

**Report to the Chair of Infrastructure, Investment & Inclusive Growth Scrutiny Board**

**Date: 16<sup>th</sup> September 2021**

**Subject: Leeds Road Temporary Closure in Relation to East Leeds Orbital Route Infrastructure Scheme.**

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>If yes, name(s) of ward(s):</b> Crossgates & Whinmoor, Harewood, Killingbeck & Seacroft	
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	

**Summary**

**1. Main issues**

- The East Leeds Orbital Route (ELOR) is a new dual carriageway road 6.8km long running from Redhall to Manston Lane and will define the new urban edge of Leeds, protecting the green belt and creating the highway infrastructure to facilitate the development of the East Leeds Extension (ELE).
- Once completed ELOR provides five new junctions and a connection into the already constructed Manston Lane roundabout. All junction works are progressing at the same time and due to be completed for scheme opening in Spring 2022.
- The majority of the route has been constructed offline so as to minimise closures of the existing network, but construction has now progressed to the point where work requiring temporary closures now has to be carried out in connection with those junctions.
- This methodology was first communicated to local stakeholders in early 2020 when construction of ELOR was about to start and temporary closures have been kept to a minimum. Whilst this continues to be the methodology of the contractor, further

design development and buildability reviews by the contractor informed the need to close Leeds Road between Smeaton Approach and Bog Lane for six weeks to allow the safe construction of works in this location.

- Local Ward Members, Parish Councillors and ELOR Working Party members have expressed concerns about the process that was followed to close Leeds Road and have requested a review and examination of it by Scrutiny Board.

## **2. Purpose of this report**

- The purpose of this report is to set out the process that was followed to close Leeds Road and to provide formal responses to concerns raised by the Scholes Community Forum as listed in item (B) of the referral in addition to the information already provided by the Executive Member (item (C)) and letter issued by the Chief Highways Officer (Item (D)).

### **1. Background information**

- 1.1 ELOR has continued to progress well considering the challenges such a large-scale infrastructure project can bring but also continuing safely through a global pandemic.
- 1.2 The Contractor continues to construct the majority of the scheme offline thereby minimising disruption to local communities.
- 1.3 The project has however now reached a stage where temporary closures are required at a number of existing network locations (as shown in **Appendix A**) requiring Temporary Traffic Regulation Orders (TTROs) under section 14 of the Road Traffic Regulation Act 1984 (the Act).
- 1.4 The Network Management team facilitate circa 900 closures/TTROs under the Act each year.

### **2. Buildability issues**

- 2.1 The Contractor continues to plan and construct ELOR within the constraints imposed by the site boundaries of the scheme.
- 2.2 Five new Junctions are being constructed. The majority of them, including Leeds Road can be built 90% offline (i.e. without the need for a road closure)..
- 2.3 As regards the Leeds Road junction, the narrow nature of the existing highway imposes additional constraints on the contractor. Design development has also informed the need to modify existing levels on Leeds Road, with an increase of up to 1.2m in places. In addition, core sample analysis has revealed a high level of carcinogenic material (Coal Tar), requiring extra precautions to be added to the construction methodology. The presence of Coal Tar and the need for level modifications were identified during the detailed design and build phase of ELOR and meant that the methodology for the works had to be revised. All of these factors

lead to a request being submitted to Network Management for Leeds Road to be closed on a temporary basis to facilitate the outstanding works needed to form the junction. This request and the subsequent decision to close Leeds Road were not taken lightly; they were reviewed by senior officers as well as by the contractor and took into account the safety of those undertaking the work and the general public who might want to use the public highway in the immediate vicinity as well as the need to facilitate the work and the potential impact on local residents.

### **3. Network Management Review**

- 3.1 The Network Management team within the Highways and Transportation service are responsible for the co-ordination and management of activities on the highway such as ensuring potential clashes are avoided or managed appropriately. The team also facilitate circa 900 TTROs associated with roadworks and utility works each year.
- 3.2 The buildability and site constraints referred to above were presented to the Network Management team and were challenged by them. Alternatives to a full-time closure were considered such as weekend/overnight closures, two-way traffic control and maintaining a single lane on Leeds Road. However, given the constraints no reasonable alternative to the temporary full-time closure of Leeds Road was available.
- 3.3 Network Management agreed that a closure during the school summer holidays would best mitigate the impact on the local highway network as there is generally a noticeable reduction in traffic volumes over the summer holidays. These reductions need to be considered alongside the current traffic flow conditions which show a very significant reduction in morning peak hour flows and all-day traffic flows. Closing Leeds Road later in the year in the Autumn period (when traffic flows are historically higher, schools have returned, working daylight hours are reduced and when the weather has deteriorated) would have resulted in a longer closure period and a greater impact on the local communities.
- 3.4 Consideration was given to requesting additional working hours but it was subsequently agreed that the Contractor would maximise the use of the current permitted working times (Mon-Thurs 8am-9pm, Fri 8am – 6pm, Sat 8.30am – 4.30pm).
- 3.5 It was also agreed that non-motorised user routes would be maintained during the closure.
- 3.6 Due to Schools operating with different closure dates it was agreed to focus the closure on local school calendars (John Smeaton Academy & Scholes Elmet Primary School).
- 3.7 All emergency services were notified of the closure in the usual way; indeed they were given more notice than is usual by way of the information letter of 4 June and there were several follow up calls to the Ambulance Service in the lead up to the closure following local feedback.

