

Technical Appendix 14: Highways and Transportation

1. Service Overview

- 1.1. Under the [Highways Act 1980](#), KCC is the Highway Authority for Kent, responsible for managing and maintaining all adopted roads in the county: motorways and trunk roads are the responsibility of National Highways.
- 1.2. KCC is also the Local Transport Authority for Kent [1]. Policies and measures to actively promote alternatives to car-based travel, as well as improving the safety, accessibility, sustainability and efficiency of Kent's highway and transport networks are set out in its [Local Transport Plan for Kent](#) (LTP) and [Active Travel Strategy](#). These will be applied to new developments as appropriate. The LTP is currently under review to align with evolving UK transport policies and to meet KCC's commitment to Carbon Neutral.

[1] Transport Act 2000.

- 1.3. New development can put pressure on both the transport system and the environment; the land-use strategy (as set out in the Local Plans) and each individual development must be as sustainable as possible. Each development granted planning permission must make proportionate contributions to mitigate its impact on the transport network. This helps avoid safety and capacity issues that could prejudice the delivery of subsequent developments necessary to meet KCC's housing and employment targets.
- 1.4. With ever-increasing traffic volumes (particularly HGVs), new development can also add to KCC's constant challenge to maintain a growing and ageing highway network. Developers and others designing highways for adoption must consider at an early stage, the lifetime cost of their proposed materials and equipment. Specifications should demonstrate how this compares with alternatives and how the assets will be maintained safely, in line with KCC's new technical approvals process.

2. Strategic Transport Infrastructure

- 2.1. KCC works closely with district councils and National Highways to develop comprehensive transport strategies and policies as part of the Local Plan making process. These are underpinned where appropriate by multi-modal traffic modelling, to identify the strategic transport infrastructure required to facilitate housing and employment growth. Measures are set out in the Infrastructure Delivery Plan (IDP) to the Local Plan.
- 2.2. Where potential development sites have been considered in combination, significant infrastructure may be required as the most appropriate form of

mitigation. Examples include a bypass, major new junction configuration or a traffic calming and pedestrian/ cycle scheme through a village or town.

- 2.3. Such schemes should be designed and costed to outline stage for inclusion in the IDP to the Local Plan. The LPA, in consultation with the Highway Authority, would be responsible for securing appropriate contributions from development sites, in proportion to the trips generated by the proposed developments, divided by the cost. Funding would be secured via s106 contributions made to the Highway Authority; this enables detailed design, consultation, and implementation, subject to appropriate guarantees.
- 2.4. Large scale development sites will also need to submit their own Transport Assessments through the planning application process, identifying specific mitigation measures that could be delivered irrespective of the other sites on a particular route or at a junction. This should be done on a similar timescale and in a similar area to the Local Plan process. Site promoters will be encouraged to work together to determine a collective solution that could be delivered by the Highway Authority as outlined above, particularly addressing the financial risk should one or more sites not come forward.
- 2.5. KCC may also have opportunities to bid for government support to jointly fund infrastructure measures or, ideally, facilitate up-front implementation to enable the delivery of housing or employment sites. Some LPAs use CIL as an alternative source of funding. External government funding, however, cannot be relied on as this is subject to funding bids to the government, which may or may not be successful. Development proposals should, therefore, seek to mitigate its impact on the local highway network.

3. Site-Specific Transport Infrastructure

- 3.1. Even where there are no other planning or environmental issues, KCC requires the transport impacts of all development proposals to be considered and if necessary, further assessed at planning application stage.
- 3.2. For smaller sites of up to 100 dwellings, and employment sites of under 2,500 m² gross floor area (GFA) a Transport Statement (TS) may be required. For smaller sites in traffic-sensitive areas and for larger sites (over 100 dwellings or employment sites of over 2,500 m² GFA) a Transport Assessment (TA) will be required.
- 3.3. These should be prepared in accordance with the guidance set out in [‘Travel Plans, Transport Assessments and Statements’ \(March 2014, Ministry of Housing, Communities and Local Government\)](#).
- 3.4. The required scope and content of the TS/TA will vary on a case-by-case basis. Developers must consider whether safe and suitable access can be created with the public highway, including additional emergency/secondary access points for larger sites in accordance with [Manual for Streets](#) and [Kent Design Guide](#). They should also investigate road safety implications,

network capacity impacts (which require traffic modelling) and access to sustainable transport infrastructure/ services.

