EXPLANATORY MEMORANDUM TO

THE M1 MOTORWAY (JUNCTIONS 10 TO 13) (ACTIVELY MANAGED HARD SHOULDER AND VARIABLE SPEED LIMITS) (AMENDMENT) REGULATIONS 2016

2016 No. 1033

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 amend the M1 Motorway (Junctions 10 to 13) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2012 to add the slip roads of a new junction 11A on the M1 motorway.

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 amend the M1 Motorway (Junctions 10 to 13) (Actively Managed Hard Shoulder and Variable Speed Limits) Regulations 2012 ("the 2012 Regulations") to allow for the operation of variable mandatory speed limits in relation to the specified slip roads of junction 11A which are added to Schedule 2 to the 2012 Regulations.

4.2 Section 134(2) of the Road Traffic Regulation Act 1984 requires the Secretary of State to consult with representative organisations as he sees fit prior to making regulations under that Act.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is England. Only those sections of motorway specified in the Regulations 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 Highways England Company Limited ("Highways England") was set up by the Government on 1st April 2015 to operate and improve the strategic road network in England. Highways England's primary role is to deliver a better service for road users and to support a growing economy.

7.2 The introduction of variable mandatory speed limits ("VMSL") was included in the M1 junctions 10-13 scheme which is part of Highways England's programme to modernise England's motorways by providing more capacity and better connections.

7.3 The use of VMSL is essential to operating a smart motorway. VMSL allows Highways England to adjust the speed limit on a motorway during busy periods. This controls the flow of vehicles and helps to prevent traffic grinding to a halt. It is expected that the use of VMSL will:

- reduce congestion;
- smooth traffic flows;
- provide more reliable journey times;
- reduce the severity of accidents; and
- increase and improve the quality of information to road users.

7.4 The M1 motorway is a strategic route for local, regional and international traffic and has links with other roads including the A5.

The A5-M1 link (Dunstable Northern By-pass) scheme ("the A5-M1 scheme") includes the construction of a new dual carriageway between the A5 and the M1 and a new M1 junction 11A with slip roads.

VMSL are being applied to the slip roads on the new junction 11A for the reasons stated in paragraph 7.3.

8. Consultation outcome

8.1 A formal consultation exercise for the M1 junctions 10-13 scheme was undertaken in 2011 by the Highways Agency (then an Executive Agency of the Department for Transport). There was also a separate consultation on the A5-M1 scheme. Due to the proposal to operate VMSL at the new junction 11A (and amend the 2012 Regulations for this purpose) there was a further consultation with stakeholders.

8.2 The 6 week consultation period for VMSL at the new MI junction 11A began on 2nd March 2015 and ended on 13th April 2015.

The consultation document was sent to 109 stakeholders including affected representative organisations and individual businesses. Stakeholder groups comprised:

- national and local government bodies;
- local members of parliament;
- legal organisations;
- statutory undertakers;
- environmental organisations;
- road user action and safety groups;

- vehicle recovery operators;
- private business organisations;
- emergency services; and
- road and transport organisations.

8.3 Over the 6 week consultation period, a total of 8 responses were received which gave mixed views. The consultation was a closed one and given it was for a limited number of stakeholders, it was not published online. However, a link to an online questionnaire was provided and the consultation encouraged representative organisations, businesses and interested parties to make contact with Highways England and communicate their views. Of the 8 responses:

- 1 response was in favour of the operational viability of the smart motorway raising concern about All Lane Running;
- 1 response was in favour of the A5-M1 link but expressed some concerns including use of Hard Shoulder Running;
- 1 response acknowledged and noted receipt of the consultation document;
- 2 responses acknowledged receipt and advised that scheme is outside their remit;
- 3 responses were neither in favour or disfavour but provided updated addresses for future communication;

8.4 The analysis of the comments showed a relatively low number of responses from the stakeholder groups invited to comment. However, whilst there was support for the A5-M1 scheme by these stakeholders there were some concerns which, although outside the remit of the consultation, have been responded to accordingly. With regard to the specific focus of the consultation which was for the implementation of VMSL on the sections of the new junction 11A, stakeholders did not raise any objections or concerns.

8.5 Responses from Highways England have been sent to all those who raised specific comments and concerns, irrespective of whether issues raised were VMSL specific or related to the A5-M1 scheme more generally. Highways England responses to stakeholders comments on the consultation on VMSL at the new M1 junction 11A can be found at the Highways England Website via the link below.

http://www.highways.gov.uk/publications/m1-junction-10-to-13-response-to-consultation-document/

9. Guidance

9.1 The consultation on VMSL at the new M1 junction 11A included generic information on the completed M1 junctions 10-13. This provided stakeholders with information about the purpose of the consultation and the need to operate VMSL.

A copy of this can also be found on the Highways England Website via the link below:

http://www.highways.gov.uk/publications

9.2 In order to keep these stakeholders up to date with progress of the A5-M1 scheme, especially those being affected by the works taking place on the M1 at junction 11A

(e.g. the travelling public and businesses), information is regularly provided through the scheme website, regular letter drops, newsletters and press releases.

10. Impact

10.1 The impact on business, charities, voluntary bodies and the public sector is that VMSL will benefit motorists by reducing congestion which increases traffic flows and motorway capacity, improves journey time reliability and supports economic growth.

10.2 The impact on the public sector is the same as the impact on businesses, charities and voluntary bodies.

10.3 No impact assessment is submitted with this explanatory memorandum as no impact on the costs of businesses or the voluntary sector is foreseen.

11. Regulating small businesses

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

11.2 The construction of junction 11A and the variable speed limits which apply 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 A5-M1 scheme (including the M1 junction 11A slip roads) to organisations within the surrounding area, including small businesses.

12. Monitoring & review

12.1 The operation of the A5-M1 scheme (including the M1 junction 11A slip roads) will be monitored and assessed to establish effectiveness on traffic flows, accidents and environmental factors. There will be a Post Opening Project Evaluation (POPE) of the roads in one year and 5 years after opening to evaluate the expected benefits. The purpose of the POPE is to measure business case aims and benefits against what it is actually being delivered one and five years after opening.

13. Contact

13.1 For any queries regarding the instrument, contact Karen Green at Highways England Telephone: Tel: +44 (0) 300 470 3029 or email: Karen.green@highwaysengland.co.uk

13.2 Alternatively, email to:

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