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East Sussex
County Council

Scrutiny Review of Street Works

Report by the Review Board

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Place Scrutiny Committee – 19 March 2026

The Report of the Scrutiny Review of Street Works

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Introduction

1. The former Economy, Transport and Environment Scrutiny Committee conducted a scrutiny review of street works in 2013. This review produced 13 recommendations which, together with the Cabinet's responses to them, were adopted by the Council in July 2013. Since that review, the Place Scrutiny Committee undertook a review of Pothole Management in 2023. This review highlighted the significant impact that utility company excavations and street works have on the overall condition of the public road network and resulted in two recommendations specifically relating to managing the impact of these activities.

2. The management and condition of the road network continues to be one of the most important issues for residents and has a significant impact on the overall reputation of the Council. Every resident relies on the public highway in some way, and street works that result in delays to journeys and road closures are a common frustration, especially where there appears to be a lack of coordination between them. Although most of these works are not undertaken by the Council, as the Highways Authority it is responsible for the management of the road network. Therefore, in September 2025 the Place Scrutiny Committee agreed to establish a scoping board to examine the subject in more detail.

3. The Scoping Board met on 20 October 2025 and heard that since the 2013 review by the predecessor committee, there have been no substantial changes to the legislative and regulatory frameworks for street works that the Highways Authority or utility companies operate within. However, the overall volume of street works that take place on East Sussex roads has increased significantly in that time, and practices in the management of street works have since evolved, including with the commencement of the new highways maintenance contract in May 2023, and most recently with the adoption of the East Sussex Lane Rental Scheme on 1 April 2025. The Scoping Board therefore recommended that the Committee proceed with a scrutiny review focussed on developing recommendations to improve the planning and coordination of street works undertaken by utility companies and minimising the disruption in the context of the increasing number of works taking place.

4. The scope of the review was agreed to include:

- The planning and coordination of street works, with and between the Council and utility companies, and the use of the permit scheme.
- Minimising disruption of works, through the planning of diversion routes, avoiding disruptions for pedestrians (especially wheelchair users and those with visual impairments), cyclists, and public transport users.
- Utility company reinstatements.
- Incentives for improved management and collaboration by utility companies.
- Learning from other areas and national best practice.

5. The Scoping Board agreed not to consider the East Sussex Lane Rental Scheme within the scope of the review, as it is a relatively new scheme that the Board considered needed more time to bed in before its impacts and effectiveness could be well understood and subject to scrutiny.

6. The Review Board gathered a range of evidence throughout its review and held a number of meetings, including with officers of the Council and East Sussex Highways, and

representatives from utility companies that conduct works in the county. The Board also considered national reports and written evidence. The Board would particularly like to thank utility company representatives for their time and openness throughout this review.

7. During this review the Board was reassured to learn of the range of approaches that exist to manage and coordinate street works and recognised the competence and professionalism of the network management team within East Sussex Highways. The Board concluded that it is extremely challenging to manage the competing requirements of utility companies that need to complete works and the travel needs of the public in a way that satisfies everyone.

8. This review highlights that many of the challenges with managing street works relate to existing legislation and, as a result, are outside of the Council's direct control. Nonetheless, the Board identified what it believes are gaps and opportunities within existing systems and processes that, if addressed, could help improve planning and coordination of works. The review also demonstrated the willingness of all parties involved with street works to improve collective working and seek opportunities to collaborate in ways that would minimise disruption, and so the report's findings and recommendations are particularly focused on enhancing these areas.

9. The Board was also mindful of the significant financial constraints that the Council is operating within and consciously considered this when developing its recommendations. While the Lane Rental Scheme was outside the scope of the review, the Board was aware that the scheme generates a surplus, and should any of the Board's recommendations require financial resource to implement, this could be considered for that purpose. The Lane Rental Surplus Group, which consists of senior utility and Council representatives, will determine the use of surplus funds, and it must be spent in line with Department for Transport regulations which set out that:

- 50% of all net proceeds from surplus lane rental funds must be spent on highway maintenance.
- the remaining 50% must be spent on purposes intended to reduce the disruption and other adverse effects caused by street works.

Background

10. ‘Street works’ is a catch-all term used to refer to works that take place on the public highway, such as the installation of and repairs to vital utility equipment and infrastructure. Gas, water, electricity, broadband, electric vehicle charging and telecoms networks are the main infrastructure services requiring street works, which are usually carried out by the companies that run these services or their sub-contractors. Street works differ from ‘road works’, which typically refer to repairs to the road itself. Street works are a vital necessity that ensure residents and businesses have and maintain access to the utility services that are required to go about their daily lives.

11. The roles and responsibilities of organisations that undertake street works are set out in legislation. Key pieces of legislation that govern street works include the New Roads and Street Works Act 1991 and Traffic Management Act 2004. Street works are further governed and managed through a broader set of national guidance, including statutory guidance, design and safety codes of practice, as well as locally implemented schemes such as the permit and lane rental schemes.

12. The New Roads and Street Works Act gives electricity, water, gas and telecommunications utilities the right to undertake street works, and these organisations are referred to as ‘statutory undertakers’. Other organisations including housing developers, some electric vehicle infrastructure companies, and private landowners can also apply to the Council for a license giving them the right to undertake street works for a period of time. The term ‘work promoters’ is used to refer to any organisation that carries out works in the highway.

13. As a Highways Authority, East Sussex County Council (ESCC) holds statutory responsibilities for managing the county’s highways network and coordinating street works activities. The network management duty introduced by the Traffic Management Act places a duty on the Council to manage and coordinate works in a way to minimise disruption and congestion, facilitating the “expeditious movement of traffic”. These responsibilities are designed to ensure the safe and efficient movement of people and goods, to minimise disruption, and maintain the integrity of highway infrastructure. Under the current highways maintenance contract, network management sits within East Sussex Highways (ESH) and is undertaken on behalf the Council by the highways contractor Balfour Beatty Living Places (BBLP).

