

EXPLANATORY MEMORANDUM TO
THE M56 MOTORWAY (JUNCTIONS 6 TO 7) (VARIABLE SPEED LIMITS)
REGULATIONS 2022

2022 No. 607

1. Introduction

- 1.1 This explanatory memorandum has been prepared by 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 between junctions 6 and 7 as part of the M56 junctions 6 to 8 all lane running scheme.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

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 (The Motorways Traffic (England and Wales) (Amendment) (England) Regulations 2015 (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 M56 Junctions 6 to 8 all lane running scheme (“the Scheme”) was included in the June 2013 Spending Review and confirmed in the ¹Roads Investment Strategy published in 2015.
- 7.2 This section of the M56 is a key commuter route and suffers from significant congestion because it operates at or over capacity. Growth at Manchester Airport, Airport City and the regional centre as a whole will all add significant pressure on this section. Additional road capacity is therefore needed to support the increasing demand. The Scheme will reduce congestion and smooth the flow of traffic to improve travel times, making journeys more reliable.
- 7.3 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.
- 7.4 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 and Future Relationship

- 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 for the proposed implementation of variable mandatory speed limits as part of the Scheme took place between 2nd September 2019 and 30th September 2019. This provided an opportunity for consultees to comment on the proposal to introduce,

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/410029/ris-for-2015-16-road-period-print-version.pdf

by way of Regulations, the variable mandatory speed limits between junctions 6 and 7 of the Scheme.

The consultation was also open to public participation through the National Highways Citizen Space website and the consultation document can be accessed using the following link-

²[Statutory Instrument Consultation Document](#)

10.2 National Highways 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 13 responses were received. The responses were wide-ranging and included 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 National Highways 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-

³[Response to Statutory Instrument Consultation](#)

11. Guidance

11.1 The consultation pack issued by National Highways to stakeholders on 2nd September 2019 provided detailed 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 Scheme progress with consideration given to the commencement of the Scheme and its effects on local residents, the travelling public and businesses through National Highway's website, media and press releases.

12. Impact

12.1 The impact on the local stakeholders and customers 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. In addition, introducing the variable mandatory speed limits would help the scheme achieve its safety objectives

² https://highwaysengland.citizenspace.com/he/m56-junctions-6-to-8-smart-motorway/supporting_documents/M56%20junction%20to%208%20Smart%20Motorway%20Statutory%20Instrument%20Consultation%20Document.pdf

³ https://highwaysengland.citizenspace.com/he/m56-junctions-6-to-8-smart-motorway/results/m56j6-8responsetostatutoryinstrumentconsultation_final.docx.pdf

associated with reducing the average annual rate of collisions or casualties, reducing driver stress, and increasing and improving 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 National Highways concluded that the equivalent annual net direct cost to business of compliance with the speed limit would be nil (based on 2019 prices discounted to 2020). The de minimis assessment does not require external scrutiny or publication, but is peer reviewed to ensure the analysis is accurate but most importantly, that the policy meets all the requirements for DMA

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 No specific action is proposed to minimise regulatory burdens on small businesses as the legislation does not impose unnecessary burdens.

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 fourth year 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 evaluation.
- 14.2 A statutory review provision is not included in the Regulations as a review would be disproportionate given the economic impact of the Regulations on business and there are no factors that would make it particularly desirable to include a review provision.

15. Contact

- 15.1 Oluwole Solola at National Highways, telephone: 07590 630161, email: Oluwole.Solola@highwaysengland.co.uk can be contacted with any queries regarding the instrument.
- 15.2 Helen Ramsden, 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, Parliamentary Under Secretary of State at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.