**EXPLANATORY MEMORANDUM TO**

**THE M11 MOTORWAY (JUNCTIONS 8 TO 9) (OFFSIDE LANE RESTRICTION) REGULATIONS 2019**

**2019 No. 1428**

## 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 introduce a daytime (07.00 to 19.00 hours) ban on heavy commercial vehicles from using the offside lane of the M11 motorway on sections of both the southbound and northbound carriageways. The ban will apply on the inclines of a hill to the south of junction 9 of the M11 motorway in Essex.

## 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 regulation 2 of the Regulations will be affected, both 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 have been made in respect of the use of particular lengths of special road (i.e. motorway) rather than with respect to the use of special roads generally. It will be an offence to use the motorway in contravention of these Regulations which introduce the daytime ban on use of the offside lane by heavy commercial vehicles.

## 7. Policy background

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

7.1 The Regulations are being introduced to reduce congestion and improve journey times on the M11 motorway between junction 8 and 9. A daytime ban on heavy commercial vehicles (goods vehicles having an operating weight over 7.5 tonnes) from overtaking in the offside lane between junctions 8 and 9 has been in place since January 2017 under a temporary traffic regulation order. These Regulations will make the temporary ban permanent, with the time of operation and location being the same as under the temporary ban.

7.2 The ban will apply on the inclines of a hill located to the south of junction 9 of the M11 near Great Chesterford and Saffron Walden, Essex and applies over a length of 2 miles on the northbound carriageway and 1 mile on the southbound carriageway.

7.3 The objective of these Regulations is to reduce the cost of congestion to business and individuals and thereby encourage economic activity and improve social wellbeing.

7.4 Prior to the introduction of the temporary ban the M11 between junctions 8 and 9 experienced considerable congestion due to a high traffic volume and the uphill gradients. The congestion reduced the efficiency of movement of people and goods to the detriment of business productivity and the economic and social activities of individuals.

7.5 The M11 is a key strategic route between London and Cambridge and influences the growth and productivity of large parts of the East of England. In 2003, the London to South Midlands Multi-Modal Study concluded that the average traffic flows on the M11 between J8 and J9 were slightly above capacity for a two-lane motorway. The effect of this on average speeds and journey times is exacerbated by the presence of uphill gradients which slow down heavy commercial vehicles and encourage them to overtake each other. To address the problems it identified, the London to South Midlands Multi-Modal Study recommended widening J8 to9 from two to three lanes in each direction. However, subsequent detailed traffic modelling and appraisal work in 2005 concluded that widening this section of the M11 was not justified and it was instead decided to pursue smaller scale, better value for money improvements.

7.6 In 2008, a Congestion Management Review was undertaken to identify other measures to address the congestion problems between J8 and J9 on the M11. By this time Highways England (then Highways Agency) had piloted the M42 HGV overtaking restriction, which demonstrated improvements to journey times. The review recommended a similar restriction on two sections of the M11 between J8 and J9: one on the northbound carriageway for a distance of approximately 2 miles and the other on the southbound carriageway for approximately 1 mile.

7.7 A trial scheme restricting HGVs over 7.5 tonnes to the nearside lane on the recommended uphill sections was implemented on 12 April 2010. The restriction operated between 07:00 and 19:00 seven days per week, until the trial ended on 12 October 2011. The monitoring undertaken throughout the trial period indicated that the restriction provided a worthwhile benefit to road users in terms of improved journey times along this section of the M11 motorway. Consequently, the restriction was programmed for implementation on a permanent basis by Highways England.

7.8 Enforcement of the ban will be through the traditional method of police presence rather than by fixed cameras. Essex Police have confirmed that they are supportive of

the permanent ban to restrict heavy commercial vehicles from overtaking over the relevant sections of the M11 motorway.

## 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 A public consultation was carried out on these proposed regulations between 1st and 29th November 2018. The consultation was hosted on the Highways England Consultation Hub and written notifications (by email or letter) were made to the key stakeholders including the police and emergency services, local authorities and associations representing those in the haulage business.

10.2 During the consultation a total of 42 responses were received from various stakeholders and the public, with a strong bias (90%) in support of making the restrictions permanent. No responses were received from any stakeholder groups or organisations associated with haulage or the movement of road freight. However, given that a minority of respondents were opposed to the proposals the post consultation report concluded that they 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/m11-overtaking-hgvs/

## 11. Guidance

11.1 Neither guidance nor publicity is considered necessary. The regulations impose the same restriction as that currently in force under a temporary traffic regulation order.

## 12. Impact

12.1 The impact on business, charities or voluntary bodies is that the offside lane ban on heavy commercial vehicles during the day will benefit motorists in general by helping to reduce congestion.

12.2 The impact on the public sector is also as stated in section 12.1.

12.3 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 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 Sarah Mason at Highways England, Telephone: Email: sarah-jayne.mason@highwaysengland.co.uk can be contacted with any queries regarding the instrument.

15.2 Rosemary Hopkins, Deputy Director for 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.