

10.10.1 MAXIMUM DAILY CHARGES

The applicable charges are set out in Tables 10.1 and 10.2 below. These are *maximum* charges, as the Authority has an *explicit* power⁶⁰ to reduce or waive charges as it sees fit and should exercise these powers of discretion reasonably.

Promoters should plan and manage their works effectively in line with their statutory duty to avoid unnecessary delay or obstruction on the highway. However, such circumstances may arise where Promoters can demonstrate that they have made genuine errors (and not repeated errors of the same type) and Authorities should consider each situation on its own merit and the conclusions reached need to be based on all of the specific circumstances.

Authorities must act reasonably when applying their powers as their decisions may be liable to challenge. Therefore, Authorities are strongly recommended to develop procedures that will stand up to audit where discretion or mitigation has been applied. It is recommended that consideration is given to the level of disruption and resultant impact on the highway network is taken into account when considering the reasonableness of charges applied.

Table 10.1 Maximum charges in relation to works occupying the carriageway during period of overrun			
Item	Description of street	Amount (£)(each of first three working days)	Amount (£)(each subsequent working day)
1.	Traffic-sensitive or protected street not in road categories 2, 3 or 4.	5,000	10,000
2.	Other street not in road categories 2, 3 or 4.	2,500	2,500
3.	Traffic-sensitive or protected street in road category 2.	3,000	8,000
4.	Other street in road category 2.	2,000	2,000
5.	Traffic-sensitive or protected street in road category 3 or 4.	750	750
6.	Other street in road category 3 or 4.	250	250

Table 10.2 Maximum charges in relation to works outside the carriageway during period of overrun		
Item	Description of street	Amount (£) (each working day)
1.	Street not in road category 2, 3 or 4.	2,500
2.	Street in road category 2.	2,000
3.	Street in road category 3 or 4.	250

For the purposes of determining what charges are due, works are treated as being complete when;

- interim or permanent reinstatement has been completed,
- all road markings have been replaced to at least a temporary standard,
- all signing, lighting, guarding, spoil, materials and plant have been removed, *and*
- the highway has been returned fully to public use.

For traffic-sensitive streets, the applicable maximum daily charge depends on whether or not the works affect the carriageway during the period of overrun. For these purposes, the highway authority may treat the overrun as affecting the carriageway if, at any time during the overrun period:

- there is any excavation of the carriageway where interim or permanent reinstatement has not been completed;
- any signing, lighting, guarding, spoil, materials or plant remain in the

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carriageway;

- some other aspect of the works prevents the normal free passage of traffic (including pedestrians) along the full width of the carriageway

Where there has been a reasonable attempt to complete or replace;

- reinstatement and/or
- markings and/or
- special surfaces

to a temporary, interim or permanent standard, but on inspection these do not meet the performance specification⁶¹ then section 74 does not apply. Instead the procedure in the Code of Practice for Inspections for non-compliance with the SROH should be followed. That is to say, no part of the highway is obstructed or otherwise unavailable for the normal passage of traffic (including pedestrians) for any reason connected with the works, with the exception of legitimately parked vehicles.