EXPLANATORY MEMORANDUM TO

THE M4 MOTORWAY (JUNCTIONS 3 TO 12) (VARIABLE SPEED LIMITS) REGULATIONS 2019

2019 No. 1430

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 enable the operation of variable mandatory speed limits on the M4 motorway between junctions 3 and 12 and extend further westwards by 117 metres the start of the maximum 60mph speed limit on the eastbound carriageway of the M4 at junction 4.

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. The road affected, namely junctions 3 to 12 of the M4 motorway, is situated 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 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 and of a maximum speed limit of 60mph on a short length of the eastbound carriageway.

6.2 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.

6.3 In addition, traffic signs authorised by the Secretary of State under section 64 of the Road Traffic Regulation Act 1984 will be placed on or near 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 covered by the Regulations.

6.4 The Regulations also amend the M4 Motorway (Hillingdon and Hounslow) (Speed Limits) Regulations 2002 (S.I. 2002/1651) to allow variable speed limits to operate on a length of road to which these 2002 Regulations apply a maximum speed limit of 60 miles per hour. The starting position of the 60mph maximum speed limit on the eastbound carriageway will move 117 metres westwards to align with the location of new signalling equipment.

7. Policy background

What is being done and why?

7.1 Smart motorways are a technology driven approach to tackling the most congested parts of the motorway network, improving journey reliability by controlling the flow and speed of traffic. Smart motorways also support the economy by providing much needed capacity on the busiest motorways while maintaining safety for road users and those who work on the roads.

7.2 The M4 J3 to J12 smart motorway scheme ("the Scheme") is part of Highways England's programme to add capacity to the existing strategic road network to support economic growth and maintain mobility. The M4 motorway is a strategic route for local, regional and international traffic and plays a major role as: a national artery providing a direct motorway route between London and the South/South West of England and South Wales; and a major inter-urban route connecting major M4 corridor conurbations and providing access to important international gateways.

7.3 This section of the M4 carries more than 130,000 vehicles per day with a trend of higher than average road traffic incidents and casualties. It is expected that the scheme will: increase motorway capacity and reduce congestion; smooth traffic flows; provide more reliable journey times; increase and improve the quality of information for the driver.

7.4 The use of variable mandatory speed limits is essential to achieving the objectives above enabling proactive management of the motorway network. Evaluation of the existing smart motorway schemes, including the M42 Active Traffic Management project, demonstrated that smart motorways can deliver clear benefits by providing much needed additional capacity without compromising overall safety on our motorways which are amongst the safest roads in the world.

7.5 Through the introduction of technology, Highways England aims to make best use of the existing road space considering prevailing traffic conditions with the aim of ensuring the smooth flow of traffic. The only part of the Scheme provided for in this instrument is the introduction of variable mandatory speed limits on the M4 between junctions 3 to 12. The introduction of all lane running between these junctions needs no further legislation.

7.6 The Scheme variable mandatory speed limits will be clearly displayed on: verge-mounted variable message signs; gantry-mounted advanced motorway indicators (AMIs) above each lane of the carriageway and, where provided, post-mounted AMIs.

7.7 Once in force the Regulations will restrict driving at a speed exceeding the variable speed limit displayed by signs. When variable speed limits are not in operation the national speed limit will apply except in relation to the length of the eastbound carriageway from junction 4 where the 60mph speed limit applies and is displayed.

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 The consultation on the proposal to introduce variable mandatory speed limits on the M4 junctions 3 to 12 started on 12th January 2015 for a period of six weeks, finishing on 22nd February 2015. The consultation document was available on the then Highways Agency website and on the GOV.UK website.

10.2 109 statutory consultees (including members of the emergency services, road user organisations groups and vehicle recovery operators) were informed of the consultation directly by e-mail or post. Other interested parties were able to access the consultation document on one or other website and subscribes to the sites were notified of the consultation commencement. Consultees and other respondents provided their comments either via the questionnaire response form or by sending them by e-mail.

10.3 A total of 33 responses was received with 17 of those considering that the introduction of variable mandatory speed limits would improve the journey along this section of the M4. 12 respondents did not believe that the Scheme would improve the situation. 4 respondents provided no comments.

10.4 31 responses (94%) included concerns about the Scheme. These were wide-ranging in nature and included concerns relating to safety, noise, operation of smart motorway, impacts during construction, visual intrusion and air quality. The largest area of concern related to safety and predominantly in relation to the replacement of the hard shoulder by a running lane. 6 responses included concern about variable message signs showing reduced speed limits when no incident was apparent suggesting an overly onerous application of speed limits.

10.5 It is considered that the concerns raised relations to the introduction of variable mandatory speed limits have been adequately addressed.

10.6 A more detailed analysis of the consultation outcome and report, including responses to the issues raised above, is available on the Highways England website at the following address: https://highwaysengland.co.uk/projects/m4-junctions-3-12-smart-motorway/

10.7 Consultation respondents have been sent a copy of the report on the consultation response.

10.8 A further consultation was undertaken between 15th July 2019 and 14th August 2019 regarding a change to the starting point of a 60mph fixed speed limit which was

introduced by the M4 Motorway (Hillingdon and Hounslow) (Speed Limits) Regulations 2002 (S.I. 2002/1651).

10.9 An amendment to the 2002 S.I. was proposed whereby the 60mph speed limit on the eastbound carriageway would start 117 metres westwards, and in advance, of its present position. The reason for the change is that a 60mph speed limit needs to be displayed when variable mandatory speed limits are not in operation and a gantry supporting a sign for this purpose cannot be sited at the point where the 60mph speed limit currently starts because this would not accord with the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016.

10.10 This further consultation was conducted via the Highways England consultation website with 22 key consultees informed of the consultation by post and over 500 other consultees informed by e-mail.

10.11 No responses to this consultation were received.

11. Guidance

11.1 The consultation document issued on 12th January 2015 contained information on the operation of variable mandatory speed limits on the M4 between junctions 3 and 12.

12. Impact

12.1 For business, charities or voluntary bodies and the public sector the impact of variable mandatory speed limits is that they will benefit the motorist by helping to reduce congestion, being informative and improving journey times and any impact of the extension of the fixed 60mph speed limit will be negligible.

12.2 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 operation of variable mandatory speed limits will be monitored and assessed to establish the effectiveness of the Scheme on traffic flows, accidents and environmental factors. Highways England will produce Post Opening Project Evaluation (POPE) reports 1 year and 5 years after the opening of the Scheme.

14.2 The Regulations do not include a statutory review provision because they do 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 Lynne Stinson at Highways England, telephone: 07774008086 or email: lynne.stinson@highwaysengland.co.uk can be contacted with any queries regarding the instrument.

15.2 Rosemary Hopkins, 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 at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.