Departures Manual

Version 2.2.0

Summary
This manual gives the requirements and advice for the Departures from Requirements process in England.

Feedback and Enquiries
Users of this document are encouraged to raise any enquiries and/or provide feedback on the content and usage of this document to the dedicated National Highways team. (departures@nationalhighways.co.uk).

This is a controlled document.

Release notes **4**

Foreword **5**
Publishing information . . . 5

Introduction **6**
Vision and objectives for the new departures process . . . 6
Background . . . 6
Technical Governance of Highways Schemes . . . 6
Developments in National Highways' standards . . . 7
Departures . . . 7
Changes introduced through this manual . . . 8
Handling of departures in the context of the project life cycle . . . 9
This Manual . . . 9
Objectives of the Departures Manual . . . 9
The structure, content and intended audience of the Departures Manual . . . 9
Status of this manual . . . 11

Abbreviations and symbols **12**

Terms and definitions **13**

1. Scope **16**
Aspects covered . . . 16
Clarification of where departures are not permitted or required . . . 17
Aspects not covered by requirements . . . 17
Identification of non-compliant works that do not have an approved departure application . . . 17
Mutual recognition . . . 18
Traffic signs and road markings . . . 18

2. Roles **19**
Design Organisation . . . 19
Designer . . . 19
Proposer . . . 19
Major Projects and Operations Directorate . . . 19
Project Manager . . . 19
Safety, Engineering and Standards . . . 19
DAS Admin team . . . 19
Specialist Submission Point (SSP) . . . 20
Technical Specialist . . . 20
Additional Technical Reviewer . . . 20
Authorising Signatory . . . 20

3. Process overview **22**
General . . . 22
Phase 1 – Identification . . . 26
Phase 2 – Early development . . . 27
Phase 3 – Departure application preparation . . . 27
Designer's assessment . . . 27
Application preparation . . . 28
Project Manager review . . . 28
Phase 4 - DAS Admin team Check . . . 29
Phase 5 – Allocate Technical Specialist . . . 29
Phase 6 – Technical appraisal . . . 29
Phase 7 – Determination . . . 30
Phase 8 - Post-Determination . . . 30
Revision of departure applications . . . 30
Validity of departure applications post-determination . . . 30

When departure applications become invalid . . . 31
Consequences of the departure applications becoming invalid . . . 31
Managing validity of departure applications . . . 31

4. Timely handling of departures **32**
Timely handling and scheme risk . . . 32
De-risking schemes through timely handling of departures . . . 32
Provisional agreement . . . 34

5. Preparing a departure application **36**
Assessing a departure . . . 36
Stakeholders . . . 37
Safety . . . 37
Programme benefit . . . 38
Cost benefit . . . 38
Environmental impacts . . . 38
Innovation . . . 39
Maintenance considerations . . . 39
Equality, diversity and inclusion . . . 39
Monitoring . . . 40
The departure application . . . 40
Attachments . . . 41
Governance applied by the design organisation . . . 41

6. Project governance for departures **42**
Departure identification and assessment . . . 42
Pre-submission review . . . 42
Pre-Determination . . . 43
Determination . . . 43
Post-Determination . . . 44

7. Appraising departure applications **45**
Early engagement . . . 45
Technical appraisal . . . 45
Making a recommendation . . . 47
Approval with Conditions . . . 47
Authorising the recommendation . . . 48
Timing . . . 48

8. Related departures and departures that apply at more than one location **49**
Interacting departures that need to be appraised collectively (linked departures) . . . 49
Departures where requirements are interdependent . . . 49
Departure proposed for more than one known location (bulk departure) . . . 49
Departure proposed on a contract, route, area or programme basis (non-specific location departures) . . . 50
Departure proposed where the scheme or location is not known . . . 51

9. Guidance for specific circumstances **52**
DBFO schemes – post-award . . . 52
Design & Build schemes – post-award . . . 52
Departures supporting a tender . . . 53
Pilots and trials . . . 53
Interaction with local roads on works promoted by National Highways . . . 54
Works promoted by other organisations . . . 56
Asset Delivery and works undertaken by "in-house" teams . . . 56
Tunnel departures . . . 57
Asset maintenance and operational requirements (AMOR) . . . 57
Network Management Manual (NMM) and Routine Winter Service Code (RWSC) departures . . . 57

10. Confidentiality **58**
Confidentiality . . . 58

11. Continuous improvement through the departures system **59**
Continuous improvement of requirements . . . 59
Improving the departures process . . . 59

12. Normative references **60**

13. Informative references **61**

Appendix A. Administration of the departures process **62**
A1 DAS Admin team . . . 62
A2 DAS Help . . . 62
A3 Departures Help Desk . . . 62
A4 Enquiries . . . 62

Appendix B. Reasons for the rejection and rework of departures **63**
B1 Reasons for the rejection and rework of departure applications . . . 63

Appendix C. Exception Report **65**
C1 Introduction . . . 65
C1.1 Scheme Background . . . 65
C1.2 Purpose . . . 65
C1.3 Status of the Scheme . . . 65
C2 key personnel . . . 65
C2.1 National Highways: . . . 65
C2.2 Design Organisation: . . . 65
C3 Reasons and justification for a departure: . . . 65
C3.1 Standards Concerned . . . 65
C3.2 A summary description of the departure . . . 65
C3.3 Technical Information/Justification . . . 65
C3.4 Benefits/Impacts/Risks . . . 65
C3.5 Associated Departures if relevant . . . 65
C3.6 Repeat/Similar Departures if relevant . . . 65
C3.7 Advice from SES and why they believe the departure should be Rejected . . . 65
C4 Exception details . . . 65
C4.1 Details of the existing situation and the problem identified . . . 66
C4.2 Location . . . 66
C4.3 Summary . . . 66
C4.4 Details . . . 66
C4.5 Mitigation . . . 66
C4.6 Risks associated with the exception . . . 66
C4.7 Design Team Response . . . 66
C4.8 Reasons why the NH PM recommends not to follow the advice from SES including risks and benefits 66
C4.9 List of Supporting Documentation for the exception report . . . 66
C4.10 Conclusion and Recommendation . . . 66
C5 Attachments . . . 66
C5.1 Annex A: Departure from standard submission . . . 66
C5.2 Annex B: Supporting Documentation . . . 66
C5.3 Annex C: GG 104 Safety Risk Assessment . . . 66
C5.4 Annex D: Authorisation: . . . 66

Latest release notes

Document code	Version number	Date of publication of relevant change	Changes made to	Type of change
Departures Manual	2.2.0	November 2024	Core document	Incremental change to requirements
New clauses in regard to mitigation measures, guidance for National Highways and promoters of third party projects, and addition of new Appendix C for model exception report.				

Previous versions

Document code	Version number	Date of publication of relevant change	Changes made to	Type of change
Departures Manual	2.1.0	October 2023	Core document	Incremental change to requirements
Departures Manual	2.0.0	May 2022	Core document	Change to policy, major revision, new document development
Departures Manual	1			

Foreword

Publishing information

This document is published by National Highways.

This document supersedes the following documents, which are withdrawn:

1) Departures Manual Revision 2

Introduction

Departures are used to formalise the assessment, appraisal and approval for all instances where mandatory requirements are not implemented during schemes on the Motorway and All-Purpose Trunk Road Network. In 2018/19, a new process for handling departures and a refresh to the supporting information systems was introduced.

Vision and objectives for the new departures process

Departures are a value-adding mechanism for National Highways to realise benefits from innovation and value engineering, supported by robust safety and economic cases. They are also necessary where the constraints of the scheme do not permit a design to standards. In all cases, the use of high quality evidence is required for effective and expedient decision making.

Through reducing the quantity and improving the quality and timeliness of submissions, the impacts to scheme delivery through processing departures are significantly reduced and technical specialists will have better availability to support schemes.

This is enabled by early engagement between schemes and the National Highways Safety Engineering and Standards Directorate (SES), using a strong, positive dialogue facilitated by the Technical Partners to mitigate abortive effort. Through undertaking more constructive activity at the front end, the back end (delaying aspects) of departures are reduced.

This process and associated tools re-enforce a view that the submission of departures is a milestone in the process – not the start – and at its best, processing should be the formal governance process applied to matters that are essentially already agreed.

This Departures Manual specifies the processes to be followed in handling departures, providing advice to maximise the value of departures as a mechanism and minimise the waste and risk that can occur when departures are not managed well. The process implemented in this manual focuses on the "front-end" of a departure's life to make sure that schemes do not carry unacceptable risk or waste associated with departures that are appraised too late in the schemes life cycle.

Alongside the first publication of this manual, WebDAS and DAS 2.0 were retired and replaced by a new web-based application, DAS 3.0 (simply referred to as "DAS" throughout this manual). The new DAS streamlines the departures handing process and improves the visibility and opportunities for collaboration between all role holders.

This manual is regularly reviewed based on feedback and lessons learnt to promote a higher performing departures process.

Background

Technical Governance of Highways Schemes

Planning, development, construction and operation of all works on the motorway and all-purpose trunk road network are governed by:

1) statutory and legislative requirements, and;
2) in-house standards containing national requirements and advice, including reference to external voluntary standards.

It is a requirement that all National Highways schemes are designed, specified and procured in accordance with these standards which are drawn up following extensive research, trials and experience. The requirements and advice contained in standards provide a mechanism for optimising the solutions to a wide range of design situations within the specific context of the scheme, where the design decisions have consequences for the safe and productive delivery of construction, operations, maintenance and retirement of the road network.

Therefore standards are developed with the following considerations in mind:

1) Safety

2) Consistency between schemes
3) Value for Money on a whole-life basis
4) Acceptable level of performance
5) Sustainability
6) Mitigating effects on the environment

The benefits to be delivered by any scheme should be determined through early discussion and agreement with client, designer and stakeholder representatives. The flexibility within these documents should be used to produce value-driven optimal solutions to scheme challenges identified by assessments.

Developments in National Highways' standards

In July 2012, the Industry Standards Group published a report "Specifying Successful Standards" ICE SSE [Ref 7.I]. which discussed the distinction between requirements and advice in standards and set out a rational approach that provides the basis for governance and control of schemes whilst permitting scope for:

1) Embracing the context of the scheme
2) Innovation and ingenuity to embrace new technology and meet new challenges

Through Annex C of the 'Highways England Framework document', agreed with Department for Transport (DfT) in April 2015, National Highways undertook to review and update the DMRB. The DMRB refresh embraced the principles of "Specifying Successful Standards" and reinforced the distinction between:

1) statutory requirements
2) national requirements of the overseeing organisation
3) advice

This was reflected in consistent terminology being introduced through the DMRB (full refresh completed in March 2020) and a clear relationship with departures. These distinctions are important and are summarised in the table below.

Relationship between departures and language used following the DMRB refresh

Term	Application	Departure permission
Must	Mandatory - statutory requirement	Not permitted
Shall	Mandatory - national requirement of the overseeing organisation	Permitted in accordance with the processes in this manual
Should	Advice - recommendation	Not applicable - designer maintains justification through design management systems
May	Advice - permission	Not applicable - designer records decision making through design management systems
Can	Advice - statement of fact	Not applicable.

The MCHW is being reviewed and updated similarly. In time through future update schemes and regular review cycles, National Highways anticipates all of its standards will be reviewed to clarify what is absolutely mandatory and where departures are permitted and to enable more innovation through better use of performance-based requirements supported by robust advice.

Departures

There are situations where features of the site, innovation of design, construction methods, materials or developments in associated documents make it advantageous or necessary to depart from one or more requirements.

In such cases, a departure from requirement may be considered, providing that it is consistent with current legislation and with National Highways policy. This includes ensuring safety, maintainability and value for money on a whole life basis

The standards governing work on the motorway and all-purpose trunk road network should not be applied in such a rigid manner that innovative ideas are discouraged or scheme costs are increased unnecessarily. However, National Highways directorates cannot expend public funds on an aspect that does not comply with requirements unless an appropriate technical approval has been given. Therefore, all departures need to be appraised to ensure that robust justification exists for not adopting a design fully in accordance with requirements.

The departures process provides the means for providing this assurance and recording the justifications as an important component of National Highways audit trail and asset data. Each year over 750 departure applications are submitted to National Highways for appraisal and determination.

A top-level statement of requirements for departure applications is included in GG 101 [Ref 3.N].

Changes introduced through this manual

National Highways Technical Assurance and Governance Group (TAGG), custodians of both standards and the departures process undertook research into how departures are handled and identified the following primary historical areas of concern:

1) Departure applications that are not fully justified or contain quality issues.
2) Poor understanding by the supply chain of what Technical Specialists are looking for when appraising departure applications in unfamiliar scenarios.
3) Departures submitted late in the scheme so that programme is impacted and decision making is too late to be implemented.
4) Poor visibility of upcoming workloads or progress of a departure when someone else "has the ball".

Through embracing lessons learnt the departures process, supported by DAS, targets the following benefits:

1) Provide a means of establishing and viewing of overall "pipeline" of departures – by programme, scheme, stage and criticality.
2) Provide early warning and risk (opportunity/threat) management for those schemes and departures that have been identified with high complexity and/or criticality.
3) Support departure related activity of
    a) Designers
    b) SES Teams
    c) Project Managers
4) Provide enhanced reporting to support forward planning of limited technical specialist resources
5) Support early allocation and engagement of technical specialist(s) to a departure.
6) Introduce the process of providing provisional agreement for a critical departures.
7) Provide a rational progression towards development of the full departure submission.
8) Provide visibility of areas where SES Technical Partners are required to provide input/facilitation.
9) Introduce a new focus on quality management in designers to ensure departures are submitted at the right quality first time.

The formal departure submission process is essentially the same as that in DAS 2.0 but on a much more flexible, web-based software platform that provides easier access and collaboration. Role and responsibilities are clarified and processes streamlined to minimise the time departure applications spend waiting for review or action.

In addition, a number of other important changes have been introduced by other parts of National Highways that will smooth the departures process, namely:

1) Introduction of the SES Technical Partners team to provide an interface for appropriate interaction between scheme and Technical Specialists.
2) Appointment of technical advisors and similar roles within Major Projects Directorate to improve scheme technical assurance, who can review departure applications for quality, completeness and acceptability prior to submission.
3) Review of the DMRB to improve the distinction between requirements and advice, support more supply chain innovation and remove out of date content. The MCHW is under going a similar review.

Handling of departures in the context of the project life cycle

It is important to identify and categorise departures as soon as possible within the project life cycle. Timely identification will ensure early engagement with Technical Specialists and smooth the departure workflow to reduce overall project risk.

This Manual

Objectives of the Departures Manual

This document details the departure application and approval process. It includes details of the DAS Process. It provides

1) Advice for National Highways staff on the governance and appraisal of departure applications.
2) Advice for design organisations on the phases of departure applications
    a) Identification
    b) Recording
    c) Categorisation
    d) Early engagement
    e) Development
    f) Assessment
    g) Submission
    h) Appraisal
    i) Determination
3) Advice for National Highways Staff, Designers and Constructors to ensure that departures are
    a) Incorporated into the works.
    b) Fully documented and recorded to support asset management and audit.

The structure, content and intended audience of the Departures Manual

This document sets out:

1) The departures process
2) The actions that need to be taken at each stage of the programme or scheme
3) The need for early development of a departure, how this reduces programme or scheme risk and ensures timely determination
4) The scope of the decision-making process

5) The roles and responsibilities of all role holders in the supplier organisation and National Highways.
6) The procedure to be followed by designers/proposers when applying for departures
7) The procedure to be followed by National Highways when appraising and determining departure applications
8) The main design considerations and key assessment requirements so that fully justified applications are discussed and submitted for all departures at the appropriate stage of development
9) How the outcome of the departure process should
    a) Produce a permanent record of each departure application
    b) Produce an audit trail for each application documenting the decisions made at each stage
    c) Include full justifications for each of the decisions
    d) Ensure that the departure application is processed and determined at the most appropriate stage of programme or scheme development
    e) Provide an evidence base for similar future applications and/or a change to the requirement if departures are being routinely granted.

