

## **NORTH SOMERSET COUNCIL DECISION**

**DECISION OF:** COUNCILLOR JAMES TONKIN, THE EXECUTIVE MEMBER FOR PLANNING, BUILDING CONTROL, HIGHWAYS AND TRANSPORT



**With Advice From:** The Director of Place

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**Decision No:** 20/21 DE 199

**Subject:** Allocating 2<sup>nd</sup> Tranche of additional Department for Transport (DfT) funding (Pothole and Challenge Fund) to schemes already identified and approved as part of the Highways & Transport Capital Works Programme 2020-23\*

*\* Some schemes proposed to be funded have emerged as a new cost pressure since the approval of the above programme in February 2020.*

### **Key Decision:**

No. Although the expenditure as a result of the additional Pothole and Challenge Fund DfT funding is above £500,000, this is not a key decision as the Highways & Transport Capital Works Programme 2020-23 ('the Programme') already has Full Council approval from February 2020 (see decision number 19/20 DE294). The Programme, already approved, identifies the schemes that are proposed to be funded by this additional capital. Some additional schemes not included within the approved Programme have been included as part of this additional funding, but these do not total more than £500,000.

Further approval from a financial perspective was included as part of the Month 12 financial report, taken to the Executive on 25 June 2020 and delegates the approval of this spend to the Executive Member for Planning, Building Control, Highways & Transport.

Furthermore, despite the additionally funded schemes being spread across the district (see Appendix 1 below for details), they are routine highway maintenance schemes that are not anticipated to have significant detrimental effect on communities living or working within the area.

### **Background:**

On 15 May 2020, the DfT released their Roads funding information pack, which confirmed the funding allocations for 2020/21 for local highway and transport authorities across England. This release confirmed the Highway Maintenance and Integrated Transport Block allocations (as expected and programmed for) but also included an additional funding pot: the 'Pothole and Challenge Fund'.

**Table 1: Confirmation of NSC Pothole & Challenge Funding allocation (with other confirmed DfT funding sources for the H&T Capital Works Programme 2020-23)**

£ (millions)	<b>Pothole &amp; Challenge Fund</b>	Highway Maintenance Block (HMB)	HMB incentive	Integrated Transport Block (ITB)	Total
North Somerset Council	<b>£2.610</b>	£3.229	£0.672	£0.972	£7.483

As shown in the DfT's Roads funding information pack, May 2020

<https://www.gov.uk/government/publications/roads-funding-information-pack/roads-funding-information-pack>

The notes in the information pack confirm that this Pothole & Challenge Fund is a combination of the £500 million Pothole Fund for 2020/21, the £100 million Challenge Fund for 2020/21, and the £50 million Pothole Action Fund allocation for 2020/21, totalling £650 million across England.

For context, North Somerset Council (NSC) has received the following amounts from either the Pothole Fund or Pothole Action Fund in the last three financial years:

- 2019/20: None (although a replacement £1.779m was made available to use across Highway Maintenance);
- 2018/19: £0.300m
- 2017/18: £0.478m

The 'Challenge Fund' element of the 'Pothole and Challenge Fund' refers to the Highway Maintenance Challenge Fund (HMCF), which was originally a competitive DfT fund designed to enable local highway authorities in England to bid for funding for major maintenance projects that were otherwise difficult to fund through the normal needs-based formula funding. However, most likely due to the COVID-19 outbreak and its intensive, ongoing resource implications at both the DfT and on local highway and transport authorities, the 2020/21 £100 million HMCF has been incorporated into one 2020/21 funding allocation; the Pothole and Challenge Fund (including the Pothole Fund and Pothole Action Fund). This is to be distributed to local highway authorities by formula. NSC had submitted an expression of interest to the DfT bidding for HMCF funding for the Winterstoke Road Railway Bridge project, which included a £450,000 contribution from NSC, which was approved by Full Council in November 2019. This combined Pothole and Challenge Fund will be used to at least partially fund this project (see details in Appendix 1 below).

