



CABINET – 16TH NOVEMBER 2022

**SUBJECT: NOTICE OF MOTION – RE-EVALUATE THE CABINET
DECISION OF THE 9TH FEBRUARY 2022 – B4251 YNYSDDU
TO WYLLIE HIGHWAY IMPROVEMENT**

**REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE
SERVICES**

1. PURPOSE OF REPORT

- 1.1 Cabinet is asked to consider the Notice of Motion as set out in paragraph 5.1 of the report and make an appropriate recommendation. In accordance with Rule 11(3) of the Constitution.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillors J. Reed and J. Jones and is supported by Councillors K. Etheridge, A. Farina-Childs, B Owen, and N. Dix and was considered by the Environment and Sustainability Scrutiny Committee at its meeting on the 26th October 2022 and was supported by the majority present.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure is now referred to Cabinet for consideration

3. RECOMMENDATION

- 3.1 Cabinet is asked to note the recommendation of the Environment and Sustainability Scrutiny Committee and consider the notice of motion as outlined in paragraph 5.1 and make an appropriate recommendation.

4. REASONS FOR THE RECOMMENDATION

- 4.1 In accordance with the Council's Constitution.

5. THE REPORT

- 5.1 **Notice of Motion**

Councillors J. Reed and J. Jones in their notice of motion request that the Cabinet decision taken in on the 9th February 2022 in relation to the B4251 Ynysddu to Wyllie Highway Improvement be re-evaluated for the reasons detailed below: -

1. The Amey Consulting Safety Report was dated 18/03/2020 and did not go to the Council's Cabinet for approval.
 2. The Amey report did not recommend any fencing but the Cabinet Report in February 2022, did recommend a chain link fence.
 3. The report by Amey suggested remedies but Cabinet seemed to focus on a chain link fence, which was not recommended, and other safety features were ignored.
 4. Cabinet voted for a concrete chain link fence, but that decision was overruled, without going back to Cabinet to authorise a different type of fence to the one voted on.
 5. The Amey report recommended a re-assessment of night lighting, but this was not done. It was not mentioned in the Cabinet report.
 6. The Amey report recommended solid line central reservation marks not to overtake on bends. Again, not mentioned in the Cabinet Report and we believe this to be a safety issue.
 7. We believe the accidents statistics need to look at all accidents as potential serious accidents.
 8. We believe there are other roads within Caerphilly Borough who have VRS barriers, and we wish to make a direct comparison as this is not being consistent and rational.
 9. We feel that consistent meaningful consultation did not take place with the community and stakeholders.
 10. We request that an independent re-evaluation of the safety of the Wyllie Bends be undertaken to address the points listed above.
- 5.2 Officers have provided the following information in relation to the Notice of Motion: -

An independent safety report was commissioned and was undertaken by AMEY consulting for the section of highway between Ynysddu and Switchgear following the fatal accident in October 2019. All the report recommendations have been considered and implemented as necessary following a review of the report findings. It should be noted that these are technical details that are dealt with by the relevant qualified technical officers and managers within the Highway service on a day to day basis.

The safety report recommended a number of interventions. All recommendations from the safety report were considered and implemented where necessary and the resultant actions are listed below:

- **Carriageway surface** – Generally in good condition. Two areas of depressions noted and **resurfacing works were undertaken in Sept 2020 to rectify these as recommended.**
- **Kerbing** – Varying upstands but the majority were in good condition. Some unevenness noted but kerbs still aligned which still delineate the edge of carriageway so is not considered a hazard. Some vegetation clearance was also required on a small 25m section **this was completed at that time.**
- **Road markings** – Gateway features, central hatching and bus stop markings were all in good condition and well maintained.
- **Road studs** – Installed throughout the national speed limit area were all in good condition. It was noted two number were missing **which were replaced following receipt of the safety report.**
- **Signage** - There are various road traffic signs throughout the study area. All signs and reflective bollards were in good condition. Routine cleaning and vegetation clearance was recommended. **This clearance was undertaken while additional recommended signage was installed in 2020 as recommended by the report.**
- **Street lighting** – Street lights were upgraded to LED's in 2019 and were all in good condition. This road has been subject to part night lighting between the hours of midnight and 5.30am since 2010. A review of the street lighting was suggested within the report. **An officer review was undertaken and as the speed limit was proposed to be reduced to 40mph as recommended within the report any alteration to the street lighting part night lighting regime was not deemed necessary. This road is similar to many other roads within the borough where part night lighting has operated since 2010.**
- **Carriageway falls and drainage** – As an existing aged road, drainage is likely to be substandard when compared to new guidance. However, a drainage survey was conducted on a wet day with intermittent rainfall during which the drainage appeared to be working as intended. There were several instances of minor ponding against the kerb line, but no major areas extending across the running lanes. Two gullies appeared to be blocked and **routine maintenance addressed these concerns at that time.**
- **Bus stops** – Bus stops are located at the most appropriate locations along the road length, however, there are some issues whereby cars have to overtake stationary buses if they stop for passengers. **The reduction of the speed limit to 40mph has reduced the risk associated with this activity**

and it is no different to the multitude of other bus stops around the borough and country.

