

**EXPLANATORY MEMORANDUM TO**  
**THE M27 MOTORWAY (JUNCTIONS 4 TO 11) (VARIABLE SPEED LIMITS)**  
**REGULATIONS 2021**

**2021 No. 17**

**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 M27 motorway between junctions 4 and 11.

**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 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 to which variable mandatory speed limits apply.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The M27 Junctions 4 to 11 Motorway Upgrade (“the Scheme”) was included in the June 2013 Spending Review and confirmed in the Road Investment Strategy published in December 2014.
- 7.1 The M27 motorway is a strategic route for local, regional and international traffic and forms part of the Strategic Road Network (SRN) in England connecting Portsmouth, Southampton and Bournemouth and a link with the M3 motorway and routes to London. In 2036 this section of the M27 motorway is forecast to carry an average of between 65,000 and 85,000 vehicles per day – an increase of around 15,000 vehicles per day compared to 2015. The Scheme is part of the Highways England programme to add capacity to the SRN to support economic growth and maintain mobility.
- 7.2 The use of variable mandatory speed limits is an essential element in achieving the above objectives as varying the speed limit allows traffic flows to be managed more effectively. 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 on a road specified in the Schedule to the Regulations 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 The Scheme includes the permanent conversion of the hard shoulder into a traffic running lane to create ‘all lane running’ (ALR) between junctions 4 to 7 and 8 to 11. The introduction of ALR needs no further new legislation.
- 7.4 Highways England is committed to building upon the success of the existing all lane running motorway upgrade 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 / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 This instrument is not amending another instrument.

## **10. Consultation outcome**

10.1 The consultation period for the proposed implementation of variable mandatory speed limits as part of the Scheme took place between 12th March 2018 and 10th April 2018. A consultation pack was sent to 48 consultees including stakeholder groups, other affected representative organisations and individual businesses. The consultation was also open to public participation through the Highways England Citizen Space website and the consultation document can be accessed using the following link-

[https://highwaysengland.citizenspace.com/he/m27-junction-4-to-11-smart-motorway/supporting\\_documents/M27\\_J4to11.pdf](https://highwaysengland.citizenspace.com/he/m27-junction-4-to-11-smart-motorway/supporting_documents/M27_J4to11.pdf)

10.2 Highways England encouraged the specific consultees and the general public to register their views on the variable mandatory speed limits proposed for the Scheme. A total of 79 responses were received. The responses were wide-ranging and included support for all lane running motorways in general, support for the introduction of the proposed variable mandatory speed limits on this section of the motorway as well as raising concerns which fell outside the subject of the consultation.

10.3 Highways England addressed, and responded in writing to, all the issues and concerns raised by respondents. The post-consultation report concluded that the variable mandatory speed limits proposed for the Scheme should be implemented. The report can be accessed using the following link-

<https://highwaysengland.citizenspace.com/he/m27-junction-4-to-11-smart-motorway/results/m27j4-11smartmotorwayresponsetostatutoryinstrumentconsultation.pdf>

## **11. Guidance**

11.1 The consultation pack issued by Highways England to stakeholders on 9th March 2018 contained information on the operation of variable mandatory speed limits as proposed for the Scheme. This consultation pack was also published on the gov.uk website. Stakeholders included members of the emergency services, road user groups, local authorities and vehicle recovery operators. Stakeholders will continue to receive updates and news on the Scheme implementation with consideration given to the commencement of the Scheme and its effects on local residents, the travelling public and businesses through Highways England's website, 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 will benefit the motorist by helping to reduce congestion, provide more reliable journey times and reduce the likelihood of accidents. The aim in introducing the variable mandatory speed limits is to reduce the severity of accidents, reduce driver stress and increase and improve the quality of driver information.

12.2 An Impact Assessment has not been prepared for this instrument because there is an insignificant impact on the costs to business. The de minimis assessment undertaken by Highways England concluded that the equivalent annual net direct benefit to business of compliance with the speed limit would be £2538 (based on 2019 prices discounted to 2020).

### **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 monitoring of this legislation is to conduct an assessment of the effectiveness of the Scheme in relation to traffic flows, accidents and environmental factors. A Post Opening Project Evaluation (POPE) of the Scheme is planned in the second and sixth years of its operation. The purpose of the POPE is to measure the business case aims and benefits of the Scheme against what it is actually delivering at the time of the evaluations.
- 14.2 A statutory review provision is not included in the Regulations because they do 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 Victor Johnson at Highways England, telephone 0300 470 4265 or email: [victor.johnson@highwaysengland.co.uk](mailto:victor.johnson@highwaysengland.co.uk) can be contacted with any queries regarding the instrument.
- 15.2 Danny Trup, 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.