

**Report to the Cabinet**

Meeting to be held on Thursday, 16 January 2025

**Report of the Director of Highways and Transport**

**Changes to Codes of Practice in Relation to Highway Gully Cleansing**

<b>Part I</b>	<b>Key Decision:</b> Yes
<b>Corporate Priorities:</b> Thinking differently;	<b>Electoral Division(s):</b> (All Divisions);
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**Summary**

**Purpose of the Report**

The report sets out the proposed change in codes of practice in relation to highway drainage cleansing to deliver more effective cleansing of all gully assets.

This is deemed to be a Key Decision and the requirements of the council's Cabinet procedure rules (Standing Order C18, Consideration of Key Decisions) have been complied with.

**Recommendation**

Cabinet is asked to:

- (i) Approve the 2 year (2025/2026 and 2026/2027) expansion of the cyclic gully cleansing programme and risk based approach to reactive gully cleansing to encompass all highway gully assets within the county council's remit.
- (ii) Subject to approval of (i) above, authorise the Director of Highways and Transport, in consultation with the Cabinet Member for Highways and Transport, to make the associated amendments to the county council's guidance and codes of practice in relation to gully cleansing.

**Background**

1. There are two code of practice documents which set out Lancashire County Council's approach to highway gully cleansing which are published on the county council's website. Full versions of these documents can be seen at [Highway management plan - Lancashire County Council](#) and [gully-cleaning-code-of-practise.pdf](#) . Both documents are currently only reviewed when there is a change



to national guidance, national legislation or there is an identified need from the service.

### **Highway Management Plan 2019**

2. This document follows the guidance set out nationally in "Well Managed Highways - A Code of Practice". The document sets how each of the major asset types will be managed and maintained using a risk-based approach in line with the available resources. This forms part of the Transport Asset Management Plan.

### **Code of Practice for the Maintenance and Cleaning of Road Gullies within the Adopted highway 2019**

3. This document sets out in detail the process of assessment by which decisions relating to work activities on gullies in vehicular highways should be made. The Code of Practice for the maintenance and cleaning of road gullies within the adopted highway 2019 sets out the premise for the current delivery method.

### **Current Codes of Practice**

4. In summary, the two Codes of Practice set out the following approach:
  - That the county council will carry out the minimum amount of cleansing consistent with meeting the objectives for maintenance and highway drainage systems and fulfil the Council's statutory duties in relation to the removal of highway surface water.
  - That cyclic maintenance of gullies will be based on need.
  - That drainage defect repair works will be primarily informed through the cyclic maintenance programme.
  - That reactive works will be prioritised where highway drainage system defects are causing significant difficulties to the travelling public or affecting property.
5. This approach was set out in 2019 due to the following considerations:
  - That the amount of work that needs to be on the highway far exceeds the availability of resources, therefore the county council is not able to attend to all drainage related defects or incidents.
  - That in order to make best use of available resources and ensure the adopted drainage systems are appropriately cleaned and maintained there is a need to revise both the way in which the need for cleaning operations is assessed and how actual on-site works are planned and carried out. The practice of cyclical maintenance using set routes and frequencies of cleaning is no longer appropriate or cost effective and this had led to the introduction of this Code of Practice.
6. The county council maintains approximately 294,000 highway gully assets. There are currently the two maintenance methods adopted in relation to gullies as referred to above: cyclic, and reactive. The current cyclic gully cleansing programme encompasses 38% of the overall gully network, which amounts to 113,000 gullies cleansed annually or biannually.



7. The remaining gully assets are not subject to any routine maintenance, they are serviced reactively only when a report is received highlighting a problem. This equates to almost 181,000 gullies which are reactively maintained or 62% of the overall asset.

### **Review of Existing Codes of Practice**

8. Since 2019 when the current policy documents were implemented, there have been a number of reviews and assessments into the most effective and efficient method to maintain the existing highway drainage systems.
9. The approach has been consistently reviewed since 2019 and it has identified the following key points:
  - That reactively attended gully cleansing activity is significantly more expensive than cyclic cleansing. Updated calculations give average costs of a cyclic cleansed gully at £9.31 per gully and average cost of a reactively cleansed gully at £140 per gully.
  - That responding reactively to gully cleansing requests are not just more expensive they also cannot be efficiently programmed to meet the response times set out in the policy which does not maximise the available resource.
  - That a proportion of highways gullies have never been attended under the current approach and the condition and serviceability of these assets is unknown.
10. The current approach to reactive cleansing has led to a high demand for attendance to public reports due to the priority matrix which means all reports of flooding are attended. This has placed increasing pressure on the available revenue budget for this work.