<u>Permit scheme</u>

14. In order to coordinate and manage street works the Council operates a permit scheme which requires statutory undertakers (as well as the Council itself) to acquire a permit to book time on the highway for the completion of their works. Undertakers must pay a fee for a permit which is set in line with regulations and statutory guidance published by the Department for Transport (DfT). The scale of the required works determines the length of time prior to starting planned works that undertakers must apply for permits from ESH:

- Major works (which are those lasting 11 working days or more, are identified in an organisation’s annual operating programme, or require a temporary traffic regulation order) require a permit application 3 months prior.

- Standard works (works lasting 4-10 working days) require a permit application 10 days prior.
- Minor works (works lasting 3 working days or less) require a permit application 3 days prior.

15. Statutory undertakers also at times need to complete works for unplanned reasons, such as where infrastructure has been damaged or degraded in ways that risk public safety or which result in their customers experiencing a loss of supply. These works are referred to as immediate works and are split into 2 categories:

- Emergency works - where immediate action is needed to prevent danger to people or property. The assessment of danger is made by those responsible for the works.
- Urgent works - where immediate action is needed to prevent a loss or restore the supply of a service provided. This assessment is made by those responsible for the works.

16. Due to the nature of immediate works, legislation does not require promoters to secure the agreement of the highways authority nor apply for a permit prior to starting works. However, a permit application for immediate works must be submitted to ESH within 2 hours of works starting, or by 10.00am the next working day if works begin out of hours. Permits for immediate works must be granted by the Council.

17. There is a separate process set out in legislation for the when street works require a road closure. In these circumstances undertakers must raise and pay a fee for one of the following:

- A Temporary Traffic Regulation Notice (TTRN) for immediate works.
- A Temporary Traffic Regulation Order (TTRO) for planned works, which must be submitted at least 3 months before works begin.

Review Board Findings

Network management and coordination of works

Permit Scheme Management

18. When the previous scrutiny review of street works took place in 2013, there were approximately 15,000 works across the county on average in a year. The permit scheme has been introduced since that review took place, and there are now approximately 28,000 permit applications for street works a year, of which around 24,000 are granted. Additionally, there are approximately 2,100 road closures a year through the issuing of Temporary Traffic Regulation Orders (TTROs) and Temporary Traffic Regulation Notices (TTRNs). As well as street work permits and licenses, the network management team must process and coordinate a range of other licenses relating to road management, such as skip and scaffolding licenses, which amount to around 2,400 a year, as well as almost 7,500 abnormal loads a year, which further add to the challenge of coordinating works.

19. The Board noted the significant increase in works that need permitting and coordination since the previous review, and heard that the increase in the number of street works is the result of multiple factors including new housing and industrial developments, aging water and gas infrastructure that needs repairing and replacing, as well as new infrastructure such as power cables for EV charging and higher demand for broadband services. The Board explored whether the Council had the necessary resource to manage the amount of works and heard that under the current highways maintenance contract the contractor BBLP meets the cost of resourcing the network management function, and it had increased resource in order to meet the rising demand. By law the permit scheme must be cost-neutral, with the cost of managing the scheme met by incoming permits. Permit fees in East Sussex are already set at the highest that the Department for Transport (DfT) allows.

20. The Board heard that in applying for planned work permits, undertakers are required to provide answers to a set list of 26 questions providing details of the works, traffic management arrangements, timing of works and impacts on other works, stakeholder engagement and communications, and inspections. This checklist of questions ensures consistency across undertakers and acts as an aid for network coordinators when managing a high number of applications for different works. If promoters fail to answer all the questions, a permit will not be granted, although ESH can only base the decision whether to grant a permit on the information they receive from undertakers.

21. When granting a permit application, the Council is able to apply specific conditions where it considers this is appropriate. Examples of permit conditions include requirements for vehicle messaging signs, advance warning signs at specific locations, letter drops in affected areas, and manual coordination of traffic lights. Statutory guidance states that conditions must be pertinent to the reduction of congestion and disruption and recognise the needs of other users of the highway and the integrity of the highway itself. Additionally, any cost implications arising from permit conditions for undertakers should be proportionate and carefully considered. The Traffic and Network Manager explained to the Board that ESH is considerate of this when applying permit conditions, as if the promoter views conditions as excessively stringent or costly they could challenge them via an arbitration process.

Permit Enforcement

22. To ensure that works are being undertaken safely and with a valid permit, as well as to monitor compliance with permit conditions, ESH undertakes around 800 permit condition inspections a month. The Board heard that in the sample month of October 2025, which was broadly representative of the average, 22% of inspections identified failure to comply with permit conditions. Where there are instances of non-compliance with a permit condition or working without a permit a Fixed Penalty Notice (FPN) will be issued by ESH. The cost of FPNs is set by Government and at the start of the review was set at £120 (or £80 if paid within 28 days). The Board heard that, following lobbying by councils including ESCC, as of January 2026, Government has increased the cost of FPNs which are now £240 (or £160 if paid within 28 days). ESH officers expressed concern that the FPN rate may still be set too low to result in a higher level of compliance with permit conditions. ESH officers informed the Board that in their experience FPNs are often seen as the 'cost of doing business' for utility companies, as in many cases the cost of implementing permit conditions which were in place to reduce the likelihood of congestion, such as manual control of temporary traffic lights, may cost the utility company more than the FPN they receive for failing to comply. The Board was concerned about the rate of non-compliance with permit conditions but, given the recent increase in the FPN rate, agreed not to make a recommendation in this area to allow time for impact of the change to be assessed and understood.

