

Smart Motorways Programme

M3 junction 9-14 Smart Motorway

Response to Statutory Instrument Consultation

The introduction of variable mandatory speed limits

January 2020

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Executive Summary

A consultation on “The implementation of Variable Mandatory Speed Limits (VMSL) between junctions 9 and 14 of the M3 motorway” took place over a period of four weeks, commencing on 16 October 2019 to 12 November 2019.

A total of 82 responses to were received. 73% of consultation replies were from members of the public, 27% were from organisations and groups. Most of the issues raised were general objections to smart motorways and not specific to the introduction of VMSL on the M4 motorway between junctions 9 and 14.

The concerns raised regarding the operation of smart motorways and the nervousness about their introduction demonstrates an ongoing need for Highways England to continue to engage about the scheme.

There was no opposition to the specifics of implementing VMSL. Based on this, it is recommended that Secretary of State proceeds with making the Regulations necessary for the implementation of variable mandatory speed limits for the M3 junction 9 to 14 smart motorway scheme.

1. Introduction

1.1. Document structure

Section 1 provides background information about the M3 junction 9 to 14 smart motorway scheme and the proposed changes to legislation.

Section 2 details how the consultation on the proposed changes was undertaken.

Section 3 provides a summary of the responses to the consultation that were received, as well as Highways England's responses to the issues raised.

Section 4 summarises the outcome of the consultation and makes recommendations for next steps.

1.2. Purpose of this report

This document is intended to provide a summary of the responses received to the consultation on the introduction of variable mandatory speed limits (VMSL) on the M3 between junctions 9 and 14. The consultation, which was undertaken between 16 October 2019 and 12 November 2019, provided an opportunity for stakeholders, such as road user groups and other interested parties, to comment on the proposals. Highways England has considered the comments raised by consultees and this document summarises its response to those comments.

1.3. Background to the consultation

The M3 motorway is a strategic route for local, regional and international traffic, and plays a major role as an inter-urban regional route connecting Southampton, Winchester and London as well as linking with the M27 motorway and routes to Portsmouth and Bournemouth.

In 2036, this section of the M3 (junction 9 to 14) is forecast to carry an average of between 63,000 and 86,000 vehicles per day, which is an increase of 20,000 vehicles compared with 2015. Adding VMSL as part of smart motorway infrastructure will enable forecast levels of traffic to flow freely on this section of the M3.

The scheme is part of Highways England's programme to add capacity to the existing strategic road network in order to support economic growth and maintain mobility. It is expected that the smart motorway 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 (in relation to the operation of the motorway).

The use of variable mandatory speed limits is essential to achieving the objectives above. Through the introduction of technology, we aim to make best use of the existing road space.

1.4. Legislative changes

Regulations have been proposed to be made under section 17(2) and (3) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) for the implementation of VMSL for the M3 junction 9 to 14 smart motorway all-lane running scheme. The proposed Regulations will restrict drivers from driving within the area of the smart motorways scheme at a speed exceeding that displayed on the speed limit signs, or the national speed limit where no other speed limit sign is displayed.

The relevant legislative power in the 1984 Act permits the making of Regulations that regulate the manner in which, and the conditions subject to which, motorways may be used by traffic authorised to use such motorways.

Within the M3 junction 9 to 14 smart motorway all lane running scheme it will be an offence to use a motorway in contravention of Regulations applying to the scheme made under section 17(2) of the 1984 Act.

2. Conducting the consultation

2.1. What the consultation was about

The consultation provided the opportunity for interested parties to comment on the proposal to introduce a statutory instrument to implement variable mandatory speed limits on the M3 between junctions 9 to 14.

2.2. How the consultation was carried out

The Statutory Instrument Consultation Document for the Scheme was sent to the 49 consultees listed in Appendix C of the consultation document.

The consultation was also open to public participation through the Highways England consultation hub at: <https://highwaysengland.citizenspace.com/he/m3-junction-9-to-14-smart-motorway/>

We encouraged representative organisations, businesses and the general public to register their views. The 4-week consultation period commenced on 16 October 2019 and closed on 12 November 2019.

