

EXPLANATORY MEMORANDUM TO:

THE M25 MOTORWAY (JUNCTIONS 27 TO 30) (VARIABLE SPEED LIMITS) REGULATIONS 2013

2013 No. 3166

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 27 and 30 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 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 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. The M25 is one of Europe's busiest motorways, handling approximately 200,000 vehicles every day. It is recognised as being the core of the strategic network and is suffering from increasing congestion levels and journey times. It is considered that investing in the strategic road network is paramount in ensuring the optimum network provision to aid economic recovery.
- 7.2. The use of variable mandatory speed limits is an essential element in achieving these objectives. 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 controlled motorway scheme (“the M25CM Scheme”) between junctions 27 and 30 will enable proactive management of the motorway network. The Highways Agency has changed the name of controlled and managed motorways to “smart motorways”. However for the purposes of this Memorandum the use of controlled motorways is retained as this terminology was in the original consultation paper. 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 controlled motorway schemes which have been implemented at a number of busy motorway sections across the country. It is expected that the controlled motorway scheme on the M25 between junctions 27 and 30 will:
 - reduce congestion;
 - provide more reliable journey times;
 - reduce the frequency of accidents; and
 - reduce driver stress

8. Consultation outcome

- 8.1. The Consultation period on the proposal to introduce variable mandatory speed limits on the M25CM scheme between junctions 27 and 30 started on 22 January 2013 a period of 8 weeks, finishing on 19 March 2013.
- 8.2. A total of 10 responses were received with 8 (80%) in favour of the scheme, 1 (10%) non-committal and 1 (10%) against. The consultation responses expressed some concerns on the introduction of the Variable Mandatory Speed Limit (VMSL) signs.

Those in favour included the following organisations:

 - The Chartered Institution of Highways and Transportation (CIHT);
 - Intu Properties Plc;
 - The South East Local Enterprise Partnership;
 - Thurrock Council; and
 - The Metropolitan Police.
- 8.3. Whilst each of the above supports the proposals their responses also included additional comments about the scheme:
 - a) The CIHT suggested: (1) Including VSL in the driving test content; and, (2) Comprehensive and comparable monitoring of schemes.

- b) South East Local Enterprise Partnership stated the wider package of measures “must include the introduction of free-flow at the Dartford Crossing by October 2014 at the latest, and major improvements to J30/J31 at the earliest opportunity”.
- c) The Metropolitan Police were supportive, assuming Hard Shoulder Running will not be introduced.

8.4. In response to the above:

- a) (1) The Highways Agency agrees that driver education will be key to the success of such and will be publishing further updates on implementation and operation.

(2) Following the opening of a road scheme, the Highways Agency undertakes an evaluation to see whether it has brought the benefits we anticipated and whether the other impacts of the scheme were as predicted. This ongoing programme of evaluation is termed POPE (Post Open-ing Project Evaluation).

POPE compares the costs, benefits and other impacts predicted at the appraisal (pre-construction) stage with the ‘out-turn’ effects (after completion).

Guidance on the appraisal of Controlled Motorway (“CM”) schemes has been produced. This guidance is contained in the Highways Agency’s Interim Advice Note (IAN) ‘Appraisal of Technology Schemes’. In particular, the IAN provides supplementary appraisal guidance in relation to how the various impacts identified in WebTAG should be assessed for different types of traffic technology schemes, including CCTV, MIDAS, CM or combinations thereof.

- b) The CM scheme is being progressed as a stand-alone scheme, and is anticipated to have benefits regardless of other planned improvements on the surrounding motorway network.

The current intention is to implement full operation of free-flow charging at Dartford in Autumn 2014.

The M25 Junction 30 Interim scheme, comprising improvements to the slip roads and traffic signals at junction 30 of the M25, was completed in October 2013.

The M25 Junction 30/A13 Congestion Relief Scheme is currently being progressed. It is anticipated that start of construction will begin in 2015.

- c) The introduction of Controlled Motorways on this section of Motorway will look to achieve a reduction in congestion without the need for further widening. The Highways Agency currently have no plans for the introduction of hard shoulder running on the M25 between Junctions 27 to 30.

8.5. The one objection was from an unaffiliated responder, whose main point was that the scheme will not solve the congestion issue as traffic is often stationary.

In response, analysis has shown that the impact of the Controlled Motorway Scheme on 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 Department for Transport (DfT) report ‘Review of Lower Thames Crossing’ issued in May 2013 reported on options, in the form of a Strategic Outline Business Case, for adding new capacity either at Dartford or at two other locations east of the present Dartford Crossing.

In addition, there are proposals to introduce free flow charging at the Dartford Crossing and improvements to J30/31, which would improve the congestion issue at this location

- 8.6. A more detailed analysis of the consultation outcome and report, including responses to the issues raised above, is available on the Highways Agency website at the following address <https://www.gov.uk/government/consultations/m25-junctions-27-to-30-managed-motorways>. Those who responded to the consultation will shortly be sent a copy of the final Consultation Response report.

9. Guidance

- 9.1. The consultation document issued by the Highways Agency to stakeholders on 22 January 2013 contained information on the operation of variable mandatory speed limits on the M25 between junctions 27 and 30. Stakeholders included members of the emergency services, road user groups and vehicle recovery operators

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. A preliminary Impact Assessment for the instrument was prepared and included in the consultation document. A waiver from the requirement for impact assessments for Managed Motorway instruments was granted (including the Controlled Motorways on the M25) subsequent to the consultation and accordingly the Impact Assessment was not finalised.

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. It is 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: M25Widening@highways.gsi.gov.uk.