

The response from Lincolnshire County Council Highways team received on 07.12.18, following the meeting with BGPC on 15.11.18

1. BGPC questioned LCC about the poor response from LCC with regards to problems encountered by the Roadworks on Station Road and Abbey Road

LCC Highways responded - Items discussed at meeting. Issues with utility works reported at the time, by Parish, but suggested LCC street works team did not deal with at the time. Agreed we will pass comments on, but nothing further to action as the works were completed some time ago.

BGPC are slightly surprised at this comment, as at the time of the meeting there were streetworks being carried out on Abbey Road in Bardney, which commenced early September and had generated a large number of complaints to LCC Highways.

The work carried out was substandard with issues relating to Health and Safety being reported directly to LCC Highways in person by BGPC councillors. Photographic evidence was also provided. Why were you not aware of this extensive work being carried out in our area?

In addition to this, BGPC would like to point out the term highway is the fabric of the highway and extends between the boundaries of the adjacent properties including the verges. The verges on Abbey Road, have been damaged by both directly by the streetworks and indirectly by vehicles having to travel along the verges due to part of the carriageway being blocked off. This work has still not been remedied despite assurances from yourselves.

2. BGPC asked as to what could be done to address parking problems.

LCC Highways responded -

i) Henry Lane near the School - This has been investigated in the past after which the current parking restrictions were provided. No further action will be considered at this time.

ii) Silver Street in the vicinity of Queen Street - This will be assessed as and when resource and priorities allow. As such we cannot provide any timescales.

iii) a) Station Road near the chip shop - This will be assessed as and when resource and priorities allow. As such we cannot provide any timescales.

b) Station Road near the Gun Shop - The Parish Council are asked to provide photographic evidence of the alleged problem here before the Highway Authority considers taking the matter further.

iv) Chestnut Homes Estate – The Chestnut Homes estate issue is being dealt with via the Development Management Team and as such any comments BPC have should be forwarded to that team.

Issues part i), ii) and iii) have all been raised with LCC Highways previously. BGPC would like to remind LCC Highways of the Duty to secure expeditious movement of traffic, as per the **Traffic Management Act 2004**.

The act states that Network Management must; Identify things (including future occurrences) which are causing, or have the potential to cause, road congestion or other disruption to the movement of traffic on their network.

BGPC are unsure as to why video evidence is required of parking problems is required in relation to this strip of road. It is the narrowest part of one of the busiest roads in the

village. It is self evident that vehicles being parked on both sides of the road will cause extreme congestion.

3. BGPC asked what could be done with regards to surface water flooding

LCC Highways responded -

i) Station Road near number 88 - a number of complaints have already been received and works are planned to clean out the surface water system in the area. No timescales will be provided.

ii) a) Abbey Road outside number 8 - The surface water system here is still under investigation with extensive cleaning work already carried out in the area.

b) Abbey Road near Wilsons Yard - This has been investigated in the past and there is no positive outfall available nearby to help clear surface water from the carriageway. This is not considered a priority in light of other more serious investigations being carried out on this road which relate to actual property flooding. No further action will be taken on this matter.

iii) Wragby Road - there are a number of surface water issues along this road within the village none of which are currently a priority to the Highway Authority. The Parish Council are asked to provide further details including enquiry numbers and photographic evidence before further action can be considered.

In response to section ii) b), BGPC are very disappointed to receive this response to a major ongoing problem and the **failure to act in the face of knowledge about drainage problems**. The section of road in question has been formally adopted and therefore the highway is maintainable at public expense by the highways authority of the area.

BGPC would like to remind LCC Highways that as the local Highways Authority they have a **duty to maintain the highway in accordance with the Highways Act 1980 s41(1)**. The act states that a road must be maintained to 'A state of repair with which a reasonable person would expect to find the highway'. As this stretch of road has regularly only been passable by a 4x4 and the police have been called out four times to address problems created by the flooding, it is accurate to state that this area of public highway would not be acceptable to any reasonable person.

LCC Highways are **in breach of the Common Law of Duty of Care** in relation to this section of road.

4. BGPC asked for action to be taken to remedy damaged verges

LCC Highways responded -

i) Abbey Road - It is recognised that the verges in the area are untidy, however Lincolnshire is a rural County with many similar locations across its highway network and these verges are not currently considered dangerous. No further action is planned at this time.

ii) Junction of Station Road & Horncastle Road - Although the verge damage here is minor and not considered dangerous the option to harden some of the area and protect the remaining verges at the Parish Councils expense was previously put to the Parish Council as discussed at our meeting in February 2018 with no response provided. No further action will be taken at this time.

In relation to part i) BGPC are disappointed in LCC Highways response to this matter In addition to this. Again, BGPC would like to point out the term 'highway' is the fabric of the highway and extends between the boundaries of the adjacent properties including the

verges. The verges on Abbey Road, have been damaged by both directly by the streetworks and indirectly by vehicles having to travel along the verges due to part of the carriageway being blocked off. This work has still not been remedied despite assurances from yourselves.

With regards to part ii) no information or updates were provided by LCC Highways following the meeting on 03.02.18, despite three attempts by the then clerk to obtain clarification of requirements.

5. BGPC asked for Double Yellow Lines to be installed to address problems in our area
LCC Highways responded -
Issues discussed at length at the meeting – Double yellow lines along station road are, as mentioned in point 4, to be assessed when resource and priorities allow.
6. BGPC enquired about the legality of the New Road off Abbey Road
LCC Highways responded -
The issue of usage of the road which is accessed off Abbey Road is a planning issue and as such should be raised with West Lindsey District Council.
7. BGPC asked what was going to be done about the subsidence on Bardney Causeway
LCC Highways responded -
The B1202 Branston Causeway has been assessed and shows signs of subsidence at the River Witham end. A scheme will be considered in the future for inclusion in the Surfacing and Patching Forward Programme, when funds and priorities allow.

