

**EXPLANATORY MEMORANDUM TO
THE M25 MOTORWAY (JUNCTIONS 7 TO 16) (VARIABLE SPEED LIMITS)
REGULATIONS 2012**

2012 No. 2134

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

- 2. Purpose of the Instrument**

- 2.1 The Regulations enable the operation of variable speed limits on the M25 motorway between junctions 7 and 16.
- 2.2 The present Regulations (S.I. 2001/3763) currently apply to the M25 between J10 to J16 and are to be revoked and replaced by these Regulations which will apply to the M25 between J7 and J16

- 3. Matters of Special Interest to the Joint Committee on Statutory Instruments**

- 3.1 In its forty-third Report of Session 2010–12 published on 20 March 2012, the Joint Committee on Statutory Instruments reported regulation 3(2) of the M25 Motorway (Junctions 2 to 3) (Variable Speed Limits) Regulations (SI 2012/104) for defective drafting. The Committee accepted that the intention of the regulation was as stated by the Department but considered that a literal reading of regulation 3(2)(c) did not achieve it.
- 3.2 The Department has reflected on the comments made by the Committee, and whilst it remains of the view that a court would interpret the wording in the way the Department intends, it has decided to amend the equivalent wording in these Regulations (also regulation 3(2)(c)) to ensure that the Department's intention is more clearly reflected in the drafting of the Regulations.

- 4. Legislative Context**

- 4.1 These Regulations have been made under Section 17(2) and (3) of the Road Traffic Regulation Act 1984, 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 Road Traffic Regulation Act 1984 requires the Secretary of State to consult with representative organisations as he sees 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.

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 Recognising the first priority of government is to reduce public expenditure, it also recognises the importance of investment in the strategic road network by making best use of the capacity which is already there and doing so at minimum cost to the taxpayer¹. 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 while maintaining and, improving current safety standards.

7.3 Variable mandatory speed limits on the M25 Motorway between junctions 7 and 16 will enable proactive management of the motorway network in Surrey, an area with a previous 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 the variable mandatory speed limits on the M25 Motorway between junctions 7 and 16 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 The Consultation period on the proposal to introduce variable mandatory speed limits on the M25 between junctions 7 and 10 started on the 30 November 2009 and finished on 5 March 2010 (13 week period).

8.2 In all, a total of eight responses were received with four in favour of the scheme; three either not in favour or expressing concerns about the operational effectiveness of

¹ "Investment in Highways Transport Schemes", Department for Transport, October 2010

controlled motorways; and, one which did not directly address the subject of the consultation. Those in favour include local government organisations:

- Surrey County Council (response approved by the Cabinet Member for Transport); and,
- Runnymede Borough Council (response approved by resolution of the Economic Development Committee);

8.3 Whilst each local government organisation above supports the proposals their responses also included additional comments about the scheme:

- a) Runnymede Borough Council questioned how effective the measures were in practice and would have liked the inclusion of the TRL Controlled Motorways assessment report referenced in the consultation documents as further background reading.
- b) Surrey County Council wished to receive the results of any post-implementation monitoring carried out to confirm the benefits of the system.

8.4 In response to the above:

- a) Runnymede Borough Council has been sent a copy of the M25 J10 – J16 assessment report.
- b) Surrey County Council and others will receive a copy of any post-implementation review of the system

8.5 Representations were also received from National Express Ltd and from a member of the public with no affiliation. Both were in favour of the scheme.

8.6 The Road Rescue Recovery Association, whilst not objecting to the scheme, felt it was “too expensive, misguided and ineffective”: no evidence was offered in support of this statement.

8.7 Two further responses were received from the Association of British Drivers and a member of the public with no affiliation. The main issues raised were:

- a) Request for further information or clarity on statements contained in the Impact Assessment;
- b) Support for increased capacity in preference to speed limit control;
- c) Request for clarification about the operation of the system, particularly as drivers go under a gantry at the instant the variable speed limit changes to a lower value
- d) clarity was sought whether speed limits would be set to the same value across all lanes at a gantry location; and
- d) a negative opinion about the effectiveness of controlled motorways based on the author’s own driving experience

8.8 In response to 8.6 and 8.7 above:

- a) Appropriate responses clarifying the points raised are detailed in the Consultation Response Report. The Impact Assessment issued as part of the consultation document is compliant with Government guidelines for quantifying benefits over a 30 year life of the scheme.
- b) The M25 between J7 and J10 has already been widened to four lanes in each direction and a discontinuous hard shoulder precludes the introduction of hard shoulder running. Controlled motorways will manage this section of the motorway more effectively.

- c) The legislation addresses this issue such that drivers cannot commit an offence within ten seconds of a speed limit change. The speed enforcement equipment is inhibited during this period.
- d) This is confirmed. Different lane speed limits at a gantry location would encourage lane changing and negate the benefit of controlled motorways.
- e) The evidence gained from TRL's assessment of the current controlled motorway scheme between J10 and J16 does not support this respondent's opinion.

8.10 A number of additional topics were raised which are considered to be not within the scope of this consultation. These issues are dealt with in more detail within the Consultation Response Report. The issues are;

- a) In general, more network capacity should be provided
- b) Information signs have a reputation for frequently displaying erroneous or out-of-date information and credibility in them needs to be restored;
- c) Speed is less restricted in Europe and ongoing speed restriction generally will extend journey times, increase driver frustration and encourage poor driver behaviour.
- d) National Express Ltd also indicated their support for High Occupancy Vehicle lanes on motorways.

8.11 A more detailed analysis of the consultation outcome and report, including responses to the issues raised in 8.10 above, will be available on the Highways Agency website.

8.12 It is considered that the analysis of the consultation responses has not provided any new information to warrant amending the Impact Assessment. However, it has been updated but only to comply with current procedural requirements but is unchanged with respect to the substance of the consultation. With the summary analysis set out above and the demonstrable proven benefits of the M25 study, it is recommended that the variable mandatory speed limits are implemented on the M25 between junctions 7 and 10.

9 Guidance

9.1 The Consultation Document issued by the Highways Agency to stakeholders on 30 November 2009 contained information on the operation of variable mandatory speed limits on the M25 between junctions 7 and 10. This Consultation Document was also published on the Highways Agency website. Stakeholders included local government organisations, members of the emergency services, road user groups and vehicle recovery operators. Following a ministerial submission on the 13 October 2010; whose recommendations were approved on the 18 October, the construction of the scheme began at the motorway on the 22 November 2010 and was substantially completed in March 2011 pending the approval of the enabling legislation before it can be made operational.

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 driver 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 The Impact Assessment is attached to this memorandum.

11 Regulating Small Business

- 11.1 The legislation applies to small business.
- 11.2 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 and hard shoulder running scheme will be monitored and assessed to establish the effectiveness of the scheme's primary objectives of reducing the cost of congestion and reducing journey times. There will be a Post Opening Project Evaluation of the scheme one year and five years after it has opened. The purpose of the evaluation is to measure the business case aims and benefits of the scheme against what it is actually delivering one and five years after opening.

13 Contact

- 13.1 If you have any queries regarding the Regulations please contact Hugh Maxwell at the Highways Agency. Tel: 01306 878467 or e-mail: hugh.maxwell@highways.gsi.gov.uk