to review working practices and ensure this is improved going forward. Costs recovered so far since April 2023 circa. £85,000.

Defects

The April 2023 report outlined 250 outstanding AW defects, which were greater than six months old (the timeframe for which they should be completed). Through the action plan improvements, AW have reduced this number by 60%.

In total, AW currently have 380 reinstatement defects outstanding.

AW are targeted to achieve 90% passes across sample inspections, which are randomly generated by the Department for Transport's Street Manager system. LCC undertake further inspections over and above the randomly generated amount to ensure a wider range of works are reviewed, both whilst works are being undertaken and after they are reinstatement.

Current data is shown below:

Cat A – live site inspection during works

Cat B – visual reinstatement inspection within 6 months of works completion

Cat C – within 3 months preceding the expiration of the guarantee period (2yrs)

Random Sample Inspection Pass and Fail Percentages - Quarter 1: 1 April - 30 June 2023

Organisation	Total Passed	Total Failed	Sample failure rate	Sample pass rate	Current Inspection Rate
ANGLIAN WATER	531	85	13.8	86.2	30%

Random Sample Inspection Pass and Fail Percentages - Quarter 2: 1 July – 30 September 2023

Organisation	Total Passed	Total Failed	Sample Fail Rate	Sample Pass Rate	Current Inspection Rate	Expected Q3 Inspection Rate
ANGLIAN WATER	522	95	15.40%	84.60%	30%	35%

Next steps

- Street Works Charter meeting to be held in November to explore consistently implementing the charter objectives.
- AW to continue to work through the objectives of an updated action plan.
- Performance meetings to continue between LCC and AW to investigate and discuss issues and ensure solutions are put into place.
- LCC to continue current level of inspections to ensure non-compliance issues are identified and resolved.

2. Conclusion

The ongoing steps taken by AW have seen an improvement in performance since April 2023 and LCC will continue to work with Anglian Water to seek further improvements, reducing the detrimental effect on the expeditious flow of traffic upon our highway network.

Continued collaboration and cooperation with Anglian Water will help to improve traffic flows and reduce congestion. Increased compliance will reduce the number of fines and penalties Anglian Water incur and adds a beneficial incentive to further collaboration with Lincolnshire County Council.

The Street Works and Permitting Team will ensure the objectives of the Street Works Charter are embedded throughout AW’s working practices.

3. Consultation

a) Risks and Impact Analysis

Failure to encourage a commitment to further collaboration and cooperation could cause a delay to improving traffic flows, as required by the Lincolnshire Permit Scheme for road and utility works.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Anglian Water Slides

5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Mick Phoenix, Traffic Manager who can be contacted on 01522 552105 or mick.phoenix@lincolnshire.gov.uk.