

EXPLANATORY MEMORANDUM TO

THE M4 MOTORWAY (JUNCTIONS 19 TO 20) AND THE M5 MOTORWAY (JUNCTIONS 15 TO 17) (ACTIVELY MANAGED HARD SHOULDER AND VARIABLE SPEED LIMITS) REGULATIONS 2013

2013 No. 1123

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 Regulations also permit drivers to use the hard shoulder as an additional lane when so indicated by signals placed above the carriageway. The roads to which these Regulations apply are the M4 Junctions 19-20 and the M5 Junctions 15-17 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, which empower 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 The Regulations also provide for the operation of the actively managed hard shoulder running. It modifies the Motorways Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) ('the 1982 Regulations') so as to allow controlled use of the hard shoulder as an additional running lane in certain circumstances. A vehicle may use the hard shoulder whilst a speed limit is displayed over it. During this period the hard shoulder is treated as a lane of the carriageway. The Regulations also introduce the concept of the 'emergency refuge area'.

4.3 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.

4.4 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 an actively managed hard shoulder of a motorway and the use of variable mandatory speed limits.

4.5 In addition traffic signs authorised by the Secretary of State under section 64 of the Road Traffic Regulation Act 1984 will be placed on or near the 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 the 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 In October 2010, following the Spending Review, the Government announced its £1.4 billion programme of 14 schemes to start work before 2015, including the M4 Junctions 19-20 and M5 Junctions 15-17 Managed Motorway Scheme. The introduction of the Managed Motorway Scheme builds upon the positive results of a pilot scheme for variable mandatory speed limits and hard shoulder running introduced on the M42 between junctions 3A to 7 since 2006. The Managed Motorway Scheme aims to smooth traffic flows and provide more reliable journey times. The Government further announced in April 2011 that the Highways Agency will (subject to the outcome of the consultation) start work on the Managed Motorway Scheme on the M4 between Junctions 19 and 20 and on the M5 between Junctions 15 and 17 in 2012.

7.2 The Managed Motorway Scheme will enable proactive management of the motorway network through the M4 M5 Almondsbury Interchange north of Bristol. The speed limits displayed on the motorway will take account of prevailing traffic conditions with the aim of ensuring the smooth flow of traffic.

7.3 The Highways Agency is committed to building upon the success of the M42 junctions 3A to 7 where hard shoulder running and variable mandatory speed limits have been in operation since September 2006. It is expected that the Managed Motorway Scheme in the area of the motorway network through the M4 M5 Almondsbury Interchange north of Bristol will:

- Smooth traffic flows;
- Provide more reliable journey times;
- Reduce the number and severity of accidents

8. Consultation outcome

8.1 Following approval of the consultation stage Impact Assessment, a formal consultation exercise was undertaken in respect of the preferred M4 M5 Managed Motorway scheme. The consultation took place between 30th September 2011 and 23rd December 2011 and involved sending the consultation document to 115 stakeholders including representative organisations of those affected and individual businesses e.g. numerous local County and Parish Councils, DEFRA, British Waterways, Department for Culture Media and Sport, Commission for Architecture and the Built Environment, Natural England, Esso Petroleum Company Ltd and local MPs. In addition, the consultation document was placed on the Highways Agency's web site and contains a list of all consultees. The consultation document also included a copy of the consultation stage Impact Assessment.

8.2 A total of four responses were received to the consultation. These were as follows:

A motorist who occasionally uses this part of the M4/M5 expressed strong support for this scheme and went on to say that existing similar installations elsewhere on the UK motoring network point to a cost-effective improvement in traffic flow and conditions. No Highways Agency response was required.

One member of the public gave general support to the proposed scheme saying the sooner it is implemented the better. No Highways Agency response was required.

Another member of the public accepted the need for the scheme but raised a number of detailed environmental concerns, particularly with regard to noise and visual intrusion. The concern over noise was considered by the Highways Agency and a response given referring to the Environmental Assessment Report that showed all changes in traffic noise at residential properties within 600m of the scheme would be neutral (or negligible) and therefore no noise mitigation would be required. In addition, it is intended to resurface the hard shoulder, including the stretch adjacent to this individual's property, using a 'low-noise' or 'quieter surfacing' material. In response to the visual intrusion, there are various mitigation measures which have been implemented to limit the visual impact on the surrounding population (specifically in Bradley Stoke where this respondent lives).

- i) The motorway is in a cutting, which limits the visibility of the motorway from surrounding homes
- ii) The slopes on the residential side of the motorway have significant vegetation to screen the motorway from nearby homes
- iii) The gantry in question is a signals only gantry, which does not have any large mounted signs associated. To limit the visual impact of the signals, these are mounted on the face of the gantry boom rather than being mounted above. The LEDs are also directed towards the traffic lanes. This means that the brightness of a view from the edge of the motorway would be lessened.
- iv) The signals are not intended to be in full time use.
- v) This area of the motorway is already lit during darkness hours and this has the effect of masking the additional effects of the signals.

The only mitigation possible for this particular issue would be a full motorway length environmental barrier which comes in a variety of forms – one of these is in fact vegetation which is already in place. In accordance with the response, the cost associated with a physical barrier (ie a fence) is not in proportion to the impacts of the scheme.

Natural England were satisfied having seen the Environmental Assessment carried out by the Highways Agency and confirmed they were satisfied the proposal is unlikely to result in significant adverse ecological or landscape effects and therefore had no objection to the scheme. No Highways Agency response was required.

8.3 The consultation responses received included a number of questions regarding the detailed operation, design and extent of the proposed Managed Motorway scheme. However, these questions were focused on other sections of the motorway outside the scope of the published scheme (M4 J19 – 20 and M5 J15 – 17) and therefore no Highways Agency response was required.

8.4 The Highways Agency has considered all the responses to the consultation and carried out an analysis of those responses. Taking into consideration the demonstrable proven benefits of the M42 and M6 Birmingham Box schemes the Department for Transport has decided that variable mandatory speed limits, and where specified hard shoulder running, should be implemented.

9. Guidance

9.1 The consultation pack issued by the Highways Agency to stakeholders on 30th September 2011 contained information on the operation of variable mandatory speed limits and hard shoulder running on the M4 Junctions 19-20 and M5 Junctions 15-17. This consultation pack was also published on the Highways Agency website. Stakeholders included members of the emergency services, road user groups and vehicle recovery operators. Stakeholders have and 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 of it through the media and press releases.

10. Impact

10.1 The impact on business, charities or voluntary bodies, and the public sector is that Managed Motorways, through the introduction of variable mandatory speed limits and hard shoulder running where appropriate, 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.

An Impact Assessment is attached to this memorandum 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 also be made available to stakeholders.

11.3 The basis for the final decision on what action to take to assist small business 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 and hard shoulder running scheme will be monitored and assessed to establish the effectiveness of the scheme on traffic flows, accidents and environmental factors. There will be a Post Opening Project Evaluation of the scheme 1 year and 5 years after it has opened. The purpose of the Post Opening Project Evaluation is to measure the business case aims and benefits of the scheme against what it is actually delivering 1 and 5 years after opening.

13. Contact

13.1 If you have any queries regarding the Regulations please contact Paul Unwin at Highways Agency Tel: +44 (0) 8459 55 65 75 or e-mail: paul.unwin@highways.gsi.gov.uk