EXPLANATORY MEMORANDUM TO

THE M42 MOTORWAY (JUNCTION 3) (50 MILES PER HOUR SPEED LIMIT) REGULATIONS 2023

2023 No. 11

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. Purpose of the instrument

2.1 These Regulations relate to the off-slip roads at junction 3 of the M42 as vehicles approach the interchange. For safety reasons the de-restricted 70mph speed limit will be replaced with a fixed 50mph speed limit.

3. Matters of special interest to Parliament

Matters of special interest to the Committee on Statutory Instruments

3.1 None.

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 the sections of motorway specified in the Regulations will be affected and these 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 are being made with respect to 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 fixed 50mph speed limits in relation to the lengths of road specified in the Regulations.

6.2 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. A full list of consultees can be found in the consultation document at Appendix C (a link to the consultation document is included below in Section 10.1 of this document).

7. Policy background

What is being done and why?

7.1 The M42 junction 3 improvement scheme ("the Scheme"), completed in December 2019, had the aim of reducing congestion throughout the junction and on its approaches.

7.2 The work predominantly involved the provision of a free-flowing left turn slip on the southbound exit from M42 junction 3. Other improvements included the realignment and widening of the roundabout gyratory to provide three running lanes within some sections. The southbound A435 entry to the roundabout was also widened to three lanes, whilst the northbound A435 approach was realigned slightly.

7.3 The M42 junction 3 exit slip roads require a fixed 50mph speed limit, where traffic needs to slow down, in order to safely approach the junction roundabout.

Benefits of the Scheme

7.4 Reduce congestion at the roundabout junction and improve capacity at the junction.

7.5 Reduce queuing on the M42 junction 3 southbound exit slip as well as reduce queuing onto the M42 southbound motorway.

7.6 Improve forward visibility to the roundabout junction and traffic signals on the northbound exit slip by moving the stop line further down the slip road, cutting back the vegetation, adjusting the position of the lighting columns, increasing the signal height and improved signage.

7.7 Reduce queuing on the A435 southbound approach to the roundabout by providing three lanes instead of two lanes at the junction approach.

7.8 Replace the life expired traffic signal equipment and lighting equipment, reducing maintenance problems and failures, and reducing energy consumption due to the installation of more energy efficient LED lanterns.

7.9 Help to control the speed of vehicles exiting the M42 in a northbound direction and reduce the speed of vehicles as they approach the traffic signals and stop line.

7.10 Provide sensible continuation of Worcestershire County Council's 50mph speed reduction scheme throughout the junction which has now been implemented.

7.11 Help to control the speed of vehicles exiting the M42 in a southbound direction and reduce the speed of vehicles as they negotiate the free flow left slip.

7.12 The Scheme has helped to provide improved road connectivity and capacity, decreasing journey times. The Scheme has helped to reduce congestion on the interchange. Road safety has been improved by reducing queuing traffic on the approach to the interchange from the main carriageway of the M42, the A435 and Forshaw Heath Lane.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 No consolidation is appropriate.

10. Consultation outcome

10.1 A public consultation took place between 7 March 2022 and 4 April 2022. The four week consultation was open to stakeholder and public participation through the Citizen Space website. The consultation document can be accessed using the following link: https://highwaysengland.citizenspace.com/he/m42-junction-3-slip-

roads-speed-limit-consultation/supporting_documents/M42%20J3%20Statutory%20Instrument%20%20Consultation%20document%20Mar%202022.pdf.

10.2 A list of the 94 stakeholders who were sent the consultation document is included in Appendix C of the consultation document. The public were also encouraged to register their views.

10.3 National Highways received a total of five responses to the consultation. Four responses were received via Citizen Space. Of the four responses received via Citizen Space, all were from members of the public (one was anonymous). One further email was received from local government (the questionnaire was not completed in this instance).

10.4 All responses were in favour of the speed reduction being implemented with questions raised as to why the limit couldn't be reduced by more than the stated 20mph. The proposed 20mph speed reduction as motorists leave the main carriageway is in line with the current speed limit applicable on the A435 and the circulatory carriageway around the roundabout. The Scheme designers considered that any greater reduction was considered too severe (for vehicles travelling at 70mph).

10.5 National Highways published a post-consultation report which concluded that the 50mph fixed speed limit proposed should be implemented. A consultation summary report is available on the Citizen Space website and can be accessed using the following link: https://highwaysengland.citizenspace.com/he/m42-junction-3-slip-roads-speed-limit-consultation/supporting_documents/M42%20J3%20PC%20response%20final.pdf

11. Guidance

11.1 The consultation pack issued by National Highways to stakeholders on 7 March 2022 contained information on the operation of the 50mph fixed speed limit on the M42 junction 3 exit slip roads proposed for the Scheme. This consultation pack was also published on the Citizen Space website.

11.2 Stakeholders notified and invited to respond to the consultation included members of the emergency services, road user groups, local authorities, environmental advisory bodies, road and transport organisations and business organisations.

12. Impact

12.1 There is no significant impact on business, charities or voluntary bodies.

12.2 There is no significant impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because there is no significant impact on businesses.

13. Regulating small business

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

13.2 No specific action is proposed to minimise the impact on small businesses as the legislation does not impose unnecessary burdens.

14. Monitoring & review

14.1 Post opening monitoring of traffic numbers, speeds and driver behaviour will be undertaken to measure the business case aims and benefits of the Scheme against what it is delivering at the time of the evaluations.

14.2 A Road Safety Audit was carried out on completion of the construction of the Scheme. Any audit actions were closed out. The audit confirms that the Scheme has been constructed in line with the Scheme design.

14.3 The instrument does not include a statutory review provision because a review would be disproportionate when taking into account the economic impact of the Regulations on business and there are no factors that would make it particularly desirable to include a review provision.

15. Contact

15.1 Jessica Kenny at National Highways, telephone: 07717456649 or email: Jessica.kenny@nationalhighways.co.uk can be contacted with any queries regarding the instrument.

15.2 Kate Walters, Deputy Director for the Strategic Roads Directorate, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Richard Holden MP, Parliamentary Under Secretary of State at the Department of Transport can confirm that this Explanatory Memorandum meets the required standard.