- **Existing safety fence (VRS)** – There is approximately 20m of safety fence on the south bound approach to the river bridge. The end terminal does not comply with current standards. **As the speed of the road was reduced to 40mph the end terminal requirement meets the required standards for a road with this speed limit.**

In addition to the above a chain link boundary fence was also installed following consultation undertaken by senior officers with the local members along with the family of the female who unfortunately passed away. Due to a material supply issues an officer delegated decision was taken in consultation with the Cabinet Member to change the posts from concrete to metal. This change was in line with highway design standards and is an approved material for such highway boundary fences. The safety report also made reference to a review of street lighting should the speed limit remain unchanged. The speed limit was reduced to 40mph as recommended within the report. Given the decision to reduce the speed limit to 40mph there was further discussion at senior officer level on whether permanent street lighting should be considered, however, this was not supported as a review of police accident reports did not identify that the lack of street lighting had any direct influence on the accidents that have occurred on this road. Most of the accidents have occurred either during daylight hours or whilst the street lighting has been switched on. Highway design standards do not specify the need for streetlighting on 40 mph roads.

In terms of the categorisation and reporting of accidents, all personal injury accident reports are received via the police. The categorisation of accidents is not a CCBC protocol but is instead a national standard that the authority cannot change. Between 2014 and the undertaking of the safety review (March 2020) there had been 9 reportable accidents on this section of highway which is in excess of one mile in length. All details of previous reportable accidents were made available to the safety consultant. There were no cluster sites on this stretch of road that were identified as the accidents on this road have occurred at various sections of the highway and at various times of day and night (mainly during daylight or street lighting operational hours). There appears to be no correlation between the accidents that have occurred on this section of highway.

The road also has a central hatched area, which serves to deter overtaking, increase separation of opposing traffic flows and reduce lane widths. This is a standard highway specification detail and considered appropriate for this section of highway. Every road within Caerphilly is different and constructed at different times when highway standards were possibly not in place. The safety report stated that:

“The stretch of road within the study area is a well-established route, it is not expected to conform to current standards. Motorists are obligated to “take the road as they find it”, which means they should drive at an appropriate speed for the conditions. However, motorists may differ significantly in their interpretation of the conditions”.

Following review of the safety report the most beneficial intervention identified was to reduce the speed limit of the road to 40mph as recommended by the safety consultant. Comparisons to other roads are not meaningful as each has its own unique characteristics that need consideration. The authority also has a Vehicle

Restraint Policy which is used to determine if a Vehicle Restraint System (VRS) is required. The Provision of Road Restraint Systems on Local Authority Roads (PRRSLA) offers appropriate guidance to Local Authorities on the provision of Road Restraint Systems and this did not recommend a VRS as it only scored as a medium priority as detailed within the cabinet report.

The safety report further highlights that:

“In the PRRSLA guidance the installation of VRS can itself cause a hazard; this is because it is designed and tested to be impacted at a certain angle at a certain speed. The use on particularly tight radii can cause the impact angle to be far too steep which will then become a hazard in itself to the occupier of an errant vehicle.”

This is a very relevant comment as this road comprises a number of tight radii bends. It is clear from the safety report that the most beneficial intervention was to reduce the speed to 40mph. This was actioned in 2020 along with the other interventions highlighted above as recommended by the independent safety report.

6. ASSUMPTIONS

- 6.1 As a notice of motion is a procedural matter and must be dealt with in accordance with Council's Constitution, no assumptions have been made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report does not require an Integrated Impact Assessment as it relates to a procedural matter under the Councils Constitution.
- 7.2 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision-making roles and responsibilities.
- 7.3 However the outcome of the Notice of Motion and any subsequent reports arising from it may require an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications associated with this report.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications associated with this report.

10. CONSULTATIONS

- 10.1 The Notice of Motion was considered by the Environment and Sustainability Scrutiny Committee at its meeting on the 25th October 2022. At the meeting Councillor Kevin Etheridge also handed in a petition of 124 signatures. The petition on behalf of residents and campaigners requested that the Scrutiny Committee following the

notice of motion on the safety aspects of the Wyllie Bends recommends to Cabinet that the matter is discussed and debated at Full Council on the 24th November 2022 to all 69 Councillors.