23. The Board heard from highways officers that, as an alternative to issuing an FPN, the Council has the option to prosecute undertakers for failure to comply with permit conditions. This is not an option that the Council has regularly pursued, with officers confirming that the last prosecution by ESCC had been in 2013. The Traffic and Network Manager informed the Board that other authorities have taken a more proactive approach in prosecuting utility companies, but at present ESCC does not have a policy for prosecutions. Whilst prosecution is significantly more costly than issuing a FPN and comes with a higher degree of risk should the prosecution been unsuccessful, ESCC and ESH officers expressed an openness to exploring prosecutions in future under the right circumstances. The Board agreed that there may be circumstances when it is appropriate for the Council to prosecute instead of only issuing a FPN but reflected that any prosecution should be pursued in a proportionate and fair way that does not risk undermining effective working relationships between the Council and utility companies. The Board concluded that a successful prosecution could act as a deterrent to future non-compliance.

Accessibility

24. The Board explored how accessibility for pedestrians and cyclists is maintained during street works, in particular for vulnerable road users and pedestrians, including those using wheelchairs or with visual impairments. The Board considered evidence that the New Roads and Street Works Act, and the associated Safety at Street works Code of Practice, set legal duties on utility companies in this respect. The Code specifies that those working on the highway must ensure that street works sites are safe for road users, including pedestrians and cyclists, and that consideration must be given to the accessibility for disabled people and vulnerable groups. All utility companies the Board met with affirmed their commitment to fulfilling their legal duties in relation to maintaining accessibility. While the Board heard no evidence of either specific or systemic failings to comply with these duties, Members agreed that, given the importance of maintaining accessibility for

everyone that uses the public highway (including footways), any instances where there is evidence that a utility company has failed in their legal obligations could be appropriate situations to pursue prosecution. The Board agreed that prosecution in such instances could also help demonstrate to the public that the Council would not willingly allow utility companies to knowingly disregard the needs of vulnerable road users and show that ensuring accessibility for all residents is a priority.

Recommendation 1

The Board recommends the Council develops a prosecution and enforcement policy in the next 12 months, for use where there are repeated significant failures or breaches of permit conditions, particularly should there be instances of utility companies failing to adhere to accessibility obligations.

Work durations

25. The Board explored how the network management team manages the length of time street works take to complete and ensure this is the minimum necessary. The Traffic and Network Manager explained that the team will challenge a permit application which requests a duration period considered excessive and will seek to set the permit for a shorter period. This process of challenge should prevent utility companies requesting an excessive period, however companies will push back if they believe they need longer for works, which ESH has to accept. ESH's understanding is that undertakers usually schedule a small buffer period to account for potential delays to works.

26. The Board commented that there are occasions when road closures are in place, but it appears that no activity is taking place, and sought to understand whether this was an identified issue that could be managed. The Traffic and Network Manager outlined the difficulties in managing this area, as there is no specific penalty for sites appearing inactive, and undertakers have a right to be on site for the duration of the permit. The Board noted that some works promoters put out signs explaining why no one may be present on-site, a practice which ESH encourages, but is unable to enforce under current legislation. Network coordinators try to manage this at the permit application stage by challenging potentially excessive durations as explained above. In addition, if a utility company asked for an extension on works where an inspection had found no work taking place, this would be unlikely to be granted and undertakers would be charged for overrunning, which acts as its own incentive.

27. The Board heard evidence from utility companies that there can sometimes be challenges in delivering works required within the permit window, and that they can feel pressure from the Council to deliver works more quickly than they would like. Throughout the review Council and ESH officers emphasised that ESCC does not aim to be unduly punitive or adversarial with promoters and is driven by the need to fulfil its duty in reducing the inconvenience of works to the travelling public. All witnesses the Board spoke to emphasised the need for effective two-way communication and Members were reassured to hear that all utility company representatives highlighted their strong working relationships with ESH. The Board concluded that the Council has a reasonable and proportionate approach to minimising works durations and reflected that a more relaxed approach could risk promoters taking longer to complete works and lead to greater disruption.

Immediate works

28. The Board heard that one of the most significant challenges in network management is immediate works, adding a layer of complication to the coordination of planned works. Permit requests for immediate works do not need to be submitted until 2 hours after works have started or even longer if they begin outside of working hours. ESH is often not aware of immediate works taking place until they receive a permit request, and it is regularly the case that ESH will be first informed of immediate works by network inspectors or bus drivers encountering them on their routes.

29. The Board accepted that immediate works are a necessary reality that have to be allowed to minimise potential risks or damage where infrastructure needs repairing. When immediate works permits are received, ESH will review the network to identify where these might clash with planned works, and if necessary, permits for planned works will be revoked and rescheduled to avoid multiple disruptions in an area. This can cause delays to planned works and creates a large workload for the network management team to coordinate and facilitate. Consideration is given to the likely length of time immediate works will take to minimise the impact on the planned work schedule by revoking permits.

30. In the sample month of October 2025, 30% of all permits were for immediate works, although the proportion varied significantly between different utility companies. Of the major utilities that undertook a large number of works in East Sussex, South East Water (SEW) and Southern Gas Networks (SGN) had the highest proportion of immediate permits at 69% and 68% respectively, and BT Openreach had the lowest at 6%. The Board noted that it was unsurprising that SEW and SGN undertook a greater number of immediate works due to the risks associated with water and gas leaks.

31. The Review Board explored whether utility companies used immediate works provisions to circumvent appropriate planning of their works or as a pretext for completing planned works. Highways officers agreed this was a risk and one that ESH was aware of, but it was a difficult area to challenge utility companies about. ESH inspectors do visit sites covered by immediate permits, especially when they are on busier roads, to check that the works being undertaken are appropriate, however this does disrupt planned inspections. It is also the case that water companies will be aware of many existing leaks at any given time. If there is a known issue, ESH would expect utilities to address this through planned maintenance, however leaks could easily be cited by water companies as a basis for completing immediate works. It is very difficult for ESH to prove that the immediate work system is being abused however, as it requires evidence that the water company knew of a leak in advance, and even in those circumstances the company could argue that the leak had worsened, requiring immediate work.

