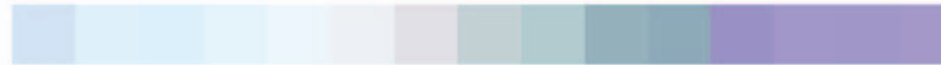


APPROACH PRINCIPLES COLLABORATION DEVELOPMENT



the Kent design guide

making it happen - technical assessment and adoption
(commuted sums)

Overview

This part of making it happen includes guidance on the circumstances in which we may apply commuted sums for the cost of aftercare.



commuted sums

Legislation

Circular 05/2005 Planning Obligations refers to the payment of commuted maintenance sums where specifically provided for in legislation.

Section 38 of the Highways Act 1980, sub-section (6) provides for paying expenses to us for maintaining any highway, road, bridge or viaduct covered by an agreement made under that section.

Section 278 of the Highways Act 1980, sub-section (3) provides for the developer (the other party to the agreement) making payments to us for maintaining the works the agreement relates too.

Background

The need for paying commuted sums can be divided into four broad categories:

1. The cost of maintaining adoption areas and construction materials that are significantly over and above that normally required to provide for the safe and satisfactory functioning of the highway. Examples include additional areas of hard landscaping, grass verges and so on.

Under this category you may be asked to pay a commuted sum for:

- highways generally constructed under S38 agreements, where additional adoption areas and construction materials that result from the overall development layout design, are over and above what we would normally require to satisfy safe and operational requirements; and
- alterations to the existing highway network, carried out under S278 agreements, that are required only to serve the development and provide no general public benefits.

We will consider individual cases on their merits where there is some general benefit.

2. The cost of maintaining features that we consider as extra over items. Examples include, some Home Zone features, highway structures, public transport infrastructure where appropriate, certain landscaping features and additional or non street furniture.

Under this category you may be asked to pay a commuted sum for:

- the costs that represent an increase in our future maintenance liability that are significantly more than the anticipated normal funding generated by the development.

3. The cost of maintaining permitted alternative materials and features that we consider as extra over items. Examples include non-standard surfacing materials and higher specification street lighting equipment.

Under this category you may be asked to pay a commuted sum for:

- Additional costs that are significantly more than we would have incurred if the materials and items that used had been to the standard Specification.

4. Sustainable Urban Drainage Systems (SUDS), for example, flow-attenuation devices, swales and storage areas.

Under this category you may be asked to pay in commuted sum for:

- The cost of maintaining SUDS solutions that represent an increase in our future maintenance liability.

(Where you propose to include a SUDS solution in your submission, you must hold discussions with all relevant parties at an early stage (and certainly before any planning application is submitted to the local District Planning Authority) to agree ownership and future responsibility for the facility)

Policy

Our Highways Advisory Board approved the implementation of our commuted sum policy in January 2003.

You may be required to pay us a commuted sum, where appropriate, in accordance with our commuted sum policy.

The policy is included on our website as a reference document. The figures in the table are normally updated on an annual basis, but you should check with us to ensure that you have the up to date figures.

The relevant agreement used by us will include a clause requiring payment of commuted sums where necessary.