- 10.2 J. Jones mother of Ms. L. Jones who tragically lost her life in an accident on Wyllie Bends in October 2019 addressed the committee and detailed the circumstances and road conditions that led to her daughter's death. She outlined areas where she believed appropriate consultation had not taken place and inaccuracies, that she felt required addressing as they were not included in the report considered by Cabinet in February 2022.

The Scrutiny Committee were asked to note that the family had not been aware of the Amey Safety Report, or the Amey Safety Audit and they felt that the Local Authority had not been open or transparent in this regard as they had been unable to explore the reports or to fully engage with the consultation. From the first meeting they considered that Highways Officers did not have an accurate understanding of the accident and were surprised that the risk assessment conducted by them had been a desktop exercise with no site visit conducted. This they felt should have been conducted either after hours or in inclement weather and in liaison with Gwent Police. The Officer who had been involved with the consultation process had been a ward PC, who had no knowledge or experience of Wyllie Bends incidents and accidents, and not with the Collision Investigation Team despite Inspector Martin Smith being readily available to discuss improvements and ensure that they were robust and linked well with accident causes. Mrs Jones also stated that the accident investigation had revealed that there were no defects with her daughter's car when it was examined after the accident.

Reference was then made to the Cabinet report and the options offered, the Scrutiny Committee were asked to note that concrete posts and chain link fencing was the preferred option however this was not what was installed and no other options such as crash barriers or street lighting were presented for consideration. Members were advised that Vehicle Restraint System crash barriers were designed to fall apart and would absorb impact and there was little chance of bounce back. Ms Jones expressed her firm belief that crash barriers and additional street lighting was needed to prevent further accidents and asked the Scrutiny Committee to support the re-evaluation of the road and a thorough independent assessment that should include the full application of expert knowledge of past events and incidents in liaison with the Gwent Police Collision Investigation Unit.

- 10.3 Councillor Janine Reed as proposer presented the notice of motion and using photographs outlined the road in question and the boundary fence. The Scrutiny Committee were asked to note that the Amey safety report did not recommend the installation of a chain link fence, which was detailed in the Cabinet report as being most appropriate safeguard for this section of the road and in accordance with relevant design standards, might reduce the risk of vehicles leaving the road and protect pedestrians. However, a mere boundary fence was installed, which Cllr Reed considered would not provide the same level of protection to road users as a VRS.

Reference was then made to the Amey report and although it stated that a VRS or Vehicle Restraint System was considered to be disproportionate to the benefits it would achieve, it was worth noting that there had been 3 further accidents this year on Wyllie Bends where all 3 vehicles have left the carriageway. Councillor Reed asked the Committee to consider why this safety measure had been installed on other roads in the borough similar in topography to Wyllie Bends but not on Wyllie Bends and advised that between 1999 and 2021 there had been 32 accidents, 21

slight, 9 serious and 2 fatal.

Councillor Reed asked the Scrutiny Committee to support the Jones family and concerned local communities by recommending a reassessment of the road and the installation of a VRS System at strategic places along this dangerous road.

- 10.4 Councillor Jan Jones as the second proposer of the motion focused on reasons why night lighting should be reinstated on the Wyllie Bends. Councillor Jones asked the Committee to consider the 32 recorded incidents between 1991 to 2021 and the additional 3 incidents that have occurred in recent months and although the report advised that accidents occurred mainly during daylight hours or within street lighting operational hours, it was during the hours of darkness that the more serious incidents and fatalities occurred.

Councillor Jones advised that no reference was made to street lighting in the Cabinet report or the Amey report and this she felt prevented Cabinet from making an informed decision. The Scrutiny Committee were asked to note the wording of the Amey report in relation to night lighting, and this Councillor Jones felt to be ambiguous and wrongly interpreted by Officers. Councillor Jones accepted that reinstating the lighting would probably not prevent accidents happening at night, however night lighting might well save other lives in the future, particularly given the history of this stretch of road and that it runs alongside a fast-flowing river.

Councillor Jones asked the Scrutiny Committee to consider the notice of motion and support the request for an independent re-evaluation of the safety of Wyllie Bends.

- 10.5 Councillor Kevin Etheridge as a signatory of the notice of motion then addressed the Scrutiny Committee and presented a petition of 124 signatures and asked that the Scrutiny Committee recommend that Cabinet consider recommending that the notice of motion also be presented to Council on the 24th November 2022, so that all 69 Members can consider and debate it and requested that a site visit between all respective ward members and Cabinet Members also be held.

Councillor Etheridge thanked Jo Jones for her emotive speech and asked for the Committee's compassion and understanding when considering the notice of motion.

- 10.6 Members thanked Jo Jones for her presence and expressed their condolences for the tragic loss of the daughter.

