

EXPLANATORY MEMORANDUM TO
THE M1 MOTORWAY (JUNCTIONS 23A TO 25) (VARIABLE SPEED LIMITS)
REGULATIONS 2018

2018 No. 819

1. Introduction

- 1.1 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 enable the operation of variable speed limits on the M1 Motorway between junctions 23A and 25.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 These Regulations have been made under section 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 Motorways Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) have been amended to provide for the use of emergency refuge areas (S.I. 2015/392).
- 4.4 The Traffic Signs Regulations and General Directions 2016 (S.I. 2016/362) enable certain traffic signs to be used to convey information applying to the use of variable mandatory speed limits on motorways.
- 4.5 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. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.

5.2 The territorial application is 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 Smart motorways are a technology driven approach to tackling the most congested parts of the motorway network, improving journey reliability by controlling the flow and speed of traffic. Smart motorways also support the economy by providing much needed capacity on the busiest motorways, while maintaining safety for road users and those who work on the roads.

7.2 The M1 Junction 23A to 25 Smart Motorway Scheme (“the Scheme”) is part of Highways England’s programme to add capacity to the existing strategic road network in order to support economic growth and maintain mobility. The M1 motorway is a strategic route for local, regional and international traffic, and plays a major role as:

- A national artery stretching 311km (193.6 miles) between London, the Midlands and Leeds.
- A major inter-urban regional route connecting M1 corridor conurbations and providing access to important international gateways. It now links a number of major centres including Luton, Leicester, Derby, Nottingham and Sheffield.

7.3 This section of the M1 carries in excess of 130,000 vehicles per day (based on 2014 annual average daily traffic northbound and southbound values) with a trend of higher than average casualties on the strategic road network based on 2010-2014 data. The Scheme will consist of Controlled Motorway between J23A-J24 and All-Lane Running (ALR) between J24-J25. The only part of the Scheme provided for in the Regulations is the introduction of variable mandatory speed limits. The introduction of ALR needs no further new legislation. Once in force the Regulations will restrict driving at a speed exceeding that displayed on the signs. When no speed is displayed on the signs then the national speed limit will be in force.

7.4 It is expected that the Scheme will:

- Reduce congestion and smooth the flow of traffic to improve travel times, making journeys safer and more reliable.
- Support the economy and facilitate economic growth within the region. Providing much needed capacity on the motorway will reduce the cost of economic delay to both commuters and business traffic.
- Continue to deliver a high level of safety performance on the network using smart motorway techniques.
- Minimise environmental impact.
- Increase and improve the quality of information for the driver (in relation to the operation of the motorway).

7.5 The use of variable mandatory speed limits is essential to achieving the objectives above enabling proactive management of the motorway network. Evaluation of the

existing smart motorways schemes, including the M42 Active Traffic Management project, demonstrated that smart motorways are able to deliver clear benefits by providing much needed additional capacity, without compromising overall safety on our motorways, which are amongst the safest roads in the world.

7.6 Through the introduction of technology, we aim to make best use of the existing road space taking into account prevailing traffic conditions with the aim of ensuring the smooth flow of traffic. The Scheme variable mandatory speed limits will be clearly displayed on:

- Verge mounted variable message signs.
- Gantry mounted Advanced Motorway Indicators (AMIs) above each lane of the carriageway.
- Post mounted AMIs (where provided).

8. Consultation outcome

8.1 The Consultation period on the proposal to introduce variable mandatory speed limits on the Scheme started on 2 February 2017 for a period of four weeks, finishing on 3 March 2017. The Statutory Instrument Consultation Document was available on the following websites:

- Citizen Space: <https://highwaysengland.citizenspace.com/he/m1-23a-to-25-smart-motorway/>
- Scheme webpage: <http://roads.highways.gov.uk/projects/m1-junctions-23a-to-25-smart-motorway/>

8.2 Consultees and members of the public provided their comments either via the questionnaire response form or through direct correspondence to the Scheme inbox. The questionnaire had three “yes or no” questions about various aspects of the Scheme with a free text box after each to supply commentary on each question.

8.3 A total of 21 responses were received; 9 were completed questionnaires and the remaining 12 were written responses directed to the Highways England Scheme inbox. A summary of the key comments and themes is listed in Section 8.4 and 8.5.

8.4 In response to Question 1 of the questionnaire, seven respondents out of nine stated that introducing the Scheme would lead to an improvement in travelling conditions on this section of motorway.

8.5 In analysing feedback, a number of themes were expressed across all 21 responses, but not all related to variable mandatory speed limits (VMSL). The responses listed below are those that relate directly to VMSL and were raised either within the questionnaire or from direct correspondence to the Scheme inbox:

- Seven comments about concern over the reliability and inaccuracies of variable mandatory speed limit signs;
- Two comments about the automated systems for setting speed limits/use of manual control;
- One comment about the excessive signage on motorways and as part of smart motorways;
- One comment about how the signs will improve traffic flow;
- One request to include more pictograms as part of the VMSL signs; and

- One concern raised about whether the traffic will be displaced to local roads due to variable speed limits.

8.6 Highways England has addressed all respondents' comments, including comments concerning VMSL, within the final Consultation Response report. A detailed analysis of the consultation outcome and report, including responses to the issues raised above, is available on the Highways England website at the following address:

<http://roads.highways.gov.uk/projects/m1-junctions-23a-to-25-smart-motorway/>

8.7 Those who responded to the consultation have been sent a copy of the final Consultation Response report.

9. Guidance

9.1 The consultation document issued by Highways England to 125 stakeholders on 6 February 2017 contained information on the operation of variable mandatory speed limits on the M1 between junctions 23A and 25. Stakeholders included members of the emergency services, road user groups and vehicle recovery operators. The Statutory Instrument Consultation document and brochure were available on the Highways England Scheme website and Citizen Space.

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.

10.2 An Impact Assessment has not been prepared for this instrument as no impact on the costs of business, charities, voluntary bodies or the public sector is foreseen.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses.

11.2 The introduction of variable mandatory speed limits will not have an adverse effect on small businesses. The Regulations do not impose any new or increased burden. Highways England will continue to provide targeted information on the Scheme to organisations within the surrounding area, including small businesses.

12. Monitoring & review

12.1 The operation of the Scheme will be monitored and assessed to establish its effectiveness on traffic flows, accidents and environmental factors through Post Opening Project Evaluation.

13. Contact

13.1 David Cooke at Highways England, telephone: 0300 4702915 or email: david.cooke@highwaysengland.co.uk can answer any queries regarding the instrument.