Back in July 2020, the Executive Member consulted with the other Members of the NSC Executive to approve the initial 1<sup>st</sup> tranche allocation of £1,271,850 of the total £2,610,000 Pothole and Challenge Fund (see [Executive Member Decision Notice 20/21 DE 65](#)). This enabled NSC Highways Maintenance teams the chance to book in seasonally sensitive maintenance works such as Spray Injection Patching (a specialist pothole-filling method), pre-surface dressing, surface dressing and resurfacing of footways and carriageways at prioritised locations spread across North Somerset. The above Decision Notice (20/21 DE 65) set out that this 2<sup>nd</sup> decision notice would propose how NSC Highways Maintenance

officers would allocate and spend the 2<sup>nd</sup> tranche of the £2,610,000. The 2<sup>nd</sup> tranche (i.e. the remaining £1,338,150) is to be allocated as below;

- £1,077,150 on a further set of urgent, prioritised highway, footway and cycleway maintenance schemes. The detail of these schemes are included below.
- £261,000 Capital Funding 10% top slice of the total funding allocation.

As of October 2020, NSC has not received clarification from the DfT on whether the Pothole and Challenge Fund would be broken down into two separate funds. This is not anticipated, so Highways & Transport propose to programme the second tranche of the additional £2.610m accordingly:

- £450,000 for the Winterstoke Road Railway Bridge Replacement Project (Weston-super-Mare);
- £140,000 on 1x Principal Road Maintenance scheme (A-roads);
- £307,893 on 3 x Non-Principal Road Maintenance schemes (B & C roads);
- £129,257 on 2x Unclassified Road Maintenance schemes (U roads);
- £50,000 on 1x Footway Maintenance scheme (Weston-super-Mare);
- £261,000 Capital Funding 10% top slice

**TOTAL: £1,338,150**

As explained above, the Winterstoke Road Railway Bridge Replacement Project was the scheme in which NSC originally bid for funding from the Highway Maintenance Challenge Fund (HMCF) and in the absence of other funding sources, it is logical for NSC to use the £450,000 as required for this scheme from the Pothole & Challenge Fund replacement funding stream.

The Principal, Non-Principal and Unclassified Road schemes are made up of schemes that have been prioritised and are deliverable in the now relatively short timeframe up to the end of the 2020/21 financial year. They are evenly spread across North Somerset district, and are schemes in need of maintenance at this stage to prevent further deterioration and more costly correctional schemes in the near future.

The Footway Maintenance scheme is another important and time-sensitive maintenance scheme that is already part of the approved Programme and requires some additional funding for the scheme to fully achieve its aims. For future funding rounds, including the 2021-24 Transport and Infrastructure Capital Works Programme (set to approved early in 2021), NSC will keep its commitment to increasing the share of journeys made by walking, cycling and other active modes by increasing the proportion of highway maintenance spend on footway and cycleway maintenance. This funding opportunity has given NSC a relatively short timeframe to develop, prioritise and implement maintenance schemes and coupled with the ongoing overhaul of the footway and cycleway condition data and scheme development, it has not been possible to schedule a higher proportion of this funding to be spent on footway and cycleway maintenance schemes.

### **Decision:**

To approve the allocation of the remaining balance of £1,338,150 from the DfT's Pothole and Challenge Fund. £1,077,150 to be allocated to the list of highway, footway and cycleway maintenance schemes, challenge fund scheme at Winterstoke Road Bridge and 10% corporate contribution of £261,000 as listed in Appendix 1 below.

## **Reasons:**

To enable NSC's Highways Maintenance teams to swiftly programme and implement the highway, footway and cycleway maintenance schemes before the end of the current financial year in March 2021, as specified in the conditions of the grant allocation information. Also, to enable the contribution of £450,000 to the Winterstoke Road Railway Bridge replacement project, as agreed to by North Somerset Executive Committee in November 2019.

## **Options Considered:**

NSC could choose to not accept the additional funding from the DfT. This would be rejecting significant additional capital to help reduce the large and growing backlog of highway, footway and cycleway maintenance schemes to be delivered. It would also prevent a significant and necessary contribution to the £15million Winterstoke Road Railway Bridge replacement project, a major asset improvement scheme that the Council has already agreed to jointly undertake with the Ministry of Defence (MoD), who previously owned the bridge.

This option would also not be acceptable to the residents and businesses of North Somerset and could damage the good reputation that the Council currently has with the DfT with regards to funding bids and delivery capability.

## **Financial implications:**

The financial implications are positive for the Council, with an additional non-ringfenced £1,338,150 of capital income to be spent within the current 2020/21 financial year. This is part of the total £2,610,000 Pothole and Challenge Fund in 2020/21, £2,349,000 (90%) of this will be allocated to highway maintenance improvement schemes within the Highways & Transport Capital Works Programme 2020-23 (the other 10% is to be 'top-sliced' for a Corporate capital reserve fund, as detailed). This additional funding, from the DfT's Pothole and Challenge Fund, is to be spent in 2020/21 on (as the DfT suggest) 'repairing potholes or stopping them from forming' (the Pothole elements of the Fund) and on 'major maintenance projects that were otherwise difficult to fund through the normal needs-based formula funding' (the [Highways Maintenance] Challenge Fund elements of the funding).