In addition to the online survey, respondents were also able to send their responses via email or post to the Highways England project manager as follows:

M3 Junctions 9 to 14 Project Manager
Highways England
2 Colmore Square
Queensway
Birmingham
B4 6BN

Email: M3J9-14SmartMotorway@highwaysengland.co.uk

2.3. Government consultation principles

The consultation was carried out in accordance with the Government's Consultation Principles, which are available at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have reason to believe this consultation did not comply with these Consultation Principles, please write to our consultation co-ordinator at the address below, setting out the areas where you believe this consultation did not meet the principles:

Andy Johnson
Highways England
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Email: andy.johnson@highwaysengland.co.uk

3. Responses to the consultation and Highways England's response

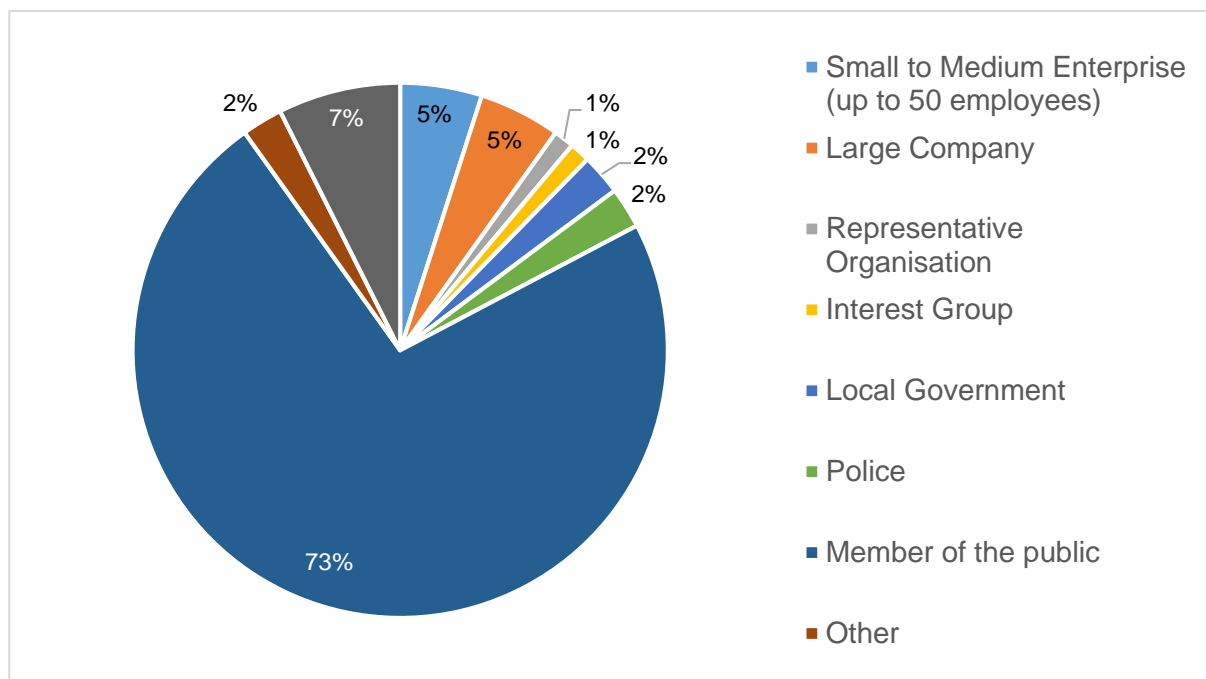
3.1. Summary of responses

We received 82 responses to the consultation of which 81 responded to the questionnaire through the project website. One response was received via email from one of our identified consultees listed in Appendix C of the consultation document.

The vast majority of consultation replies received were from members of the public.

The chart below provides details of the different types of organisation that have responded to the consultation.

