EXPLANATORY MEMORANDUM TO

THE M23 MOTORWAY (JUNCTION 7) (50 MILES PER HOUR SPEED LIMIT) REGULATIONS 2025

2025 No. 246

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Lilian Greenwood MP, Parliamentary Under Secretary of State at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Rosalind Reid, Deputy Director for the Strategic Roads Directorate at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Deepak Kaphle at National Highways Limited, telephone: 07526 969055 or email: Deepak.Kaphle@nationalhighways.co.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will impose a permanent 50 miles per hour speed limit on the northbound M23 motorway off-slip road at junction 7 leading onto the A23 in Surrey.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England. The section of road affected, the northbound M23 motorway off-slip road at junction 7, is situated in England.

5. Policy Context

What is being done and why?

5.1 The M23 motorway serves parts of West Sussex and Surrey and provides a North-South connection in this region. The M23 northbound carriageway changes from motorway into the A23 trunk road at junction 7, just south of Hooley village in Surrey. During the past five years the number of collisions occurring in Hooley has been higher than the national average for this type of road. Vehicles travelling above the speed limit are a contributing factor to these collisions. Both the police and the Hooley Residents Association have concerns that the speed limits affecting Hooley

village are too high. The speed limit on the A23 approaching Hooley village is 50 miles per hour. The speed limit through the village is 40 miles per hour.

5.2 The speed limit on the A23 approach to Hooley village will be reduced to 40 miles per hour and the speed limit through Hooley village will be reduced to 30 miles per hour. These changes are outside the scope of this instrument and will be implemented separately by National Highways Limited and Surrey County Council using permanent traffic regulation orders. To safely implement the lower speed limit through Hooley village a gradual reduction of speed limits on the approach to Hooley is required.

5.3 This instrument solely concerns the northbound M23 motorway off-slip road at junction 7 leading onto the A23. In line with advice from Surrey and Sussex Police, the speed limit on this off-slip road will be permanently reduced from the national motorway speed limit of 70 miles per hour to 50 miles per hour. This gradual 'step-down' of speed limits is considered safer than a sudden drop in speed limits. It is also more likely to result in compliance through the village of Hooley.

What was the previous policy, how is this different?

5.4 Previously the national motorway speed limit of 70 miles per hour was in force on the M23 motorway junction 7 northbound off-slip road leading onto the A23. This instrument will permanently reduce the speed limit to 50 miles per hour on this length of carriageway.

6. Legislative and Legal Context

How has the law changed?

6.1 The speed limit on the M23 motorway junction 7 northbound off-slip road will be permanently reduced from the national motorway speed limit (70 miles per hour) to 50 miles per hour.

6.2 This instrument has been made under sections 17(2), (3) and (3ZB) of the Road Traffic Regulation Act 1984[1], which empowers the Secretary of State for Transport to make regulations regarding the use of special roads generally and, in this case, with respect to a particular length of carriageway.

Why was this approach taken to change the law?

6.3 A statutory instrument made under sections 17(2), (3) and (3ZB) of the Road Traffic Regulation Act 1984 is the only legislative option available to make the necessary change permanent.

7. Consultation

Summary of consultation outcome and methodology

7.1 The consultation for the proposed implementation of this instrument took place between 3rd May 2024 and 8th July 2024. A consultation document was issued to stakeholders which provided detailed information about the instrument. The consultation document was also published on National Highways Limited's Citizen Space consultation website which can be accessed using the following link:

[1] 1984 c.27.

https://nationalhighways.citizenspace.com/he/m23j7-a23-speed-limit-consultation/supporting_documents/SI%20Consultation%20Document_M23%20%20Approved%2002.05.24.pdf.[2]

7.2 The consultation was open to public participation through the Citizen Space website. Other consultees included local MPs, local Government bodies, members of the emergency services, environmental advisory groups, road transport groups and local business organisations. The consultation provided an opportunity for consultees to comment on the proposed instrument. Respondents provided their comments via the consultation questionnaire response form or by e-mail.

7.3 7 responses were received to the consultation. 3 of these were from members of the public and businesses whilst 4 were from other stakeholders.