The schemes that NSC Highways Maintenance officers allocated both the 1<sup>st</sup> tranche of this funding (July 2020) and this 2<sup>nd</sup> tranche of funding to are a perfect fit against the specified criteria for this funding.

## **Costs**

As detailed in the Background section above, Highways & Transport are seeking approval to allocate the following amounts from the remaining £1,077,150 additional funding to the following highway maintenance areas and £261,000 for top slicing:

- £450,000 for the Winterstoke Road Railway Bridge Replacement Project (Weston-super-Mare);
- £140,000 on 1x Principal Road Maintenance scheme (A-roads);
- £307,893 on 3x Non-Principal Road Maintenance schemes (B & C roads);
- £129,257 on 2x Unclassified Road Maintenance schemes (U roads);
- £50,000 on 1x Footway Maintenance scheme (Weston-super-Mare);
- £261,000 Capital Funding 10% top slice

**TOTAL: £1,338,150**

More details of these schemes are included at Appendix 1.

## **Funding**

On 15 May 2020, the DfT announced this additional Pothole and Challenge fund, as part of the Roads Funding Information Pack, which sets out the total allocations for Highway Maintenance and Integrated Transport spend for the 2020/21 year. The Pothole and Challenge Fund totals £2,610,000 for North Somerset Council. £1,271,850 of the total £2,610,000 Pothole and Challenge Fund has already been approved by the Executive Member (in consultation with other Members of the Executive) and allocated to highway maintenance schemes (see [Executive Member Decision Notice 20/21 DE 65](#)) back in July 2020.

## **Legal powers and implications**

Development and implementation of initiatives and schemes identified by the West of England's Joint Local Transport Plan 4 (JLTP4) will be delivered under the Council's powers as Local Highway Authority (Highways Act 1980). This in the form of the Highways & Transport Capital Works Programme (2020-21), which is to be rebranded as the Transport & Infrastructure Capital Works Programme for the 2021-24 period.

## **Climate Change and Environmental implications**

The 2020/21 approved Maintenance Programme includes a significantly increased amount of spend on Footways & Cycleways; up 408% from the 2019/20 programme, encouraging more journeys by walking and cycling via a better overall maintained network of footways and cycle paths. Additionally, the commitment to maintain the highway network benefits not just car users, but also cyclists, equestrians, pedestrians and those using public transport, all of which share the public highway.

Whilst the Integrated Transport Programme only contains schemes that meet JLTP4's sustainable objectives, the Maintenance Programme is compiled on a priority basis and using best asset management principles of identifying and treating highway surfaces before they contain defects (such as potholes) wherever possible. The Maintenance Programme 'maintains' our overall highway network and does not add new roads that would encourage increased usage of petrol or diesel fuelled motor vehicles.

NSC Highways Maintenance are fully committed to reducing carbon emissions through highway maintenance schemes and procedures wherever possible. Some of the initiatives to cut carbon emissions include:

- In 2019/20, seven highway maintenance projects used road/footway recycling using an ex situ recycling process, with a total area of 9540m<sup>2</sup> recycled. One of the seven projects using recycled materials saved more than 30 tonnes of carbon, with over 50% less carbon used compared to the carbon output from the same scheme if it was to be undertaken by traditional road construction methods;
- Spray Injection Patching – savings created from the lack of disposal of old/waste materials with this process;
- Recycling Road Planings;
- Thermal Footway Resurfacing – heating up the existing footway surface and relaying;
- Use of recycled material in verge repairs/structural haunching;

- Retexturing projects – as opposed to Surface Treatments.

Additionally, through NSC's procurement process, contractors are obliged to demonstrate how their work with the Council contributes towards the Corporate priority of reducing carbon emissions and becoming carbon neutral by 2030. NSC's highways maintenance teams use electric vehicles whenever possible when inspecting the highway and maintenance schemes, as part of the NSC fleet which is made up of approximately 50% Ultra Low Emission Vehicles (ULEV) (with plans to increase this percentage).