Different parts of the manual are applicable to roles of

1) Designer
2) Proposer
3) Project Manager
4) Specialist Submission Point
5) Technical Specialist
6) Authorising Signatory

The advice is presented in a single document so that

1) All parties have a full overview
2) All parties have an understanding of all roles and responsibilities

The table below summarises the intended audience for each section of the manual.

Summary of sections and intended audiences

	Project Manager	Designer	Proposer	Specialist Submission Point	Technical Specialist	Authorising Signatory
1. Scope	✓	✓	✓	✓	✓	✓
2. Roles	✓	✓	✓	✓	✓	✓
3. Process overview	✓	✓	✓	✓	✓	✓
4. Timely handling of departures	✓	✓	✓	✓	✓	✓
5. Preparing a departure application		✓	✓			
6. Project governance for departures	✓					
7. Appraising departure applications	✓			✓	✓	✓
8. Related departures and departures that require more than one location		✓	✓		✓	✓
9. Guidance for specific circumstances	✓	✓	✓	✓	✓	✓
10. Confidentiality	✓	✓	✓			
11. Continuous improvement through the departure process	✓	✓	✓	✓	✓	✓

Status of this manual

This manual is a procedures document, enforced through the scheme requirements that are owned by the Project Manager. This manual does not form part of the DMRB nor any other standards, but Project Managers are strongly advised to adopt it. Under exceptional circumstances, a scheme may choose to adopt alternative procedures for handling departures, though this would need to be agreed with each of the affected Specialist Submission Points and the DAS Admin team.

In the case of incident on the network a coroner will refer to the records of all decision making for any departures in the area of the incident. The requirements for justifying and approving a departure contained in this manual are considered the minimum necessary for a full and defensible record of decision making for departures.

Abbreviations and symbols

Abbreviations

Abbreviation	Definition
AMOR	Asset Maintenance and Operational Requirements
ASC	Asset Support Contractor
AD	Asset Delivery
D&B	Design and Build
DAS	Departure Approval System
DBFO	Design, Build, Finance and Operate
DMRB	Design Manual for Roads and Bridges
IAN	Interim Advice Note
LHA	Local Highway Authority
MAC	Managing Agent Contractor
MCHW	Manual of Contract Documents for Highway Works
NMM	Network Management Manual
OD	Operations Directorate
RWSC	National Highways' 'Routine & Winter Service Code'.
SCRG	Safety Control Review Group
SES	Safety Engineering and Standards directorate
SSP	Specialist Submission Point
TAGG	Technical Assurance and Governance Group
TMMM	Technology Management and Maintenance Manual

Terms and definitions

Terms and Definitions

Terms	Definition
Alternative Proposals	The name given to a departure application submitted as part of a DBFO scheme.
Application	The form that is submitted for appraisal comprising the core information, technical justification and assessment of benefits, risks and impacts.
Appraisal	The review undertaken by a Specialist Submission Point, Technical Specialist and Authorising Specialist to inform a recommendation.
Approval	The determination that the departure may be incorporated into the works.
Aspect not covered by requirements	A design feature or method not included in the requirements and thus requiring a departure.
Assessment	The activities undertaken by the Designer to develop the technical justification and benefits, risks and impacts for a departure application and determine if the departure presents a net-benefit to National Highways.
Authorisation	A Technical Specialist's recommendation is authorised to be passed to the Project Manager for determination.
Bulk departure	A departure where the same non-compliant method or procedure relates to more than one location or asset.
Condition	A requirement that is to be satisfied by the designer for an approved departure to be valid for incorporation into the works. Has the same status as standards for an approved departure.
Departure (previously: Departure from Standards)	A proposal to derogate from requirements contained in National Highways' standards.
Departure Approval System	National Highways' database for tracking and managing departure applications and recording determinations.
Design and Build	A form of procurement used by National Highways.
Design, Build, Finance and Operate	A form of private finance-based procurement used by National Highways
Departure	A incident of non-conformance with a requirement in design or delivery of highway works.
Departures process	The process defined by this manual for the identification, development, assessment, appraisal and determination of departures.

Terms and Definitions (continued)

Terms	Definition
Determination	The decision to approve, approve with conditions or reject a departure application, based on the Technical Specialist's recommendation and taking account of contractual, commercial and programme issues.
Disposal	Activities relating to decommissioning an asset, including dismantling, demolition and removal.
EEA State	A state within the European Economic Area, i.e. the European Union (EU) member states, Norway, Iceland or Liechtenstein.
Generic departure	A departure applied on a scheme, programme, contract or area basis.
Incorporated	When a departure is incorporated into the completed works on site.
Interim document	A document that is published by National Highways as an alternative or supplement to the published standards. Includes Interim Advice Notes and Area Management Memoranda.
Linked departure	A departure that should be appraised alongside another where the combined non-compliant design represents a single safety case. Rejection of one linked departure means that other linked departures are also rejected.
Scheme	Any project, scheme or highway works undertaken which need to meet requirements outlined in National Highways' standards.
Project Manager	The National Highways Project Manager responsible for delivery.
Major Projects Directorate	The National Highways directorate responsible for undertaking major projects on the motorway and all-purpose trunk road network.
Operations Directorate	The National Highways directorate responsible for operating and maintaining the motorway and all-purpose trunk road network and conducting works that do not classify as a major project.
Provisional Agreement	May be given early in the scheme life cycle by a Technical Specialist for a departure that is critical to scheme success and, in principle, can be approved. A full application is always required before a departure may be incorporated in to the works. Provisional Agreement does not preclude later rejection.
Rejection	A determination that a departure may not be incorporated in the works.

Terms and Definitions (continued)

Terms	Definition
Relaxation	A provision within a requirement to vary the normal requirements but which does not require a departure.
Requirement	Mandatory content of a standard.
Returned for rework	Where a departure application does not contain sufficient information for a technical specialist to make a recommendations or contains quality issues that mean it cannot be used as a defensible record, it is returned to the designer for rework.
Safety Engineering and Standards	The National Highways directorate responsible for setting policy and requirements for the motorway and all-purpose trunk road network and conducting the technical appraisal of departure applications.
Standard	A document that specifies requirements and advice for delivery of works as listed in the scope section. Note: This document relates to DMRB, MCHW and aspects not covered, alternatively referred to as "Requirements and Advice Documents".
Technical Assurance and Governance Group	The group responsible for provision of advice on, and ensuring consistency of, National Highways' requirements documents and administering the departures process.
Trunk Road Works	All works associated with Trunk Roads, including assessment, design, construction, operation, maintenance and demolition.

1. Scope

Aspects covered

1.1 This document describes the roles and responsibilities and general process that shall be followed when identifying, developing, assessing, submitting, appraising and determining departures.

1.2 The processes described in this document shall be applied to derogation ("departure") from mandatory content ("requirements") in the following document sets:

1) the Design Manual for Roads and Bridges (DMRB);
2) the Manual of Contract Documents for Highways Works (MCHW);
3) the Asset Maintenance and Operational Requirements (AMOR);
4) the Network Management Manual (NMM);
5) the Routine and Winter Service Code (RSWC);
6) the Technology Management and Maintenance Manual (TMMM);
7) Area Management Memoranda (AMMs); and
8) Interim Advice Notes (IANs).

NOTE Some of the above document sets have now been withdrawn, however they are retained above as they may still be in use within active schemes.

1.3 An element that does not comply with requirements shall not be incorporated into works on the motorway and all-purpose trunk road network in England or other works undertaken by or on behalf of National Highways unless a departure has been approved in accordance with the processes defined in this document.

NOTE 1 The introductory sections to document sets and individual documents provide implementation instructions. These help the designer interpret what content is mandatory and how to implement updated, revised or new requirements that are published during a project or scheme.

NOTE 2 Standards can contain additional requirements for departures to those given in this document.

NOTE 3 The requirements in contracts take precedence over the contents of standards.

NOTE 4 Specific guidance given for certain schemes or contract types are given in Guidance for Specific Circumstances (Section 9).

1.3.1 A departure application may be submitted for:

1) A single requirement;
2) A section of a document; or
3) A whole document.

NOTE Unless a section or a whole document is being departed against, multiple requirements from a single document cannot be captured in a single departure application.

1.4 A departure application shall be made in accordance with the following documents:

1) GG 101 Section 2 defines when departures from DMRB documents are to be submitted, and;
2) Series NG 000 defines when departures from MCHW documents are to be submitted.

1.4.1 The nature of the proposed work may inform whether a departure application is required, i.e. the retention of a non-standard feature as part of maintenance work. If the design organisation is unsure if a departure is required, the Technical Specialist should be consulted.

NOTE In general, a departure application may be applicable in the following circumstances:

1) a non-standard existing feature is to be retained;
2) due to the layout or other features of the site, a requirement cannot be satisfied;

3) a value engineering exercise has identified significant scheme or life cycle benefits can be achieved using a design that does not comply with requirements;

4) use of a novel technology or method for which there are no requirements;

5) an aspect not covered by requirements is identified, or;

6) a non-compliance with requirements is identified and cannot be rectified.

1.5 In the event that a Designer identifies issues not covered by this document or needs further guidance on specific requirements they shall contact their Project Manager in the first instance.

1.5.1 Where the Project Manager needs advice to be able to respond to a designer's query, advice should be sought from the appropriate person in Safety Engineering and Standards.

NOTE The DAS Admin team can respond to general process-related queries and the Specialist Submission Points can respond to discipline-specific queries.

1.6 This document defines the permanent record of the full application, appraisal and determination for each departure application made that shall be maintained by National Highways.

NOTE 1 Maintaining this record is mandatory under the National Highways protocol license agreement.

NOTE 2 National Highways can be asked to demonstrate to persons within and outside National Highways that sufficient information was available to make an informed decision about any departure application, and those involved had considered all relevant factors. Such questions can be raised many years after the event, so thorough and accurate records are essential.

Clarification of where departures are not permitted or required

1.7 Statutory and legislative requirements must always be followed, therefore applications for departures from legislative requirements must not be submitted.

1.8 A departure shall not be required in either of the following circumstances:

1) Adoption of a relaxation that is within the limits explicitly permitted by a DMRB or MCHW document.

2) Deviation from a recommendation or permission.

1.8.1 If it is not clear whether a provision in a document is mandatory or advisory prior to developing a departure application, advice should be sought from the Specialist Submission Point, via a Proposer.

Aspects not covered by requirements

1.9 Where it is found that an aspect of the works is not covered by any existing National Highways' requirements or advice documents, a departure application shall be submitted for an "Aspect not covered by requirements".

NOTE 1 This includes situations where innovative materials, techniques or technologies are proposed where no requirements or permissions (given through "may" clauses) for their use have been published.

NOTE 2 The purpose of departure applications for aspects not covered is to record that an aspect is justified and to record where improvements to the standards can be considered.

1.9.1 Where an aspect not covered by requirements is identified, the principles of any current, authoritative and relevant design guidance (for example as published by a professional institution) should be used as the basis for design.

Identification of non-compliant works that do not have an approved departure application

1.10 Where a scheme has discovered works that have been undertaken that are not in accordance with the requirements of the DMRB, MCHW, or the requirements of an approved departure, the Project Manager shall be promptly notified.

1.11 In accordance with GG 101, the organisation that would have been responsible for submitting the necessary departure application shall propose measures to address the non-compliance.

1.11.1 Only once all other alternative options have been exhausted, an application for a retrospective departure may be submitted.

1.12 When submitting a retrospective departure the design organisation shall provide proof of all alternative options considered as reviewed with the Project Manager.

1.13 Where a departure is applied for retrospectively, the normal departures application and appraisal process shall apply.

NOTE *A retrospective departure application can be rejected even if the works have been incorporated. In this scenario, the Project Manager is responsible for establishing an agreed resolution.*

Mutual recognition

1.14 Where identified in requirements, mandatory content shall include referenced parts of:

1) British Standards;
2) harmonised Standards that have been recognised as Designated standards under SI 465/2019; and
3) harmonised European Standards that have been adopted as a Designated Standards after Exit Day.

1.15 Any reference in a document to a "British Standard", or to a "British Standard which is an adopted European Standard", shall be taken to incorporate the relevant parts of any of the following standards:

1) a standard or code of practice of a national standards body or equivalent body of any EEA state or Turkey;
2) any international standard recognised for use as a standard or code of practice by any EEA state or Turkey;
3) a technical specification recognised for use as a standard by a public authority of any EEA state or Turkey; and
4) a European Technical Approval (ETA) issued in accordance with the procedure set out in directive 89/106/EEC.

1.16 A departure application shall not be required where a supply chain member invokes the above mutual recognition requirements and demonstrates that an equivalent level of performance and safety is provided.

NOTE *National Highways can undertake scheme level appraisal of such proposals and reject them if it is demonstrated that an equivalent level of performance and safety is not provided.*

Traffic signs and road markings

1.17 All traffic signs, including road markings and road studs, must comply with the Traffic Signs Regulations and General Direction 2016 (TSRGD) or be authorised by the Secretary of State. Statutory and mandatory requirements are specified in MCHW Series 1200.

1.18 The departures process shall not be used to seek authorisation of any traffic sign which is not prescribed by the TSRGD.

1.19 Any request for a non-prescribed traffic sign shall first be made to the SES Safer Roads Design team (sestrafficsigns@nationalhighways.co.uk) for initial review and discussion.

NOTE 1 *The Safer Roads Design team will follow the Department for Transport's non-prescribed traffic sign authorisation process for all such requests.*

NOTE 2 *Further information on the process for non-prescribed traffic signs, including the typical time frames for the review of applications, is available from the Safer Roads Design team.*

2. Roles

Design Organisation

Designer

2.1 The Designer shall identify departures associated with their design and develop the associated departure applications.

2.2 The Designer shall withdraw a departure application when it is not required, providing it has not yet been determined.

2.3 The Designer shall implement the determination.

NOTE *Please note that it is prudent for the design organisation to keep track of the progress of the departure when with the PM in the DAS workflow to ensure that their actions are completed.*

2.4 If the Designer is intending to request Provisional Agreement then they shall contact either the National Highways Project Manager or DAS Admin team in order to be assigned a Technical Specialist whom they can engage with.

Proposer

2.5 The Proposer shall be an individual nominated by the Design Organisation to oversee the development of a departure application and submit it for appraisal.

2.5.1 The Proposer should be a senior technical expert who is familiar with proposing departure applications in the technical field of the departure.

NOTE *The primary objective of the Proposer role is to ensure that departure applications are submitted such that they contain all the information required to support the Technical Specialist's appraisal. It is intended that, over time, Proposers will develop effective relationships with the relevant Specialist Submission Point and Technical Specialists to raise the overall quality and efficiency of the departures process.*

2.6 The Proposer shall verify that applications are assessed and fully justified prior to submission.

Major Projects and Operations Directorate

Project Manager

2.7 The Project Manager shall authorise the submission of a departure application and, based on the Technical Specialist's recommendation, determine if it may be incorporated into the works.

2.7.1 The Project Manager role may be undertaken by a scheme's Project Manager, or a delegate, as agreed on a scheme basis.

2.7.2 The Project Manager may choose to automatically accept the Technical Specialist's recommendation.

2.8 The Project Manager shall record whether a departure has been incorporated into the works as part of post-determination.

2.9 For departures that are Approved with Conditions, the Project Manager shall seek assurances and record that these conditions have been met as part of post-determination.

NOTE *Further detail on post-determination can be found in Section 6.*

2.10 For works not promoted by National Highways, the Project Manager shall be the representative that interfaces with the scheme and is responsible for technical assurance. This is usually a member of the Operations Directorate.

Safety, Engineering and Standards

DAS Admin team

2.11 The DAS Admin team shall provide assurance tools and resources to support the implementation of the departures process.

NOTE *The DAS Admin team is the system owner for DAS and can provide advice on process or DAS software usage related queries.*

Specialist Submission Point (SSP)

2.12 The Specialist Submission Point shall be the initial point of contact for Safety and Engineering Standards for a departure.

