

Early Engagement Approach for Major Third Party Projects

Guidance for Third Party Promoters

VERSION 1.0

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Contents

1.	Introduction	3
2.	Why is early engagement with National Highways beneficial for Promoters?	4
3.	When to begin engagement	6
4.	Key areas for initial discussion	6
5.	Next steps	7
6.	How to contact us	7
	Annex A	8

1. Introduction

- 1.1 National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN)¹. The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. In this context, we work closely with Promoters of large and complex schemes affecting the SRN and have extensive experience of securing good outcomes for major external projects and the SRN through the Development Consent Order (DCO) and hybrid Bill processes.
- 1.2 This Guidance principally applies to Nationally Significant Infrastructure Projects (NSIPs)², consented under the Planning Act 2008, and to projects being consented through the hybrid Bill³ process. It is intended to be applied to major third party projects, i.e., large or complex projects with a significant impact on the SRN, which require long-term, resource intensive engagement. For other projects with less risk to the SRN, a proportionate approach will be taken to our engagement on a case-by-case basis, in agreement with the Promoter, although it may still be useful to apply certain principles or aspects of the approach laid out in this Guidance.
- 1.3 National Highways' corporate imperatives are safety, customer and delivery. Engaging with us at an early stage on your project will ensure that your plans will not impact adversely on the work we do, or the customers and communities that we serve. In turn, that will help to you to achieve a smooth passage through the consents and approvals processes.
- 1.4 Early engagement with National Highways is of enormous benefit to scheme Promoters, in helping to derisk their projects by enabling the development of design solutions involving the SRN that can secure consent. It also helps us to safeguard the safe and efficient operation of the SRN and comply with our Licence obligations.
- 1.5 Early engagement is defined here as the initial discussions between the scheme Promoter and National Highways to enable the Promoter to provide National Highways with an understanding of the project and its potential implications for the SRN, and for National Highways to communicate our approach and requirements at a strategic level. Early engagement is of variable duration but is likely to comprise between one and a few meetings, and a short period of review, **likely over one to two months**. In our experience, it is better to begin more detailed discussions only once there is a common understanding of the scope of work needed in relation to the SRN and an agreed way forward regarding how it will be managed. This is likely to avoid misunderstandings and disagreements later and facilitate better project outcomes (see section 2 below for more details).

¹ <https://nationalhighways.co.uk/media/u4apnjvk/nh-srn-simplified-map-2023.pdf>

² <https://national-infrastructure-consenting.planninginspectorate.gov.uk/decision-making-process-guide>

³ <https://www.parliament.uk/about/how/laws/bills/hybrid/>

1.6 The Guidance covers:

- The benefits of engaging with National Highways on your project at an early stage
- When to begin engaging with us
- The key areas we would like to focus early discussion on
- Next steps

2. Why is early engagement with National Highways beneficial for Promoters?

2.1 Experience has shown that early engagement is a critical factor in the successful delivery of major third party projects. On projects where we have engaged early in the development process, it has enabled a strong working relationship with the Promoter to be built, which has endured throughout the entire project lifecycle. By way of contrast, where engagement did not take place until some of the key project decisions had been made, the climate to work in was more challenging and it made the consenting process more difficult, resulting in abortive and costly work for the Promoter, something that National Highways wishes to avoid.

2.2 Early engagement on large and complex projects which have an impact on the SRN has a number of benefits to the scheme Promoter, which can be summarised as follows:

- **Better Project Outcomes** – being involved in the project as early concepts are being considered and decisions are made that set a particular course, enables National Highways to help to secure outcomes in a way that is beneficial to the project overall and maximises potential opportunities before they are closed off, keeping costs to a minimum and avoiding delays to the Programme later, when it is more difficult to make changes. A good example is that of a railway project which makes a decision on the route alignment. Where the railway crosses the SRN can have a significant impact on highway infrastructure and the operation of the network, but may provide opportunities for multi-modal interchange. If National Highways becomes involved in the project after these strategic decisions are made, the project's course is set, and it becomes difficult and expensive to make changes that will reduce risks or increase opportunities.
- **Risk mitigation** – By identifying potential issues early on, National Highways can help the Promoter mitigate risks that could impact the project's timeline, budget, and overall success. This proactive approach can save time and resources in the long run.
- **Good relationships** – involving National Highways in a third party project from the outset helps to foster strong and trusting relationships with the Promoter. We think it is better for us to work in partnership with the Promoter rather than being a more passive consultee as it is likely to reduce the risk of delay, or even failure, to gain development consent, as well as reduce the risk of wasted effort on designs that may have to be reworked.

