

EXPLANATORY MEMORANDUM TO
THE M25 MOTORWAY (JUNCTIONS 2 TO 3) (VARIABLE SPEED LIMITS)
REGULATIONS 2012

2012 No. 104

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1. The Regulations will restrict drivers on roads to which the Regulations apply from driving a vehicle at a speed above the maximum indicated by each speed limit sign passed by that vehicle, until that vehicle passes a sign indicating that the national speed limit applies, or that vehicle leaves the roads covered by the Regulations. The roads to which these Regulations apply are the M25 Motorway between junctions 2 and 3 and are more fully described in the Schedule to the Regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None.

4. Legislative Context

4.1 These Regulations have been made under Sections 17 (2) and (3) of the Road Traffic Regulation Act 1984 (“the 1984 Act”), which empowers the Secretary of State to make regulations with respect to the use of special roads generally and, as in this case, with respect to particular lengths of motorway. These Regulations allow for the operation and enforcement of variable mandatory speed limits in relation to the specified roads set out in the Schedule to the Regulations.

4.2. Section 134 (2) of the 1984 Act requires the Secretary of State to consult with such representative organisations as are seen fit prior to making regulations under the Act.

4.3. The Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113) as amended, enables certain traffic signs to be used to convey information applying to the use of variable mandatory speed limits on motorways.

4.4 In addition, traffic signs authorised by the Secretary of State under section 64 of the 1984 Act will be placed on or near specified roads set out in the Schedule to the Regulations to indicate to drivers that vehicles are entering, have entered or are exiting a road covered by these Regulations.

5. Territorial Extent and Application

5.1 This instrument extends to Great Britain but applies only to England. Only those sections of motorway specified in the instrument will be affected, all of which are located in England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background - What is being done and why

7.1 The Highways Agency is developing its role as Network Operator through a series of traffic management, network control and other measures with the aim of:

- achieving best use of existing road space;
- responding more quickly to incidents and reducing clear-up times; and
- reducing congestion and increasing the reliability of journey times.

7.2 The use of variable mandatory speed limits is an essential element in achieving these requirements. It is aimed at tackling congestion through the introduction of technology to make best use of the existing road space whilst maintaining and where possible, improving current safety standards.

7.3 Variable mandatory speed limits on the M25 between junctions 2 and 3 will enable proactive management of the motorway network around Dartford, an area with a history of congestion and accidents. The variable mandatory speed limit displayed on the motorway will take into account prevailing traffic conditions with the aim of ensuring the smooth flow of traffic.

7.4 The Highways Agency is committed to building upon the success of the existing scheme which has been operational on the M25 between junctions 10 and 15 since 1995, and was extended to junction 16 in 2002. It is expected that variable mandatory speed limits on the M25 between junctions 2 and 3 will:

- reduce congestion;
- provide more reliable journey times;
- reduce the frequency of accidents;
- reduce carbon emissions; and
- reduce driver stress.

8. Consultation outcome

8.1 A consultation paper was issued to over 70 consultees (e.g. Dartford Borough Council, Kent Police, Chief Fire Officers Associations, RAC etc.) and was open to public participation via the Highways Agency website. The consultation encouraged representative organisations, businesses and the general public affected by the proposed Regulations to make contact with the Highways Agency to communicate their views.

8.2 The 12 week consultation period ran from 5th May to 28th July 2009. During the consultation period 22 responses were received and generally the consultees who responded gave their support to the Controlled Motorway scheme. Of the 22 responses 4 (18%) indicated an outright objection to the scheme. However, there were a further 2 responses which indicated the problem in that location was not caused by excess speed, but rather the use of road user charges at the Dartford Crossing (see paragraphs 8.6 and 8.7). In addition, some other responses raised questions or sought reassurance on different points relating to the scheme. The nature of the objections are detailed below:

- Bromley Borough Roads Action Group: Opposed the use of speed cameras as an invasion of privacy which stifle the ability of drivers to use their common sense. Widening of the M25 would be more appropriate.
- Non-affiliated individual: Speed cameras will not prevent congestion and are not appropriate for anything other than road safety reasons. The reduction in emissions

- Non-affiliated individual: Speed cameras don't reduce accidents and can cause danger by increasing the concentration required of drivers. Speed cameras are a form of indirect taxation.
- Non-affiliated individual: The use of speed cameras is a revenue raising exercise and is not required at that location.

8.3 In response to those comments:

- Obtaining an acceptable level of compliance with the speed limits displayed is key to the successful and safe operation of the scheme. Enforcement will result in a high level of compliance and achieve a number of operational benefits, including reduced congestion and accidents. Hard shoulder running schemes are being introduced on motorways as a direct alternative to widening, which brings similar results.
- The reduction of emissions in the consultation document refers not only to carbon dioxide but also carbon monoxide, nitrogen oxide, hydrocarbons and particulate matter, all of which are potentially polluting the environment and having a negative effect on the environment and also on the health of the general public. The M25 junction 10-15 study showed that emissions decreased overall by between 2% and 8%.
- Studies have taken place on the M25 controlled motorway area. Analysis has shown that the impact of the Controlled Motorway Scheme on personal injury accidents is estimated to be a reduction of 15%. This scheme will therefore help to improve traffic flow and reduce the impact of accidents in the area.
- The police and local councils can only claim back their running and administration costs for the scheme, and any surplus goes to the Treasury.