NOTE 1 *Specialist Submission Points can be appointed on a national or regional basis and often combine this role with another (e.g. as local Technical Approval Authority for structures).*

NOTE 2 *The DAS Admin team maintain a list of Specialist Submission Points and can advise on the correct contact for a given departure if early engagement is desired.*

2.13 The Specialist Submission Point shall nominate the Technical Specialist and Authorising Signatory. The Specialist Submission Point may select themselves as the Technical Specialist and/or Authorising Signatory.

2.13.1 The Technical Specialist may also be nominated as Authorising Signatory in DAS.

Technical Specialist

2.14 The Technical Specialist shall undertake technical appraisal of a departure application and provide a recommendation for determination of the application.

2.14.1 Where a departure is particularly contentious or novel, the Technical Specialist may engage formally or informally with the Designer to support their understanding of the evidence or justification needs to support the departure application, or provide a provisional agreement to help manage scheme risks.

2.14.2 The Technical Specialist may also be assigned as the Authorising Signatory in DAS.

NOTE 1 *This manual contains the requirements and advice for preparing a departure application, but there can be specific circumstances which mean that the application would benefit from additional guidance from the Technical Specialist.*

NOTE 2 *Further detail on provisional agreement can be found in Section 4.*

2.14.3 Where the departure interfaces with technical aspects of another discipline, the Technical Specialist should consult with the relevant team(s) within Safety and Engineering Standards.

NOTE *The Additional Technical Reviewer role in DAS can be used to support this.*

Additional Technical Reviewer

2.15 The Additional Technical Reviewer(s) shall provide additional technical opinion on the submission as subject matter experts.

2.15.1 The Additional Technical Reviewer(s) may be nominated and input by the Specialist Submission Point, Technical Specialist or Authorising Signatory.

Authorising Signatory

2.16 The Authorising Signatory shall authorise the Technical Specialist's recommendation on behalf of Safety and Engineering Standards.

2.16.1 The Authorising Signatory may also be assigned as the Technical Specialist in DAS.

NOTE 1 *The role of Authorising Signatory was introduced at the publication of Revision 0 of this manual, it has been introduced following successful use of a similar role by the Structures discipline. The role provides a means of quality management for the recommendation and can be used to provide additional assurance that the right level of risk is accepted.*

NOTE 2 *Where the Project Manager has elected to automatically accept the recommendation, the Authorising Signatory is effectively the final review before the application is returned to the designer for implementation.*

NOTE 3 The Project Manager is not delegating their responsibilities to the Authorising Signatory when electing to automatically accept the recommendation.

3. Process overview

General

3.1 The process for handling departures outlined in Table 3.1 and Figure 3.1a and 3.1b shall be followed.

Table 3.1 Intent of the phases of the departure process

Phase	Intent
1 - Identification	Departure is identified and recorded early in the scheme life cycle to support scheme risk management and resource planning.
2 - Early development	Departure is given an early assessment to better understand its criticality to the scheme and acceptability to the business. Supports scheme risk management. Designer and Project Manager agree if provisional agreement will be sought as part of risk management approach.
3 - Application preparation	Departure is fully assessed for benefits, risks and impacts across the asset life cycle and to record a full technical justification. Robust guidance on the content of departure applications and liaison between the Designer and Technical Specialist mitigates over- or under-developed applications that result in wasted effort by all parties. The Proposer reviews the application to ensure that the application is error free and fully justified. The Project Manager reviews and supports the application.
4 - Administrative check	Departure is checked to avoid incomplete applications being passed to a Technical Specialist for appraisal.
5 - Allocate Technical Specialist	An appropriate Technical Specialist is identified by the SSP to conduct the appraisal. To promote continuity, this should be the same person who has been engaged in phases 2 and 3. Based on the complexity of the departure an appropriate Authorising Signatory is identified by the SSP to authorise the recommendation in phase 7.
6 - Technical Appraisal	The application is appraised to confirm it presents: 1) a justification demonstrating that the proposal is technically robust, addresses the needs of stakeholders and includes appropriate monitoring post-implementation when required; and 2) a benefits, impacts and risks assessment that demonstrates that the benefits outweigh the dis-benefits and that impacts and risks have been mitigated. A recommendation is made by the Authorising Signatory to the Project Manager as to what the determination should be.
7 - Determination	The Project Manager determines the outcome of the application and informs the Designer whether it is: 1) approved; 2) approved with conditions; or, 3) rejected.

Table 3.1 Intent of the phases of the departure process (continued)

Phase	Intent
8 - Post-Determination	The Project Manager records whether the departure has been incorporated into the scheme or not. For departures that were Approved with Conditions, the Project Manager shall seek assurances and record that these conditions have been met. The Project Manager also records the realised cost benefit and updates the confidential status of the departure

Figure 3.1a Overview of departures process phase 1 - 3

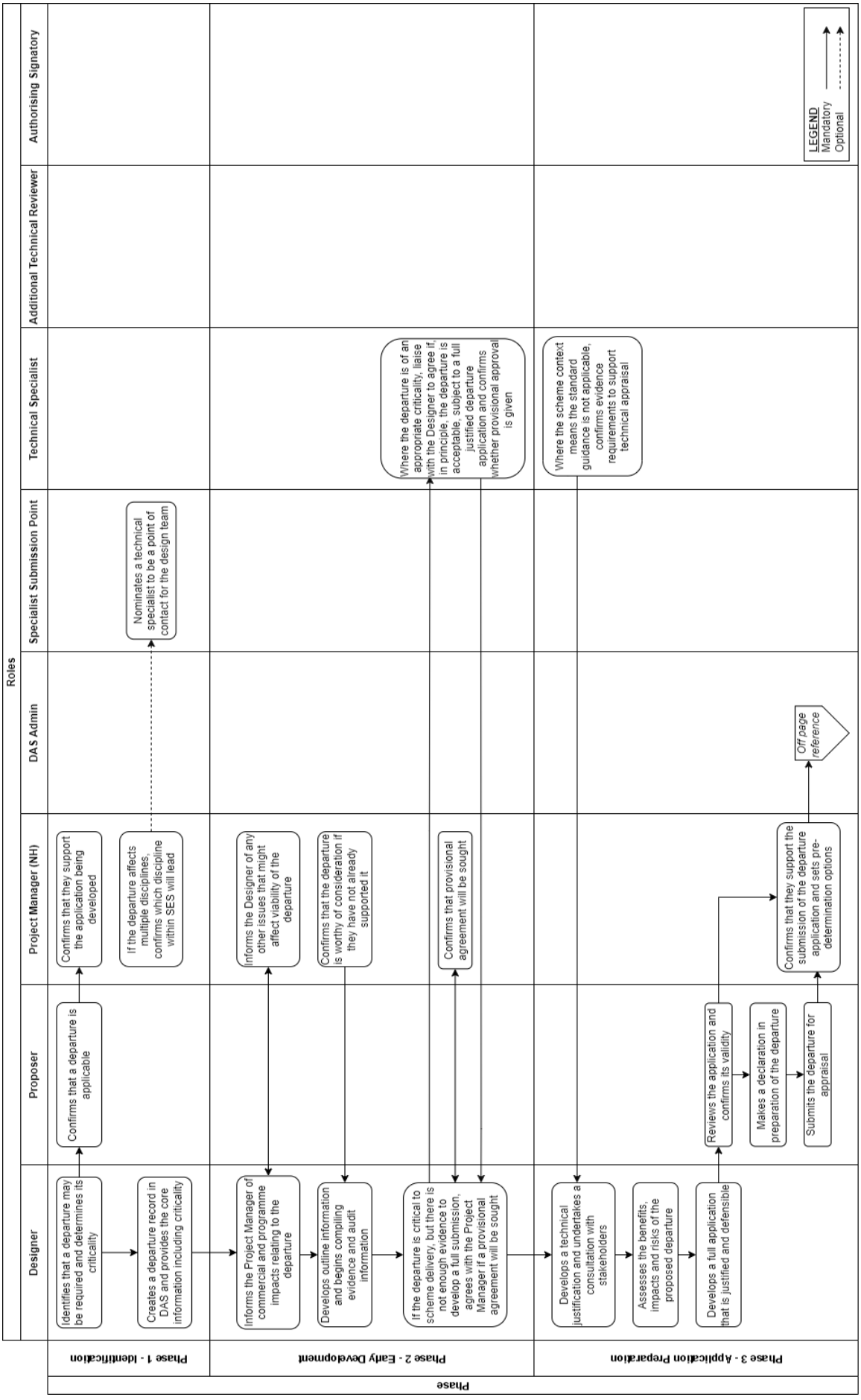
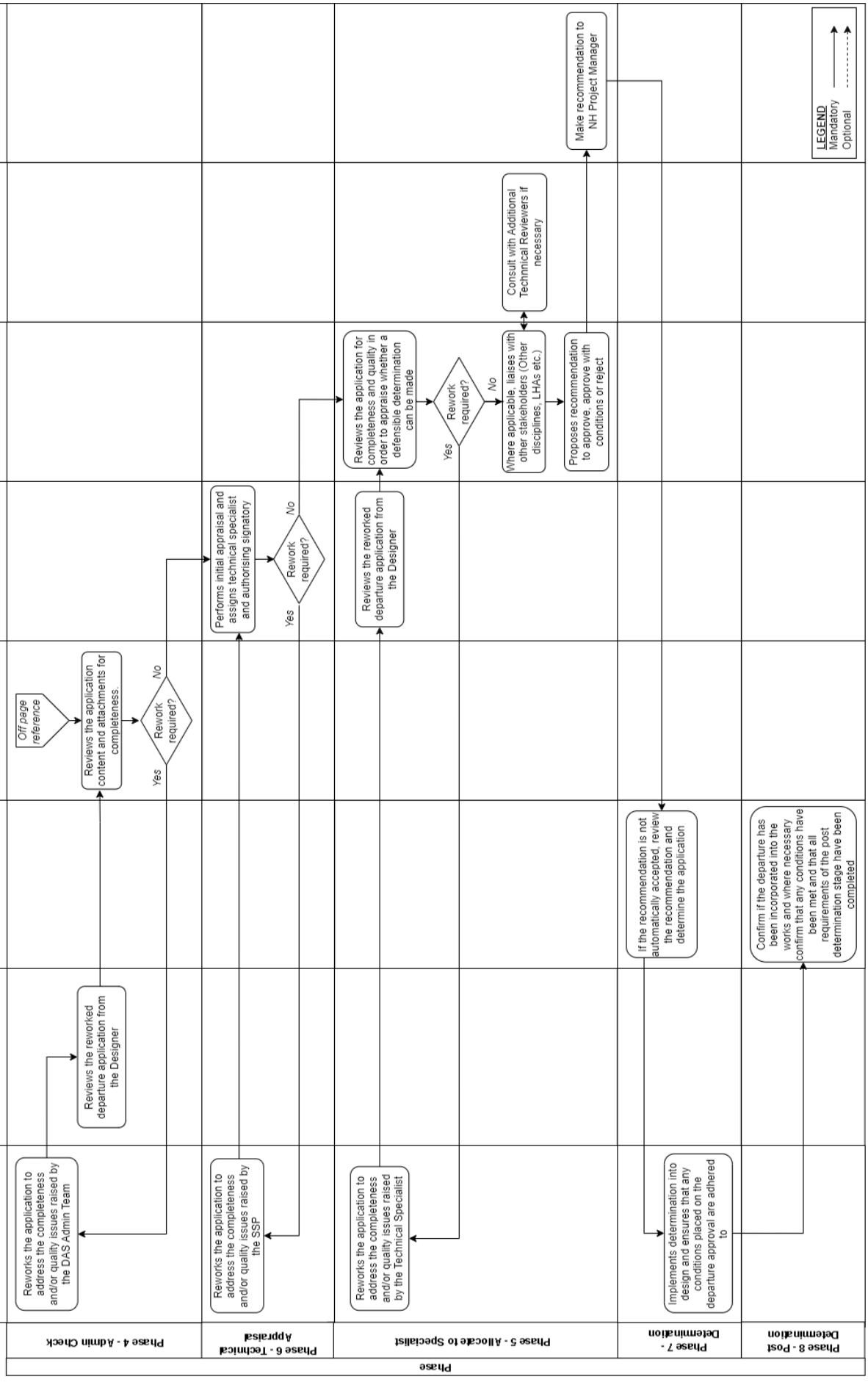


Figure 3.1b Overview of departures process phase 4 - 8



NOTE *Please note that it is prudent for the design organisation to keep track of the progress of the departure when with the PM in the DAS workflow to ensure that their actions are completed.*

3.1.1 In the event that the Designer no longer requires a departure as part of the design, the Designer (or Proposer) may withdraw the application at any time before Phase 7.

Phase 1 – Identification

3.2 The need for a departure shall be identified as early as possible in the scheme life cycle.

3.2.1 If the Designer is unfamiliar with applying for departures, before proceeding further, a Proposer who does have relevant experience should be consulted to confirm that a departure would be required and offers value.

3.3 Once a departure has been identified it shall be categorised into one of the following departure criticality categories given in Table 3.3.

Table 3.3 Departure criticality categories

Category	Description
5	Departures that are fundamental to the viability of the scheme.
4	Departures that are fundamental to the selection of options for the scheme.
3	Departures that are fundamental to the delivery of commitments made through consultation or statutory procedures
2	Departures that are not fundamental, but have impact on other disciplines or suppliers during detailed design and can be managed through value engineering during detailed design
1	Departures that are not fundamental and do not have impact on other disciplines or suppliers and can be managed through value engineering during detailed design
0	Departures that relate to non-compliant features incorporated into the works that do not have an approved departure application

NOTE 1 *Critical departures can represent a significant risk to the viability of a scheme. A principal outcome of the departures process is to mitigate the risk of a scheme progressing on the assumption that a critical departure is acceptable without verifying this with stakeholders, especially SES technical specialists.*

NOTE 2 *Examples of highly critical departures include:*

1) Departures that effect the scheme extents ("red line boundary").

2) Use of a more cost effective method or material that upon which a business case or funding allocation is based.

3) Commitments made in a ministerial announcement that rely on approval of a departure.

NOTE 3 *The departure's criticality can be stated with the GG 104 category (e.g. "5A" or "4C") to aid communication of the relative risk associated with departures, combining programme and safety risk into a single communication device.*

3.4 The Designer shall notify the Project Manager of the possible need for a departure application as soon as it is identified.

3.5 Once identified, the Designer or Proposer shall create a record within DAS including:

1) Key scheme information (Design organisation, PIN, Project Manager);

2) The standard and discipline to which the departure relates;

3) A summary of the nature of the departure; and

4) The location(s) that the departure relates to.

3.6 Designers shall be responsible for identifying any other departures and/or relaxations affecting (or potentially affecting) the acceptability of the departure under consideration before the proposals are developed.

3.7 The DAS Admin team shall confirm the Specialist Submission Point.

3.8 The Specialist Submission Point shall nominate a Technical Specialist to provide advice during early development, prior to the submission of the departure application.

3.8.1 To promote continuity and consistency, the Technical Specialist that is identified to provide advice during early development should be selected on the basis that they will be the preferred candidate to appraise the departure when it is submitted.

Phase 2 – Early development

3.9 The Designer and Project Manager shall discuss the contractual, commercial and programme risks associated with the departure.

3.10 The Designer shall develop an outline record that includes key details about the departure within DAS, including a clear and concise statement setting out the nature of the departure as well as the key assumptions, parameters and constraints.

NOTE *DAS can also be used to store evidence, drawings and other supporting information to support the outline definition of the departure.*

3.10.1 The level of detail should be proportionate to the information available at the stage in the scheme life cycle.

3.11 The Project Manager shall determine if the proposed departure is worthy of any further consideration, considering the following factors:

1) technical, contractual, commercial or programme benefits, and;
2) safety, statutory, environmental or operational impacts;

3.12 The Designer and Project Manager shall agree if provisional agreement for the departure will be sought from the relevant Safety Engineering and Standards team based on the criticality of the departure to the scheme.

