

EXPLANATORY MEMORANDUM TO
THE M3 MOTORWAY (JUNCTIONS 2 TO 4A) AND M25 MOTORWAY
(JUNCTION 12) (SPEED LIMITS) (MISCELLANEOUS AMENDMENTS)
REGULATIONS 2018

2018 No. 259

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 extend the existing 50mph and variable speed limits on the westbound carriageway of the M3 in the vicinity of junction 2 and change the reference point for the start of the 50mph speed limit on the slip road from the anti-clockwise carriageway of the M25 at junction 12 to the westbound carriageway of the M3.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None

Other matters of special interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 These Regulations have been made under section 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.
- 4.2 These Regulations amend the M3 and M25 (Thorpe Interchange) (Speed Limit) Regulations 2009 (S.I. 2009/1421) to change the reference point for the start of the 50mph speed limit on the slip road from the anti-clockwise carriageway of the M25 at junction 12 to the westbound carriageway of the M3 and also to extend the end of the 50mph speed limit on the westbound carriageway of the M3 at junction 2.
- 4.3 These Regulations also amend the M3 Motorway (Junctions 2 to 4a) (Variable Speed Limits) Regulations 2015 (S.I. 2015/241) to extend the start of the variable speed limit on the westbound carriageway of the M3 at junction 2 so that the variable speed limit starts at the point at which the extended 50mph speed limit ends.
- 4.4 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.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England. Only those sections of motorway referred to in paragraph 2.1 will be affected, all of which are in England.

6. European Convention on Human Rights

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

7. Policy background

What is being done and why

- 7.1 The M3 between junctions 2 and 4a is part of the primary strategic route linking London to the South West of England. Most of these links on the M3 between junctions 2 and 4a carried traffic in excess of the traffic levels for which the road was designed. This resulted in congestion and delays to drivers. Highways England developed proposals and implemented smart motorway – all lanes running operating with mandatory variable speed limits between junctions 2 and 4a. The completed smart motorway scheme has:

- Increased motorway capacity and reduced congestion;
- Smoothed traffic flows;
- Provided more reliable journey times;
- Increased and improved the quality of information for the driver; and
- Provided a means of enforcement by way of fixed speed cameras.

As with other smart motorway schemes it is anticipated that when the analysis of this scheme is complete it will be shown to have at least maintained, if not also improved, the current safety standards.

- 7.2 Notwithstanding the above improvements and benefits to traffic conditions generally a particular problem remains for traffic merging from the M25 to the westbound M3 at junction 2 and this is especially problematic for heavy goods vehicles (HGVs). A fixed speed limit of 50mph was introduced to ensure that HGVs travelling on the M3 westbound carriageway (towards Southampton) at junction 2 are able to safely navigate to the nearside lanes prior to the commencement of the variable speed limit. However, the extension of the fixed speed limit is necessary as its length has to be realigned with a new layout at junction 2 to provide sufficient time for HGVs and other vehicles to get in lane at this busy interchange and so maintain the high level of safety. The start of the variable speed limit is being brought forward to meet the end of the extended fixed speed limit eliminating the national speed limit section in between. The very short national speed limit section is unnecessary and can lead to confusion for the travelling public. Removing it will provide a seamless transition from the fixed speed limit to the variable speed limit section.
- 7.3 For the westbound carriageway of the M3 at junction 2 the proposals therefore amount to the following: that the end of the fixed 50mph speed limit is extended by 1.05 km (0.65 miles) and that the start of the variable speed limit be extended 200m closer to junction 2 to meet with the end of the fixed speed limit extension.

- 7.4 The change in the reference point for the start of the 50mph speed limit on the slip road from the anti-clockwise carriageway of the M25 at junction 12 to the westbound carriageway of the M3 does not affect the actual starting point for this speed limit. The change is being made because the current reference point is an overbridge that is no longer in use as a road.

Consolidation

- 7.5 The amendments made by this instrument are the first amendment to S.I. 2015/241 and the second amendment to S.I. 2009/1421 and hence it is not considered appropriate to consolidate either instrument.

8. Consultation outcome

- 8.1 Statutory consultation took place during December 2017 with the emergency services and interested parties, such as motoring organisations and local councils. Consultation documents were also available to view on the Highways England website.
- 8.2 Only one response was received from a Statutory Consultee, from the Alliance of British Drivers. This was a letter opposing the extension of the fixed speed limit aspect of the proposal, although the Alliance stated that they were unable to obtain the views of each individual member due to the time constraint. The objection was on the basis that they oppose further speed restrictions anywhere on the network.
- 8.3 Twelve objections and one letter of support were received from members of the public. In summary, objectors were mainly concerned with the extension of the fixed speed limit questioning the necessity of having the speed restriction in the first place. Other concerns raised were about the perceived increase in traffic and journey times due to the proposed extension. Some consultees have also suggested extending the variable speed limit in that section instead of applying a fixed speed limit. No objections were received regarding the proposed extension of the variable speed limit or the change in reference point.
- 8.4 Highways England has assessed these responses and concluded a speed limit in excess of 50 miles per hour would not allow HGVs fitted with a speed limiter to safely merge with other traffic. Extending the variable speed limit to cover that section instead of the fixed speed limit would provide little benefit, whilst greatly increasing the cost of the overall scheme.
- 8.5 Highways England concludes that there is nothing contained in any of the objections received that should prevent the extension of the fixed 50mph speed limit. All those who responded to the consultation have been notified of this decision. The Consultation Report can be viewed using the link below:
<https://highwaysengland.citizenspace.com/he/m3-junctions-2-to-4a-and-m25-junction-12-amendment/>

9. Guidance

- 9.1 The proposed changes will be signed in compliance with the current regulations and guidelines to make it clear to the travelling public that there are new speed restrictions and that they are being enforced. Speed enforcement is monitored by Surrey Camera Partnership using fixed average speed cameras and the process and guidance of enforcement are already in place.

10. Impact

- 10.1 The impact on business, charities, voluntary bodies and the public sector is that the extension of the variable speed limit and fixed speed limit will benefit motorists. The extension of the fixed speed limit will provide all motorists, but HGV drivers in particular, with sufficient time to navigate into the appropriate lane thus maintaining the high level of safety at this busy interchange while having a negligible impact on their overall journey time.
- 10.2 An Impact Assessment has not been prepared for this instrument as no adverse impact on the costs of business, charities, voluntary bodies or the public sector is foreseen.

11. Regulating small business

- 11.1 The legislation applies to activities that are undertaken by small businesses.
- 11.2 The extension of the variable and fixed speed limits will not have an adverse effect on small businesses as the Regulations do not impose any new or increased burden.

12. Monitoring & review

- 12.1 A Road Safety Audit of the M3 is programmed to be undertaken in October 2018. A number of evaluation reports will also be undertaken up to 5 years from June 2017 which will assess and review the M3. This will include the new speed limit arrangements at junction 2, operation and performance highlighting any areas for improvement. The M3 will continue to be monitored thereafter as part of business as usual.

13. Contact

- 13.1 Mabel Wanogho at the Department for Transport, telephone: 07342 092471 or email: mabel.wanogho@dft.gsi.gov.uk can answer any queries regarding the instrument.