- 3.8 At the request of the Council, arrangements were made with Bus operators to provide a shuttle bus service through Scholes and around the closure to minimise impact to bus users. The frequency was the same/similar to the usual pre-closure service.
- 3.9 Suitable turning areas were provided to facilitate refuse collection services.
- 3.10 Meetings with local farmers were held and arrangements made with the Contractor to ensure they could continue to operate during the closure.

#### 4. Consultation and engagement

- 4.1 Communications were undertaken as follows:

##### Closure Review and Communication Timeline

8 <sup>th</sup> April	Balfour Beatty initial presentation on buildability challenges to ELOR project team.
10 <sup>th</sup> May	Balfour Beatty presented engineering proposals and justification for temporary closure to LCC Network Management team.
24 <sup>th</sup> May	Proposal to progress temporary closure presented to Executive Member in Highways & Transportation briefing
28 <sup>th</sup> May	Closure details issued to Local Ward Members.
2 <sup>nd</sup> June	Closure details Issued to Parish Councils & Community Groups
4 <sup>th</sup> June	Closure details issued to all other stakeholders.
8 <sup>th</sup> June	ELOR Barwick & Scholes Parish Council Working Group Meeting.
5 <sup>th</sup> July	Placement of advance information signs across the wider network
All of July	Social Media and Variable Message Sign reminders of Closure
15 July	Delegated decision of the Chief Officer (Highways and Transportation) to make a Temporary Traffic Regulation Order and notice of intention to make a Temporary Traffic Regulation Order published in The Yorkshire Post.
<u>22 July</u>	<u>Temporary Traffic Regulation Order made and notice of the making published in The Yorkshire Post.</u>
23 <sup>rd</sup> July	Closure Commences (ongoing social media & VMS Reminders for duration)

It should be noted that this is over and above the statutory process for temporarily closing a road.

#### 5. Officer Responses to Referral Document B

- 5.1 Members of the Scholes Community Forum submitted their request for the Scrutiny Board to review and examine the process and outlined six particular concerns. Officers responses to each of those concerns are set out below.

1. *The Highways & Transportation officers exceeded their delegated powers by reasons of not abiding by the condition 11 of the approved Planning Permission. Authority for this can be found in the 2015 supplementary Highways & Transportation Charter between Leeds City Council & Town and Parish Council's*

#### Officers Response

Delegated powers have not been exceeded as regards the making of the Temporary Traffic Regulation Order (TTRO). The delegated decision to make the TTRO was made in accordance with the Council's constitution and schemes of delegation. Compliance with planning conditions is not a relevant consideration as regards decisions to make a TTRO.

NB. Condition 11 of the planning consent for ELOR relates to the A64/Scholes Lane junction. Condition 12 relates to Leeds Road/Main Street, Scholes..

2. *The officers applied for a Temporary, Traffic Road Regulation Order as required by Section 14 (2) seeking Full Road Closure of Leeds Road from 7am on the 28 July to 6am on the 3<sup>rd</sup> of September: Sections 4 and 5 were inaccurately completed.*

#### Officers Response

The original application was for the making of a Temporary Traffic Regulation Order for the closure of Leeds Road from its junction with Smeaton Approach to 547 Leeds Road, Scholes from 7am on 28 July 2021 until 6am on 3 September 2021. It is not for the applicant to identify what conditions or exceptions may be applied – that is a matter for the Council as traffic authority. The application form itself is not part of the formal Order, it is a document/submission used in the wider process, but in itself is not a statutory legal document. It is accepted that the 30/04/21 application omits reference to the need for the weight limit suspension on Station Road. However, this omission was identified by the Network Management team when considering the application prior to passing on instructions to Legal Services colleagues to make an order. This internal assessment of the application by Network Management also included investigating the nature of the weight limit (environmental or structural) which would have had a bearing on the acceptability of the diversion route. Network Management oversee circa 900 TTROs each year; officers with considerable experience and knowledge of the area discuss traffic management options for works that are being promoted and advise accordingly, consulting with colleagues from other sections as appropriate.

