

Upton Bishop Parish Council (UBPC)

Gulley and Drainage Survey with Balfour Beatty (BB)

15th February 2021

Introduction – Gullies and Drains

On Friday 15th January, Balfour Beatty representatives Paul Hunter and Neil James met with members of the Upton Bishop Parish Council, Keith Cornwall, Alison Feist, Mike Robins and Brian Spencer. The purpose of the visit was to:

- a) Highlight to BB the lack of maintenance that has been carried out around just a section of the Parish (as an example of our problems) that has contributed to flooding during recent heavy rainfall. This flooding has been made worse due to water not being able to enter ditches and gullies because of the lack of grips and the lack of cleaning and jetting of gullies.
- b) Review the condition of the drains and gullies through Upton Crews, around Crow Hill, at Tanhouse and Phocle Green. Interestingly, only two days prior to the meeting, BB sent a 'jetting vehicle' to attend to some of the issues on the Upton Crews section of road known as Church Road ahead of our walkaround. Despite this many of the gullies were still full and unserviceable on the day. See Appendix 1**
- c) Discuss the problems encountered at Powell Croft sewage treatment works over Christmas – Paul Hunter originally stated this was nothing to do with him (this was a fair comment as he is part of the Highways Team), but we discussed it on the day, and this clearly is a huge issue that a part of BB is responsible for although it is unclear who.
- d) Review the state of grit bins in light of the 'audit' carried out by BB in 2019

There is an additional appendix 2 which demonstrates BB's legal obligations, something they dismissed as unimportant and not necessary.

Summary

3-Monthly Inspections

All of the work we asked BB to look at should, we understand, be routinely reviewed by the Locality Steward on his 3-monthly inspection of the Parish. It is unclear what the Job Description of the Locality Steward entails. Clearly, if he is carrying out a 3-monthly inspection as he tells us, it would seem appropriate that he check the gullies, ditches and salt bins as, after the roads themselves, these are the key assets paid for and owned by HC. None of these assets appear to be on the 3-monthly inspection. Further, any obvious potholes and roadside degradation due to water erosion should be reported but it has become the norm now to simply wait until these are reported by members of the public or the PC. It does rather feel as though we are doing his job for him. There are several examples of severe roadside erosion on B roads that presumably will stay there until we report them.

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It is clear from the Locality Steward's report that he is very busy, we are just not sure he is busy doing the job he is paid for by the Parishioners that deals with our legitimate concerns about work that needs to be done.

Legal Obligations on BB

As has been pointed out in Appendix 2, it is a legal requirement under NRSWA for BB to help HC to identify all road assets and for HC to update their records. This would help us enormously to identify problem areas. BB have never once done this and when offered a drawing and the opportunity to update it during our walkaround, Neil James dismissed it as unimportant. Under the New Road and Street Works Act (NRSWA), BB have a duty to carry out this work but do not seem to understand their legal obligations.

The PC has now produced a detailed photographic Grit Bin Schedule and is working on a photographic Ditch and Grip Schedule; a photographic Gully and Drain Schedule; and a photographic Road Condition Schedule. These are all things that we believe HC and BB should be doing under NRSWA. As clearly BB have no intention of doing this, the PC believe that they should be paid by BB for undertaking their work for them. This money can then be spent usefully in the Parish.

Progress Since Meeting

Four weeks have elapsed since the site meeting. As of 15th February:

1. Gullies on Church Road, Upton Crews were eventually cleared during week commencing 8th February. Water is now flowing freely through the drainage system and we await the next heavy rainfall to see if all of the problems at Upton Crews are now resolved.

While this is excellent news, we are concerned that BB have visited more than once and been paid on previous occasions without completing the work.

2. On 8th January the Locality Steward reported 'Verge pull back of 20 metres on the C1286 from the B4221 to Kempley Road'. This was work that had been carried out the PC Chairman and the Lengthsman to avert flooding at Christmas, not BB. There is a concern BB may have claimed for work done by others.
3. The Engineer who attended at Tanhouse also indicated he had been to the Crow Hill crossroads but did not discuss his findings other than to say he had not concluded anything.
4. There are a number of drain/gully systems around the parish, with no record of them it is hard to comprehend how Balfour Beatty can inspect

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them and flush them as needed. It appears that the PC may have to map these gullies and then generate the reports needed to clean them; reports that we believe should be compiled by the Locality Steward under NRSWA.

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Appendix 1

During the second part of the meeting, the group walked down through Upton Crews on Church Road to inspect the gullies and drains. During the flooding of Xmas 2020, a lot of work was done at the lower end by the PC Chairman and the Lengthsman but gullies and drains the full length of Upton Crews required properly emptying and jetting. It was hoped that most of this work had been done as a jetting team had visited earlier that week but sadly many of the gullies remained blocked.