NOTE *Further detail on provisional agreement is given in Section 4.*

3.12.1 Any additional guidance on the information required by the relevant Safety Engineering and Standards team in order to consider provisional agreement should be followed.

3.13 The Technical Specialist shall review the information provided to date by the Designer and determine if provisional agreement will be given to a proposed departure.

3.13.1 Where a departure interfaces with other disciplines, the Technical Specialist should seek advice from the relevant Safety and Engineering Standards teams.

NOTE *The Additional Technical Reviewer role in DAS can be used to support this.*

3.13.2 In determining whether provisional agreement will be granted, the Technical Specialist should take into account the constraints in gathering evidence at the scheme stage and consider if there are any issues with the fundamental principles of a departure.

3.14 The granting of provisional agreement shall not preclude a future recommendation of rejection for a full departure application.

Phase 3 – Departure application preparation

Designer's assessment

3.15 The Designer shall assess the benefits, impacts and risks of the departure to develop a justification to support the application.

NOTE *Further detail on assessment is given in Section 5.*

3.16 The designer shall consult stakeholders and collect other evidence as necessary to support the assessment.

NOTE *Section 5 gives guidance on the evidence and consultations required to be included as part of a departure application. Additional guidance by discipline is also provided within the DAS submission template and within the DAS Help pages (https://das-help.highwaysengland.co.uk).*

3.16.1 The Designer should request departure specific guidance from the Technical Specialist if assessment requirements in this manual or in a requirements and advice document is not applicable due to the specific attributes of a departure.

3.17 Where there are any interactions with third parties (i.e. local roads, railways, utilities etc.) the necessary authority shall be consulted.

NOTE *Further detail on interaction with local roads is given in Section 9.*

Application preparation

3.18 The departure application shall be prepared by the Designer.

3.19 The timing of the departure application shall be discussed with the Project Manager prior to submission, taking account of the potential contractual, financial and programme impacts of the determination.

3.20 All applications shall be accompanied by a full assessment of the impacts and benefits, the risks identified and mitigation measures to be incorporated, and an overall justification.

NOTE *Further detail on the requirements for the application are given in Section 5.*

3.20.1 An independent review of the departure application by an external organisation may be undertaken at this stage at the request of the Project Manager.

3.21 The Proposer shall review the departure application prepared by the Designer prior to submission and ensure that the application is error free and fully justified.

3.22 Individuals involved in the management and appraisal of a departure application shall not undertake the role of designer or proposer.

3.22.1 Where the Design Organisation is not a member of the National Highways supply chain and is not experienced in preparing departure applications, advice may be sought from Safety Engineering and Standards on the required level of information to support the application.

3.22.2 Support for producing a departure may be sought from the incumbent Service Provider (MAC, MA, TMC, DBFO or Asset Support Contractor) for the relevant road in question, or a suitably qualified and experienced consultant with relevant highway design expertise and appropriate professional indemnity cover could be engaged.

Project Manager review

3.23 The Project Manager shall confirm that they support submission of the application.

3.23.1 The Project Manager should review the full application including any supporting documentation attached.

3.23.2 The Project Manager may support a departure prior to the full application being complete, subject to the design organisation operating a suitable quality management system.

3.24 For departure applications submitted as part of a Major Projects scheme, the NH Project Manager shall liaise with the Operations Liaison Officer in accordance with the Departure Manual (i.e. paragraphs 3.11 (2), 5.9, 5.9.1 (6), 5.9.3, 5.10, 5.32 to 5.32.1 inclusive and 6.8) before the Departure is supported by the Project Manager.

3.25 For departure applications submitted as part of a Major Projects scheme, the NH Project Manager shall liaise with NH Commercial & Procurement in the event that a departure may impact any live

procurement and/or live contract or contractual agreement with a third party/supplier. This includes, but not limited to establishing if the departure may impact the Contract Value and establishing if there would be any wider implications. In the event a formal change is required to the live Procurement Documentation and/or a live Contract, the Project Manager shall work with NH Commercial & Procurement to enact the formal change, in line with the due process as outlined in the Tender Documentation or Contract Document.

NOTE *Further detail on the Project Manager Review is given in Section 6.*

3.25.1 As part of their appraisal, the Project Manager has the option of automatically accepting the Authorising Signatory's recommendation or to determine the departure themselves. Further guidance on such 'pre-determination' by the Project Manager is given in Section 6.

3.26 The application shall not be submitted unless it has received support from the Project Manager.

Phase 4 - DAS Admin team Check

3.27 Prior to passing the departure to the Specialist Submission Point, the DAS Admin team shall review the application for completeness and required discipline specific evidence.

NOTE *Guidance on the required discipline specific evidence is provided within the DAS submission template and within the DAS Help pages (https://das-help.highwaysengland.co.uk)*

3.28 If required information or attachments are missing, the application shall be returned to the Designer for rework.

NOTE *The DAS Admin team review does not include any form of quality or technical review.*

Phase 5 – Allocate Technical Specialist

3.29 The Specialist Submission Point shall specify:

1) who will carry out the technical appraisal;
2) if any, stakeholders that the Technical Specialist should consult to inform the recommendation; and
3) who will act as the Authorising Signatory.

3.29.1 To promote continuity, this should be the same person who has been engaged in phases 2 and 3.

3.30 Where technical appraisal by more than one SES team is required the Specialist Submission Point shall co-ordinate the review of the application between the relevant team(s).

NOTE *The Additional Technical Reviewer role in DAS can be used to support this.*

Phase 6 – Technical appraisal

3.31 The Technical Specialist shall appraise the application in order to ensure that the proposal is technically justified in the individual circumstances of the specific case.

NOTE *Further detail on the technical appraisal is given in Section 7.*

3.32 Any departure application that does not contain the required discipline specific evidence and/or evidence as agreed in Phase 3, or contains errors, shall be returned to the Designer for rework.

NOTE 1 *Guidance on the required discipline specific evidence is provided within the DAS submission template and within the DAS Help pages (https://das-help.highwaysengland.co.uk)*

NOTE 2 *In DAS, "rework required" has replaced rejection for departures that cannot be appraised due to quality or completeness issues. In this leaner process, revisions will not need Project Manager approval to re-submit and any time limits for each phase will be reset.*

3.33 The Technical Specialist shall make a recommendation that the departure application should be 'approved', 'approved with conditions' or 'rejected'.

3.34 The Authorising Signatory shall review and authorise the recommendation.

NOTE *Further detail on the Authorising Signatory's review is given in Section 7.*

Phase 7 – Determination

3.35 The Project Manager shall determine that the departure application is 'approved', 'approved with conditions', or 'rejected'.

NOTE *If the Project Manager has specified during Phase 3 that the Technical Specialist's recommendation will be automatically implemented then the departure application is automatically determined in accordance with the Technical Specialist's recommendation.*

3.36 Where the Technical Specialist's recommendation is not automatically implemented the Project Manager shall review the recommendation and determine the departure application.

3.37 The final determination decision shall take account of any contractual, commercial, programme and other non-technical issues that may apply as well as the Technical Specialist's recommendation.

NOTE *Further detail on the determination of the departure application is given in Section 6.*

3.38 The approval of a departure application, with or without conditions, shall not imply that National Highways relieves the Designer of any responsibility for the design.

3.39 The Designer shall comply with National Highways' decision and any conditions.

3.40 Approval of a departure application shall be interpreted as a variation of the requirement to the unique circumstances of the site in question and not be construed as a general approval for use elsewhere.

3.41 Any conditions attached to the departure application shall be treated as requirements which have to be met by the design.

Phase 8 - Post-Determination

3.42 In order to establish accurate records of the implementation of departures, the Project Manager shall record, for each location, whether a departure is 'incorporated', or 'not incorporated' into the works.

NOTE *Rejected departures are automatically recorded as 'not incorporated'.*

3.43 Where a departure has been 'incorporated', the Project Manager shall record, for each location, the date it was incorporated.

NOTE *The date incorporated can be the 'open to traffic' date if the specific date is not known.*

3.44 The Project Manager shall record the realised cost benefit when confirming that the departure application was incorporated into the works. Refer to Section 5 for further information.

3.45 The Project Manager shall confirm whether any conditions required as part of the determination of the departure have been met.

Revision of departure applications

3.46 In order to maintain an audit trail, where a departure application has been rejected and an amended application is to be submitted, it shall be re-submitted as a revision to the original application and not as a new application.

3.46.1 Where a departure application is re-submitted it should include evidence that the issues that previously resulted in a rejection have been addressed.

3.47 If there is a change to an approved or an approved with conditions determination, the departure should be marked as not incorporated and a new application shall be submitted.

Validity of departure applications post-determination

When departure applications become invalid

3.48 Approved departure applications not yet incorporated into the works shall become invalid in the following situations:

1) where superseding requirements, agreed to be adopted by the scheme, are implemented in the intervening period;
2) where progression through the design process results in a change to the previously proposed departure which generates additional risk;
3) if a material change in a scheme design parameter generates additional risk;
4) where research or legislation affects the basis on which the departure application was approved; and
5) if the Designer or Project Manager considers that a change in any other factor may affect the previous approval.

NOTE *If it has been agreed by the scheme to adopt a newer version of a standard; a departure that has been determined as "Approved" or "Approved with conditions" remains valid when the outcome of the requirement departed from remains the same.*

Consequences of the departure applications becoming invalid

3.49 An invalid departure shall not be incorporated into the scheme.

Managing validity of departure applications

3.50 Each approved departure shall be reviewed by the Designer at each subsequent scheme stage gate to assess its validity.

3.51 If an approved departure becomes invalidated , then the application shall be marked as 'not incorporated' within DAS by the Project Manager and a new application shall be submitted by the Designer.

3.51.1 The new departure should address all changes that resulted in the original departure becoming invalid.

4. Timely handling of departures

Timely handling and scheme risk

4.1 Risk management must be undertaken throughout a scheme that impacts the spending of public money MPM [Ref 4.N].

4.1.1 Risk management relating to departures should include identifying the appropriate point in the life cycle for development and submission of departure applications.

NOTE 1 Departures can be used to derive significant benefits in cost, delivery or outcomes and decisions are often taken at early scheme stages that depend on a departure being approved later in the scheme life cycle. The rejection of a critical departure at a late scheme stage can require significant re-engineering that results in delays, increased costs and higher environmental impact. Therefore, critical departures can present a key scheme risk to be managed early in the scheme life cycle.

NOTE 2 Schemes can also have departures that do not impact the deliverability or outcomes of a scheme. Such departures do not present a key scheme risk and handling can therefore be deferred to a detailed design stage. However, every departure can become critical to the on-time delivery of a detailed design, therefore a timely approach to handling all types of departures is necessary.

NOTE 3 The detail required to justify a critical departure is often not available to support a full application at early scheme stages, therefore a "provisional agreement" mechanism has been introduced to reduce the risk of departures being rejected on technical grounds.

De-risking schemes through timely handling of departures

4.2 At the beginning and end of each scheme stage (the "stage boundary"), the Designer and Proposer shall:

1) Identify any new departures that do not have a record in DAS;
2) Review any previously identified departures to confirm a departure application is still required and withdraw those that are not;
3) Confirm the criticality category for each identified departure (specified in Section 3);
4) Determine whether each identified departure requires a provisional agreement;
5) Confirm the development strategy for each identified departure, including
    a) specifying when the departure application will be developed and submitted, and
    b) identifying any tasks that need to be undertaken to facilitate the development of the departure and when these will be undertaken; and,
6) Communicate the outcome of this exercise with the Project Manager.

NOTE Departures that have been determined shall not be withdrawn if they are no longer required. The Project Manager shall mark the departure by location as 'not incorporated'.

4.3 The development strategy for each departure shall be assessed on an individual departure basis such that the associated risk is managed to an acceptable level for the scheme stage.

4.3.1 Figure 4.3.1 indicates how each category of departure should be handled at each project stage.

Figure 4.3.1 Indication of how departures should be handled to manage project risks

Process		Stage of Project									
		PRE-PROJECT			OPTIONS		DEVELOPMENT			CONSTRUCTION	
Gateway Reviews				1		2	3A		3B	4	5A
Stage Gate Assessment Reviews (SGAR)					1	2	3	4	5	6	7
Major Projects Lifecycle (PCF)				Strategy Shaping & Prioritisation	Option Identification	Option Selection	Preliminary Design	Statutory Procedures & Powers	Construction Preparation	Construction Commissioning & Handover	Closeout
				0	1	2	3	4	5	6	7
Operations Directorate Lifecycle		Set Programme Allocations	Assess Needs	Prioritise Needs	Option Identification	Option Selection	Design & Planning			Construction Commissioning & Handover	Closeout
		0	1	2	3	4	5			6	7
Departure Criticality in DAS											
5	Departures that are fundamental to the viability of the scheme			Managed	Managed	Determined	Determined	Determined	Determined	Determined	Determined
4	Departures that are fundamental to the selection of options for the scheme by vitrue of their impact on one or more disciplines			Identified	Managed	Determined	Determined	Determined	Determined	Determined	Determined
3	Departures that are fundamentral to the delivery of commitments made through consultation, having considered all disciplines				Identified	Managed	Managed	Determined	Determined	Determined	Determined
2	Departures that do not have material impact on the consulted design of one or more disciplines as prepared for progression				Identified	Identified	Managed	Managed	Determined	Determined	Determined
1	Departures that have the potential to have an effect on detailed design development of one or more disciplines but which can be managed by value engineering in stages 5-7				Identified	Identified	Identified	Managed	Determined	Determined	Determined
0	Departures that relate to non-compliant features incorporated into the works that do not have an approved departure application									Determined	Determined

NOTE *Effective planning for the preparation and submission of departure applications through categorisation can remove departures from the scheme's critical path, allowing collection of evidence and undertaking of consultations in parallel with design development. This has the benefit of reducing scheme risk and potential duplicated effort.*

4.3.2 The development strategy should take account of time required to undertake evidence collection, consultations, risk assessments and development of mitigation measures for the departure application.

4.3.3 The planned submission date for the departure application should account for the time required for technical appraisal so that the outcome of the determination can be incorporated within the constraints of the scheme programme.

4.3.4 To mitigate the risk of the departure being rejected or returned for rework, where the standard guidance is not applicable due to the specific attributes of a departure, early engagement with the Technical Specialist should be used to confirm the evidence and justification needs to support the application.

Provisional agreement

4.4 The Designer and Project Manager shall determine if provisional agreement will be sought as part of risk management for critical departures at early scheme stages.

NOTE 1 *Provisional agreement allows the Designer to work with the Technical Specialist to establish if, in principle and later supported by a full technical justification and benefits case, the proposed departure is acceptable. The intent is not to assess the benefits, risks and impacts of a proposed departure at this stage, but to reduce the risk of schemes proceeding on an untested assumption that a departure can be approved.*

NOTE 2 *Provisional agreement is an appropriate mechanism for departures at an early stage of the scheme life cycle that are critical for scheme delivery and for exploring the use of innovative methods, products or materials.*

4.4.1 "Managed" in Figure 4.3.1 indicates at what stage provisional agreement should be sought for departures with a criticality category of 3 - 5.

NOTE *If the scheme has reached the detailed design stage a full submission is likely to be more appropriate.*

4.4.2 Provisional agreement should not be used for departures with a criticality category of 0 - 2, instead internal design management should be used for managing associated risks.

4.5 Using key programme decision points (e.g. design fix, stage gate assessment review, etc) as a guide, the timing of the request for provisional agreement shall be agreed between the Designer, the Project Manager and Technical Specialist.

4.6 After engagement with the Technical Specialist, the Designer shall prepare an outline departure record within DAS to support a provisional agreement request.

4.6.1 The outline departure record should contain enough information to allow the Technical Specialist to understand the options considered, scope, context and drivers for the departure.

4.6.2 The Technical Specialist should indicate to the Designer if there are any areas where clarification is required before a provisional agreement decision can be given.