32. When asked by the Board, utility company representatives acknowledged the challenges that immediate permits create for the network management team and acknowledged there was potential for them to be used inappropriately. The Board heard from the Highways Manager at SEW, who highlighted a particular challenge with the TTRO/TTRN process for completing works which required road closures. It is often the case that there are works which require road closures that may not meet the threshold for immediate works, but nonetheless cannot wait the 3 months needed for a TTRO application. Some leaks are not of significant enough volume to qualify as an immediate work, but if left

for 3 months could result in more significant damage such as the creation of a sinkhole. In these cases, SEW would undertake these as immediate works and raise a retrospective TTRN.

33. She outlined that because the TTRO process does not work in all situations, SEW had developed approaches with Kent County Council and Surrey County Council to work around this and minimise the level of disruption. Utility companies often know about works that are designated as immediate before the permit is raised, sometimes up to a week before, as they have to plan traffic management and ensure the work force is available to complete a job. SEW had developed agreements with Kent and Surrey where when a job is recognised as requiring a road closure, SEW will contact the relevant network management team, advise them of the situation, request a date when work can take place and agree permit conditions as they would for planned works. SEW and the highways authority are then able to undertake necessary communications with bus companies, emergency services and other relevant stakeholders in advance of the work commencing. An immediate permit would then be raised with the relevant authority on the day of the works commencing as this was required by legislation. This approach ensures that in most cases the highways authority is aware where there will be a road closure in advance.

34. Based on the evidence considered, the Board concluded that an approach that allowed for "planned immediate" works would be a sensible enhancement to existing processes. These workarounds are not designed to circumvent the rules but to deal with practical realities where legislation does not currently provide for these circumstances. While these types of work could not formally be built into the permit scheme due to legislative limits, and would still require immediate work permits being raised, the Board considered that this approach would allow ESH to be less reactive in how it managed some immediate works and would help it to better coordinate planned and urgent works.

Recommendation 2

The Board recommends that the Council develops agreements with utility companies on how to coordinate on "planned immediate" works, with the aim of providing greater prior notice to the Council.

Digital coordination systems

35. The Board received a demonstration of the main digital systems that are used to coordinate street works. Street Manger is a DfT system launched in 2020 which all highways authorities and statutory undertakers are required to use, providing a single central database of all activities taking place on the roads. Permits and TTROs are all submitted and managed digitally via Street Manager, which also includes records of inspections, issuing of FPNs, details of reinstatements, and provides promoters and coordinators with all the necessary information about a road, such as whether it is classed as traffic sensitive or if lane rental applies.

36. The Board heard from multiple witnesses that, as a relatively new system, Street Manager has taken some time to embed, but now generally works well. New features continue to be added, including one recent addition that allows undertakers submitting a permit application to indicate if they were 'open to collaboration' on specific schemes. The Board concluded that having all available information in a single, easy-to-use system was

extremely valuable for both network coordinators and works promoters and welcomed that it continues to be developed and improve.

37. One.network is a publicly accessible website that allows people to review planned works by showing where permits have been granted, and to monitor ongoing activities, taking information directly from Street Manager. The Board heard that, while there is a public and freely accessible version of One.Network, the Council has a corporate license which provides enhanced functionality that is helpful for the network management team, including details of stakeholders and businesses that should be consulted before a road closure, and roads that are unsuitable for HGV diversions. The ESH Street Works Performance and Abload Manager informed the Board that there was good potential to broaden access to the licensed version of One.Network to further users with gov.uk email addresses for no additional cost. This could include town and parish councillors and clerks as the system allows users to receive alerts on works within particular areas, including ward boundaries.

38. The Board discussed the value in both ESCC councillors and town and parish councils having access to the One.Network license. This could encourage more self-service, with councillors able to identify disruption within their area and promote this information via social media and other channels to alert those who might be affected. Encouraging greater self-service would also help to reduce the number of enquiries into the network management team, thereby reducing cost.

Recommendation 3

The Board recommends that access to the licensed version of One.Network be extended to ESCC councillors, alongside appropriate training.

Recommendation 4

The Board recommends that the Council promotes One.Network with town and parish council clerks, and provides guidance on its use through existing outreach mechanisms.

Disruption caused by works

Diversions and signage

39. The Review Board explored the setting of diversion routes for road closures. This is a particular concern where there are instances of multiple road closures in an area, potentially generating overlapping diversion routes leading to significant congestion in specific locations. The Board heard that under the Road Traffic Regulation Act 1984, when utility companies submit a TTRO or TTRN they must propose a diversion route which directs travellers along roads of the same category as the road that is closed. This means that official diversions can be several miles long, a particular challenge in rural areas. ESH uses One.Network to identify the cumulative impact of works and diversion routes and will look to delay works if there will be too big an impact. If there are clashes with other works taking place on diversion routes, ESH may not allow a road closure until after those works are completed. Where diversion routes are set, travellers may still choose to take alternative

routes or 'rat runs' which do not follow the official diversion, however the Board concluded that it was not possible for the highways authority or utility companies to prevent this.

40. The Board reflected that it is very common to see road signs left in roads after works had completed and explored how this was addressed. The Traffic and Network Manager explained that any signage or equipment left in the road beyond the permit period was considered an overrun of works, and the undertaker responsible was therefore subject to a fine; the severity of the overrun determines the level of FPN issued. Issuing of an FPN requires time and date stamped photographs as supporting evidence, and therefore the ability to enforce it depends on the resource available to drive the roads and capture the necessary evidence. This is already a primary objective for ESH permit inspectors, however all field-based staff could be asked to identify and photograph instances of signs and equipment being left out to support the issuing of more FPNs and hopefully reduce instances of it happening.

Recommendation 5

The Board recommends that all ESH field-based staff be asked to collect evidence of signs and equipment being left beyond permit windows to support the issuing of FPNs.

