

EXPLANATORY MEMORANDUM TO
THE M6 MOTORWAY (JUNCTIONS 10a TO 13) (VARIABLE SPEED LIMITS)
REGULATIONS 2015

2015 No. 8

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 These Regulations enable the operation of variable speed limits on the M6 motorway between junctions 10a and 13 (“the M6 Scheme”).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 These Regulations have been made under sections 17(2) and (3) of the Road Traffic Regulation Act 1984, which empowers the Secretary of State to make regulations with respect to the use of special roads generally and, as in this case, with respect to particular lengths of motorway. These Regulations allow for the operation and enforcement of variable mandatory speed limits in relation to the specified roads set out in the Schedule to these Regulations.

4.2 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.

4.3 The Motorway Traffic (England and Wales) Regulations 1982 (S.I 1982/1163) will shortly be permanently amended (by another statutory instrument) to permit the hard shoulder to be used as a carriageway where a speed limit sign is displayed and to make provision for emergency refuge areas.

4.4 The Traffic Signs Regulations and General Directions 2002 (S.I 2002/3113), as amended, enable certain traffic signs to be used to convey information about variable mandatory speed limits on motorways.

4.5 In addition, traffic signs authorised by the Secretary of State under section 64 of the Road Traffic Regulation Act 1984 placed on or near the specified roads set out in the Schedule to these Regulations will indicate to drivers that vehicles are entering, have entered or are exiting a road covered by these Regulations.

5. Territorial Extent and Application

5.1 These Regulations apply to England. Only those sections of motorway specified in the Schedules to these Regulations will be affected, all of which are in England.

6. European Convention on Human Rights

6.1 As these Regulations are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The Highways Agency is developing its role as Network Operator through a series of traffic management, network control and other measures with the aim of:

- achieving best use of existing road space;
- responding more quickly to incidents and reducing clear-up times; and
- reducing congestion and improving the reliability of journey times.

7.2 The use of variable mandatory speed limits and implementing hard shoulder running is an essential element in achieving these aims.

7.3 The M6 is a strategic link between Scotland and the busy international ports of Felixstowe and Harwich. It runs through the spine of the English Midlands, commencing at the city of Birmingham where the A14 ends and carries international and national road traffic through to Scotland and beyond. It also links with the trans Pennine route which in turn links the port of Liverpool in the west to the port of Hull in the east. The M6 managed motorway project will address bottlenecks, deliver improved journey times and provide greater throughput for international road freight.

7.4 The route carries up to 140,000 vehicles per day, up to 22% of which are Heavy Goods Vehicles.

7.5 This section of the M6 is already under severe traffic pressure and suffers from congestion, increasing business costs and reducing mobility. Action is required to improve and maintain traffic flows, and hence productivity, in the area. The M6 Scheme will introduce traffic control and signalling to enable proactive management of the motorway network adjacent to the conurbations of Birmingham, Wolverhampton and Stafford. The project aims to ensure there is a sustainable balance between wider economic growth, social inclusion and environmental objectives, and could potentially benefit the economy as a whole.

7.6 The M6 Scheme aims to deliver a number of benefits, including:

- Reduce congestion;
- Provide more reliable journey times;
- Reduce the severity of accidents;
- Increase and improve the quality of information for the driver;
- Maintain current safety levels for road workers;
- Reduce driver stress;
- Reduce overall noise emissions; and
- Reduce vehicle emissions and improve overall air quality.

8. Consultation outcome

8.1 The consultation period on the M6 Scheme commenced on 5 July 2013 and finished 30 August 2013. The consultation report has been published at <https://www.gov.uk/government/consultations/m6-junctions-10a-to-13-statutory-instrument>.

8.2 The consultation encouraged representative organisations, businesses and members of the public to communicate their views to the Highways Agency. In total, 17 responses were received; 1 of which was a nil return with no comments. Of the respondents who made comment, 12 were for the proposal and 4 were against. Those who responded in favour included Staffordshire County Council, representatives of small to medium sized businesses in the area and members of the general public.

8.3 Some of the respondents in favour of the scheme raised the following issues:

- The loss of the hard shoulder in All Lane Running potentially being dangerous;
- Increase in noise for local residents;
- Visual impact on local residents;
- Responsibility for speed enforcement;
- Additional CCTV cameras at a time when there was sensitivity to CCTV usage in the W Midlands;
- Disruption from road works during scheme construction;

8.4 Two respondents who opposed the scheme objected on the basis that it was not necessary as there was no problem with the section of motorway. One member of the public commented that hard shoulder running and variable speed limits were being proposed on cost grounds and that the motorway should be widened instead. Two respondents opposed the scheme on the basis that it would increase noise levels in the area. One of these respondents was the Inland Waterway Association as there are canals very close to the scheme.