4.6.3 When allocating resources to develop an outline departure record to support a provisional agreement request, the Project Manager should ensure that a balance is maintained between:

1) Preparing enough information so that the Technical Specialist can make an informed decision;
2) Limiting the amount of design work undertaken at an earlier stage than it would otherwise be done, and;
3) Benefiting from the overall scheme risk reduction resulting from provisional agreement being given.

4.7 The Technical Specialist shall record whether provisional agreement is given or not given using the functionality provided in DAS.

4.7.1 It is recommended that any offline discussions regarding provisional agreement are recorded against the application in DAS.

5. Preparing a departure application

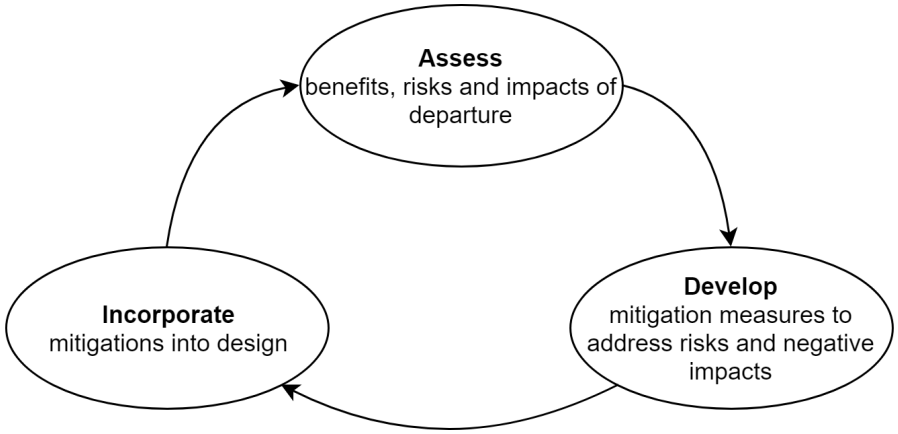
5.1 Where not explicitly stated, requirements in this section shall be undertaken by the Designer and overseen by the Proposer.

Assessing a departure

5.2 The Designer shall carry out a full assessment to identify the benefits, adverse impacts and risks associated with a proposed departure for the whole life of the scheme including during maintenance and demolition.

5.3 An iterative process of development shall be undertaken to refine the proposed departure as shown in Figure 5.3.

Figure 5.3 Assessment and development process



5.4 The assessment shall include a comparison with a design that is fully compliant and, if applicable, any other non-compliant design options that have been dismissed.

5.5 Benefits, Impacts and Risks shall be assessed under the following headings:

1) Safety (Operation) – in accordance with GG 104 [Ref 7.N] consider all relevant safety risks to road users and other parties during operation of the road;
2) Safety (Construction, Maintenance and Disposal) – in accordance with GG 104 [Ref 7.N] consider all relevant safety risks to workers and the public during construction, maintenance and disposal;
3) Technical – consider all relevant technical issues;
4) Programme – consider any effects on the scheme's critical path;
5) Cost – consider any effects on the whole life cost of the scheme;
6) Environmental – consider all relevant environmental issues;
7) Innovation – consider the benefits for both the scheme and opportunity to standardise any innovative aspects along with any risks;
8) Durability / Maintenance – consider implications for future maintenance; and,
9) Network Availability – consider network availability implications during construction, maintenance and normal use.

5.6 Any other departures or relaxations that impact or interface with the departure under consideration shall be considered as part of the assessment and addressed in the justification.

5.7 All associated departure applications shall be clearly identified within the departure application.

NOTE *Several departures and/or relaxations in the same or adjacent locations can have a cumulative effect that can be either positive or negative and can include new proposed departures or existing departures at the site. This is often overlooked where associated departures are across different disciplines.*

5.8 In order for the departure application to be approved, the assessment shall demonstrate that the benefits of a proposed departure outweigh any adverse impacts.

Stakeholders

5.9 The assessment shall include engagement with stakeholders and consideration of their needs as agreed with the Project Manager and Technical Specialist.

5.9.1 Stakeholder consultation may include the following groups:

1) Project Management
2) SES Technical Specialists
3) Design - Other design disciplines, Principal Designer
4) Construction - Principal Contractor, specialist suppliers
5) Maintenance - Maintenance organisation (MAC, ASC, ALDM, etc)
6) Operation - Operations Liaison Officer, Traffic Officer Service, Emergency Services, National Traffic Control Centre, Regional Control Centres
7) NH Commercial & Procurement

NOTE Section 9 gives additional guidance for interaction with local roads authorities and other infrastructure owners.

5.9.2 Stakeholders are likely to have limited capacity to participate in engagement activities, therefore any request for engagement on a departure should be proportionate to the need and respectful of the stakeholder's circumstances.

NOTE 1 Engagement with Technical Specialists can be supported by the SES Technical Partners.

NOTE 2 It is not a responsibility of the Technical Specialist to help the Designer develop the departure application, but they can advise on what would constitute sufficient justification for the departure to be recommended for approval.

5.9.3 Where consultation notes and minutes are used to support the justification or impacts assessment, they should be attached to the application as evidence.

5.10 For departure applications submitted as part of a Major Projects scheme, the NH Project Manager shall liaise with the Operations Liaison Officer outside of the departure process workflow to: assess any long term maintenance issues; raise any suggestions to improve the proposal; and to have an overall review of the submission. Evidence of this liaison shall also be attached to DAS.

Safety

5.11 Safety shall be the prime consideration when assessing any proposed departure.

5.12 The departure shall be treated as an activity in GG 104 [Ref 7.N] and subject to the requirements of a Safety Risk Assessment.

5.13 The departure shall be categorised as Category A, B or C in accordance with GG 104 [Ref 7.N].

5.14 The categorisation of both the scheme and the departure shall be recorded in the application.

NOTE 1 A Category C scheme can have Category A departures that do not present a safety risk that requires special attention. Whereas a Category C departure on a Category C scheme means that significant attention is required to manage the safety risks.

NOTE 2 Combining the criticality (0-5) with the safety risk category (A-C) can help project managers and designers determine when in the scheme life cycle a departure will be handled. Refer to Table 3.3 for further information on departure criticality.

5.15 The Safety Control Review Group already established for a Category B or C schemes shall be used to endorse the safety risk assessment process for the departure.

NOTE *Departures on Category A schemes do not require referral to a Safety Control Review Group.*

5.16 A Technical Specialist in the field of the departure shall be invited to the Safety Control Review Group meeting in which the departure is discussed.

5.17 A compliant design shall be considered as the safety baseline for the risk assessment.

5.18 A safety risk assessment shall be undertaken and the output attached to the application.

5.19 Where the Safety Control Review Group is referred to in the justification, the minutes of relevant meetings shall be attached to the application.

5.20 Where referred to the National Safety Control Review Group, the minutes of the meeting in which the departure is discussed shall be attached to the application.

Programme benefit

5.21 Where the departure is justified at least in part by a programme benefit, then the predicted net programme benefit shall be estimated and included as part of the departure application.

5.22 The programme for a compliant design shall be used as a baseline for calculating the net programme benefit.

5.23 The net programme benefit calculation shall take into account both the design and construction programme, and any programme implications of the submission and appraisal of the departure application.

5.24 The calculation of the programme benefit shall be included in the departure application with the reasoning for the programme reduction clearly explained.

Cost benefit

5.25 Where the departure is justified at least in part by cost savings, then the predicted net cost benefit of the departure shall be calculated and explicitly stated as part of the departure application.

5.26 The cost for a design in accordance with the requirement under consideration shall be used as a baseline for calculating the net cost benefit.

5.27 This net cost benefit shall be calculated on a whole life cost basis, taking into account:

1) The cost of developing the departure application through phases 1-3 of the departures process;
2) Design costs;
3) Construction costs;
4) Operational costs;
5) Maintenance costs;
6) Any proposed mitigation measures or monitoring costs, and;
7) Decommissioning costs.

5.27.1 The benefits may be attributable directly to National Highways or may be stated as benefits to the wider economy, other stakeholders, etc.

5.28 The calculation of the cost benefit shall be included in the departure application.

Environmental impacts

5.29 Any resultant positive or negative impact of the proposed departure on scenic, historic, or other environmental features shall be assessed.

NOTE *The environmental volumes of the DMRB (e.g. LA 101 [Ref 4.I]) give requirements advice for environmental design and assessment.*

5.30 The environmental impact for a compliant design shall be used as a baseline for calculating the environmental impact.

Innovation

5.31 Where the departure relates to the use of a novel technology or method, the risks associated with the innovative aspects of the departure shall be considered.

NOTE *National Highways actively encourages innovation throughout all its activities.*

5.31.1 Where a departure relates to the use of a novel technology, the anticipated benefits from the feature in the short, medium and long term should be described, together with any associated risks in the same time frames.

5.31.2 The return vs risk profile for the innovation should be assessed and described with a recommendation for adoption.

5.31.3 Where available, the assessment should reference relevant research results and/or examples of use in other schemes, either in the UK or in other countries, along with any additional information that has the potential to reduce the perceived risk of the innovation (and hence increase the value).

NOTE *More detail on departures for pilots and trials is given in Section 9.*

Maintenance considerations

5.32 The impact of the departure on routine, planned and unplanned maintenance regimes shall be assessed.

NOTE 1 *Maintenance impacts are included in the cost benefit calculation, safety risk assessment, etc. detailed above and can also have specific impacts on the maintainer's regimes that can be disruptive or support their activities.*

NOTE 2 *Table 5.32N2 lists maintenance factors that can be impacted by or influence the justification for a departure.*

Table 5.32N2 Factors to consider when assessing the maintenance impacts of a departure

Asset Maintainability	Design life of assets. Frequency of routine and planned activities. Reliability. Access requirements. Duration of major and minor maintenance activities. Means of removal or replacement. Impact of maintenance works on customers.
Maintenance regimes	Impact of specific maintenance requirements on standard operating and maintenance regimes for the route or section of the motorway and all-purpose trunk road network or adjacent infrastructure owners. Plant and equipment available to the maintainer. Skills and capacity of maintainer to adopt alternative regimes. Existing risks. Traffic management requirements including lane closures, contraflow, diversion routes.
Adjacent assets	Access to adjacent structures and ancillary items such as drainage, signs, lighting, signalling equipment, telephones, planting and mown areas Access to ploughed snow storage, salting routes and diversion routes for routine winter maintenance activities.

5.32.1 The assessment for safe and satisfactory operation during maintenance works should be validated through consultation with operational teams, which can include adjacent infrastructure owners.

Equality, diversity and inclusion

5.33 The requirements given in GG 101 [Ref 3.N] for equality, diversity and inclusion shall be observed when assessing a departure.

5.34 Where an Equality Impact Assessment (EqIA) is carried out for a departure, it shall be attached to departure application.

Monitoring

5.35 Where, through consultation with the Technical Specialist and Project Manager, post-scheme monitoring relating to the departure is proposed, the application shall include details of:

1) The objective of the monitoring;
2) What is going to be monitored;
3) How it will be monitored;
4) How data will be collected and analysed;
5) The frequency of the proposed monitoring;
6) The duration of the proposed monitoring;
7) The cost of the proposed monitoring (including any set up and long term costs); and
8) Who will have responsibility (including funding) for the monitoring.

NOTE 1 National Highways' Strategic Plan emphasises the need to analyse the safety performance of schemes after construction.

NOTE 2 Even where the designer has not proposed monitoring, it can later be required by the Technical Specialist as a condition to approval.

The departure application

5.36 For a departure to be approved, the application shall:

1) demonstrate that the technical, contractual, commercial or programme benefits significantly outweigh the adverse impacts, when compared to a compliant design;
2) present a structured risk assessment identifying long and short term risks and any appropriate mitigation measures;
3) demonstrate how safety, environmental, sustainability, operational or other impacts have been considered and any necessary mitigation works required to be implemented as a result;
4) justify the need for a departure in the light of 1) to 3) above; and
5) propose monitoring to measure the performance of the departure.

5.37 The application shall contain enough detail to enable the Technical Specialist to make a recommendation on whether or not to approve the departure application and to be able to justify it afterwards without the need to ask the Designer further questions.

5.38 Regardless of any early engagement, the departure application shall be written assuming that the Technical Specialist has no prior knowledge of the scheme or area in which the scheme is situated.

5.39 Unless expressly permitted in Section 8, an individual departure application shall be made for each independent requirement, section or whole document.

5.39.1 Where the departure results in a design that does not satisfy more than one interdependent requirement, the additional requirements may be referenced as secondary requirements in the application form.

5.40 The application shall contain the information required for all departures and any discipline-specific requirements as outlined within the DAS submission template and within the DAS Help pages (https://das-help.highwaysengland.co.uk), as well as information requested during early engagement with Technical Specialists.

NOTE 1 *Incomplete application forms will be returned for rework by SES.*

NOTE 2 *Guidance on completing the application form is included within the DAS submission template and within the DAS Help pages (https://das-help.highwaysengland.co.uk).*

5.41 If a section of the application form is not considered applicable then the reason why an answer has not been provided shall be stated in the application.

Attachments

5.42 Where attachments are included, the application shall include a summary table, documenting the following information for each attachment:

1) an optional reference for the attachment to facilitate quick cross-referencing within the submission;
2) the file name; and
3) the description of the attachment (i.e. Risk Assessment, Cost Benefit Calculations etc.).

NOTE *Providing this summary assists the Technical Specialist in conducting a swift appraisal.*

5.42.1 Supporting information for several departures may be contained in the same report or document so long as the relevant areas of the report are clearly referenced in the departure application and attached to each departure.

5.42.2 Attachments should be in PDF format or OpenDocument Format (ODF) v1.2.

NOTE *Records can be referred to many years after the departure is determined, therefore compatibility of data formats with future computing functionality is of utmost importance.*

5.43 A plain English title shall be given where a scheme-specific file naming convention (e.g. GG 184 [Ref 6.I]) is used.

Governance applied by the design organisation

5.44 The Design Organisation shall apply its Quality Management System, in accordance with GG 102 [Ref 6.N], to the development of an application.

5.44.1 The proposed departure should be reviewed internally with interfacing disciplines to identify any potential areas of conflict or unanticipated impact.

6. Project governance for departures

6.1 Unless explicitly stated, the requirements in this section shall be undertaken by the Project Manager.

6.2 The Project Manager shall ensure suppliers are aware of their responsibilities within the departures process.

Departure identification and assessment

6.3 When a potential departure is initially identified by the Designer, the Project Manager shall consider the associated risks, opportunities and benefits to the scheme and agree whether the departure will be developed for submission.

NOTE Section 4 discusses management of project risks associated with departures.

6.4 The Project Manager shall review the Designer's proposed approach to developing the departure to confirm it is proportionate and that appropriate technical assurance will be undertaken.

6.5 The Project Manager shall review and confirm the Designer's proposed approach to stakeholder consultation to support the assessment and justification, and identify where additional consultation is required.

Pre-submission review

6.6 The Project Manager shall review the departure application prior to submission to SES.

6.6.1 In determining if they support the application the Project Manager should consider the following:

1) The technical, contractual, commercial or programme benefits of the proposed departure;
2) The potential adverse impacts including any safety, contractual, commercial, statutory, environmental, programme or operational issues, including impacts on other disciplines or suppliers;
3) Whether the claimed benefits of the departure will actually be realised by National Highways;
4) Whether any undertakings given during statutory procedures (where applicable) will be breached; and
5) The responses from the consultations which have been undertaken.

6.7 The Project Manager shall confirm that stakeholders who will be directly impacted by the departure have been consulted and agree to the departure being submitted.

NOTE 1 This can be done individually on a departure by departure basis or as a single request covering all departure applications for a scheme or series of schemes.

NOTE 2 Guidance and suggested stakeholders are given in Section 5.

NOTE 3 Guidance on interaction with third parties such as local roads and other scenarios is given in Section 9.