41. The Board also considered road closure signage, noting that often it is unclear to travellers precisely where a road closure is, as well as whether pedestrian access is still available. The Board also reflected that while this was an issue, fewer drivers typically relied on signs for directions, with many satnav and GPS companies using live road closure data to direct drivers. Highways officers explained that current legislation meant that there were only 2 types of road closure signs that could be used, which must read 'Road Closed Ahead' until the actual road closure, at which point the sign must read 'Road Closed'. This was accepted as being unclear, and the Head of Highways explained that ESH looks to put out additional information boards about the location of road closures where possible and encouraged utilities to do the same. This issue has been raised in a report on managing the impact of street works through the Parliamentary Transport Select Committee, which had recommended that road closure signage should be made clearer. Government had agreed to explore the issue further with the Highways Authorities and Utilities Committee (HAUC), the national representative body. The Board welcomed this work at a national level to improve signage and advance warning of road closures and concluded that there would be no added value for the Council to do anything further locally in this area at this point in time.

Impact on passenger transport

42. Street works do not just affect private motorists, but anyone who relies on the roads for their means of transportation, including bus passengers and those entitled to Council provided home to school transport. The Board took evidence from the Passenger Transport Team Manager on how his team manages the impact of street works on public transport. He explained that congestion and street works cause the majority of delays to bus services and are the biggest source of frustration for bus operators. While a single set of two-way traffic lights may only cause a short delay for a bus, cumulative delays can be a significant issue. When a bus encounters multiple works on its route this impacts the overall timetable, even leading to cancellations where a bus has been delayed to the extent that it cannot complete

its return route. While street works can be a nuisance to drivers who face delays, people who rely on passenger transport to get to work, education or appointments often have no alternative transportation when buses are cancelled. Improved collaboration and sharing of traffic management by different works promoters would be beneficial for bus services in reducing the cumulative impact of works. The Board concluded that managing the impact on public transport users often appeared to be a secondary issue for works promoters. Officers noted work to improve communication and increase understanding amongst utility companies about the need to reduce the impact of works on passenger transport.

43. The Board heard that the passenger transport team works directly with the network management team in ESH to mitigate the impact of street works where possible, and that both teams are actively exploring ways to improve information sharing. Passenger transport is consulted before permits are granted for planned works that would affect bus routes. With sufficient notice, timetables can be adjusted to accommodate the likely impact of any road closures or diversions. Undertakers must also make specific bus stop suspension requests where their works prevent the use of a bus stop, and bus operators are then responsible for providing passenger information signposting to where buses can be caught from. Where it exists, Real Time Passenger Information boards at bus stops can alert passengers to delays and most stops have QR codes available to help passengers with the technology required to access this information.

44. Immediate works cause the biggest challenge for bus operators as they receive no prior notice. This can be especially challenging in relation to road closures which could leave buses stranded without an appropriate diversion. If immediate works begin out of hours the Council will not be alerted until the following morning, however late night and early morning bus services may have already been impacted. Bus operators typically have staff working during most hours of the day, and the Board considered that it would be beneficial for bus operator staff working outside of normal Council working hours to be alerted of immediate works directly and as soon as possible when they begin out of hours.

Recommendation 6

The Board recommends that the Council works with utility companies to develop communications protocols to directly alert bus operators of immediate works when they begin outside of Council working hours.

Road worker abuse

45. The Board heard examples from multiple witnesses of unacceptable abuse experienced by road workers, including threats, verbal aggression and physical assaults. Witnesses indicated that unfortunately the problem is getting worse, with abuse becoming increasingly common. Multiple utility company representatives gave examples of initiatives they were implementing in an attempt to reduce abuse and protect their employees, such as signage and CCTV, which the Board welcomed, and the Council's own highways contractor, BBLP, proactively worked with Sussex Police on this issue. The Highways Director of SEW, who is part of a HAUC working group on road worker abuse, noted that recently enacted legislation had created a standalone criminal offence of abusing retail workers in their place of work, and suggested that road workers should be granted the same legal protections, which the Board supported.

Draft Recommendation 7

The Board recommends that the Council supports lobbying of local MPs and Government to make abuse of road workers a standalone criminal offence.

Reinstatements

46. Works promoters are responsible for reinstating roads they dig up, and must do so to the national standards set out in the Specification for the Reinstatement of Openings in Highways (SROH Version 4) to ensure the road's life is not shortened or uneven surfaces are created. Without appropriate re-instatement a weakness in the road is created which can lead to potholes and depressions in the road surface forming more quickly. The Board considered evidence which indicated that opening a trench can reduce the lifespan of a road by 17%, meaning the more street works that take place, the more likely a road will need to be repaired by the highways authority.

47. The Council actively encourages first-time reinstatements by utility companies, but the current rules allow them to put temporary reinstatements in place immediately following works, with up to six months to carry out permanent repairs. Permanent reinstatements are subject to a guarantee; 2 years for excavations no deeper than 1.5m, and 3 years for excavations deeper than 1.5m. However, officers reported that it is very common for reinstatements to last only for the guarantee period and to begin to fail shortly after they become the responsibility of the Council to repair.

48. The Board considered that the guarantee period of two years for works is too short and does not provide an incentive for utility companies to provide a long-lasting reinstatement. The Board was supportive of a longer guarantee period for permanent reinstatements, similar to the 6-year guarantee that has been introduced in Scotland, but this would require a change in legislation. The Traffic and Network Manager informed the Board that ESH network inspectors are conducting inspections of reinstatements just over two years old to collect evidence to support lobbying for a longer guarantee period. The Board was supportive of this approach as it was unlikely that the Government would agree to changing the reinstatement period without evidence. The Board concluded that, while there is limited scope for the Council to do more on reinstatements within the current legal framework, lobbying on this issue could lead to changes which could improve the standard of repairs.

Draft Recommendation 8

The Board recommends that the Council:

- lobby the DfT to lower the time allowed for utility companies to complete permanent reinstatements and extend the reinstatement guarantee period to 5 years; and
- continue to collect evidence that supports lobbying on reinstatements, and encourage other highways authorities to do the same through regional and national partnerships.

