

Key requirements for Third Party Nationally Significant Infrastructure Projects

Statement of Requirements

30 April 2025

Table of Contents

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|-------------------|---|
| 1. Introduction | 3 |
| 2. Purpose | 3 |
| 3. Definition | 4 |
| 4. Requirements | 4 |
| 5. Implementation | 8 |

1. Introduction

National Highways is the government owned company which plans, designs, builds, operates and maintains England's motorways and major A roads, known as the Strategic Road Network (SRN, 'the network'). We manage and improve England's motorways and major A roads, helping our customers have safer, smoother and more reliable journeys.

National Highways was appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015. We are responsible for operating, maintaining and improving the Strategic Road Network (SRN) in England, in accordance with our operating licence issued by the Secretary of State for Transport, and Government policies and objectives.

National Highways (NH) is a statutory consultee to third party Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008.

In exercising our role, we must cooperate as far as reasonably practicable with other parties with regards to highways or planning to facilitate economic growth, having regard to the environment and the safety of our road users.

These statutory directions place a series of obligations upon National Highways which ensure it fulfils its responsibilities as the custodian of the SRN. National Highways' principal concern is to ensure the safe operation of the SRN and maintenance of its assets. National Highways will also seek to avoid increased congestion, which is a constraint on growth and the economic wellbeing of the country, including the freight and logistics sector.

National Highways is therefore obliged to seek that certain key requirements be satisfied in respect of the design and delivery of third party projects. These matters will need to be addressed by a Promoter to enable National Highways to support a scheme through the consent process.

2. Purpose

This document details National Highways' key requirements for third party Nationally Significant Infrastructure Projects (NSIPs) and projects being consented through the hybrid Bill process (see section 3). These key requirements are needed to enable National Highways to fulfil its responsibilities to provide a safe, serviceable and effective network. They will help ensure that third party NSIPs do not constrain our ability to meet our License obligations and Key Performance Indicators, on which our performance is monitored and measured by the Office of Road and Rail (ORR) and the Government, and they have regard to relevant national planning policy, including the government's National Policy Statements, National Planning Policy Framework (NPPF) and Department for Transport Circular 01/22.

Therefore, if these requirements are not fully satisfied, it will affect National Highways' ability to accept the principle of the development, which in turn could

impact our position at the DCO Examination or impact the Promoter's construction programme post-DCO consent.

Progress against these requirements will form a key part of National Highways' engagement with a third party NSIP, including our responses to statutory and non-statutory consultations and formal requests from the Examining Authority. They will also inform the content of requirements which may be attached to a Development Consent Order (DCO) to govern the construction, commissioning, operation and (if appropriate) the decommissioning of the approved works¹.

National Highways will take a proportionate approach to applying these requirements. It is important to note that not all the requirements will be applicable to every third party NSIP and the extent to which they apply will depend on a number of factors, such as the nature, scale, location and the likely impact of the project on the SRN.

This document and the accompanying *National Highways' Key Requirements Guidance* provide clarity to promoters about National Highways' requirements from the earliest stages of the project, helping to ensure they are considered throughout the pre-application stage and beyond, thereby minimising the associated risks to National Highways as well as to the Promoter in respect of cost and scheme delivery.

3. Definition

National Highways' key requirements of third party infrastructure projects are a set of conditions and specifications that must be met to ensure that a project does not adversely impact the safe, effective and cost-effective operation of the SRN and/or unreasonably constrain its future development. The requirements laid out in this document are our common requirements across third party NSIPs, but their application and the need for additional requirements will be considered on a project-specific basis. Third party NSIP in this context refers to a development consented under the Planning Act 2008 via a DCO that has an impact on the SRN and is promoted by an organisation other than National Highways.

NOTE: Where projects are consented as a hybrid Bill, National Highways will adopt the same approach to our key requirements as for third Party NSIPs, as laid out in this document.

4. Requirements

National Highways' key requirements are detailed below. During the early engagement with the Promoter, National Highways will assess each third party project for its scale and potential impact on the SRN to determine which of the Key Requirements from the list below will be applicable to that project. For some projects, there may be a need to add additional requirements to address specific project

¹ [Content of a Development Consent Order](#)

characteristics. National Highways will discuss and agree its Key Requirements for each project with the Promoter as part of the early engagement.

- **Overarching Principles**, covering:

Safety

Any changes to the SRN associated with the project must be designed to ensure that safety risk is managed 'so far as is reasonably practicable' (SFAIRP) in accordance with GG 104 of the DMRB and implemented safely for all populations.

SRN Crossings

New crossings of the SRN should be minimised.

SRN Realignment

- Realignments of the SRN to facilitate construction will only be accepted where the necessity can be demonstrated, and less disruptive alternatives have been demonstrated to be unfeasible;
- Any realignment of the SRN, whether permanent or temporary, must meet current permanent standards and specifications, i.e., Design Manual for Roads and Bridges (DMRB) and Manual of Contract Documents for Highway Works (MCHW).

New Connections

Any new connection to the SRN will be considered only in exceptional circumstances and cannot be assumed to be acceptable prior to agreement with National Highways.

Smart Motorways

The level of service and safety outcomes of sections of the SRN with an existing Smart Motorway must be maintained so far as is reasonably practicable, including during construction (where applicable).

Future-proofing

The Promoter must demonstrate consideration of future-proofing of the SRN as part of the design and delivery of the scheme, and address where relevant.

