EXPLANATORY MEMORANDUM TO

THE M27 MOTORWAY (JUNCTIONS 4 TO 11) (VARIABLE SPEED LIMITS) (AMENDMENT) REGULATIONS 2026

2026 No. 578

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 Simon Lightwood MP, Parliamentary Under Secretary of State, Minister for Roads and Buses, at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Faith Wilkinson, 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 Anne-Marie Palmer at National Highways Limited can be contacted by email at the following address with any queries regarding the instrument: m27junction10@nationalhighways.co.uk. Alternatively, she can be contacted by telephone: 07711 188199.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will enable the operation and enforcement of variable mandatory speed limits ("VMSL") on three new slip roads being built at junction 10 of the M27 motorway. Where VMSL are in operation, a vehicle may not be driven at a speed above the maximum indicated by each speed limit sign passed by a vehicle until it passes a sign indicating that the national speed limit applies. Where speed restrictions are in place by virtue of a traffic regulation order VMSL will not apply. VMSL enables traffic flows to be managed more effectively.

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 roads affected are the three new slip roads at junction 10 of the M27 motorway, which is situated in England.

5. Policy context

What is being done and why?

5.1 The M27 motorway is a strategic route for local, regional and international traffic and forms part of the Strategic Road Network (SRN) in England. It connects Portsmouth and Southampton and links with the M3 motorway.

5.2 The M27 motorway between junctions 4 to 11 operates as an all lane running smart motorway, with VMSL in place. VMSL was implemented along this stretch of the SRN by the M27 Motorway (Junctions 4 to 11) (Variable Speed Limits) Regulations 2021 ("2021 regulations").

5.3 Improvement works to junction 10 of the M27 (the "Scheme") are being carried out to facilitate access to the new Welborne Garden Village housing community being developed near junction 10. Part of the Scheme includes the creation of three new slip roads. VMSL is in operation on the main carriageway of the M27 at junction 10 and the new adjoining slip roads must be subject to the same speed limits to safely manage the flow of traffic on and off the motorway. The 2021 regulations require amendment to include the implementation of VMSL on the three new slip roads at junction 10.

What was the previous policy, how is this different?

5.4 The 2021 regulations did not include the three new slip roads at junction 10 because the original legislation was implemented prior to the creation of these new slip roads.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2021 regulations will be amended to include the three new slip roads which are being built at junction 10 of the M27 motorway. Once the new slip roads have been built, they will be subject to VMSL in the same way that the main carriageway is covered by VMSL.

6.2 This statutory 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 the carriageway on the M27 motorway.

Why was this approach taken to change the law?

6.3 The 2021 regulations enabled the introduction of VMSL between junctions 4 to 11 of the M27 motorway. Amending those regulations to include the three new slip roads is the only legislative approach.

7. Consultation

Summary of consultation outcome and methodology

7.1 The consultation for the proposed implementation of this instrument took place between 6th November and 4th December 2023. A consultation document was issued to stakeholders which provided detailed information about the instrument. The

[1] 1984 c. 27.

consultation document was also published on National Highways Limited's Citizen Space consultation website[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 Citizen Space website or by e-mail.

7.3 9 responses were received to the consultation. 3 of these were from members of the public, 2 from local government, 1 from the police, 1 from Historic England and 2 anonymous responses.

7.4 The consultation questionnaire asked respondents two questions. The first was whether respondents wished to comment on the proposal to amend the 2021 regulations to include the proposed improvements to the M27 at junction 10.

7.5 7 responses were received to the first question. The first response was from a member of the public and the majority of the response related to the overall Scheme rather than these particular regulations which solely concern the implementation of VMSL on the three new slip roads. The comments included concerns relating to an increase in congestion due to the Scheme. National Highways Limited responded that the Scheme had undergone planning approval via the local planning authority.

7.6 The same respondent raised congestion issues at junction 11. National Highways Limited responded that it was discussing this matter with Hampshire County Council

7.7 Another respondent asked about construction duration and impacts on the M27. This question related to the Scheme rather than the implementation of VMSL on the three new slip roads. National Highways Limited clarified that work on the Scheme began in Spring 2024. Work on the M27 motorway began in 2025 and it is expected that the Scheme will take two years to construct.

7.8 An anonymous respondent questioned the application of VMSL to slip roads. National Highways Limited responded that VMSL applies where the 2021 regulations apply, including in relation to slip roads forming part of the motorway network.

7.9 A Fareham Borough Council councillor confirmed support for the proposals.

7.10 Another anonymous respondent queried the focus of the consultation booklet. National Highways Limited directed them to the relevant section and explained the need for VMSL on the three new slip roads.

7.11 Hampshire County Council's Head of Spatial Planning confirmed no objection to applying VMSL to the new slip roads to help manage traffic flow.

7.12 Historic England advised that the application should be determined in accordance with national and local policy guidance and expert conservation advice.

7.13 The second consultation question asked if there were any additional comments the respondents would like to make. 3 further comments were received. The first was from a member of the public who raised broader Scheme concerns and noted that

[2] https://nationalhighways.citizenspace.com/he/copy-of-m6j19-exit-slip-roads-speed-limit-consulta/supporting_documents/FINAL%200311%203.5%20Consultation%20Document%20%20M27%20J411%20SI%20amendment%20%20updated%203%20November.pdf

other M27 junctions do not have VMSL. National Highways Limited reiterated that VMSL applies where the 2021 regulations apply.

7.14 Hampshire and Isle of Wight Constabulary requested correct signage for the new westbound slip road. National Highways Limited responded that traffic signs would be a key consideration when implementing VMSL.

7.15 A Fareham Borough Council councillor also identified a minor typographical error and made a funding related comment not relevant to these Regulations.

7.16 It is considered that all concerns raised in relation to the proposed amendment to the 2021 regulations to include the implementation of VMSL on the three new slip roads were adequately addressed during the consultation process. National Highways Limited's consultation report[3] concluded that the proposed amendment should go ahead.

7.17 A delay between the consultation taking place and these Regulations coming into force is because there was a delay to the building of the new Welborne Garden Village. However, an additional consultation is not considered necessary because there has been no material change (to the proposal to implement VMSL on the three new slip roads) since the consultation.

8. Applicable Guidance

8.1 These Regulations do not implement or require guidance.

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 there would be a very marginal benefit to businesses of £170 (per annum) as a result of improved journey time reliability.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on businesses, charities or voluntary bodies because compliance with the VMSL 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 VMSL will have no significant impact on the sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 There is no intention for post project monitoring because VMSL is already in operation on the M27 main carriageway and this is bringing the new slip roads in alignment with this.

10.2 The instrument does not include a statutory review clause and in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Minister

[3] https://nationalhighways.citizenspace.com/he/copy-of-m6j19-exit-slip-roads-speed-limit-consulta/user_uploads/final-m27-junction-10-response-to-statutory-instrument-consultation.pdf

Lightwood has made the following statement: ‘a statutory review clause has not been included because this statutory instrument 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 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”).