- 3.5. TAs should consider accessibility by all modes of transport and quantify the development's overall impact on the local transport network. This provides a basis for identifying and agreeing any required mitigation measures, which will be subject to conditions. A planning condition may be imposed on the grant of planning permission for the delivery of transport improvements requiring the developer and/or owner to enter into a s278 Agreement (Highways Act 1980). In some cases, measures may be delivered by KCC through a s106 Agreement (Town and Country Planning Act 1990) or via CIL.
- 3.6. Following the Covid-19 pandemic, people are increasingly using digital connectivity and delivery services, rather than travelling for meetings, work and shopping. In addition, the UK also has a legally binding commitment to decarbonise its economy. As a result, KCC is changing how it assesses traffic impacts of new development, moving from the traditional 'predict and provide' approach to a new 'decide and provide' model. Rather than considering the worst-case traffic growth forecasts and physically adjusting the road network to accommodate them, it focuses on providing infrastructure to accommodate its preferred future vision.

4. Agreements - s278 and s38

- 4.1. Highway works executed by a party other than KCC as a result of a planning permission, are usually carried out under s278 of the Highways Act 1980.
- 4.2. A s38 Agreement of the Highways Act 1980 enables KCC to take over and maintain at public expense (adopt), roads, footways, cycleways, and other areas constructed by a developer by way of agreement.
- 4.3. Highway work versus contributions
 - Mitigation must be fully funded and delivered directly by the developer, under an s278 Agreement with the Highway Authority. All work within or affecting the highway will be subject to technical approval by the Highway Authority before commencement; details are to be agreed with KCC.

Contributions for highway works will be agreed only in exceptional circumstances, such as:

- a large-scale strategic transportation scheme
- with more than one funding source
- identified through the Local Plan process and included in the associated IDP

- 4.4. Where more than one development in an area generates the need for a specific local highway scheme that an individual development cannot deliver, KCC may secure financial contributions and procure the works, using a s106 or s278 Agreement as appropriate.
- 4.5. Highway work and surety
KCC will require an appropriate surety (either a cash deposit or a bond) it can call upon should the developer not complete works to the satisfaction of the Highway Authority.
- 4.6. Inspection fees
- 4.6.1. KCC charges a fee for preparing and managing s278 & s38 agreements. These covers:
- checking the design of the highway works and any associated structures and drainage
 - safety audits
 - design checks
 - site inspections.
- 4.6.2. The level of fees charged are:
- s278 - 10% of the cost of the works up to £500,000, then 3% of the balance, plus a consultancy fee for transport advice.
 - For s38 - 10% of the cost of the works
- 4.6.3. Further information: [Highways fees and charges](#)
- 4.7. Traffic Regulation Orders
- 4.7.1. Where a development requires a traffic regulation order (TRO) - for example, to provide waiting restrictions - KCC charges a fee to cover the processing and advertising costs. This varies according to the order(s) and associated works required. The developer will be responsible for informal consultations with those affected (residents, businesses, emergency services, bus operators, elected Councillors for the area) prior to any formal consultations, and procurement and implementation of the associated infrastructure, including signage and lining. This will be secured through a s278 Agreement unless otherwise agreed with KCC. TROs cannot be a condition of planning since they are governed by separate legal processes; a condition may stipulate that 'best endeavours' are made to secure them. The TRO process can take time and should be undertaken promptly to avoid delays in implementation.
- 4.8. Commuted Sums for Maintenance
- 4.8.1. The Highway Authority will require commuted sums from developers to cover the lifetime maintenance costs of assets it takes on, and replacement costs at the end of their useful life. These sums are secured through both s278

and s38 agreements. Assets attracting contributions on transfer to KCC may include:

- Street lighting
- Traffic signals and illuminated signs
- Pedestrian crossings
- Highway structures such as retaining walls, bridges, and gantries
- Landscaping and adopted land
- Fencing and noise bunds
- Bus shelters and other public transport infrastructure
- Street furniture and bollards
- Soakaways
- Drainage infrastructure
- Tree planting in soft and hard landscaping, hedges
- Culverts
- Traffic management features
- Interceptors
- Pavements

4.9. Calculating Commuted Sums

- 4.9.1. KCC calculates commuted sums for maintenance using principles set out in guidance produced for the Department for Transport by [ADEPT, the Association of Directors of Environment, Economy, Planning and Transport](#). Developers should not assume KCC will accept responsibility for or maintain all highways infrastructure. For example, street lighting that does not perform a useful network function may not be requested on some roads and would not be automatically eligible for adoption.
- 4.9.2. Any asset a developer is seeking KCC to adopt must be in an appropriate condition, with necessary maintenance work completed prior to transfer. Where proposed materials are not within the current Highway Authority specification, additional sums may be requested, or adoption refused.
- 4.9.3. Under special circumstances, KCC will require commuted sums for maintenance of an asset it already owns; for example, if construction traffic is likely to damage the carriageway. These sums, usually secured through a s106 agreement, will be returned in whole or in part if no damage occurs.