Figure 3.1



The project team received 38 responses to the consultation from a local environmental group. The group had produced a template that generated a standardised email of objection to both the scheme and smart motorways in general.

Although these responses did not directly link to any of the consultation questions, we have included all the responses received in Consultation Report. Further details about this email campaign are set out in section 3.5.

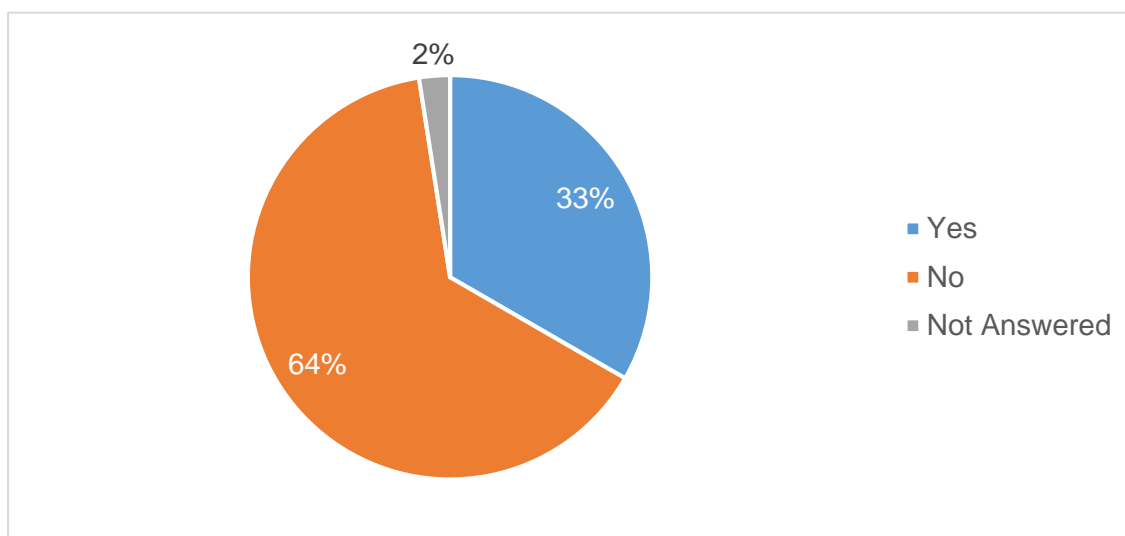
The questionnaire asked respondents to answer three questions with space provided for comments on each. The questions and an analysis of the responses are provided below.

3.2. Question 1: Improvements to travelling conditions

Q1. Do you consider that the proposal to introduce variable mandatory speed limits on the M3 between junctions 9 and 14 will lead to an improvement in travelling conditions on this section of motorway?

All online responses provided an answer to this question. As the chart shows, 64 per cent of those respondents believed that the introduction of variable mandatory speed limits would not lead to an improvement in travelling conditions. However, the majority of those comments were linked to the broader introduction of a smart motorway rather than the principle of variable mandatory speed limits (VMSL).

Figure 3.2



The most frequent topics raised in response to this question were:

- The safety record of smart motorways – 24
- The removal of the hard shoulder – 12
- Concern that the smart motorway would not relieve congestion – 6
- General opposition to smart motorways – 5
- Variable speed limits not being adhered to - 5

Highways England Response

The safety record of smart motorways remains a key issue of concern for Highways England customers and represented a significant majority of the comments received. Key concerns involved the loss of the hard shoulder and VMSL not being adhered to.

The latest generation of smart motorways have helped to improve safety by at least 25 per cent. The 25 per cent figure is based on the latest generation of smart motorways from three years' data from two smart motorway scheme on the M25 and one year of data from seven other schemes across the country. More information about this data can be found [here](#).

By introducing smart motorway technology and additional safety features, the hard shoulder can be safely converted into a permanent running lane. This provides additional capacity in both directions as well as additional tools to manage congestion and respond to incidents including CCTV, variable speed limits and improved signage. This will help reduce tailbacks and congestion on the motorway.