Again, BGPC would like to remind LCC Highways that as the local Highways Authority they have a duty to maintain the highway in accordance with the **Highways Act 1980 s41(1)**. The act states that a road must be maintained to '**A state of repair with which a reasonable person would expect to find the highway**'.

This road is effectively a trunk road with vehicles travelling at an average of 60mph. The subsidence is quite significant, creating a potential risk to high sided vehicles as there are narrow verges to the side and a three meter drop on to agricultural land. There was a single car fatality on this stretch of road in March this year.

Again, by failure to address this issue is a **failure to comply with the Common Law of the Duty of Care**.

8. BGPC asked for Railings on the corner of Henry Lane and Harvey Kent Gardens
LCC Highways responded -
The Parishes request for railings near the school was assessed and it was found that their placement would reduce the width of the existing footway to an unacceptable level and are no longer proposed. All the road markings in the area will be refreshed in due course and siding work to clear vegetation from the rear of the footways in the area is also being considered.
9. BGPC raised the issue of streetlighting, particularly it going off around 11pm
LCC Highways responded -
We have requested a response from the Streetlighting team, and they have supplied the following comment which explains the issues raised.
"The Part Night control of the street lighting is not switched via a clock, they all have individual photo cells and these have a daylight monitoring operation which measures the duration of the day between dawn and dusk. From this information they have an internal time tracker which determines the mid part of the night and switches off the lights. This

equates roughly – but not exactly- to midnight. It is not as precise as a time clock and can be subject to poor weather conditions during the day which would effectively ' reduce' the length of the day and effect the switch off time. The cost of fitting time clocks in each street light would have been prohibitive which is why photo cells were selected as the method of switching. The manufacturer states that they can vary up to roughly 15 minutes either side of midnight , although our experience has shown it can probably be up to 30 minutes. Please be aware that as the UK adjusts clocks between GMT and BST in the Spring and Autumn this also brings a period of adjustment in the weeks surrounding the switchover. The switchover is not an automatic process such as the resetting of a clock, as the photocells work on monitoring daylight they monitor the gradual reduction in daylight during the Autumn. When actual hours of daylight reduce to around 10 hours per day– this is when the photocells switch over from BST to GMT. There is therefore unfortunately a period of weeks within which daylight hours are reducing but have not yet got to 10 hours in the day and the cell has not yet switched over to GMT. During this period the switch off time of the photocell can be earlier than the usual half an hour tolerance around midnight. Once the switch to GMT has been made however – the accuracy of the switching will return. "

10. BGPC questioned as to why Grit Bins have been removed

LCC Highways responded -

This has been referred to the Network Resilience Team who deal with these, and I can give the following comments on the two locations.

Bardney Bridge

"Following a review of the location, unfortunately a grit bin at this location does not meet the criteria in accordance with Lincolnshire County Council's Winter Service Plan. This is because it is on the precautionary network. I appreciate this is not the response you would like to hear but I hope you understand that the criteria is specific in identifying the most appropriate locations to place grit bins."

Church Lane

"The grit bin was removed by Lincolnshire County Council. It was found to have rubbish inside and therefore contravenes paragraph 2.10.5 in the Winter Service Plan stating 'Salt/Grit bins will not be provided at sites...where they have waste put in them'. However, a grit bin will be returned in the new year when we have received a new stock of grit bins."

The Parish Council would like to remind LCC Highways that they have a duty of care to remove snow and ice. A highways authority are under a duty of care to ensure, so far as reasonable and predictable, the safe passage along a highway is not endangered by snow and ice. Section 111 of the Railways and Transport Safety Act 2003.

Due to the fact that the traffic lights on the eastern side of Bardney Bridge are situated on an incline, this area is an obvious site for additional grit bins. BGPC have video footage from earlier this year of a tanker lorry sliding backwards in the snow towards other vehicles when trying to move forward when the lights have changed to green.

BGPC dispute the claims that the grit bin on Church lane contained waste. The bin itself was sited next to a public bin. In addition to this, BGPC employ a Handyman, who maintains that area to a high standard, including monitoring grit levels. As such the council would welcome the bin being returned as a matter of urgency to this lane which services two popular churches. If this is not actioned by 15.01.19 then BGPC will be forced to purchase a bin and grit and forward the cost on to yourselves.

11. BGPC asked as to why LCC Highways had not raised objections to Lea Grove being used as the access road to the planned new development

LCC Highways responded -

This was again discussed at length in the meeting, but it is being dealt with by the Development Control Team within Highways. The comments made in the meeting were passed on, and they are aware of the Parishes concerns.

BGPC has raised a formal complaint regarding this matter with LCC. We are still awaiting the formal response. If the response is not forthcoming then BGPC will forward the concern on to the Secretary of State for Housing, Communities and Local Government, Rt Hon James Brokenshire MP.

12. BGPC queried Capacity levels on Bardney Bridge following the increase in traffic.

LCC Highways responded -

Bardney Bridge does not require a weight restriction as it isn't a weak bridge and has the capacity to take the standard axle vehicles that it is designed for.

This bridge is a single carriageway, cast iron bridge built in the Victorian era. All bridges have a finite capacity. BGPC are aware that LCC Highways regularly monitor traffic levels over the bridge, ie every two months. In correspondence with Jordan's Dorset Ryvita (JDR) they have stated that traffic must travel through the village of Bardney due to capacity restrictions on Bardney Bridge.

13. BGPC asked why Weight Limit sign on Stainfield Bridge had been removed

LCC Highways responded -

The Structures team have confirmed that there isn't a weight restriction on Stainfield Bridge and therefore no signage is required.