Maintenance and Renewals

The Promoter must ensure that SRN infrastructure is designed in consideration of maintenance requirements (GD 304 in DMRB) and is responsible for the funding of maintenance and renewals through payment of a Commuted Lump Sum. New and modified assets must be compliant with National Highways Asset Management policies.

Other SRN Projects

The Promoter must actively manage the interfaces and interdependencies between the project and planned maintenance, renewal works and enhancement schemes on the SRN to ensure that all projects which interact

with National Highways schemes can coexist on the network and achieve their individual objectives and outcomes.

Governance and Assurance Framework

The project should be developed in accordance with an agreed governance and assurance framework to ensure the delivery of agreed project outcomes in line with National Highways' requirements.

- **Assessment**, covering:

Operational Impacts

The Promoter must demonstrate that the SRN can safely and effectively accommodate any changes in demand, as a result of the development and/or any associated mitigation measures.

Construction Impacts

The SRN must remain operational with sufficient capacity to meet demand at all stages of construction.

- **Design**, covering:

Design standards

- All infrastructure works that involve or affect the SRN and its users must comply with the Design Manual for Roads and Bridges (DMRB) and any other current standards, as directed by National Highways;
- The design should minimise Departures from Standards. Any Departures from the agreed standards should be discussed at an early stage and must be approved by National Highways before incorporation in the design.

Technology

- The project must identify any impacts, on either a permanent or temporary basis, on National Highways' technology assets;
- Roadside technology and communications products shall be in accordance with all relevant Operational Technology Specifications library (OTSL) product specification documents;
- Roadside technology and communications products shall be procured through National Highways;
- All telecommunications services (i.e. National Roads Telecommunications Services [NRTS]) for roadside technology and communications assets shall be procured through National Highways;
- All telecommunications services related works shall be undertaken in accordance with NRTS document TLT/RGD/TSP/0420 'Working with the Service Provider – A Design Guide';

- The continuity of service for roadside technology and communications assets during construction shall be agreed with National Highways.
- All roadside technology and communications (excl. telecommunications services) construction and installation works shall be undertaken by highways technology skilled, knowledgeable and experienced Contractors on behalf of the Promoter.
- The design, construction, installation, testing and commissioning of roadside technology and communications assets shall be in accordance with all relevant DMRB, MCHW and OTSL requirements and advice documents.

- **Construction Phase (for works on the SRN)**, covering:

- **Approach, Customer Services and Communications**

- The Promoter must, for all works which impact on the SRN, agree their construction approach with National Highways.
 - The project must comply with National Highways' Roadworks guidance.
 - The Promoter must ensure that the design and delivery of the project aligns with National Highways' Customer Service Plan.
 - A communications and engagement protocol must be agreed between NH and Promoter in advance of construction commencing, to establish and agree arrangements for delivering external communications in relation to any works on the SRN.

- **Construction Phase and Decommissioning (for project works, E.g., development of main site)**, covering:

- The Promoter must agree a Construction Traffic Management Plan (CTMP) with National Highways;
 - Where relevant, the Promoter must agree Abnormal Indivisible Loads routes in principle with National Highways before the project is consented.
 - For assets which have an 'end of life', an outline Decommissioning Traffic Management Plan must be agreed with National Highways.

- **Environment**

- **Environmental Impacts**

- The project, including the provision of mitigation works, must not constrain National Highways' ability to comply with its environmental obligations.

- **Legal and Commercial**, covering:

- **Funding**

- All costs associated with a third party Development Consent Order (DCO) scheme that are incurred by National Highways must be fully funded by the Promoter.

Protective Provisions

The project should comply with National Highways' standard Protective Provisions, which must be included on the face of the DCO. Any other project-specific Protective Provisions required should be agreed by way of a side agreement.

Land and Property

No land or property in the ownership of National Highways should be subject to compulsory acquisition without National Highways' consent.

5. Implementation

Early engagement with National Highways is critical to ensure that the Promoter considers the key requirements in the development of design options and avoid the need for costly and time-consuming rework.

National Highways will seek to ensure that the key requirements are clearly articulated, including whether any are not applicable to a given project, in a timely manner and will seek to collaborate with Promoters to ensure they are considered and agreed.

National Highways will work collaboratively with Promoters of third party NSIPs from the earliest stages to ensure that they are advised on its key requirements and what is needed to enable us to fulfil our statutory directions, as set out in the Licence.

National Highways will work with Promoters and seek to agree the approach to addressing the key requirements, the format for providing evidence and the desired outcomes with scheme Promoters prior to commencing design development.

To ensure that promoters understand National Highways' expectations for addressing the key requirements and providing supporting evidence, Promoters should read the *National Highways' Key Requirements Guidance* document, which details the specific requirement(s) in relation to the above topics.

To assist Promoters in providing appropriate evidence in support of addressing the key requirements at different project stages, promoters should refer to Annex A of the Key Requirements Guidance document.

It is important to note that some of these requirements may require further interpretation to determine how they apply to the specific project in question. National Highways will work with promoters to assist and provide advice to help enable them to fully understand and apply appropriately the requirement.

Additionally, certain requirements will need to be demonstrated throughout detailed design and subsequent stages. Ongoing engagement will be crucial to ensuring a smooth path to delivery.

Any costs associated with ensuring that a Third Party project addresses National Highways' key requirements must be funded by the Promoter.

National Highways will also work with DfT (and/or other relevant government departments) in relation to (non-SRN) government sponsored projects to enable key requirements in line with this policy to be included in project scopes and associated costs included in scheme budgets.