## **Consultation**

A full public consultation was undertaken on JLTP4, in February & March 2019. The consultation showed strong support for reducing carbon emissions. The 2020-23 Integrated Transport programme has been compiled according to the strong support for reducing carbon emissions and improving air quality, by including transport improvement schemes to enable the shift from the private car to more sustainable transport choices such as walking, cycling and public transport, wherever possible. The schemes contained within the Maintenance Programme are crucial to maintaining a useable transport network to allow users to shift transport choices to more sustainable modes wherever possible. The large increase in spend on the maintenance of Footways & Cycleways for the 2020/21 programme demonstrates NSC's commitment to valuing the themes from the JLTP4 consultation. NSC, through their Draft Active Travel Strategy (out to public consultation in November and December 2020), commit to significantly increasing the proportion of highway maintenance spend on footways and cycleways to help encourage greener transport choices as we work to become carbon neutral by 2030 to help tackle the Climate Emergency.

Each year the Programme is compiled with frequent consultation from the different team managers within the Transport & Infrastructure service. Additionally, after the Executive Member approves the Programme, it is published on the NSC website for 7 days to allow for public comments on its contents. This offers a chance for democratic scrutiny by the people of North Somerset.

## **Risk Management**

The risk of not approving the allocation and implementation of this additional funding is allowing further deterioration of the North Somerset highway and transport network. The budgets confirmed for the 2020-23 programme are insufficient to maintain the network to a level that avoids overall decline, so the additional funding is required to narrow the gap.

Below is the risk assessment for the approved Programme:

<b>Risk Threat / Opportunity</b>	<b>Likelihood (1-4)</b>	<b>Impact (1-4)</b>	<b>Inherent Risk Score*</b>	<b>Risk Control Measures</b>	<b>likelihood reduction</b>	<b>Impact reduction</b>	<b>Residual Risk Score</b>	<b>Risk Owner Directorate</b>
Availability of staff to implement schemes	3	4	12	Use term consultants and contract staff to manage peaks in workload	2	4	8	Highways and Transport D&E
Scheme cost inflation (Integrated Transport)	4	4	16	Allow for cost inflations within budgets	3	2	6	Highways and Transport D&E
Insufficient project management resources	3	3	9	Ensure officers have sufficient Continued Professional Development	2	3	6	Highways and Transport D&E
Insufficient funding for consultant support	3	3	9	Maximise in-house expertise and resource	2	2	4	Highways and Transport D&E
Scheme cost inflation (maintenance)	3	3	9	Develop joint procurement with JLTP partners	3	2	6	Highways and Transport D&E
Deterioration in condition of network due to severe weather	4	4	16	Maintenance programme based on road condition surveys	3	3	9	Highways and Transport D&E

<b>Risk Threat / Opportunity</b>	<b>Likelihood (1-4)</b>	<b>Impact (1-4)</b>	<b>Inherent Risk Score*</b>	<b>Risk Control Measures</b>	<b>likelihood reduction</b>	<b>Impact reduction</b>	<b>Residual Risk Score</b>	<b>Risk Owner Directorate</b>
Term maintenance contract ends	3	3	9	Investigate alternatives in sufficient time	1	1	1	Highways and Transport D&E
Deterioration in condition of network due to reduction in works budget	4	4	16	Maintenance programme based on road condition surveys	3	3	9	Highways and Transport D&E
* Likelihood of risk & impact			Emergency Risk					
			High Risk					
			Medium Risk					
			Low Risk					



## **Equality implications**

An Equalities Impact Assessment (EIA) was not undertaken specifically for the Programme, but the JLTP4 (with its objectives that drive and shape the Programme as its implementation plan) was evaluated against an EIA and also a Health Impact Assessment (HIA). Both concluded that there is likely to be an overall positive impact on the general public. Where adverse effects were predicted, mitigations were identified and added to the JLTP4 as required mitigations to be undertaken, allowing the JLTP4 to have an overall positive effect.

Although the Programme does not require an EIA or HIA, the Maintenance Programme includes essential maintenance and improvements to the highway and transport network condition, improving access to all users, public transport, cycle, pedestrian, equestrian and motor vehicles alike.