6.8 For departure applications submitted as part of a Major Projects scheme, the NH Project Manager shall liaise with the Operations Liaison Officer in accordance with the Departure Manual i.e. paragraphs 3.11 (2), 3.24, 5.9, 5.9.1 (6), 5.9.3, 5.10 and 5.32 to 5.32.1 inclusive before the Departure is supported by the Project Manager.

6.9 If the Project Manager is of the view that the realised benefits of the departure outweigh the negative impacts, the Project Manager shall support the submission of the departure.

6.9.1 If the case for the departure is clear, support may be given to submit the departure application before the full application is developed on the basis that the Proposer shall not submit an incomplete submission.

NOTE It is not the Project Manager's responsibility to check the quality or completeness of the departure application.

6.10 If the Project Manager does not support the application they shall provide the Designer with the reasons for the decision, including an explanation of the issues that need to be addressed before they would be able to support the application.

NOTE 1 If changes to the application are required before support can be given, the Project Manager shall use the rework functionality in DAS.

NOTE 2 A list of common reasons for rejection and rework are given in Appendix B.

Pre-Determination

6.11 As part of the approval to submit a departure, the Project Manager shall decide if they want to automatically determine ("pre-determine") the departure application in line with the Technical Specialist's recommendation.

6.11.1 A Project Manager may pre-determine some or all of the following:

1) Automatically Approve the departure when the Technical Specialist makes a recommendation to approve;
2) Automatically Approve the departure with unchanged conditions when the Technical Specialist makes a recommendation to Approve with Conditions, and;
3) Automatically Reject the departure when the Technical Specialist makes a recommendation to Reject.

6.11.2 A departure should only be pre-determined by the Project Manager where the justification for the departure is clear and there are no insurmountable contractual, commercial or programme implications.

NOTE 1 The facility to pre-determine the departure is intended as a way to expedite the departure application process where the case for the departure is clear and the determination decision rests solely on the recommendation of the Technical Specialist.

NOTE 2 If a Project Manager decides to automatically implement the Technical Specialist's recommendation this is the last opportunity the Project Manager will have to review and influence the departure application prior to approval and incorporation into the design, or rejection.

NOTE 3 The Project Manager can revisit the decision to pre-determine the departure up until the Authorising Signatory authorises the recommendation.

6.12 If there is any interaction with any other adjacent transport infrastructure owners (e.g. railways, local roads and canals) then the Project Manager shall always review the application following the Technical Specialist's recommendation.

Determination

6.13 Following a recommendation being made by the Technical Specialist, the Project Manager shall determine if the departure is:

1) Approved;
2) Approved with Conditions, or;
3) Rejected

6.14 In the event that the Project Manager decides there are sufficient grounds to determine an application in a different way to the recommendation of the Technical Specialist, then Table 6.14 shows the appropriate course of action that shall be taken.

Table 6.14 Decision matrix for determining a departure where

		Technical Specialist's recommendation		
		Approve	Approve with conditions	Reject
Project Manager's Determination	Approve	√	See 6.15	See 6.15
	Approve with Conditions	Record reasoning in DAS	√ if conditions are unaltered, if altered record in DAS	
	Reject		Record reasoning in DAS	√

6.15 Where the PM intends to determine a departure as approved (with or without conditions) that was recommended to be rejected by the Authorising Signatory, or approve without conditions an application which was recommended for approval with conditions, an exception report directly addressing the concerns stated by the Technical Specialist shall be produced by the Project Manager and signed off by the appropriate Divisional Director(s), prior to recording the determination in DAS.

6.16 In the above situation, the exception report produced shall be added to the departure application within DAS using the attachment features provided.

6.16.1 The model exception report attached to Appendix C should be for guidance only and is dependent upon the caveat on the note to the Compiler.

Post-Determination

6.17 In order to establish accurate records of the implementation of departures, the Project Manager shall record, for each location, whether a departure is 'incorporated', or 'not incorporated' into the works.

NOTE *Rejected departures are automatically recorded as 'not incorporated'.*

6.18 Where a departure has been 'incorporated', the Project Manager shall record, for each location, the date it was incorporated.

NOTE *The date incorporated can be the 'open to traffic' date if the specific date is not known.*

6.19 To assist National Highways understand the cost benefit associated with departures, it is important to review the estimated cost benefit as defined in the original application and reflect against what was achieved. The Project Manager shall record the realised cost benefit when recording whether the departure application was incorporated into the works as part of post-determination. Refer to Section 5 for further information on cost benefit.

6.20 If a departure was not incorporated into the works, the realised cost benefit shall be zero.

6.21 If a departure had conditions associated with its determination, confirmation that these have been met shall be recorded against the application.

6.22 Any mitigation measures not included as conditions in SES's recommendation shall be implemented to retain the validity of the departure.

7. Appraising departure applications

7.1 Unless explicitly stated, the requirements in this section shall be undertaken by the Technical Specialist.

NOTE The Specialist Submission Point and/or Authorising Signatory can also undertake these requirements if they are also acting in the capacity of the Technical Specialist.

7.1.1 SES groups/teams may also develop further guidance for Technical Specialists covering issues specific to their technical discipline.

Early engagement

7.2 Where a departure is of sufficient complexity or criticality that the Designer requires input to minimise risk to design development, the Technical Specialist shall, if requested, provide an initial view of the proposed departure, raise any concerns and define any further evidence, in addition to that outlined within the guidance, that will be required to support the application.

NOTE 1 An objective of such early engagement is to limit the number of departure applications that are either:

1) rejected because they would never be acceptable in any circumstance; or

2) returned for rework because they do not present the evidence or justification that the Technical Specialist requires to make a recommendation.

NOTE 2 Early engagement is not intended to introduce additional work for the Technical Specialist, but to formalise their input at the identification and development stages and can be through correspondence, design meetings, participation in Safety Control Review Group or other forms of interaction.

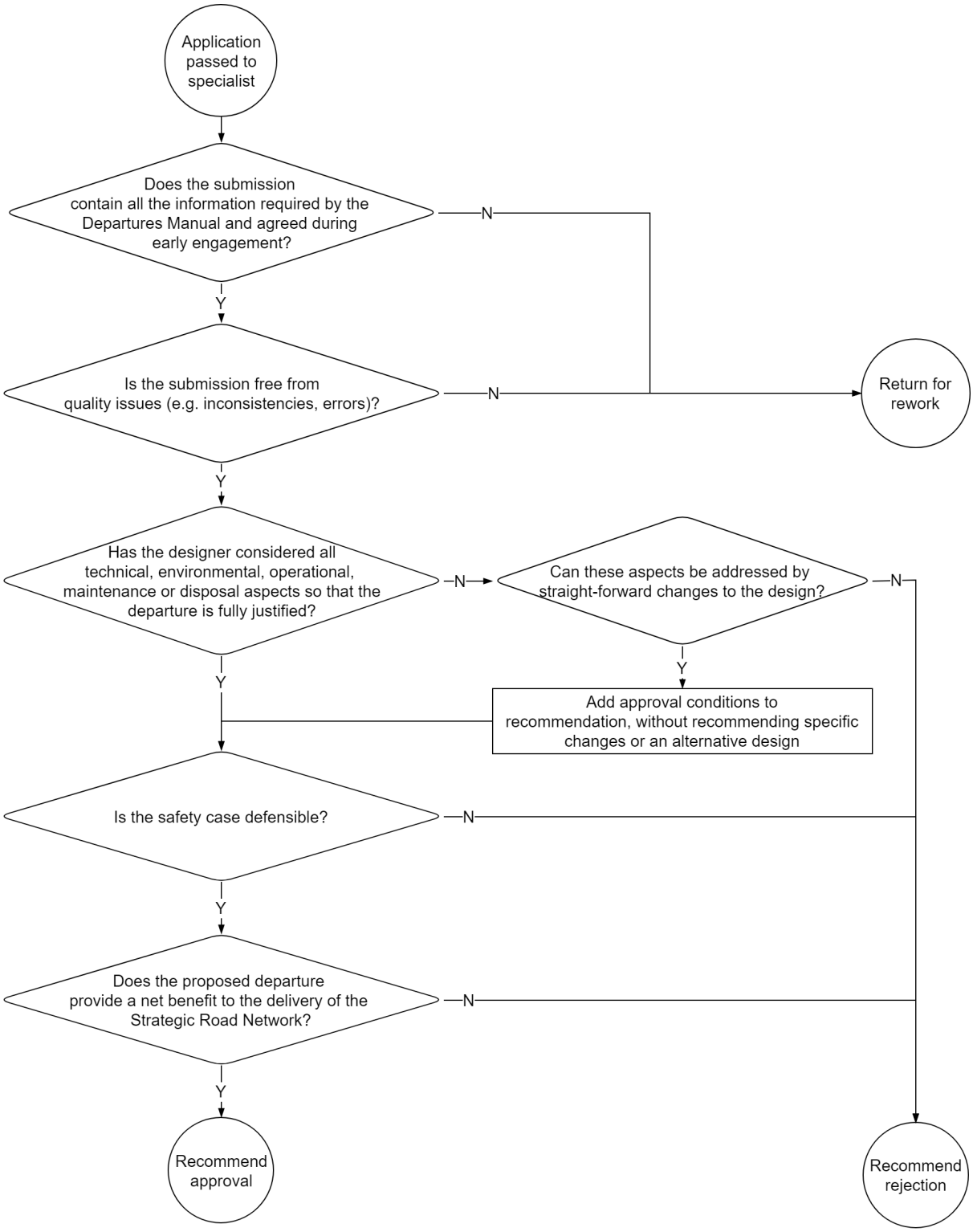
NOTE 3 Guidance on standard evidence requirements, and discipline specific requirements, is provided within the DAS submission template and within the DAS Help pages (https://das-help.highwaysengland.co.uk).

7.2.1 Through early engagement, the Technical Specialist may give Provisional Agreement in DAS inline with the guidance and circumstances outlined in Section 4.

Technical appraisal

7.3 The Technical Specialist shall use the process outlined in Figure 7.3 to appraise the departure application.

Figure 7.3 Technical appraisal decision process



7.4 The technical appraisal shall be based only on the information provided in the application.

7.5 Each departure application shall be considered on its own merits appropriate to the individual circumstances of the departure.

7.6 The safety case shall be appraised based on the safety implications of the departure and whether the

proposed mitigation measures are sufficient for all stages of the asset's life-cycle:

1) Construction
2) Commissioning/Handover
3) Operation
4) Maintenance
5) Disposal

7.7 The Technical Specialist shall consider if any proposed monitoring is sufficient and if not, require additional monitoring as a condition of the departure application approval.

7.7.1 Approval conditions should be used by a technical specialist to require additional monitoring. Such conditions must be realistic and achievable, and the project manager should plan for the longevity of the monitoring requested, ownership and transfer to operations.

7.7.2 It is recommended that the Specialists should record any suggested mitigation measures as conditions for ease of validation at post determination by the PM.

7.7.3 Any mitigation measures not included as conditions in SES's recommendation shall be implemented to retain the validity of the departure.

7.8 Applying professional judgement, the Technical Specialist shall decide if they consider that the proposed departure provides a net benefit to National Highways in fulfilling its objective of "delivering a highly performing strategic road network and the best possible service for road users and other stakeholders" HE Framework [Ref 2.I] when compared to a compliant design or alternative options that have been assessed and dismissed.

NOTE Particularly for third party schemes, a departure can be proposed based on its benefit to other infrastructure owners or the wider economy where there is little to no impact on National Highways' delivery of the Strategic Road Network.

7.9 Where the positive cumulative effect of multiple departures at one location is used to justify some or all of the departures, consideration shall be given to the effect of rejecting one of the departure applications on the technical appraisal of the other associated departure applications.

Making a recommendation

7.10 Having completed the technical appraisal, the Technical Specialist shall make a recommendation to the Project Manager as to whether the proposed departure application should be 'Approved', 'Approved with Conditions' or 'Rejected'.

7.11 The recommendation shall make it clear whether the departure application is justified in the individual circumstances of the case, based on the information supplied by the Designer, and give a full explanation of the reasoning.

7.12 The recommendation shall include a summary of any direct interaction with the Design Organisation that has taken place during appraisal to inform the recommendation.

7.13 Where rejection is recommended, the recommendation shall include the reason for rejection and a summary of specific areas of concern.

NOTE 1 In addition to allowing a free text narrative in the recommendation, DAS presents the options for recording the reasons for rejection that can be reported on and fed back to the design organisation for continuous improvement. This is also presented when "return for rework" is used.

NOTE 2 A list of common reasons for rejections and requests for rework are given in Appendix B.

Approval with Conditions

7.14 Conditions shall be stated as requirements (using "shall") for matters that are to be addressed by the Designer before the departure is incorporated into the works.

NOTE *Conditions, when approved by the Project Manager, become a variance to the employer's requirements in the contract and therefore become a scheme requirement with the same status as standards.*

7.15 Conditions shall not give an instruction / recommendation for a specific design change or propose an alternative design.

NOTE 1 *Any recommendations made for a specific change or alternative design could make the Technical Specialist a Designer under CDM Regulations.*

NOTE 2 *Example conditions that would not make the Technical Specialist a Designer under CDM Regulations include:*

1) The designer shall demonstrate that a certain performance is achieved.

2) Additional requirements for testing, commissioning or handover.

3) Additional monitoring or reporting to be submitted to SES for knowledge purposes (e.g. information to later updating a standard).

Authorising the recommendation

7.16 The Authorising Signatory shall review the Technical Specialist's recommendation to confirm that an appropriate balance of risk and opportunity has been accepted and that the recommendation (including any conditions) is proportionate.

7.17 The Authorising Signatory shall discuss any concerns about the recommendation with the Technical Specialist and together they shall agree if the recommendation will be revised.

7.18 If the Technical Specialist and Authorising Signatory cannot reach consensus on a recommendation, the Specialist Submission Point shall either take the role of both Technical Specialist and Authorising Signatory or escalate the decision within SES.

7.19 When the Technical Specialist's recommendation has been authorised it shall be returned to the Project Manager.

NOTE *The Project Manager's determination may be automated through the use of pre-determination, in which case it will be returned directly to the Designer by DAS.*

Timing

7.20 A time limit of 42 calendar days (30 working days) shall apply to SES for undertaking phases 5 and 6 (Table 3.1), unless by agreement of the Project Manager.

7.20.1 The Project Manager should agree to an extension of the 42 calendar days (30 working days) limit for SES where the Technical Specialist requires input from other disciplines before making a recommendation.

7.20.2 Any contract specific Service Level Agreements should be reviewed and agreed between the Design Organisation, Project Manager and SES before submission.

7.21 If the application has been returned for rework, on re-submission the 42 calendar days (30 working days) limit for SES appraisal shall be reset.

7.21.1 If missing information or clarification can be provided quickly, then the Technical Specialist may request and upload information provided by the Designer without the application being returned for rework.

8. Related departures and departures that apply at more than one location

Interacting departures that need to be appraised collectively (linked departures)

8.1 Separate applications shall be submitted for linked departures.

NOTE 1 Linked departures are independent departures which interact to collectively form a safety or benefit case.

NOTE 2 If one linked departure is rejected, the justification for the other linked departures is undermined and therefore none of the linked departures can be implemented.

8.2 To clarify the interacting nature of the departure, the final paragraph of the departure summary of each linked departure shall state "Linked with [DAS Record ID(s)]" and referenced in the "Associated departures" field of the application form.

NOTE Future DAS functionality is planned to make this link more intelligent for reporting purposes.

8.3 A strategy document that gives a technical justification and details the benefits, risks and impacts of the overall design shall be attached to the application with location- or requirement-specific considerations detailed within the individual applications.

8.4 For linked departures to be appraised collectively, the applications shall be submitted at the same time.

8.5 The Technical Specialist shall undertake the technical appraisal for the departure taking account of any related departures and the overall design presented in the strategy document.

8.5.1 Where the related departures are within the same discipline, each should be assigned to the same Technical Specialist for technical appraisal.

8.6 The Technical Specialist may state, as a condition, that approval of an application is subject to all interdependent departures referenced within the holistic assessment being approved.