A Member expressed his support for the motion and his concern that a lot of information had appeared to have been lost between the Amey report and the Cabinet report which prevented them from making, what he felt to be an informed decision. Although accepting the supplier issues for the posts, the recommendation from Cabinet was for the installation of a chain link fence, which would in his opinion do little to prevent cars from leaving the road and he also felt that street lighting had a part to play in the accident and its reinstatement in this area should be fully explored.

A Member referenced the safety report and the recommendation to reduce the speed limit on the road to 40mph, other significant traffic calming measures on the road as recommended by the safety consultant and issues raised on social media about driver behaviour on this stretch of road and asked what, if anything could be done in this regard.

Clarification was then sought in relation to the Amey report and its consultation with the community and stakeholders and what form this took and particularly whether the

family had been aware of it. The Member also asked if any resurveying of traffic speeds on Wyllie Bends had been undertaken since the reduction of the speed limit had occurred.

A Member then queried if an independent re-evaluation was approved, how would it be conducted and how would Members be able to satisfy themselves that all aspects of the concerns raised tonight would be covered.

- 10.7 Officers in responding to the concerns raised, advised that the Amey report was independent, and Officers had worked extensively on the recommendation made therein. Should a subsequent independent report be required then another consultant would be commissioned to undertake it.

Officers explained that the VRS can in of itself cause a hazard, because it was designed and tested to be impacted with a certain angle and certain speed, to use on particularly tight radii such as Wyllie Bends, the impact angles would be far to steep and then become a hazard to the occupier of errant vehicle. This was clearly highlighted in the Amey safety report. This view was taken into consideration when the safety report was reviewed and as the consultants had not considered them necessary and in itself created a hazard was the reason this option was not taken forward. It was noted that as a result of ash dieback and the removal of a number of trees the road had been significantly opened up. This was referenced in the Cabinet report and was the reason why a further review was undertaken and why a boundary fence was put in. The Officer confirmed that a meeting was held with the family to discuss the options and what the three options would be going forward to Cabinet. The Officer also confirmed that Cabinet had agreed a concrete post and chain link fence however the lead time for the materials due to supplier issues because of Covid were a further 3 months and so the Officer took a delegated decision to change to a steel post which was readily available but still complied with the highway specifications. Members were advised that the delegated decision had been posted for their awareness.

The Officer confirmed that the report also highlighted that the most beneficial improvement would be to change the road to 40mph, which was implemented and further recommendations for additional chevrons were also implemented. The position and type of road markings were detailed it was noted that solid markings could not be installed in sections along the road due to the location of the various bus stops where overtaking would be required. The officer also clarified that the road currently has a wide central hatched marking which the majority of drivers would be aware of are there to deter any overtaking movements.

In relation to street lighting, Members were asked to note that this had been reviewed and evidence from police reports did not attribute any of the accidents to street lighting, with most accidents occurring, either during daylight hours on while street lighting was on.

In terms of driver behaviour, the Officer advised that they would be more than willing to look at a road safety campaign. It was noted that speed surveys had shown that 85th percentile speed for the road is 40.5mph, so the vast majority of drivers were adhering to the speed limit, because of this the installation of speed enforcement cameras would be unlikely to be supported by Go safe the speed camera operator.

- 10.8 Members expressed further concerns that there seemed to be a disparity between safety recommendations as to what was and was not sufficient and given this, felt that further investigation was warranted.

A Member queried whether the cutting down of the trees and opening up the road now meant that more substantial fencing should be installed and referenced the fact that sections of the current fencing had already been obliterated which seemed to illustrate that this needed to be looked at again.

Further concerns were then expressed to drainage on the road, and whether there were enough gullies present to prevent the build-up of water and if there were any other safety measures that could be taken that would prevent any cars that did leave the road from entering the river.

A Member then queried whether mature tree planting of 4/5 inch trunks could be used to provide a natural barrier to the river, further slowing vehicles.

- 10.9 The Officer advised that he was not aware of any system that would prevent cars from entering the river and was mindful that anything installed could become a hazard itself. In terms of the drainage system, he agreed any road not just Wyllie Bends could become overloaded depending on the level of rain. Members were asked to note that although it would not withstand a head on collision, the present boundary fence does provide some restraint, but the suitability and level of protection afforded by any barrier depends on the speed and angle of the impact.

As to tree planting, they had the potential to be hazards in of themselves, but this could be considered.

The Officer advised that there were still waiting on information from Gwent Police on the latest accident and as soon as that was received then all safety information would be reviewed and considered.

- 10.10 Having fully considered the notice of motion, it was moved and seconded that it be supported and by way of Microsoft Forms and it noting there were 11 For, 2 Against and 2 Abstentions this was agreed by the majority present.

RECOMMENDED to Cabinet that the notice of motion be supported.

11. STATUTORY POWER

11.1 Local Government Act 2000

Author: Emma Sullivan (Senior Committee Services Officer)

Appendices: Appendix 1 Signed copy of Notice of Motion.