8.4 More general comments included:

- Dartford Borough Council welcomed the published aims of the consultation proposal, such as the reduction in congestion, providing more reliable journey times and reducing the frequency of accidents.
- Kent Police agreed with the assessment of the positive impact of the scheme as set out in the consultation document and considered the benefits would be similar to those for the M25 between junctions 10-15.
- The Chief Fire Officers Association supported the proposal and the use of enforcement.
- The County Surveyors Society, in principle supported the proposals.
- The RAC Foundation strongly supported the proposals;
- The Justices' Clerks' Society indicated it had no objections to the proposal and stated that a similar scheme on the western section worked well. However, it stated that there could be resource implications for H.M Courts Service.

8.5 In response to the Justices' Clerks Society:

- Enforcement of violations of variable mandatory speed limits is important to the successful and safe operation of the scheme. The police and Courts Service will advise how traffic prosecutions are to be dealt with. Enforcement is only set to ensure compliance with the speed limits.

8.6 A total of 5 responses mentioned the nearby Dartford Thurrock Crossing:

- Dartford Borough Council stated that the proposal appeared to be unrelated to proposals for the future management of the Dartford crossing, or for the possible provision of an alternative crossing, as well as the potential disruption of any future road widening in that area.
- Essex County Council suggested that the area covered by the scheme be extended to also cover the Dartford Thurrock Crossing, to avoid any driver confusion.
- The Association of British Drivers and the Road Rescue Recovery Association said the problem was not excess speeding but problems caused by the tolls at the crossing, which should in their view be dropped.
- A non-affiliated person and outright objector stated in addition to possibly widening the M25, an alternative solution would be to provide for an alternative crossing.

8.7 The HA responded as follows:

- The expected reduction in journey times between the two junctions of the M25 will provide support for any new schemes or crossings in the Dartford area. The future increased use of managed motorways (of which variable mandatory speed limits is an element) will mean the need for road widening programmes is lessened.
- It is not anticipated that any confusion will be caused to drivers, given that the toll plaza is several kilometres from junction 2. The issue of the removal of any toll plaza is being considered separately, but the scheme will provide positive benefits in terms of reduction in traffic congestion, journey times and frequency of accidents.
- The feasibility of one way tolling or an additional crossing are being considered separately.

8.8 Further to the responses issued above, Ministers indicated in June 2010 that the current priority in considering improvements at the Dartford Crossing is addressing current levels of congestion through the use of newer technology to collect the charge at the crossing. The Highways Agency is currently developing a plan for the implementation of that technology. Since April 2011 all monies received from fines goes to the Treasury. Those who responded have been made aware of these developments.

8.9 Representations were also received from:

- the Disabled Persons Transport Advisory Committee (DPTAC); and
- the Parliamentary Advisory Council for Transport Safety (PACTS).

8.10 PACTS, whilst not opposing the scheme, commented that it wasn't clear why this stretch of motorway had been chosen over others. DPTAC supported the proposal and suggested that the benefits for disabled drivers of the implementation of the scheme may be disproportionately higher than for other drivers.

8.11 Two responses also questioned the timing of the consultation, given the presence of the required infrastructure already in place. In response;

- The traffic management scheme has already received wide support from local stakeholders. Given the support already in place for the scheme and the benefits it will provide, it is considered appropriate to continue with the technical preparations for the scheme.

8.12 A more detailed analysis of the consultation outcome and report, including responses to the issues raised by all consultees, have been published on the Highways Agency website at <http://www.highways.gov.uk/roads/133.aspx> and those who responded to the consultation have been sent a copy of the consultation response report.

8.13 It is considered that the analysis of the consultation responses has not provided any new information to warrant amending the Impact Assessment. With the summary analysis set out above and the demonstrable proven benefits of the M25 junction 10 to 15 study, it is recommended that variable mandatory speed limits are implemented on the M25 between junctions 2 and 3.

9. Guidance

9.1 The consultation document issued by the Highways Agency to stakeholders on 5th May 2009 contained information on the operation of variable mandatory speed limits on the M25 between junctions 2 and 3. Stakeholders included members of the emergency services, road user groups and vehicle recovery operators. Stakeholders will continue to receive updates and news on the scheme implementation, with particular consideration given to the effects of the scheme on local residents, the travelling public and businesses. Prior to the commencement of the scheme operation road users will be made aware through the media and press releases.

10. Impact

10.1 The impact on business, charities or voluntary bodies, and the public sector is that variable mandatory speed limits will benefit the motorist by helping to reduce congestion, be informative and improve journey times. It aims to reduce the impact of accidents and reduce driver stress.

10.2 An Impact Assessment has been prepared and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is to ensure that Stakeholders receive updates and news on the scheme implementation and operation. Results of the scheme will be made available to stakeholders.

11.3 The basis for the final decision on what action to take to assist small businesses will be undertaken through consultation with stakeholders. It is however expected that the proposed measures will not impose any new or increased burden upon small businesses.

12. Monitoring & review

12.1 The operation of the variable mandatory speed limits scheme will be monitored and assessed to establish the effectiveness of the scheme on traffic flows, accidents and environmental factors.

13. Contact

13.1 If you have any queries regarding the Regulations please contact John Martin at the Highways Agency Tel: (0)1306 878129 or e-mail: M25J1B-3Widening@highways.gsi.gov.uk.