Following discussions with Network Management the application was amended to be for a closure from 7pm on 23 July 2021 until 6am on 6 September 2021, with the weight restriction on Scholes Lane/Station Road to be suspended for the duration of the closure.

The fact that the application form did not include reference to the weight limit suspension does not invalidate the process for making the Order or mean that the Order is unlawful or unsound in any way.

3. *Highway Officers acknowledge that they failed to "Consult" the community in advance of the TRRO application, note section 4 of the above*

#### Officers Response

The procedure for making a Temporary Traffic Regulation Order (TTRO) is set out in The Road Traffic (Temporary Restrictions) Procedure Regulations 1992.

As regards the procedure to be followed before a TTRO is made, the regulations provide as follows:

not less than seven days before making a TTRO, the traffic authority has to publish a notice of its intention to make it in one or more newspapers circulating in the area in which the road is situated and

on or before the date on which the order is made the traffic authority has to give notice of it to the chief officer of police, the chief officer of the fire authority, the traffic authority for any other road which is likely to be directly affected by the closure, and the operator of any concession to which the road is subject.

Notice of intention to make a Temporary Traffic Regulation Order closing Leeds Road was published in The Yorkshire Post on 15 July.

Notwithstanding that there is no requirement in the Regulations for traffic authorities to consult local communities as to their intentions to make a TTRO in this case the following process took place:

- 8<sup>th</sup> April: Balfour Beatty Initial presentation on buildability challenges to LCC Civil Engineering project team.
- 10<sup>th</sup> May: Balfour Beatty presented engineering proposals and justification for temporary closure to Network Management team.
- 24<sup>th</sup> May: Proposal to progress temporary closure presented to Executive Member in Highways & Transportation Briefing
- 28<sup>th</sup> May: Closure details issued to Local Ward Members
- 2<sup>nd</sup> June: Closure details Issued to Parish Councils & Community Groups
- 4<sup>th</sup> June: Closure details issued to all other stakeholders
- 8<sup>th</sup> June: ELOR Barwick & Scholes Parish Council Working Group Meeting
- 5<sup>th</sup> July                            Placement of advance information signs across the wider network
- All of July                        Social Media and Variable Message Sign reminders of Closure

4. *Highway Officers failed to meet the requirements of adopted "Statement of Community Involvement" (an interim SCI is currently enforceable) This is a statutory document required under the 2004 Planning and Compulsory Purchase Act*

#### Officers Response

Section 18 of the Planning and Compulsory Purchase Act 2002 requires local planning authorities to produce a Statement of Community Involvement explaining how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. Leeds City Council's adopted Statement of Community

Involvement does not contain any requirements as to the making of a Temporary Traffic Regulation Order nor is it required to do so.

5. *The City Council approved the finance and engaged Mouchel as consultants to conduct a feasibility study for the East Leeds Orbital Road. The report submitted by them underpinned the granting of planning permission for the project. The Chief Highways is on record as stating in his letter dated 5 July “**We acknowledge that more work could have been conducted regarding buildability constraints as the land acquisition process was progressed in earlier stages**”.*

*(a) Was feasibility study flawed and if this is the case was public finance spent justified?*

*(b) Were elected members of the City Plans Panel aware that “more work was required.?”*

*(c) Were officers aware that the “red Line” was a constraint on the working area during land acquisition and this presented problems at the construction stage, if not why not.?*

*(d) Was the Construction Development Management Plan submitted by the Contractor -“Fit For Purpose.?”*

### Officers Responses

*Was feasibility study flawed and if this is the case was public finance spent justified?*

- (a) In making a Compulsory Purchase Order (CPO) the Council can only seek to acquire land and interests that are needed for the project concerned.
- (b) The basic layout and design of ELOR is the product of feasibility work undertaken in 2013 which itself followed on from a series of studies arising from Department of Transport proposals for a relief road for the A6120 in the early 1990s.
- (c) The feasibility study assessed the need for a dual carriageway at any section along the route, the design speed of the road and the number and location of junctions along the route. As part of the assessment, single, dual, dual 3-lane and partial single carriageway options were considered.
- (d) The assessments concluded that with the full build out of East Leeds Extension, a dual carriageway scheme would be justified and provide sufficient network capacity to enable ELE to come forward, as well as accommodating general traffic growth. It also identified that a single carriageway would not provide sufficient capacity to effectively cater for forecast traffic flows for ELE nor provide the necessary capacity to accommodate general traffic growth.
- (e) The feasibility study resulted in an optimum alignment being developed for ELOR that met the necessary safety and highways design standards as set out in the Department for Transport’s ‘Design Manual for Roads & Bridges’ (DMRB), accounted for the then allocated development land and the need to maximise the development potential of the ELE, as well as tying in with proposed highways infrastructure at Thorpe Park.