- **Structured approach** – Early involvement in the formative stages of a project can enable a more structured approach to National Highways’ engagement with the project through its lifecycle, for example, by establishing key relationships, governance and working arrangements from the outset. This is much easier to achieve before the project gains momentum and scope decisions are made, and can benefit the project by enabling decisions to be made in a timely manner, avoiding the need for costly rework by the Promoter.
 - **Understanding each other’s needs** – Early discussions, taking place before the project progresses into development when design and assessment issues need to be grappled with, allow the space to be created to understand each other’s needs and drivers. It is important for National Highways to communicate its key requirements and the reasons for them, so that the Promoter can accommodate them as they develop the project. It is also important for National Highways to have a clear understanding of the Promoter’s aims and objectives to enable us to help the project to progress and secure consent.
 - **Leveraging Expertise** – Engaging at an early stage, enables access to experts in highways design and operations, including specialisms in relation to environment, infrastructure design, consenting and digital enhancements to the benefit of the project.
- 2.3 Given the government’s proposed amendments to the Planning and Infrastructure Bill concerning the removal of the statutory consultation requirement in the Pre-application stage, effective early engagement between National Highways and the Promoter is of even greater importance as it will allow both parties to agree milestones in the Promoter’s pre-application programme, to help ensure key issues are understood, communicated and addressed ahead of the DCO submission.
- 2.4 In view of the benefits and expertise we provide Promoters in supporting the development of third party schemes through the DCO process, National Highways will be seeking to recover our costs under section 54A of the [Planning Act 2008](#) and pursuant to the [Infrastructure Planning \(Fees\) Regulations 2010 as amended](#). We will also seek to apply a similar approach to projects being consented under the hybrid Bill regime. Early engagement with National Highways will help to resolve matters during pre-application and therefore reduce costs.

3. When to begin engagement

- 3.1 Major infrastructure projects have long development lead times, often following years of studies and previous attempts at gaining traction.
- 3.2 It is therefore difficult to identify a consistent and precise point at which a scheme Promoter should approach National Highways to engage in the development of their project, as every project is different. A Promoter will naturally want to avoid expending resources and incurring costs prematurely, before there is confidence that the project is likely to succeed. However, it is important to engage with National Highways at an early stage to ensure that the SRN is properly considered, as choices regarding the high-level project scope are made. This will help to minimise risks to the project, with the potential for future costs and Programme delays, as well as maximising opportunities for efficiencies and added value. For engagement to be more meaningful, it should always begin before key design elements are fixed, and before a route is selected for linear infrastructure projects such as railways.
- 3.3 We would suggest that an appropriate time to contact us and initiate senior level discussions would be when your project team starts to become established and before strategic options (for example route alignments or access points) are considered and determined. An exploratory meeting at this stage would enable National Highways to provide some initial strategic advice and to mobilise its resources quickly if required.

4. Key areas for initial discussion

- 4.1 Our experience has shown that early discussion of several key issues to establish the relationship between the two organisations and understand the principal areas of interface is time well spent in advance of engaging on project detail.
- 4.2 It is important for the Promoter to have shared with National Highways the location, project scope and potential scale of impacts on the SRN before identifying mitigation solutions in any detail. This will allow any early assumptions regarding the SRN to be tested and any critical blockers identified. Other information, such as expected timescales and key milestones and your organisational structure for delivering the project will help our engagement with you.
- 4.3 We are keen to understand your project drivers and desired outcomes, whilst explaining the issues of importance to National Highways, including our business imperatives and Key Requirements for third party projects, such as compliance with the DfT Circular 01/2022, how the impacts on the SRN should be assessed and strategic design considerations.
- 4.4 We would also like to explore how best we can work with you to support the development and delivery of the project, whilst safeguarding the safe and efficient operation of the SRN. Agreeing ways of working and establishing processes and mechanisms for

approvals before embarking on scheme assessment and design can bring enormous benefits to the project and save time and cost later. National Highways believes that a collaborative partnership approach is more likely to lead to the best outcomes for both the project and the SRN and we have developed an Engagement and Collaboration Framework to support this endeavour, which can be shared with Promoters as appropriate.

- 4.5 In addition, (as referenced in paragraph 2.3 above) we would want to discuss the recovery of National Highways' costs and the processes we follow to manage this.
- 4.6 **Annex A** provides a flow diagram setting out our recommended early engagement process as described in this document.

5. Next steps

- 5.1 Following these initial discussions, National Highways will be able to scope out the Programme of work necessary to understand the project's impacts on the SRN and agree the mitigations required, to enable our support during the consent process.
- 5.2 We will then be able to engage with you in greater detail on our Key Requirements and a joint programme of activity to support the project.

6. How to contact us

For further information, please contact us at:

ThirdPartyInfrastructureGroup@nationalhighways.co.uk

Annex A

Flow diagram for early engagement process

