

EXPLANATORY MEMORANDUM TO
THE M62 MOTORWAY (JUNCTIONS 10 TO 12) AND M602 MOTORWAY
(JUNCTION 1) (VARIABLE SPEED LIMITS) REGULATIONS 2020

2020 No. 85

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 These Regulations enable the operation of variable mandatory speed limits on the M62 motorway between junctions 10 and 12 and also on short lengths of the carriageways of the M602 at junction 1.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England. Only those sections of motorway specified in the Schedule to the Regulations will be affected, all of which are in England.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 These Regulations are being made in respect of the use of particular lengths of special road (i.e. motorway) rather than in relation to the use of special roads generally. 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.
- 6.2 Section 134(2) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) requires the Secretary of State to consult with representative organisations as he sees fit prior to making regulations under that Act.

- 6.3 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).
- 6.4 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.
- 6.5 In addition, traffic signs authorised by the Secretary of State under section 64 of the 1984 Act 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.

7. Policy background

What is being done and why?

- 7.1 The M62 Junctions 10 to 12 smart motorway scheme (“the scheme”) was included in Spending Review 2013 and confirmed in the Road Investment Strategy published in December 2014 with an undertaking to commence construction before 2020. The scheme continues the deployment of technology interventions onto the strategic road network to support an operational approach that maximises benefits and is part of an interconnecting network of capacity improvements to the M62 corridor. The design features of the scheme include the permanent conversion of the hard shoulder to a running lane between junctions 10 to 12, providing all-lane running throughout this section.
- 7.2 The scheme will utilise variable mandatory speed limits throughout, extending at junction 12 for a short distance along the main carriageway of the M602 where it merges with the M62. Variable mandatory speed limits will be set in response to the prevailing traffic conditions and will be clearly displayed on advanced motorway indicator signs above each lane of the main carriageway, mounted on overhead gantries, on verge-mounted variable message signs and on post-mounted advanced motorway indicators. 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.
- 7.3 Highways England is committed to building upon the success of the existing smart motorway schemes which have been implemented on a number of busy motorway sections across the country. It is expected that the scheme will increase motorway capacity and reduce congestion; smooth traffic flows; provide more reliable journey times and increase and improve the quality of information for the driver.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 This instrument is not amending another instrument.

10. Consultation outcome

- 10.1 A consultation on the implementation of variable mandatory speed limits as part of the scheme took place between 27th March and 25th April 2018. A consultation pack

was issued to 39 consultees and the consultation was open to public participation through the Highways England Citizen Space website. Highways England encouraged representative organisations, businesses and the general public to register their views on the scheme.

- 10.2 A total of 5 responses were received during the course of the consultation. Responses were received from one local authority, two emergency services and two members of the public. Receiving only 5 responses in total provides a limited basis for analysis but reflects previous communication and engagement experience on the scheme, which has not received a high level of interest. Of those, three respondents expressed support of the scheme and the remaining two did not respond to the question of whether they supported the scheme. All consultee comments have been addressed.
- 10.3 Given the small number of respondents, and the fact that none of the respondents were opposed to the proposals, the post consultation report concluded that the scheme should be implemented. This report provides a more detailed analysis of the outcome of the consultation. It is available on the Highways England Citizen Space website and can be accessed by using the following link:
<https://highwaysengland.citizenspace.com/he/m62-junction-10-to-12-smart-motorway/>.

11. Guidance

- 11.1 The consultation pack issued by Highways England to stakeholders contained information on the operation of variable mandatory speed limits. The consultation pack was also published on the Highways England Citizen Space website. Stakeholders included local authorities, 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 of it through the media and press releases.

12. Impact

- 12.1 The impact on business, charities or voluntary bodies and the public sector is that variable mandatory speed limits work to equalise traffic flow and provide queue protection benefiting the motorist by helping to reduce congestion and provide more reliable journey times.
- 12.2 An Impact Assessment has not been prepared for this instrument because no impact on the costs of business, charities, voluntary bodies or the public sector is foreseen.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses in the sense of imposing a regulatory burden.

14. Monitoring & review

- 14.1 The approach to the monitoring of this legislation is to conduct a Post Opening Project Evaluation (“POPE”) of the scheme in the second and sixth year of its operation. The purpose of the POPE is to measure the business case aims and benefits of the scheme (its effectiveness on traffic flows, accidents and environmental factors) against what it is actually delivering at the time of the evaluations.

14.2 The regulation does not include a statutory review provision because it does not impose a regulatory burden impacting on business costs and there are no factors that would make it particularly desirable to include a review provision.

15. Contact

15.1 Arun Sahni at Highways England, Telephone: 07771 976921 or email: M62J10-12SmartMotorway@highwaysengland.co.uk can be contacted with any queries regarding the instrument.

15.2 Rosemary Hopkins, Deputy Director for the Strategic Roads Directorate, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Baroness Vere of Norbiton at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.