5. Sustainable Travel

5.1. Background

- 5.1.1. Sustainable travel remains an important component of healthy and well-connected communities and is essential to delivering climate change commitments. KCC will always therefore, evaluate any planning application against Section 9 (Promoting Sustainable Transport) of the NPPF and other local policies to ensure that those tests are met, and that appropriate

mitigation is made. In accordance with the Manual for Streets (MfS Table 3.2), wherever possible in the assessment of new development sites, KCC will adopt the user hierarchy of considering travel by pedestrians first, then cyclists, then public transport users, service vehicles (emergency services, waste etc.) and then other motorised traffic. This will help to ensure that new streets serve all users in a more balanced way and help to establish firm, sustainable connections to neighbouring settlements.

As with other highway schemes, mitigation may be sought either through s106 contributions or direct s278 delivery. KCC encourages applicants to capture those requirements through the provision of Travel Plans; long-term management strategies providing a framework for managing transport issues and promoting travel choice. They can help reduce private car use, which in turn helps tackle localised congestion.

5.1.2. Under the NPPF, a Travel Plan is an essential component of workplace, residential and school planning applications. The Plan should include 'modal share' targets and measurable outcomes, with arrangements for monitoring progress and mitigating actions to be agreed where targets are not met.

5.2. Development Travel Plans

5.2.1. When constructing a Travel Plan, developers should consider how to positively contribute to:

- Sustainable travel
- Improving air quality
- Improving health & quality of life
- Reducing motorised traffic on the transport network
- Improving road safety

5.2.2. A Travel Plan will typically incur a monitoring fee covering a five-year period, as required by a Section 106 obligation. Fees generally range from £948 to £1422 but may be increased depending on the site. Travel Plans are suitable for:

- Large commercial and mixed-use sites with potential for significant trip generation affecting the local or strategic road network
- Some medium commercial and mixed-use sites within areas where cumulative traffic increase seriously affects the environment, economic viability, or quality of life e.g., congestion hotspots, AQMA etc.
- Some larger residential developments, depending on local context and likely value of ongoing monitoring in contributing to the Travel Plan objectives
- Any other development where ongoing monitoring and targets can bring about improvements to sustainable travel

5.2.3. All other developments will require a Sustainable Travel Statement and List of Sustainable Travel Measures where necessary to comply with the NPPF.

5.3. School Travel Plans

5.3.1. Under the Education and Inspections Act 2006, and where it aligns with NPPF objectives, local authorities are encouraged to develop travel plans with schools. These set out measures to promote safe, active, and sustainable travel to school, both for pupils and staff. The main emphasis is usually to reduce the number of children being driven to and from school, which will also have a positive impact on local air pollution.

5.3.2. Travel plans for new schools are secured as part of planning conditions. Developers are encouraged to incorporate sustainable and active travel planning from the outset and should consider ways to:

- Reduce the number of car journeys to the school
- Establish active journeys from the outset
- Improve both mental and physical health through physical activity
- Promote independence and improve safety awareness
- Reduce the environmental impact of the journey to school.

5.3.3. Developers are encouraged to investigate the feasibility of or consider designing car-free and clean air zones around school developments, particularly at school entrances.

5.3.4. Developers should seek KCC's advice and, where possible, register with its online Travel Planning tool system for free, interactive guidance.

6. Public Transport

6.1. KCC Public Transport supports Kent's bus network by:

- contracting services which are not financially viable (where budgets allow)
- providing infrastructure
- facilitating relationships with operators
- providing concessionary schemes such as the Kent Travel Saver

6.2. The department also arranges home-to-school transport for eligible pupils and those with Special Educational Needs.

6.3. Public Transport is a key part of sustainable travel, so contributions from new developments may be sought to:

- improve nearby existing local bus services through frequency enhancements, vehicle upgrades and ticketing initiatives (including travel vouchers).
- provide new and additional local bus services to the development.

- provide new bus stop infrastructure and fund ongoing maintenance.
- fund home-to-school bus capacity required as a result of the new development.
- provide new community transport, flexible and/or Demand Responsive Transport services.

6.4. Contributions will be based on the site location and its impact, and the current local bus service network. Contractual arrangements will be determined on a site-by-site basis. Some cases may see a direct arrangement between the operator / District Council; in others, the funding should come to KCC Public Transport.

6.5. Developers should consider bus access requirements when designing new developments.

7. Indexation

7.1. Indexation will be applied to contributions in accordance with advice issued by the Office of National Statistics (ONS) and should match the type of measure to be delivered. For highways construction works this will generally be the Road Construction Index (ROADCON) or the General Building Costs Index. The base date for indexation will be based upon the date at which the costs have been established.

8. Time Limit on Spend

8.1. Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

9. Further Information

9.1. S106 contributions will be based on the development's specific circumstances (location, size, type, amount of off-site sustainable travel works to be delivered by condition and cost of local KCC sustainable transport schemes). Site promoters are encouraged to seek pre-application advice on highway matters via the KCC website at: [Highway pre-application advice - Kent County Council](#). A charge will apply for a formal written response.