8.5 The Department for Transport's response is summarised as follows:

Evidence from the M42 Managed Motorway and previous sections of Managed Motorway on the M6 Birmingham Box schemes which use the hard shoulder as a running lane have actually shown a reduction in incidents and an improvement in safety. The three-year safety report on the M42 managed motorway pilot scheme (published in September 2011), shows that accidents more than halved since hard shoulder running was introduced on 10.5 miles of

M42 (J3a to J7), to the east of Birmingham. There was also an overall reduction in the severity of accidents with zero fatalities and fewer seriously injured. The safety case for All Lane Running has been developed from this and demands that the scheme shows a level of safety risk that is no worse than the current position.

A full traffic model was developed for the scheme which identified the need for congestion relieving techniques to be implemented. The section itself has a very high percentage of freight transport which contribute to the economic prosperity of the region and country and dealing with congestion on this section is a necessity.

Prior to development of this scheme options to improve this section of the M6 were identified and assessed, including a comparison of conventional widening with the new managed motorway techniques. The assessment concluded that implementing managed motorways on the M6 would provide the highest benefit to cost ratio and would deliver similar benefits to the widening option whilst being significantly more affordable.

An Environmental Assessment Report has been carried out for the scheme in accordance with the Design Manual of Road and Bridges requirements. The assessment determined that the M6 Scheme did not worsen Noise overall. The increase in road traffic noise is predicted to be no more than minor, which is not considered to be a significant environmental effect. Where there are specific residential locations adjacent to the scheme an environmental barrier is being provided to mitigate any increase in noise levels.

The assessment determined that the M6 Scheme did not worsen visual intrusion overall. For the respondent that had this particular issue the Department for Transport followed up their specific concerns and arranged re-location of a gantry further away from their property.

The increase in road traffic noise is predicted to be no more than minor, which is not considered to be a significant environmental effect. Additionally the canal is not considered to be as sensitive as residential premises due to the transitory nature of its use. Mitigation for a canal would only be considered if there was a very substantial increase in noise predicted, the canal fell within a designated quiet area, or if there were a significant area of permanent moorings such that the moorings area would need to be considered as a residential receptor.

The CCTV cameras used on the scheme are required for operational procedures and for the safety of the travelling public so that full monitoring of the section can be achieved to ensure that incidents are quickly identified.

Enforcement is carried out by the South Staffordshire Police Safety Camera Partnership who act as the Fixed Penalty Office. At the FPO, the offending drivers are identified and appropriate action taken, using powers defined in the Road Traffic Offenders Act 1988. Three lanes of the motorway will be kept open in each direction during peak times throughout construction. Speed and lane restrictions will be applied. Certain works will require us to close lanes, slip roads and the motorway. In order to keep disruption to a minimum these will take place outside of peak periods and at night. Closures will commence at 10pm and be lifted by 6am the following morning. Any slip road or motorway closures will be agreed in advance with local police and other stakeholders and will be publicised well in advance.

8.6 The Department for Transport has considered all the responses to the consultation and

carried out an analysis of those responses. Taking into consideration the demonstrable proven benefits of the M42, Birmingham Box and M25 schemes the Department has decided that variable speed limits should be implemented on the M6 between junction 10a and junction 13.

9. Guidance

9.1 The consultation pack issued by the Highways Agency to stakeholders on 5th July 2013 contained information on the operation of variable mandatory speed on the M6 between junctions 10a and 13. Stakeholders include members of the emergency services, road user groups, road operators, local authorities and vehicle recovery operators. Stakeholders will continue to receive updates and news on the scheme implementation, with particular consideration given to the affects of the scheme on local residents, the travelling public and businesses, through the Highways Agency website, media and press releases.

10. Impact

10.1 The impact on business, charities or voluntary bodies is that variable speed limits and hard shoulder running will benefit the motorist by helping to reduce congestion and provide more reliable journey times. It aims to reduce the severity of accidents, increase and improve the quality of driver information, and reduce driver stress.

10.2 The impact on the public sector is the same as the impact on business, charities or voluntary bodies identified in 9.1 above.

11. Regulating small business

11.1 The legislation applies to small businesses.

11.2 The M6 scheme will not have an adverse effect on small businesses. The Regulations do not impose any new or increased burden. The Highways Agency will continue to provide targeted information on the scheme to organisations within the surrounding area, including small businesses.

12. Monitoring & review

12.1 The costs and benefits of the M6 J10a to J13 Smart Motorway scheme will be monitored and reviewed through the design, implementation and construction of the scheme.

12.2 The operation of the variable mandatory speed limits will be monitored and assessed to establish the effectiveness of the scheme's primary objectives of reducing the cost of congestion and reducing journey times. There will be a Post Opening Project Evaluation of the scheme one year and five years after it has opened. The purpose of the evaluation is to measure the business case aims and benefits of the scheme against what it is actually delivering one and five years after opening.

13. Contact

12.1 If you have any queries regarding the Regulations please contact **David Cooke** at the Highways Agency (Tel: 0121 678 8399 or e-mail: david.cooke@highways.gsi.gov.uk)