## **Corporate Implications**

This implementation programme of the JLTP4 is critical in contributing to achieving the corporate priorities of the NSC Corporate Plan 2019-23;

A thriving and sustainable place:

- A great place for people to live, work and visit
- Welcoming safe and clean neighbourhoods
- To be a carbon neutral council and area by 2030
- A transport network which promotes active and low carbon travel
- An attractive and vibrant place for business investment and sustainable growth
- A broad range of new homes to meet our growing need, with an emphasis on quality and affordability

A Council which empowers and cares about people:

- A commitment to protect the most vulnerable people in our communities
- An approach which enables young people and adults to lead independent and fulfilling lives
- A focus on tackling inequalities, improving outcomes
- A collaborative way of working with partners and families to support children achieve their full potential
- A community which promotes learning and employment opportunities

An open and enabling organisation:

- Engage with and empower our communities
- Manage our resources and invest wisely
- Embrace new and emerging technology
- Empower our staff and encourage continuous improvement and innovation
- Make the best use of our data and information
- Provide professional, efficient and effective services
- Collaborate with partners to deliver the best outcomes

## **Background Papers**

- The Executive Member Decision Notice approving the allocation and spending of the 1<sup>st</sup> tranche of Pothole and Challenge Fund money from the DfT:  
[Executive Member Decision Notice 20/21 DE 65](#)
- Joint Local Transport Plan 4 (JLTP4) – 2020 to 2036  
This is accessible on the West of England's Travelwest website below:

<https://travelwest.info/projects/joint-local-transport-plan>

- Approved Highways & Transport Capital Works Programme 2020-23  
[https://www.n-somerset.gov.uk/sites/default/files/2020-04/19-20%20DE%20294%20signed\\_0.pdf](https://www.n-somerset.gov.uk/sites/default/files/2020-04/19-20%20DE%20294%20signed_0.pdf)

Signatories:

A handwritten signature in black ink that reads "Paul Barber". The signature is written in a cursive style with a horizontal line underneath the name.

Signed: .

Executive Member for Planning, Building Control, Highways and Transport

Date: 24 November 2020

WITH ADVICE FROM:

A handwritten signature in black ink that reads "Lucy Shamali". The signature is written in a cursive style.

Signed:

Director of Place

Date: 19 November 2020

## Appendix 1: Proposed maintenance schemes to allocate the remaining £1,077,150 Pothole and Challenge funding

Scheme / location	Ward	Parish	Treatment type / Works description	Existing committed funding 2020/21 (funding source)	Additional funding requested (Pothole & Challenge Fund)	Comments
Winterstoke Road Railway Bridge Replacement Project	WsM South / WsM Winterstoke	Weston-super-Mare	As required by this major asset replacement / upgrade scheme	c. £15million (Ministry of Defence)	<b>£450,000</b>	NSC bid for Highway Maintenance Challenge Fund (HMCF) needs to be covered by this Pothole & Challenge Fund replacement fund instead
A370 M5 RB Junction 21- Withydale Farm (Old Weston Road)	Banwell & Winscombe	Banwell	Principal Road Maintenance	£232,380 (HMB)	<b>£140,000</b>	Additional budget required to complete in 20/21. £232,380k previously allocated, ideally, we require a budget of £392,380k to complete what we'd like to do here. Therefore, a 'top -up' of £140k is required.
A370 Herluin Way	WsM Winterstoke	Weston-super-Mare	Footway Maintenance	£100,000	<b>£50,000</b>	Additional budget required to complete in 20/21. £100k previously allocated, ideally, we require a budget of £150k to complete what we'd like to do here. Therefore, a 'top -up' of £50k is required.
B3133 Langford (110) Stock Lane from A38 Bristol Road to and including Langford Road Rbt	Blagdon & Churchill	Churchill	Non-Principal Road Maintenance	£140,000	<b>£130,000</b>	Additional budget required to complete in 20/21. £140k previously allocated, ideally, we require a budget of £270k to complete what we'd like to do here. Therefore, a 'top -up' of £130k is required.
Hannah More Road, Nailsea	Nailsea West End	Nailsea	Non-Principal Road Maintenance	£0	<b>£107,487</b>	Poor condition throughout. Other than the spray patching we've done to try and hold it together it's received very little maintenance and we have been delaying resurfacing due to the National Grid works that are now nearing completion in this area.
St Marys Grove, Nailsea	Nailsea West End	Nailsea	Unclassified Road Maintenance	£0	<b>£129,257</b>	As above.
B3130 Barrow Lane and Chew Road from A38 to Winford West restrict and from Winford East restrict to county Boundary	Winford	Winford	Non-Principal Road Maintenance	£0	<b>£70,406</b>	Patch and Surface dressing scheme. Already approved in Programme for 2021/22 but brought forward as identified as high priority to move forward should funding become available.
<b>TOTAL</b>	-	-	-	-	<b>£1,077,150</b>	-