Departures where requirements are interdependent

8.7 Where, by nature of the interdependency of requirements, a departure from one requirement will necessarily result in a departure from another, only one departure application shall be submitted against the requirement considered to be primary and interdependent requirements listed in the "secondary requirement" part of the application form.

Departure proposed for more than one known location (bulk departure)

8.8 Bulk departures shall only be used where.

1) the same non-compliant design feature or method is proposed for use at more than one location, and;
2) each location shares the same geometrical, environmental, operational or usage parameters that influence the safety or benefit case.

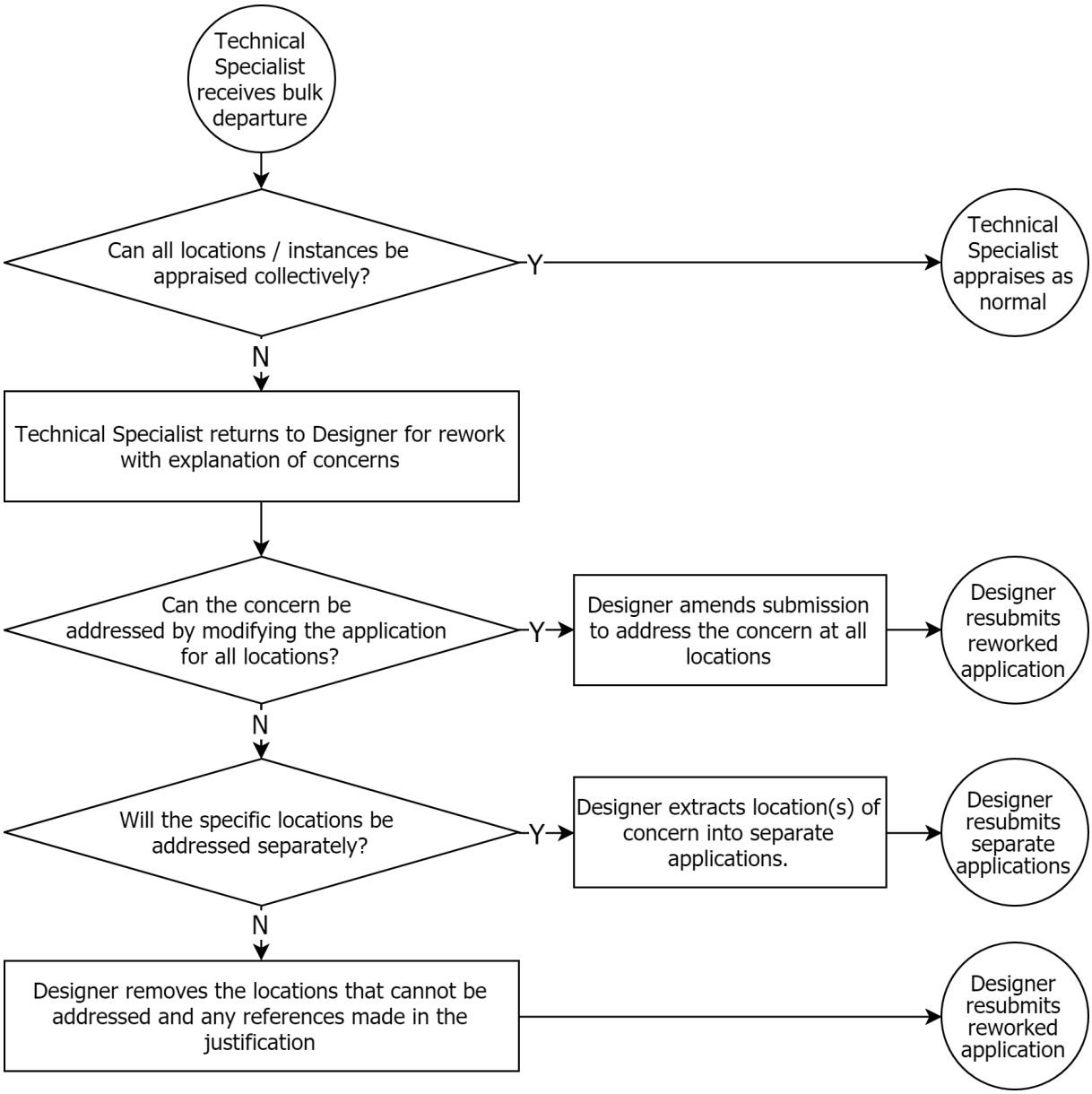
8.8.1 The Designer may contact the Technical Specialist to discuss the applicability of a bulk departure prior to developing the application.

8.9 The bulk departure record shall include the location of every instance where the non-compliant feature is proposed.

8.10 A single recommendation and determination shall be made for a bulk departure that covers all instances listed in the application.

8.11 Figure 8.11 gives the process that shall be followed for appraising and reworking bulk departures where individual instances are unacceptable.

Figure 8.11 Process for appraising and reworking bulk departures



Departure proposed on a contract, route, area or programme basis (non-specific location departures)

8.12 Non-specific location departure applications shall only be allowed with consent from the Project Manager and Technical Specialist.

8.12.1 Non-specific location departure applications may be used where the same non-standard product, design feature or method is proposed for use at various locations on a contract, route, area or programme basis.

NOTE *An example of where this type of departure application could be appropriate is when bulk procurement contracts for components is being used and a non-standard component is being proposed.*

8.13 This type of departure application shall only be allowed where:

1) applications are made on a contract-by-contract basis (as a 'blanket' approval would be equivalent to creating a new requirement rather than use being permitted as an exception

through the departures process);

2) it is clearly not practicable to state actual locations for usage before non-standard items are ordered; and

3) reference numbers (or other robust method of unique identification) are quoted in the application in order to provide an audit trail and to ensure that the items may be subsequently identified on the network.

Departure proposed where the scheme or location is not known

8.14 A departure application shall not be submitted where the scheme or specific location(s) where the departure will be used has not been identified.

NOTE *National Highways has several routes for exploring the general acceptability of innovative ideas, products or methods (e.g. The Innovation Portal Innovation Portal [Ref 3.I]). Engagement through these routes can be used as evidence to support a departure application when the scheme is known.*

9. Guidance for specific circumstances

DBFO schemes – post-award

9.1 In the case of post-award DBFO schemes, unless agreed otherwise, the DBFO Company shall submit the departure application to the Department's Nominee as Alternative Proposals under the Review Procedure via DAS.

9.2 The Department's Nominee shall undertake the Project Manager role defined in this manual.

NOTE *The role of the Department's Nominee can be carried out by the Department's Agent or Department's Representative depending on the phase of the DBFO scheme.*

9.3 Once a recommendation has been finalised, the Department's Nominee shall respond to the DBFO Company under the Review Procedure.

9.4 The departure determination for DBFO schemes shall be interpreted in accordance with Table 9.4.

Table 9.4 Interpretation of departure determination for DBFO and D&B schemes

Departure Determination	DBFO Interpretation
Approved	Received
Approved with conditions	Received with comments
Rejected	Returned marked comments

9.5 Any variation to the above guidance shall be set out in the individual DBFO contract documents, as will the technical appraisal and determination timescale.

9.5.1 Depending on National Highways' particular management arrangements for individual DBFO contracts, consultants may be appointed by National Highways to provide detailed scheme advice and recommendations on departure applications as an aid to the Department's Nominee.

Design & Build schemes – post-award

9.6 In Design & Build (D&B) contracts, a departure shall mean one or a combination of the following:

1) the use of a technical design directive or technical specification, whether in the DMRB and/or MCHW, in a manner or circumstance which is not permitted or provided for in such directive or specification;
2) the use of technical design directives other than those in the DMRB;
3) the use of technical specifications for materials or workmanship other than those in the Specification for Highway Works and Highway Construction Details; and
4) the use of a set of requirements or criteria for any aspect of the Works beyond those described within the DMRB and/or MCHW including the use of innovative materials or processes.

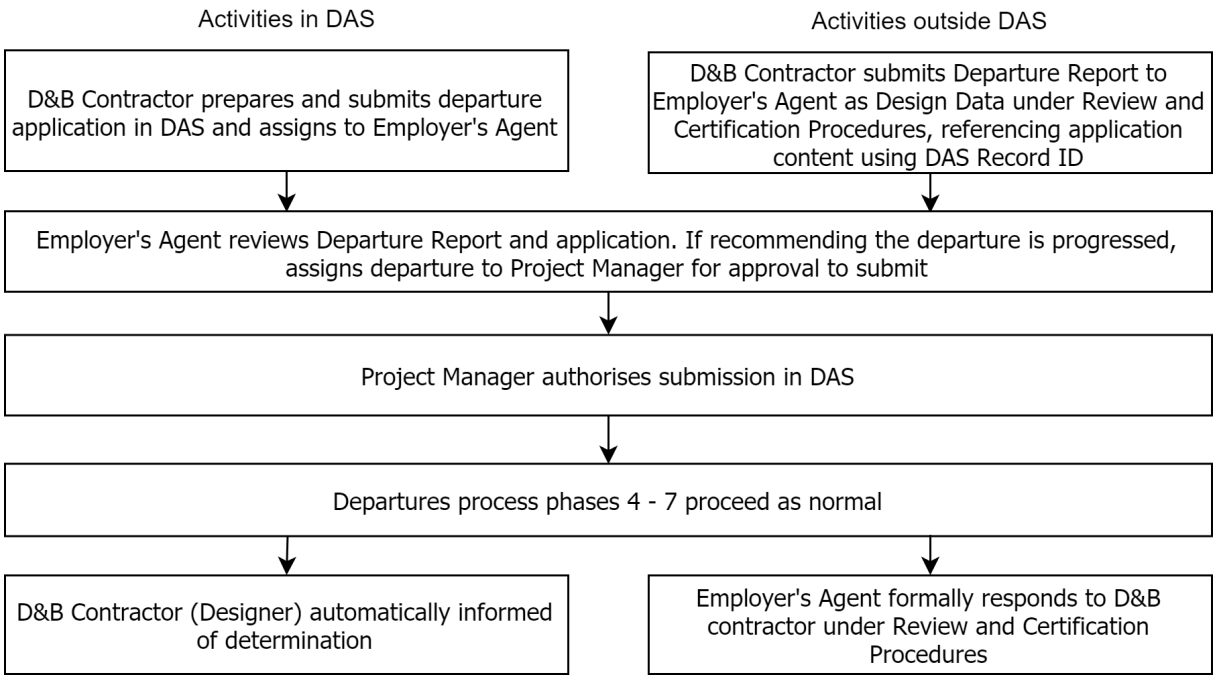
9.7 The D&B roles shall be applied to the departures roles in accordance with Table 9.7.

Table 9.7 Application of departure roles to D&B contracts

D&B Role	Departure Role
D&B Contractor	Design Organisation 1) Designer 2) Proposer
Employer's Agent	As defined below.
National Highways Project Manager	Project Manager

9.8 For post-award D&B schemes, the departure process given in Figure 3.1a and 3.1b shall be modified to incorporate the Employer's Agent as shown in Figure 9.8.

Figure 9.8 Modifications to departures process for post-award D&B schemes



9.9 The departure determination for D&B schemes shall be interpreted in accordance with Table 9.4.

Departures supporting a tender

9.10 A departure application shall be submitted where a tender relies on the approval of a departure that has not already been approved.

9.10.1 A tenderer may request confidentiality for departure applications made at tender stage.

9.11 Confidentiality shall be withdrawn if the successful tenderer incorporates the departure into the works.

9.12 Applications submitted by unsuccessful tenderers shall remain confidential.

9.12.1 An unsuccessful tenderer may request for the confidentiality to be withdrawn.

NOTE *See Section 10 for details of confidentiality.*

Pilots and trials

9.13 As noted in the 'Guide for the Design, Management and Delivery of Pilots and Trials on National Highways Network' HE (Pilots & Trials) [Ref 2.N], the proposed use of any design, method or material that does not comply with, or is an aspect not covered by requirements or advice documents for a pilot or trial shall require a departure.

9.14 The Project Manager shall agree with the relevant Technical Specialist, before a departure application is submitted, which external organisation, or which part of National Highways, will cover the cost of the following aspects:

1) operation of the pilot or design and construction of the trial (or that element of the works if part of a larger scheme);
2) supervision and reporting during the pilot or trial; and
3) surveys to inspect and report on the condition of the trial area(s) after specified periods of time.

9.15 The Project Manager shall also agree the following with the relevant Technical Specialist before a departure application is made:

1) A full assessment of the expected benefits, adverse impacts, hazards and risks associated with the pilot or trial, and details of how the risks are to be managed (including mitigation measures and an 'exit strategy', where appropriate);
2) Draft clause wording for the trial or pilot; and
3) If the work is not covered by the MCHW, draft method of measurement item wording for the trial or pilot.

9.16 The first use of any innovative design, method or material shall require particularly close scrutiny by those assessing and appraising departure proposals as it can be difficult to quantify the potential hazards and risks in advance of the pilot or trial.

9.17 Following the completion of the trial or pilot, the Project Manager shall prepare (or arrange the preparation of) a completion report detailing the results, including recommendations and conditions regarding future use.

9.17.1 This document should include the proposed wording for the text of any new or revised requirement that could be adopted for future use.

9.17.2 The draft wording should also be emailed to the feedback e-mail address for Standards Enquiries, standards_enquiries@nationalhighways.co.uk.

9.17.3 A copy of this report should be passed to the relevant Specialist Submission Point to allow adequate feedback to be established.

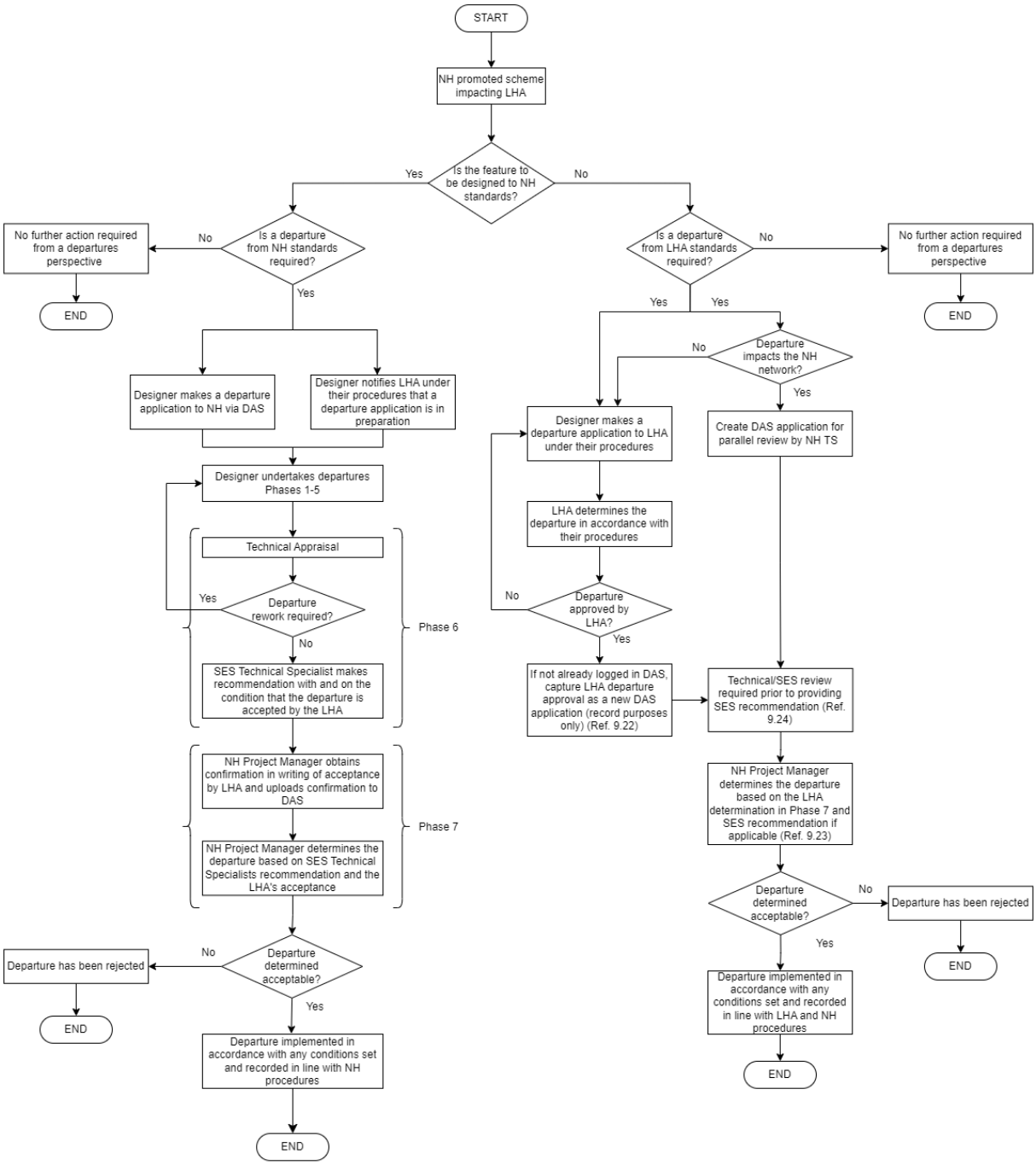
9.18 The Project Manager shall attach the final completion report to the departure record as part of post-determination.