One resident had informed us that he offered to help the jetting team lift one of the gully lids, but they insisted it was jammed solid and just drove off and left it full. The resident lifted the gully lid after their departure. It also turned out that the vehicle was not a jetting vehicle, but a suction vehicle used purely for emptying gullies, not jetting drains, so the full job would not have been done anyway.

As we walked down, Paul Hunter told us how his team would start at the top of a drainage system, lift a gully lid, jet the drain, ensure it was clear to the next gully and proceed to each gully in turn until the system was clear. There was no evidence that this had been done any time recently as many of the gullies remained embarrassingly full and blocked; a point not lost on Paul Hunter when he commented to Neil James about it.

As previously noted, the Locality Steward carries out a 3-monthly inspection and it would seem reasonable that a couple of hours of that time could be spent stopping next to each gully and checking it. Apparently, BB consider it to be the job of our Lengthsman to mark any blocked gullies with paint so that the Locality Steward can see which need cleaning. Once again, this would be the PC paying to do BB's work.

The group then proceeded to the Crow Hill crossroads adjacent to the Moody Cow PH where flooding is constantly a problem. It was agreed that BB would carry out some investigation work. They were also shown the drainage problem between the crossroads and Springmeadow where, yet again, the PC Chairman had to dig out grips and ditches over Christmas to alleviate flooding. The problem this had left was that there was nowhere for the flood water to go other than out onto the B4224 and further down this has caused huge damage to the side of the road and this poses a serious risk to cyclists and other road users.

BB were asked to consider carrying out some ditching work to alleviate this but to date nothing has been suggested.

As time was restricted, Neil James was asked to visit two other locations that had been planned and raise appropriate work details.

The group then proceeded to Tanhouse where there had been severe flooding at Christmas. Several of the residents had the opportunity to voice their concerns as this happens regularly.

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They gave a detailed account of the issues and Paul Hunter agreed that a Drainage Engineer would be allocated to attend site, gather information and consider the problems with a possible solution.

Finally, the group travelled to Phocle Green, the site of further flooding. Paul Hunter engaged in conversation with the local landowner at the Rudhall Brook crossing of the B4221 and it was agreed that additional grips would be dug to alleviate the problems. Gullies near the crossing are not in the kerb edge so the drainage system there probably is not that effective. It was also identified that one gully had been tarmacked over during road resurfacing by BB.

As of 15th February:

1. Work has been done clearing the Upton Crews gullies
2. It is possible that investigation work has been done at Crow Hill crossroads, but nothing communicated back to the PC
3. No suggestions have been made for alleviating the problems on the B4224
4. BB have sent a Drainage Engineer to Tanhouse but not, we understand to review the problems raised by the PC, he was there on another matter
5. No records have been updated as a result of information passed back to HC by BB
6. The PC intends to commence work on a detailed record of all gullies that will be published on our website, work that is part of BB's legal duties.

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Appendix 2

Prior to the meeting, the PC had managed to get a few drawings of gullies and drains from HC although these were incomplete. Neil James had never seen these drawings and he was offered a copy by the PC. It was also suggested that he make a note of the locations of all of the gullies as we went around so that HC would be able to update the drawings. He dismissed this as being a pointless exercise.

Under the new Road and Street Works Act 1991, the Road Authority is mandated to keep good records of its street apparatus and update them when it can. The Code of Practice states:

“Many highway structures are large and easily recognisable, but a great number are not apparent to the casual observer. Cellars, culverts, and tunnels are frequently not visible from the road or verge and it is not unknown for excavation to damage underpasses or bridges without operatives becoming aware.

A highway authority should be able to provide the location of highway structures in its ownership of which it is aware.”

The legislation states:

79 Records of location of apparatus.

(1) An undertaker shall, except in such cases as may be prescribed, record the location of every item of apparatus belonging to him as soon as reasonably practicable after—

- (a) placing it in the street or altering its position,
- (b) locating it in the street in the course of executing any other works, or
- (c) being informed of its location under section 80 below,

stating the nature of the apparatus and (if known) whether it is for the time being in use.

(2) The records shall be kept up to date and shall be kept in such form and manner as may be prescribed.

80 Duty to inform undertakers of location of apparatus.

(1) A person executing works of any description in the street who finds apparatus belonging to an undertaker which is not marked, or is wrongly marked, on the records made available by the undertaker, shall take such steps as are reasonably practicable to inform the undertaker to whom the apparatus belongs of its location and (so far as appears from external inspection) its nature and whether it is in use.

This would suggest that BB are obliged by law to gather this information and pass it back to HC who are obliged by law to update their records. To dismiss the suggestion in the manner that he did displayed Neil James' clear ignorance of legislation that relates to his job.