- (f) In order to secure construction of ELOR in a timely manner the feasibility study had to be carried out early in the process and well before appointing a contractor. Officers do not believe the feasibility study was flawed in any sense. It is acknowledged that a closer review of constraints on construction could have been carried out as the land acquisition process was progressed but the Council had and continues to have a duty to balance what is needed to promote the scheme with wider land interests, and officers do not believe that the acquisition of further land in addition to that included in the CPO could have been justified. In any event, acquiring additional land to allow for the construction of a temporary vehicular route around the Leeds Road construction area would have resulted in the Council having to pay additional compensation to affected land owners and occupiers.
- (g) Leeds Road would always have to have been closed at some point during the construction of ELOR but the Council and the contractor have always worked on keeping any such closures to a minimum. Providing a temporary vehicular route around the Leeds Road construction area would have significantly increased the cost of the project, may have delayed the programme, and would have had a detrimental environmental impact through increased construction tasks and material supply, transportation construction and removal. There would also still have been the need for Leeds Road to be closed for tie-in works and final road surfacing.

*Were elected members of the City Plans Panel aware that “more work was required.?”*

(h) As with most planning applications it was accepted that further design work would be required going forward. Whilst members had made comments on the detailed design, the report of the Chief Planning Officer to City Plans Panel of 23 November 2017 concluded that the ELOR proposals had been developed to a degree that ensured that highways issues had been satisfactorily resolved subject to detailed planning conditions and the planning application was approved on that basis. The contract for the construction of ELOR was awarded as a design and build contract and due to the scale of the works and the delivery timescales, design work has continued into 2021.

*Were officers aware that the “red Line” was a constraint on the working area during land acquisition and this presented problems at the construction stage, if not why not.?”*

(i) As detailed above, the Council has always been constrained in that it could only compulsorily purchase land that was necessary for the construction of ELOR. Officers working on the project as well as the contractors have been and continue to be fully aware of this.

*Was the Construction Development Management Plan submitted by the Contractor -“Fit For Purpose.?”*

(j) The Construction Management Plan is an evolving document and process that is developed and modified over time as the design becomes more certain and engagement and procurement of specialist sub-contractors is progressed. In conjunction with the Council, the principal contractor has always planned to construct the majority of the project offline and to date has maintained that plan. The ELOR

infrastructure project is a 123-week project. Only six weeks of that period have been required to allow the safe construction of the new ELOR/Leeds Road junction.

6. *To meet conditions of the grant of planning permission – Road Safety Audits stages 1 & 2 are required. This is vitally important, especially now to ensure diversionary routes and “rat running” do not lead to safety issues in the several communities affected. We are not aware that these have been carried out- Have they?*

### Officers Response

Stages 1 & 2 Road Safety Audits were required to be provided for and have been carried out for the permanent design of ELOR. Road safety audits are specific to the design of the new infrastructure and are not required to be carried out on existing highway networks in situations such as the Leeds Road closure. The diversionary routes were assessed by officers with considerable experience and knowledge of temporary traffic management options and the local area.

### **5. Conclusion**

The original construction phasing presented by the contractor to stakeholders in early 2020 has necessarily evolved since then as further design work has taken place. The contractor’s methodology for minimising impact to neighbouring communities continues to be at the forefront of their construction phasing plan.

The contractor has worked closely with LCC Officers from multiple departments across Highways & Transportation to mitigate and minimise any disruption that a closure of the existing highway network could cause. The closure required a Temporary Traffic Regulation Order under section 14 of the Road Traffic Regulation Act 1984. Officers facilitate circa 900 closures/TTROs each year.

The contractor has since completed the safe construction of the new junction and associated improvement works within the six-week period as was communicated to all stakeholders. The ELOR infrastructure project is a 123-week project. Only six weeks of that period have been required to allow the safe construction of the new ELOR/Leeds Road junction.

Traffic volumes were less in this period as anticipated confirming that accelerating this work during the school summer holidays had the least impact on local villages and communities when compared to closures at other times.

### **6. Appendices**

6.1 Appendix A – ELOR Planned Road Closures.

6.2 Appendix B – Progress Photos

**7. Background documents**

7.1 None