Interaction with local roads on works promoted by National Highways

9.19 Where a scheme impact's a Local Highway Authority's (LHA) network, for that part of the works the modified departures process given in Figure 9.20 shall apply.

9.20 Where works are carried out by National Highways that will subsequently be adopted by a LHA, and that may have an impact on the National Highways Strategic Road Network, the standards to be used on that highway shall be referred to the National Highways Technical Specialist for consideration and recommendation before being agreed in writing between the LHA and National Highways.

Figure 9.20 Modified departures process for schemes that impact a Local Highway Authority's network



9.21 For a departure from a LHA standard, a permanent record of the LHA departure agreement shall be stored as a standalone departure within DAS. The form of this departure record shall depend on the assessed impact of the departure by the Designer.

9.22 For a departure from a LHA standard, the DAS submission should only include the content from the LHA departure submission and a record of the LHA determination; the full NH DAS template structure does not need to be populated but the level of detail provided shall be proportional to the impact, as assessed by the Designer in 9.21.

9.23 For a departure from a LHA standard which has no impact to the NH network, the LHA approval shall

be accepted without further technical/SES review.

9.24 For a departure from a LHA standard which impacts the NH network, further technical/SES review shall be required prior to NH acceptance.

Works promoted by other organisations

9.25 This manual shall apply to departures for schemes not promoted by National Highways but where National Highways managed roads or assets are impacted.

NOTE 1 The main categories of works promoted by other organisations that effect National Highways managed roads include:

1) *Modifications to National Highways managed assets to allow local highway schemes or development schemes to be built (for example, diversions of National Highways managed road where it crosses the line of a proposed local road or a new development, including the construction of a bridge or other crossing);*
2) *Construction of new roads that are to be immediately adopted by National Highways (such as the construction of new slip roads and junctions or construction of a new highway);*
3) *Construction of new roads to be the responsibility of National Highways after an initial period of operation by the LHA or developer;*
4) *Construction of new or modification of existing private means of access (PMA) onto a trunk road, not promoted by National Highways;*
5) *Construction of new or modification of existing access/egress arrangements to roadside services facilities, in private or public ownership, not promoted by National Highways; and*
6) *Modification of a local road which utilises a National Highways Asset (such as modification to a local road which crosses a bridge owned by National Highways).*

NOTE 2 Such works can be authorised under specific primary legislation (such as the hybrid Bill procedure) or secondary legislation (e.g. a Development Consent Order made under the Planning Act 2008 UKPGA 2008/29 [Ref 5.I] or an order made under the Transport and Works Act 1992 UKPGA 1992/42 [Ref 8.I]) and can have policy or procedural differences from the normal regime applicable to planning permissions given to private developers.

NOTE 3 The DMRB and MCHW are mandatory for all works on the motorway and all purpose trunk road network, regardless of who is promoting the works.

9.26 When notified of a proposed departure that could affect a National Highways road or asset, National Highways shall appoint a Project Manager to oversee the departure process and determine the departure.

NOTE 1 Depending on the nature of the scheme, a Project Manager might already be in place.

NOTE 2 Early consultation with the Project Manager and relevant Specialists within Safety Engineering and Standards is critical to ensure their views are considered before the design is finalised and, where a significant number of applications will be submitted, to confirm that resources will be available to appraise and determine departures in accordance with any timescales given in this manual.

NOTE 3

1) *Internal guidance for National Highways Teams Engaging with Promoters of Third Party Projects and Plans - https://share.highwaysengland.co.uk/share/llisapi.dll?func=ll&objaction=overview&objid=111475444*
2) *National Highways' policy on the application of future-proofing in relation to Third Party projects and plans - please contact the NH PM or the Planning Manager in Strategic Customer Projects in the Customer, Strategy and Communications Directorate.*
3) *External guidance for Promoters of Third Party Projects and Plans - https://share.highwaysengland.co.uk/share/llisapi.dll?func=ll&objaction=overview&objid=111468857 (this is a NH SHARE link and promoters of Third Party projects can contact the NH PM or the Planning Manager in Strategic Customer Projects in the Customer, Strategy and Communications Directorate).*

Asset Delivery and works undertaken by "in-house" teams

9.27 Where an internal National Highways team undertakes the role of Design Organisation, the requirements of this manual shall apply unaltered.

9.28 The person undertaking the role of Project Manager for determining a departure shall not also be the Designer or Proposer.

Tunnel departures

9.29 For tunnels departure applications, any requirements given in the Road Tunnel Safety Regulations (RTSR UKSI 2007/1520 2007 [Ref 8.N]) must be followed.

NOTE *"Derogations" for innovative techniques and risk reduction measures associated with tunnels are permitted under the Road Tunnel Safety Regulations (RTSR UKSI 2007/1520 2007 [Ref 8.N]) 2007 (which transposes the EU Tunnel Safety Directive into UK law).*

9.30 If the departure application is 'approved', the request is then endorsed to this effect and shall be formally submitted as set out in the Road Tunnel Safety Regulations (RTSR UKSI 2007/1520 2007 [Ref 8.N]) (similarly if 'approved with conditions', once any conditions have been addressed).

NOTE *No further action is required where proposals are determined as 'rejected'.*

Asset maintenance and operational requirements (AMOR)

9.31 Any departures from the AMOR shall follow the process given in the Governance section and Appendices 2.1, 2.2, 2.3, 2.4 and 2.5 of the AMOR [Ref 1.N].

Network Management Manual (NMM) and Routine Winter Service Code (RWSC) departures

9.32 Any departures from the NMM and RWSC shall follow the process shown in the flowchart in Section (vii) of NMM 2009 [Ref 5.N] Part 0 'Introduction'.

NOTE *Although the NMM/RWSC is aligned with the technical appraisal process described in this document there are some differences in roles, responsibilities and terminology. There is also the opportunity, in certain circumstances, to make an appeal to the Regional Operations Board against a departure application determination.*

10. Confidentiality

Confidentiality

10.1 Confidential departure applications shall only be accessible to those within the same design organisation, or National Highways staff.

10.1.1 A designer may request that a departure application is made confidential if the application is made in support of a tender process.

NOTE 1 National Highways cannot guarantee that a 'confidential' departure application will not be disclosed if it is the subject of a request made under the Freedom of Information Act UKPGA 2000/36 2000 [Ref 1.I], as the potential exemptions (primarily Sections 41 and 43) have to be examined on a case-by-case basis.

NOTE 2 There can be situations where the Technical Specialist needs to share details of the departure with external organisations during the technical appraisal process.

10.2 Confidentiality shall be withdrawn should the departure be incorporated in the works.

11. Continuous improvement through the departures system

Continuous improvement of requirements

11.1 The departures process shall not be used as an alternative to keeping requirements up to date.

11.1.1 Where multiple departure applications are made relating to the same or similar technical areas, SES should review the relevant standards and consider updating or supplementing these documents.

11.1.2 If requirements are not meeting the needs of the Overseeing Organisation then the Technical Specialists should revise the relevant requirements.

Improving the departures process

11.2 Departures that are rejected, or returned for rework shall record a reason and rational behind the decision.

11.2.1 Design Organisations should utilise internal continuous improvement systems to apply lessons learned from the reasons for rejection and rework to improve the quality of applications over time.

11.2.2 SSPs and Technical Specialists should periodically review the reasons for rejection and rework, and review the guidance contained in this manual to improve the quality of applications over time.

11.3 The DAS Admin team shall keep the departures process under review and implement changes that will improve the quality and handling of departures.

NOTE 1 All stakeholders can feedback to the DAS Admin team ideas for how the departures process can be enhanced to improve the quality and handling of departures.

NOTE 2 The end-goal of the continuous improvement process are:

1) to minimise the number of departures applications that cannot be approved;

2) reduce waste (including abortive effort and unnecessary handling) associated with departures, and;

3) minimise negative impacts of departures on scheme delivery and benefits realisation.

12. Normative references

The following documents, in whole or in part, are normative references for this document and are indispensable for its application. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

Ref.	Document
Ref 1.N	Highways England. AMOR, 'Asset Management Operational Requirements'
Ref 2.N	Highways England. HE (Pilots & Trials), 'Guide for the Design, Management and Delivery of Pilots and Trials on Highways England Network'
Ref 3.N	National Highways. GG 101, 'Introduction to the Design Manual for Roads and Bridges'
Ref 4.N	HM Treasury. MPM, 'Managing Public Money'
Ref 5.N	Highways England. NMM, 'Network Management Manual' , 2009
Ref 6.N	National Highways. GG 102, 'Quality management systems for highway works'
Ref 7.N	National Highways. GG 104, 'Requirements for safety risk assessment'
Ref 8.N	National Archives. UKSI 2007/1520, 'The Road Tunnel Safety Regulations' , 2007

13. Informative references

The following documents are informative references for this document and provide supporting information.

Ref.	Document
Ref 1.I	National Archives. UKPGA 2000/36, 'Freedom of Information Act' , 2000
Ref 2.I	Department for Transport. HE Framework, 'Highways England: Framework Document'
Ref 3.I	Highways England. https://highwaysengland.co.uk/innovation-hub/. Innovation Portal, 'Innovation Portal'
Ref 4.I	National Highways. LA 101, 'Introduction to environmental assessment'
Ref 5.I	National Archives. UKPGA 2008/29, 'Planning Act (as amended)'
Ref 6.I	National Highways. GG 184, 'Specification for the use of Computer Aided Design'
Ref 7.I	Institution of Civil Engineers. Infrastructure Steering Committee. ICE SSE, 'Specifying successful standards'
Ref 8.I	National Archives. UKPGA 1992/42, 'Transport and Works Act'

Appendix A. Administration of the departures process

A1 DAS Admin team

The DAS Admin team are responsible for the maintenance of the DAS database and maintain a list of the specialist submission points for each discipline.

A2 DAS Help

If you need any assistance with your departure submission, please consult DAS Help, this is accessible from DAS and contains:

1) Guidance on how to complete the application form and submission templates
2) Tutorial videos;
3) FAQs; and
4) Briefing Notes.

A3 Departures Help Desk

If you need further assistance with your departure submission please email the team: departures@nationalhighways.co.uk

A4 Enquiries

If you have any enquires in relation to this document please contact:

Table A.1 Document enquires contact details

Name	Role	Contact Details
Homayoun Atifé	Senior Technical Advisor	Directorate: Safety Engineering and Standards Division: Innovation and Continuous Improvement Team: Technical Assurance and Governance Group Location: Bedford Telephone: 0300 470 4752 or 07714 838034 Email: homayoun.atife@highwaysengland.co.uk
Sally Schwalm	DAS Project Assistant	Directorate: Safety Engineering and Standards Division: Innovation and Continuous Improvement Team: Technical Assurance and Governance Group Location: Bedford Telephone: 0300 470 4970 or 07598 559438 Email: Sally.Schwalm@highwaysengland.co.uk

Appendix B. Reasons for the rejection and rework of departures

B1 Reasons for the rejection and rework of departure applications

Common reasons for which departure applications may be rejected are given below.

Table B.1 Reasons for rejection and rework of departure applications

No.	Rejection category	Reasons for rejection
1	Incompleteness	a) Application form incomplete
		b) Information required by Departures Manual not included
		c) All content agreed during early engagement including consultations and evidence not included
		d) Interfaces and impact on other disciplines not considered
		e) Further technical information required
2	Quality	a) Errors within the application
		b) Inconsistencies within the application
		c) Departing from incorrect clause/standard
3	Business Case	a) Technical issues not adequately considered
		b) Environmental issues not adequately considered
		c) Operational issues not adequately considered
		d) Maintenance issues not adequately considered
		e) Disposal issues not adequately considered
4	Safety Case	a) Risk assessment is incomplete
		b) Mitigation measures not considered adequate
		c) Residual risk is unacceptable
5	Mitigation	a) More details on the mitigation proposed are required
		b) Inappropriate mitigation measures proposed
6	Justification	a) Further specific justification is required for the departure
		b) The benefits of the departure do not outweigh the negative impacts
		c) Benefits will not be realised by National Highways
		d) Departure not required
		e) Cost/benefit estimation required

Table B.1 Reasons for rejection and rework of departure applications (continued)

No.	Rejection category	Reasons for rejection
7.1.1	Collision History	a) No collision summary with commentary
		b) Collision summary needs commentary and/or descriptions
		c) Problem with the detail of the collision commentary and/or descriptions
7.1.2	Proposed Layout and Options Rejected	a) Lack of clarity on the nature of the requested departure
		b) Rejected options not included in the application
		c) Drawings of the proposed scheme and the fully compliant scheme not provided
		d) Details of the proposed layout were not clear or more information was needed
7.1.3	Traffic Data	a) Traffic/speed data not included within the application
		b) Problem with the traffic/speed data provided within the application
7.1.4	Traffic Signing	a) Details of the proposed traffic signing not included within the application
		b) Problems with the proposed traffic signing included within the application
7.1.5	Street Lighting	a) Details of street lighting not included in the application
		b) Problems with the detail of the street lighting proposed in the application

Appendix C. Exception Report

Note to the Compiler:

This document is for guidance only and is dependent upon the following caveats:

1) the nature of the departure
2) on the approval mechanism to be followed as part of the project governance process for accepting the exemption

C1 Introduction

C1.1 Scheme Background

C1.2 Purpose

C1.3 Status of the Scheme

C2 key personnel

C2.1 National Highways:

Project Manager –

Technical Advisers –

Service Delivery Manager –

Project Sponsor –

Delivery Director –

C2.2 Design Organisation:

Design Technical Director –

Project Manager –

Highway Design Lead –

Site Assurance Supervisor –

C3 Reasons and justification for a departure:

C3.1 Standards Concerned

C3.2 A summary description of the departure

C3.3 Technical Information/Justification

C3.4 Benefits/Impacts/Risks

C3.5 Associated Departures if relevant

C3.6 Repeat/Similar Departures if relevant

C3.7 Advice from SES and why they believe the departure should be Rejected

C4 Exception details

C4.1 Details of the existing situation and the problem identified

C4.2 Location

C4.3 Summary

C4.4 Details

C4.5 Mitigation

C4.6 Risks associated with the exception

C4.7 Design Team Response

C4.8 Reasons why the NH PM recommends not to follow the advice from SES including risks and benefits

C4.9 List of Supporting Documentation for the exception report

C4.10 Conclusion and Recommendation

C5 Attachments

C5.1 Annex A: Departure from standard submission

C5.2 Annex B: Supporting Documentation

C5.3 Annex C: GG 104 Safety Risk Assessment

C5.4 Annex D: Authorisation:

NH PM Statement & Signature

Principal Designer Signature

Delivery Director's Comments / Final decision / Signature

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