### **Reactive Gully Cleansing Analysis**

11. In the financial year 2023/24, the service conducted approximately 17,000 reactive gully visits countywide at a total cost of £2.309m. Between 1 April and 12 November 2024, the service completed almost 8,000 visits at a cost of over £1.122m. The average cost per visit during this period was £140.

### **Cyclic Gully Cleansing Analysis**

12. The cyclic gully cleansing service has seen significant changes in recent years starting with the formation of a dedicated Countywide Drainage team in 2022, followed by an overhaul of processes, and the procurement of new performance-based contract in early 2024.
13. This work resulted in an average cost of £9.31 per visit in Quarter 1 and Quarter 2 of this financial year. The improved price per gully is down to two main factors: the proactively managed performance-based delivery contract; and the cyclic route-based approach which significantly reduces downtime between visits.



## Options and Proposals

14. The service aims to transform its approach to gully cleansing by moving to a cyclic approach for the 181,000 gully assets that are currently managed on a reactive only basis. By managing the asset proactively, the county council can provide an enhanced more cost-effective service to residents and highway users, whilst reducing the overall flood risk across the county, and collating valuable data to aid a smarter approach to gully cleansing in future years.
15. The service proposes to move to a 2 year (2025/2026 and 2026/2027) expanded cyclic programme of all highway gully assets. This programme will see 50% of those assets currently not cyclically cleansed have a clean in year one and the remaining 50% have a clean in year 2. If any defects are found during the 2 year cyclic cleanse these will be passed to the area teams for further investigation and if required added to a future works programme.
16. The intensive cleanse will provide the service with an overall picture in terms of asset condition laying the foundations for the development of a well-informed data led 5 year programme. It is proposed that the developed 5 year programme will be presented to Cabinet for consideration in autumn 2026.
17. Although the new approach is designed to largely remove the need for reactive cleansing, there will always be a pressure for the service to react to high-risk flooding issues on the network. In order to manage demand effectively, the service will adopt a new risk-based approach for reactive visits which is set out below. Any gullies that do not meet criteria for a reactive visit will be serviced on their next scheduled visit.
18. The most significant hazards to highway users and residents in relation to surface water are a risk of property flooding, risk of loss of control on surface water (aquaplaning) and risk of skidding on ice formed of surface water or run off.
19. It is not possible to remove all risks from the highway, and there is a tension on the budget and resources of the county council and how to respond to increasing amounts of intense rainfall on the network and drainage of highways. It is anticipated that the council will respond to reactively cleanse fewer gully assets due to the enhanced cyclical programme and that the highest risk reports will be responded to on a reactive basis. The duty to maintain highways includes its drainage and it is proposed that a move to more cyclic cleansing will fulfil the duty.
20. The highway authority is also aware of the measured duty to take reasonable steps to prevent natural occurrences from causing damage to adjoining properties.
21. The highest risk parts of the network where these hazards can present are areas of known flooding or areas of run off and/or high-speed roads over 40mph which have significant levels of traffic.
22. The following risk matrix is proposed to set out when a report will indicate the highest risk and always prompt a response reactively:



	<b>The following gullies will be reactively cleansed</b>
<b>HAZARD</b>	
Internal flooding of residential/commercial property arising from a defective drainage system	All roads
Flooding or ponding on the carriageway rendering the highway impassable	All roads
Flooding or ponding likely to result in aquaplaning	Primary Gritting network sections 40mph and above
Water on the carriageway arising from a defective drainage system likely to result in the formation of ice in the wheel tracks	Primary Gritting Network All

23. Reactive gully cleansing is intended to be carried out within 24 hours of a report being received from members of the public where the above criteria is met and gully cleansing will be part of a solution.

24. In addition to the reports considered on the matrix above, all reports of flooding relating to highway drainage systems will be carefully considered, in particular:

- Information and evidence provided.
- History of the area.
- Date of the next scheduled cleanse.
- Potential impact of issues reported.

25. This enables the area team to determine if immediate action is necessary as set out in the emergency matrix or if it can be addressed as part of the existing schedule.