Reinstatement monitoring

49. The Board explored how the Council monitors reinstatements to ensure they are of sufficient quality and heard that there are multiple ways in which ESH inspects reinstatements. Performance Based Inspections, otherwise referred to as sample inspections, take place at sites determined by random sampling, generated by the DfT, and includes footways and verges as well as carriageways. The percentage of a company's works subject to sample inspections is determined by their previous performance; a 90% or above inspection pass rate reduces the inspection rate by 5% (down to a minimum of 20%), whereas an 85% or lower pass rate raises the inspection rate by 5% (to a maximum of 100%). ESH receives £50 per inspection, paid for by the utility company, which covers the cost. During 2025/26 around 250 sample inspections have been conducted per month. The number of monthly sample inspections in East Sussex has been declining year on year since 2022/23, when 378 inspections a month took place, indicating a lower failure rate by utility companies. The majority of utility companies that undertake street works in East Sussex have the minimum proportion of their reinstatements inspected, indicating consistently high pass rates. The Board welcomed the positive trajectory in this area.

50. ESH is also able to undertake an unlimited number of routine inspections, on any reinstatement, but it must fund these itself. Approximately 1,000 routine inspections are undertaken a month, which are focused more towards reinstatements on the carriageway. Officers have noted that routine inspection results often show a higher failure rate than sample inspections because carriageway reinstatements are more likely to fail, as well as due to ESH being able to be more targeted on particular undertakers and undertake multiple inspections of their works. Despite this, it is not possible to formally measure or manage performance through routine inspections, as only randomly generated sample inspections can be used for this purpose. In the sample month of October 2025, approximately 12.6% of inspections identified a defect.

51. Most inspections are undertaken by eye, but the Council also has the power to carry out investigatory works such as core sampling. ESH undertakes core inspections, taking a sample of a reinstatement up to 4 inches deep, to ensure that sub-base of the road has been reinstated correctly with the right materials and levels of compaction, as this cannot be checked through visual inspections alone. If investigatory work confirms a defect, then the reasonable cost of the inspections may be recovered from the utility company responsible, however if it passes inspection then the cost of undertaking the work is met by the Council. ESH conducts approximately 50 core inspections per month; in the sample month of October 2025 there was a coring failure rate of 22%, which the Board noted was significantly higher than the failure rate for non-core inspections. Under the current legal framework utility companies have to fail coring inspections for three consecutive months before the Council can formally issue them with an improvement notice.

52. The Board reflected that many trenches were significantly deeper than 4 inches, and the whole trench required backfill, so explored whether a top level core was sufficient to measure for defects and for monitoring subsidence or insufficient compaction at a deeper level. They heard that while the Council can undertake a deeper core sample, it generally does not due to the risk of drilling into utility company infrastructure.

53. The Board was particularly concerned about poor coring performance. Despite core inspections showing a higher failure rate, the number undertaken is much lower than other inspections given the cost has to be met by the Council should no defect be found. The Board concluded that many poor reinstatements will therefore not be identified. This would result in the Council inheriting a liability after the reinstatement guarantee period, which it would ultimately have to pay the cost of repairing. The Board discussed further inspection options in this area within the resources available to the Council, and concluded that, given financial constraints, resource must be appropriately targeted. The Board concluded that ESH would be best placed to use the data it has available to identify if there are works promoters with performance issues related to reinstatements. If the data identifies companies with particular performance issues, ESH should work with them to understand the reasons for poorer performance and if necessary, carry out targeted core inspection programmes to encourage improvements.

Recommendation 9

The Board recommends that ESH consider developing targeted core inspection regimes for poorer performers where inspection data identifies promoters with higher reinstatement failure rates.

Planning and collaboration

54. The Council's ability to coordinate street works depends on good communication between the authority and the companies carrying out the street works. This enables effective planning so that the Council can put in place measures to manage the impact, such as notifying affected bus services or asking for works to be completed outside of peak hours where possible. Without planning, the same areas can be subjected to repeating disruption from different utility companies. The Board heard that the Council hosts quarterly coordination and compliance meetings, involving all the main utility companies, as well as ESH, the passenger transport team and National Highways. These provide a forum where ESH and utility companies can share future work plans and are encouraged to outline long term plans and submit Forward Planning Notices. Having this information allows the network management team to coordinate works and minimise disruption by scheduling works together when they are in the same location. Witnesses who had attended these meetings commented that the quarterly meetings were helpful for all parties.

55. Despite the benefits of the quarterly meetings, highways officers also noted that there are currently no requirements on utility companies to share plans for their upcoming work with the Council and the sharing of information on planned works can be variable. Some utility companies are good at communicating early, however others could be reluctant to share long-term planned works programmes despite, for example, industry regulations requiring water companies to work to 5-year maintenance programmes. ESH officers noted that it was particularly helpful for the network management team to have advanced sight of planned works through Street Manager, as it provides a relatively simple facility to proactively identify collaboration opportunities early on. Officers suggested that the best

way to achieve this would be by making it a mandatory requirement for utilities to submit Forward Planning Notices a minimum of 6 months before the proposed start date.

56. Both Southern Water and SEW gave evidence to the Board that they had planned for significantly more investment in water infrastructure over the next 5 years and this would involve an increase in the amount of planned works taking place on East Sussex roads, although this should result in a longer term decrease in the amount of immediate works by both companies. Southern Gas Network (SGN) is in the last 7 years of a long-term gas mains replacement programme that would require a significant amount of planned works. While the amount of planned works undertaken by these companies was due to increase, the Board reflected that in the long term these replacement programmes should reduce the amount of immediate works that these companies need to undertake. The Board also heard from representatives from UK Power Networks (UKPN) who highlighted the potential impact that the increased uptake of electric vehicles (EVs) may have on their network. They expected that they would need to conduct a significant amount of street works to ensure their network is able to meet expected demand from EV charging. The Board noted that the Council had recently procured a contractor to install the public on-street EV charge-point network, which should indicate to UKPN where there may be increased demand for power in future.