Lane closures indicated by 'Red Xs' displayed on gantries can be deployed to allow the emergency services to get to an incident as well as making it easier, and safer, for the emergency services when responding to a situation. To help inform and educate drivers about the operation of smart motorways, the M3 junction 9 to 14 smart motorway project team conducted a series of Public Information Events (PIEs) to explain how smart motorways operate, particularly in the event of an incident.

Leaflets and other information contained in newsletters has been shared extensively through national Highways England campaigns and local distributions to those communities living near the scheme. These are available at the project website:

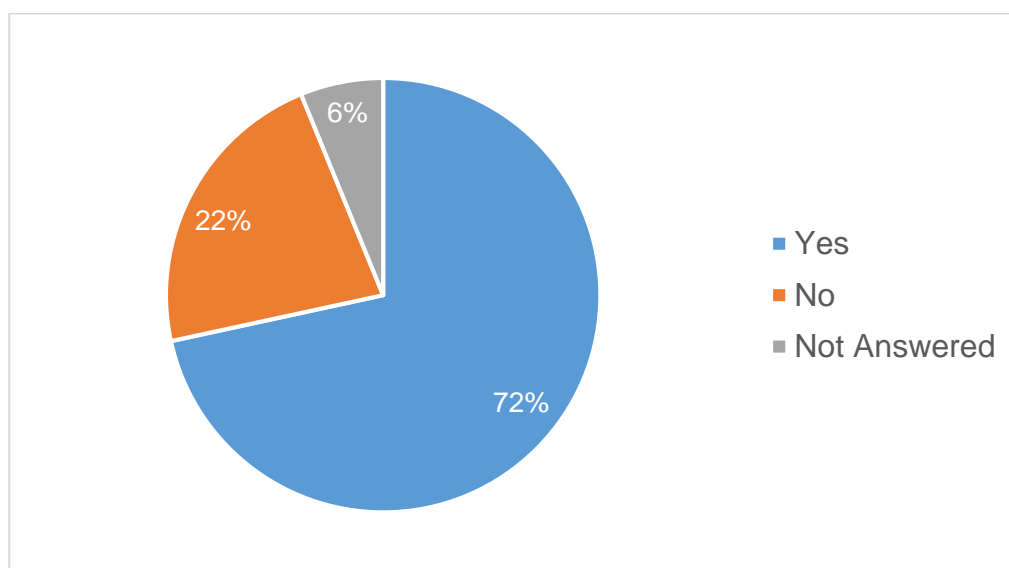
<https://highwaysengland.co.uk/projects/m3-junctions-9-to-14-smart-motorway/>

3.3. Question 2: Concerns about the introduction of variable mandatory speed limits

Q2. Are there any aspects of the proposal to introduce variable mandatory speed limits on the M3 between junctions 9 and 14 which give you concerns?

Similar to Question 1 on the consultation, 81 people responded to this question and an even higher percentage outlined their concerns about the proposals to introduce variable mandatory speed limits on the M3 between junction 9 and 14. As figure 3.3 demonstrates, over 72 per cent of respondents registered their concern about the proposal.

Figure 3.3



However, like Question 1, the majority of the concerns put forward by respondents focused on the introduction of a smart motorway as a concept, rather than the variable mandatory speed limits as a principle. Furthermore, this question also drew out additional issues from consultees such as concerns about the impact on local communities when the smart motorway is built.

The most frequent topics raised in response to this question were:

- Removal of the hard shoulder - 7
- Increase in emergency vehicle response times (when the smart motorway is operational) - 5
- Lack of understanding by drivers on how to use smart motorways - 5
- Drivers failing to adhere to variable mandatory speed limits - 5
- Concerns about air quality - 3

Highways England Response

Similar to question 1, safety on smart motorways remained the most topical issue for Highways England customers. Again, concerns centred on the loss of the hard shoulder, VMSL not being adhered to and the ability of emergency services to respond to an incident.