7.4 The consultation response questionnaire asked respondents if they were in favour of National Highways Limited's proposals. 2 respondents said that they were in favour of the proposals and 1 said that they were against the proposals. The remaining respondents did not answer this question. Respondents were invited to comment on the proposals. 3 respondents provided comments.

7.5 One respondent commented that the section of road which is prone to collisions is at the pedestrian crossing at Hooley village and that reducing the speed on the M23 junction 7 northbound off-slip road was unnecessary. They also suggested that speed enforcement cameras should be installed to ensure compliance with speed limits. However, the proposed 50 miles per hour speed limit on the off-slip road would allow for a gradual reduction of speed as vehicles approach Hooley village, where a 30 miles per hour speed limit is proposed. The pedestrian crossing would fall within the 30 miles per hour speed limit zone. A gradual 'step-down' of speed limits is considered safer than a sudden drop in speed limits. It is also more likely to result in compliance through the village of Hooley. Signs would warn road users of the new speed limit. There would also be a village gateway sign and road markings to help make road users aware that they are approaching Hooley village. The proposals reflect recommendations from Surrey and Sussex Police. Whilst speed enforcement cameras would help to enforce the speed limit, the proposal for these would need to come from the Safety Camera Partnership. This body has its own criteria to fulfil when selecting camera enforcement sites. National Highways Limited is not an enforcement organisation, enforcement sits with the police.

7.6 Another respondent commented that they agreed with reducing the speed limit on the M23 junction 7 northbound off-slip road, however they felt the threshold for the speed limit terminal signs should be amended or start further north. However, the threshold for the speed limit terminal signs is in line with advice received from Surrey and Sussex Police, who advised that the terminal point should be where the number of lanes drop from three to two on the M23 junction 7 off-slip road. This location was carefully chosen, based on factors including the change in the environment at this point. The proposals accord with best practice.

7.7 The final respondent commented that they agreed with the proposed speed limit reduction given the number of personal injury collisions in the vicinity in recent times.

7.8 A detailed analysis of the consultation outcome and the consultation report, including National Highways Limited's responses to the issues raised above, is available on

[2] https://nationalhighways.citizenspace.com/he/m23j7-a23-speed-limit-consultation/supporting_documents/SI%20Consultation%20Document_M23%20%20Approved%2002.05.24.pdf.

National Highways Limited's Citizen Space website and can be accessed using the following link: https://nationalhighways.citizenspace.com/he/m23j7-a23-speed-limit-consultation/supporting_documents/Consultation%20Response%20%20M23%20J7%20%20Final%2026.09.24.pdf.[3]

7.9 Consultation respondents who provided contact details were also sent a copy of the consultation report.

7.10 It is considered that the concerns raised in relation to the introduction of the 50 miles per hour speed restriction were adequately addressed during the consultation process. The consultation report concluded that the proposed speed limit change should be implemented.

8. Applicable Guidance

8.1 At the start of the consultation on 3rd May 2024, a consultation document was issued to stakeholders including local MPs, local Government bodies, members of the emergency services, environmental advisory groups, local business organisations and road transport groups. The consultation document was also published on National Highways Limited's Citizen Space website for public consideration. The consultation document provided detailed information on the operation of the 50 miles per hour speed restriction. A report on the consultation outcome was published on the website.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no significant impact on the cost to business. The de minimis assessment undertaken by National Highways Limited concluded that the equivalent annual net direct cost to business of compliance with the reduced speed limit would be £27,000.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because compliance with the reduced speed limit will have no significant impact on these entities.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because compliance with the amended speed limit will have no significant impact on the sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that the operation of the new speed limit will be monitored and assessed to establish its effectiveness in relation to safety. If appropriate, National Highways Limited will produce a Post Opening Project Evaluation ("POPE") report five years after the new speed limit has been implemented.

[3] https://nationalhighways.citizenspace.com/he/m23j7-a23-speed-limit-consultation/supporting_documents/Consultation%20Response%20%20M23%20J7%20%20Final%2026.09.24.pdf.

10.2 The instrument does not include a statutory review clause 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.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).