57. The Board concluded it would be helpful for utility companies to be required to share their planned works programmes, although this would require Government to change regulations. In the context of a likely increase in volume of planned works across all utility companies that met with the Board, Members suggested there would be mutual benefit in sharing more information with the Council, as better coordination of these works may also help the relevant companies in reducing reputational damage that increased street works volumes might bring.

Recommendation 10

The Board recommends that the Council lobby local MPs and DfT to introduce requirements for utility companies to share their plans for upcoming work by making it mandatory for undertakers to submit Forward Planning Notices through Street Manager 6 months before proposed work start dates.

Recommendation 11

The Board recommends that the Council work with UK Power Networks to identify the impact the rollout of the on-street EV charge-point network will have on their demand and support them in planning for increased EV take up.

On-site collaboration

58. The Board explored how utility companies could collaborate on works sites in ways that prevent multiple works in an area within a small stretch of time. One option is trench sharing, a practice where more than one utility company undertakes works in the same trench, meaning only one excavation is required. Highways officers advised the Board that trench sharing by utility companies very rarely takes place on East Sussex roads. Utility company representatives told the Board that trench sharing was usually very difficult to

implement in practice, due to issues around health and safety regulations, as well as which company is responsible for the reinstatement for the duration of the guarantee period. The Board concluded that an increase in trench sharing was therefore unlikely.

59. The Board heard that it is much more common for there to be collaboration between utility companies by planning their works to be back-to-back with each other, which allowed sharing of traffic management. Representatives from utility companies including UKPN, SEW, and Southern Water all highlighted that they would seek opportunities for traffic management sharing as much as possible, with the Street Works Operations Lead for UKPN explaining that companies often approach each other directly rather than arranging collaboration through the Council. Representatives from SGN noted that when undertaking works on busy roads they try and work with the highways authority to support them to do work, such as tree cutting and sign replacement, at the same time. The Board heard that there can still be challenges even when sharing traffic management, as if one company is unable to work to schedule this delays the works of another company. However, utility company representatives also highlighted that collaboration reduces their own permit and traffic management costs.

60. All the representatives from utility companies commented that, while network managers at ESH already facilitate collaboration very well, further support in this area would be welcome. The Street Works Performance Manager at UKPN highlighted that there is no prescribed approach to collaboration analogous to the permit scheme, but that it would be beneficial to have a clearly defined and prescriptive collaboration process that was supported by the Council, so that utilities can be brought together and facilitated to agree joint approaches.

61. The Board concluded that collaboration on works is important to reducing the amount of disruption on the road network, and it also provides benefits for utility companies in reducing the costs of works. Across its meetings the Board heard a willingness from officers and utility companies to identify more opportunities for collaboration on works and to work collectively on finding solutions. The Board also noted that, in the absence of stricter regulation, it was important that any approach to increasing collaboration had sufficient buy in from utilities, as otherwise it risked being ignored. The Board therefore concluded that those who work at the operational level are best placed to develop appropriate solutions to enhance collaboration practices. The quarterly coordination and compliance meetings and Lane Rental Surplus Group already bring together the Council and utility companies, and the Board concluded further opportunities for collaboration could be explored through these fora.

Recommendation 12

The Board recommends that ESH work with utility companies to develop enhanced approaches to collaboration on schemes. Should resourcing be needed to support any identified proposals then the Board recommends that consideration is given to submitting a business case to use Lane Rental surplus funds for this purpose.

New developments

62. The Board explored utility connections to new housing developments, noting there are significant numbers of new houses being built across the county and that a common frustration for residents near new development sites was repeated excavations of roads adjacent to developments. The installation of new infrastructure often appears to be uncoordinated, as different utility companies do not install their supply infrastructure to new houses at the same time.

63. The Board heard that utility companies are not statutory consultees on planning applications for new developments. While Local Plans could allow utility companies to forecast potential growth in demand, these were strategic documents that did not give companies visibility of individual planning applications, or the specific timing and phasing details of new developments, which were needed for engineering design. It has also been the case that in parts of East Sussex there have not been Local Plans in place for some time. The Board reflected on the County Council's role in the planning process, noting that is a statutory consultee on planning applications for more than five houses, but only for highways matters. The Council is not a consultee on utility capacity or whether new connections will be needed. The Board identified this as a gap in the planning system and, if utilities are not statutory consultees for capacity, no one is formally responsible for consulting them on the utility needs of each development.

64. Utility company representatives recognised this was a challenge. On most developments the major utilities are not responsible for laying the infrastructure for new houses, with independent contractors often employed by developers to install this on newly built roads. The major utility companies are usually only responsible for connecting the entire development to their existing network. As such, the major utility companies are not aware of developments taking place in the county until they receive a new connections request from the developer. Witnesses informed the Board that developers may delay placing orders for new services in order to minimise costs until developments start to be occupied. SEW gave an example where they were forced to conduct a new connection request as an immediate work when they were informed that a new development would begin to be occupied in a matter of days and they had received no prior notice. This approach from some developers undermines strategic planning and coordination, resulting in utility companies submitting permit applications for their works at different times, often resulting in multiple, sequential disruptions on the same road. The Board considered that it would be preferable for there to be a single extended set of works as all utilities installed their infrastructure at the same time, rather than multiple works in the same area by different companies, which causes frustration for residents and appears to show a lack of coordination.

65. The Board discussed the role that the Council could play in facilitating better coordination of new connections to developments, whilst acknowledging that ESCC it is not a local planning authority. Despite this, the Council works closely with all the local planning authorities in the county on a range of matters and should be aware when significant developments are being brought forward and on what timescales. This information should be shared routinely with utility companies to ensure they have visibility of development within the county and are better able to plan both strategic supply and specific connections. Utility company representatives told the Board that it would be helpful to have an individual

within the ESH network management team who was responsible for coordinating new connections to housing developments. The Board concluded that there may also be opportunities to strengthen collaborative working between planning and highways teams as a result of Local Government Reorganisation.