Points in relation to the safety record of smart motorways, VMSL and the loss of the hard shoulder will not be restated as they are set out above. On the issue of emergency services being able to respond to an incident, it is worth noting that lane closures can take place in order to provide emergency services with a clear route to respond to an incident and the ability to close multiple lanes in response to an incident will also help our emergency services respond to any incident on the motorway. No such concerns have been raised by the emergency services in response to our consultation and further information as to how the emergency services would respond to an incident is included in the information we shared for the PIEs. This information can still be accessed via the website [here](#) and [here](#).

The topic of air quality was also raised by Highways England customers. Our detailed Environmental Assessment Report (EAR) produced for the scheme has concluded that there will be no significant adverse environmental effects from the smart motorway, either during construction or when the motorway is in operation. These effects include noise, air quality and landscape.

This conclusion has been reached because the project team has developed a sensitive and sympathetic design for the smart motorway to take account of the important environment features that exist in and around the scheme. A copy of our EAR and the underpinning data and research is available on the project website [here](#).

3.4. Question 3: Any other comments

Q3. Are there any additional comments you would like to make about the proposal to introduce variable mandatory speed limits on the M3 between junctions 9 and 14?

The additional comments made in response to Question 3 predominately restated the concerns that had been raised previously in Questions 1 and 2. No new points or concerns about the introduction of VMSL were raised by customers.

3.5. Other issues raised

During the period for which the consultation was live, the project team did receive a standard campaign form. The form itself did raise concerns with the smart motorway project but did not include any specific concerns regarding the introduction of VMSL on the scheme. The form provided a series of pre-set objections that people could submit to the project team. In total, 38 forms were received with the following pre-selected comments:

- The scheme represents a real risk to the road safety of users;
- The scheme will simply move traffic jams to other places;
- The scheme will result in a significant increase in carbon emissions;
- The scheme will result in the motorway being just as congested within a few years;
- The scheme wastes £130m that could be invested in public transport; and
- The scheme will damage biodiversity.

Highways England Response

The point regarding the safety record of smart motorways has already been made in this document, the latest generation of smart motorways was found to improve safety by at least 25 per cent. The additional safety features provided by a smart motorway are a key component as to why safety is improved.

It is not envisaged that the scheme will move traffic jams to other locations. The ability to control the flow of traffic through VMSL and other technology, combined with the additional capacity gain from turning the hard shoulder into a running lane will provide a significant benefit to road users who should find the capability of motorway to deal with congestion much improved. Other Highways England and local authority schemes located in and around the M3 junction 9 to 14 will also create a cumulative benefit for this part of southern Hampshire.

The EAR concludes that there are no significant adverse environmental effects emanating from the scheme, a significant increase in carbon emissions would certainly constitute such an effect. The scheme will help improve congestion and this in turn helps to improve air quality as traffic is no longer idling or concentrated in one location. A full assessment of how this conclusion was arrived at is set out in the EAR [here](#).

Using traffic modelling, we believe that the additional capacity gained on the motorway by turning the hard shoulder into a running lane, combined with the enhanced

capability to manage traffic flows with technology, will deliver a lasting benefit on this section of motorway. All Highways England schemes are considered based on future traffic growth and value for money. The business case for the scheme demonstrates a beneficial return on investment for Highways England and the taxpayer from delivering this scheme.

It is not believed that the scheme will damage biodiversity, again these issues are addressed in the EAR.

4. Summary and recommendations

4.1. Summary

The majority of the issues raised in this consultation relate to general objections to smart motorways rather than anything specific in terms of the introduction of VMSL. The general objections raised by Highways England customers have been addressed throughout this report.

4.2. Recommendations

Given the fullness of the consultation undertaken on VMSL and the absence of any opposition on the specifics of the introduction of VMSL, it is recommended that the required Regulations are made for the implementation of variable mandatory speed limits for the M3 junction 9 to 14 smart motorway scheme.

The concerns raised by Highways England customers regarding the operation of smart motorways and the nervousness about their introduction demonstrates an ongoing need for Highways England to continue to engage with customers about the scheme.