

**EXPLANATORY MEMORANDUM TO
THE M3 AND M25 (THORPE INTERCHANGE)
(SPEED LIMIT) REGULATIONS 2009**

2009 No. 1421

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 To ensure the safe operation of the new layout at the M3 and M25 Thorpe Interchange a permanent 50mph speed restriction will be implemented on the westbound carriageway of the M3 from a point 840 metres east and a point 1875 metres west of the Lyne Lane Overbridge and on the link roads leading from the M25 to the westbound carriageway of the M3.

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

3.1 None

4. Legislative Context

4.1 Sections 17(2) and (3) of the Road Traffic Regulation Act 1984 empower the Secretary of State to make Regulations with respect to the use of special roads.

4.2 These Regulations will replace an existing temporary order which has been in place since January 2007.

4.3 These Regulations are subject to negative resolution procedure.

5. Territorial Extent and Application

5.1 This instrument applies to 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

7.1 In March 2007 the Highways Agency introduced a trial scheme at the M25, Junction 12 and M3, Junction 2 that would give priority to the predominant flows (M25 Anti-clockwise to M3 westbound and M25 Clockwise to M3 westbound). The trial gave an extra lane for M25 traffic from the clockwise and anti-clockwise carriageways merging onto the M3 westbound carriageway. To facilitate

this the M3 westbound carriageway was taken down to a single lane prior to Junction 2 and a reduced speed limit of 50 miles per hour was introduced. This reduced speed limit allows for the safe merging of vehicles especially Heavy Goods Vehicles which need to move from the offside lane into the nearside lane of the M3 Motorway at the end of the merge.

7.2 The M25 and M3 Motorways have a national 70mph speed limit. A speed limit of 50 miles per hour on this stretch of the M3 and on the westbound link roads ensures the safe operation of this section of the network.

8. Consultation outcome

8.1 Statutory consultation took place between July and October 2008 with the emergency services and interested parties, such as motoring organisations and local councils. Consultation documents were also available to view on the Highways Agency website.

8.2 Only one response was received from a Statutory Consultee, from the Head of Corporate Affairs, National Express Bus and Coach. This was a letter of support stating the proposal was discussed with National Express coach drivers operating services that use the M25 Junction 12 / M3 Junction 2. These drivers welcome the proposal.

8.3 Four objections and one observation were received from members of the public. One member of the public gave feedback. In summary, objectors raised concerns about the length of the speed restriction, the necessity to reduce the speed limit by 20 miles per hour, the difficulties HGV's experience in merging and the safety implications of temporary traffic management. An issue was also raised that the new layout unfairly favours M25 traffic and a suggestion made that the carriageway should be widened. One objector raised a concern that the safety cameras are merely a revenue making device.

8.4 The Highways Agency assessed these responses and concluded that the main objective is to reduce congestion by re-allocating road space in favour of the predominant flow. A speed limit in excess of 50 miles per hour would not allow HGV's fitted with a speed limiter to safely merge with other traffic. Video survey evidence of HGV's on this stretch of road has been considered and the full length of the 50 mile per hour limit is required to facilitate safe merging. Full carriageway widening at a cost of more than £20m was outside the scope of this scheme. The temporary traffic management will be removed when the trial is made permanent and the average speed cameras are considered to be a safety device, compliance with the speed limit has been high and therefore revenue is low.

8.5 The Highways Agency believes that there is nothing contained in any of the objections received that should prevent the trial layout and speed limit restriction being made permanent. All those who responded to the consultation have been notified of this decision.

9. Guidance

9.1 The new permanent speed restriction will be signed in compliance with the current regulations and guidelines. A Press Notice will be issued by the Highways Agency's Press Office prior to the start of works. Speed enforcement is monitored by Surrey Camera Partnership using permanently placed average speed cameras.

10. Impact

10.1 A full Impact Assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors and costs imposed on the public sector are less than £5million.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The permanent new road layout would be subject to a Road Safety Audit upon completion and would continue to be monitored thereafter.

13. Contact

Clive Cooper at the Highways Agency Tel: 01306 878410 or email:
Clive.cooper@highways.gsi.gov.uk can answer any queries regarding the instrument.