66. The Board also considered that the Council could seek to take a more proactive role in coordinating new connections by utilities. While there may be an identified gap in the planning system which does not clearly fall on any one organisation to address, as the highways authority the Council should seek to take a lead in facilitating effective working that reduces disruption on the roads. In this way, when the first new connection request from a utility company is received for a development, ESH should communicate this to other utility companies that would subsequently also be expected to need to make new connections. With this information utility companies would be in a position to proactively contact developers and encourage them to raise a request to make connections to the development. If possible, the Council could also look to delay the granting of any permits for new connections to developments until multiple requests had been received and coordinated. Although the onus is still on developers to make payments for new connections, enhanced coordination and communication between the highways authority and utility companies could encourage them to more efficiently raise requests and would allow for better coordination of works.

Recommendation 13

The Board recommends that the Council routinely provides utility companies with information about when and where new developments are coming forward through quarterly planning and coordination meetings.

Recommendation 14

The Board recommends that the Council inform all major utility companies when a new connection request for a new development is first received and do what it can to facilitate effective coordination for the installation of new connections.

Conclusions

67. The needs of residents and businesses in the county, for both an efficient highway network and connectivity to key utility services, are often difficult, if not impossible to reconcile. The Board recognised this challenge and the work of East Sussex Highways to manage a road network receiving almost 30,000 permit applications for street works a year. The likely increase in the number of street works in the coming years will only add to this challenge. It was clear to the Board that many of the challenges relating to the management of street works are a result of legislation which is largely unchanged since the last time scrutiny reviewed this topic in 2013. In this context, the Board believes that the Council has a robust and well supported set of processes for managing and coordinating street works within the current framework.

68. Nonetheless, having heard evidence from both Council officers and utility company representatives, the Board found that there are opportunities for better working within the

current legislative and financial constraints. All those the Board met with emphasised the existing strong working relationships between the Council and those undertaking street works in the county, and a willingness to collaborate and work collectively to reduce the level of disruption street works bring. The Board concluded that the Council should seek to capitalise on the willingness of utility companies shown during this review to identify improvements to its ways of working with utility colleagues that lead to better joined-up planning of works and more effective collaborative practices. As the highways authority, the Council should lead by example and assist in planning and facilitating collaboration at every level. While a collaborative and fair approach should be the primary way the Council works, the Board also concluded that it should be not be reluctant to use the enforcement options available when standards fall below the level that ought to be expected, in order to ensure the effective use of resources and deliver improved highway conditions.

Appendix:

Scope and Terms of Reference of the review

The Review was established to consider and make recommendations on the following lines of enquiry of the review:

1. Coordination of works
    - Are utility companies sharing their planned works schedules with the Council, and what would encourage them to share more information of planned works?
    - Are different utilities coordinating their works with each other and are there examples of companies digging up the same streets repeatedly in a short period?
    - Is there evidence that utilities are using emergency work categories to bypass the permit process, and if so, what can be done to minimise this?

2. Minimising disruption
    - Are diversion routes being effectively planned and coordinated?
    - Are street works avoiding unnecessary disruption for pedestrians (especially wheelchair users and those with visual impairments), cyclists, and public transport users?
    - Are reinstatements of sufficient quality and durability?

3. Incentives and barriers for better street works
    - Are there incentives the Council could use to encourage better performance and collaboration from utility companies?
    - Is the Council effectively using all the enforcement options at its disposal for permit compliance and reinstatement failures?
    - What are the legislative and regulatory barriers to better street works?

4. Learning from other areas
    - Are there examples of effective approaches taken by other councils or national guidance and best practice to encourage good performance from utilities?

Board Membership and project support

Review Board Members: Councillors Steve Murphy (Chair), Julia Hilton, Ian Hollidge, Philip Lunn, and Paul Redstone.

The Project Manager was Patrick Major, Policy and Scrutiny Adviser, with additional support provided by Rachael Bellew, Scrutiny and Policy Support Officer.

Karl Taylor and Andrew Turner provided ongoing support to the Board throughout the review.

Review Board meeting dates

Scoping meeting – 20 October 2025

Board meetings

27 November 2025

12 January 2026

30 January 2026

11 February 2026

27 February 2026

Witnesses providing evidence

The Board would like to thank all the witnesses who provided evidence in person:

ESCC

Karl Taylor, Assistant Director Operations

Andrew Turner, Head of Highways

Craig Lamberton, Passenger Transport Team Manager

East Sussex Highways

Trevor Merchant, Traffic and Network Manager

Jon Copp, Street works Performance & Abnormal Load Manager

Utility Companies

Richard Boissieux, Street works Manager, UK Power Networks

Anis Dandy, Street works Performance Manager, UK Power Networks

Paul Dooley, Street works Performance Manager and Joint Chair of SEHAUC, UK Power Networks

Michael Harwood, Public Affairs Manager, UK Power Networks

Stephen Saunders, Street works Operations Lead, UK Power Networks

Trudi McLeod, Highways Manager, South East Water

Jason Bovey, Reinstatement Manager, Southern Gas Network

Fern Fisher, South East Regional Manager Construction, Southern Gas Network

Helen Peile, Stakeholder and Community Manager, Southern Gas Network

Lewis Tear, Connections Team Manager, Southern Gas Network

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Background and evidence papers

Item	Date
Scrutiny Review of Street Works in East Sussex, ESCC	March 2013
The East Sussex Permit Scheme, ESCC	September 2017
Scrutiny Review of Pothole Management, ESCC	November 2023
'Reducing the impact of highway works on road users', Chartered Institute of Highways and Transportation	September 2025
A Councillor's guide to better street works, Local Government Association	June 2025
Managing the Impact of Street works, UK Parliament	September 2025
Written responses to questions of the Review Board, Southern Water	January 2026