26. During extreme events of flash flooding and intense rainfall it is unfortunately not always possible to respond within the 24 hour emergency response times for reactive gully cleansing and other measures such as redirection of water to another discharge point, removal of water from the carriageway, warning signage or traffic diversions may be carried out.

## **Consultations**

27. As part of the appraisal process the service conducted a review of other Highway Authorities approaches to gully cleansing and industry best practice. This was through consultation with members of the Midlands Highways Alliance plus group and through desktop studies of neighbouring Association of Public Service Excellence member authorities and nationally recognised guidance.

28. Whilst this review did not identify a single best practice across the sector, it is apparent that many authorities are able to successfully service their entire gully network through cyclic cleansing and that many highway authorities utilise risk-based approaches to reactive cleansing.



29. National Guidance 'Well-managed highway infrastructure' recommends that authorities should consider the Highway Maintenance Efficiency Programme guidance on the management of highway drainage assets when making decisions on the management of drainage assets. The guidance recommends that:

- Local highway authorities should concentrate on developing a data driven approach to drainage asset management. Using highway drainage asset data to focus, support, and inform maintenance activities.
- Rolling maintenance plans should be developed that focus on seasonal maintenance of surface assets in areas of the greatest sensitivity. In doing this, costs become more predictable and service delivery may be monitored against requirements.
- Focus is mostly data driven with a smaller reactive component and the main motivator is the efficient deployment of budgets and resources to deliver greatest gains.

30. A consultation will be carried out with key stakeholders including county councillors and parish and town councils in the next 18 months and feedback from the consultation will be considered in developing the future 5 year cyclic programme. The report proposed to Cabinet in autumn 2026 will include the feedback from the consultation.

## **Context and Implications**

### **Legal (including Human Rights)**

31. Lancashire County Council as the local highway authority has a statutory duty under the Highways Act 1980, to maintain the publicly maintainable highway network. Section 41 of the Highways Act 1980 imposes a duty on the local highway authority to maintain those highways that are "highways maintainable at public expense" and this will include the maintainable vehicular highways which have carriageways and sometimes footways and cycle tracks within their widths. An important part of that maintenance relates to highway drainage systems and in particular the road gullies in the vehicular highways.

32. As a "neighbour" to others there is also the measured duty to adjoining owners referred to in the report.

33. Failure to maintain such systems effectively may result in:

- Flooding of the carriageway surface, producing a hazard to motorists and pedestrians in wet or freezing conditions.
- Flooding of land or property adjacent to the highway.
- Contribution towards damage of the highway surface and/or sub-structure, so as to shorten the lifespan of the highway construction.
- Increased litigation against the county council.

34. Cleansing of gullies is an important part of their maintenance.



35. This proposed increased cyclic regime of cleansing of all gullies is part of the maintenance work done to fulfil the duty of maintenance and the measured duty to adjoining properties.
36. The service has consulted with the county council's Procurement Service to confirm that service provision can be expanded under the existing contractual arrangements to accommodate this proposal.
37. In order to implement a revised programme of cyclic cleaning with the additional assets the existing contractors will require a lead-in time and an anticipated start time of the revised programme would be summer 2025.

### **Financial**

38. This proposal has been costed and can be delivered within existing budget allocations. Based on 3 years data between 2021 and 2023, the service reacts to approximately 5,000 flooding reports on average per annum. This would be at a cost of £695,100 at current costs of £140 per cleanse. It is anticipated that the revised approach will affect a reduction in the reactive cleanses of a minimum of 15%, an estimated 4,250 cleanses which would cost £595,000.

### **Equality and Diversity**

39. It is not anticipated that the proposal, if approved, would disproportionately adversely impact any groups with protected characteristics and it is anticipated that there may be benefits to all sections of the community. Where issues may be raised or experienced by individuals in relation to their protected characteristics, arrangements are in place which would allow these to be responded to under reactive arrangements.

### **Risk Management**

40. Failure to sufficiently maintain the highway gully network risks undermining the county council's ability to meet its statutory duty for maintenance under the Highways Act 1980. This proposal seeks to underpin the county council's maintenance duty through routine maintenance of its entire highway gully network. The county council's existing policies and procedures in relation to gully cleansing will be updated to reflect the new maintenance approach.
41. The service will actively monitor and report key performance information corporately to demonstrate compliance with the revised policy requirements.

### **List of Background Papers**

Paper	Date	Contact/Tel
None		

### **Part II Reason**

N/A

