

Smart Motorways Programme

M3 Junction 9 to 14 Smart Motorway

Statutory Instrument Consultation Document
The introduction of variable mandatory speed limits

October 2019

Summary of the consultation

Topic of this consultation	The implementation of Variable Mandatory Speed Limits (VMSL) between junctions 9 and 14 of the M3 motorway.
Scope of this consultation	<p>We are keen to have your comments on the proposal to introduce variable mandatory speed limits on the M3 between junctions 9 and 14. We specifically would like to hear how the proposal could affect you, your organisation or those you represent.</p> <p>It is important to note that this is not a consultation on the actual policy of using variable mandatory speed limits (VMSL). Use of this traffic management feature is already established government policy. We are therefore seeking your views on the proposal set out within this document</p>
Geographical scope	<p>The proposed smart motorway, using VMSL, will enable proactive management of the M3 from junction 9 at Winchester (the junction with the A34 and A272) to junction 14 where the M3 meets the M27. The scheme will include:</p> <ul style="list-style-type: none"> • The north and southbound carriageways of the M3 between junction 9 and junction 14 • The southbound slip road to the A34 at junction 9 • The linking carriageway from junction 4 of the westbound carriageway of the M27 which joins the M3 northbound carriageway at junction 14 • A small part of the linking carriageway from junction 14 of the M3 southbound to junction 4 of the M27 eastbound • Part of the linking carriageway from the M3 southbound at junction 13 to junction 4 of the M27 westbound • The short linking carriageway from the linking carriageway from junction 13 of the M3 southbound to junction 4 of the M27 westbound to the southbound carriageway of the M3 which terminates just prior to Chilworth roundabout • Part of the linking carriageway from the M27 eastbound at junction 4 to the northbound carriageway of the M3 at junction 14 and • The main M3 carriageways which commence and terminate at the southernmost end of the motorway where it joins the A27 at Chilworth, Southampton.

General Information

To	The consultation is aimed at any affected stakeholder groups or individuals.
Body/bodies responsible for the consultation	Highways England
Duration	The consultation will last for a period of four weeks commencing on 16 October 2019. The consultation will close at 23:59 on 12 November 2019. Please ensure responses arrive no later than the closing date.

<p>Enquiries</p>	<p>Roland Parsloe Project Manager M3 J9-14 Smart Motorway Programme Highways England 2 Colmore Square Queensway Birmingham B4 6BN</p> <p>M3J9-14SmartMotorway@highwaysengland.co.uk</p>
<p>How to respond</p>	<p>Please respond to the consultation through our online survey. A link to the survey can be located at the following scheme website address:</p> <p>https://highwaysengland.co.uk/projects/m3-junctions-9-to-14-smart-motorway/</p> <p>When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear what organisation you represent and, where applicable, how the views of members were gathered.</p>
<p>Additional ways to become involved</p>	<p>You can complete the consultation response form at Appendix B and send it to:</p> <p>Roland Parsloe Project Manager M3 J9-14 Smart Motorway Programme Highways England 2 Colmore Square Queensway Birmingham B4 6BN</p> <p>M3J9-14SmartMotorway@highwaysengland.co.uk</p>
<p>After the consultation</p>	<p>All responses received from consultees within the consultation period will be considered and responded to as necessary. Following the consultation, a response to consultation report will be made available on the Highways England website. The report will provide an analysis of responses received and the Highways England response.</p> <p>Subject to results of the consultation, we envisage that the smart motorway scheme would be operational in-line with the dates agreed with Department for Transport.</p>
<p>Compliance with the Government's Consultation principles</p>	<p>The consultation complies with the Government's Consultation Principles.</p>
<p>Getting to this stage</p>	<p>The scheme was included in the Spending Review 2013 National Roads Programme and confirmed in the Road Investment Strategy published in December 2014 with an undertaking to commence construction before the</p>

	<p>end of March 2020. The scheme is part of Tranche 3 of Highways England's Smart Motorway Programme. Other schemes in Tranche 3 include: M1 junction 13 to 16, M23 junction 8 to 10, M27 junction 4 to 11, and M62 junction 10 to 12.</p>
--	--

Contents

Executive Summary	1
1. How we are conducting the consultation	2
1.1. What is this consultation about?	2
1.2. Why do we need the variable mandatory speed limits?	2
1.3. Comments on the introduction of variable mandatory speed limits	2
1.4. Sending your consultation response	2
1.5. How we will act on your responses	3
1.6. Data Protection Statement	3
1.7. Further information	4
1.8. Government consultation principles	4
2. Legislative changes	5
2.1. Legislative changes for the implementation of variable mandatory speed limits	5
3. General information on the M3 junction 9 to 14 smart motorway scheme	7
3.1. Proposed extent of the M3 junction 9 to 14 scheme variable mandatory speed limits	7
3.2. Key Features	8
3.3. Enforcement	9
4. Operation of the M3 junction 9 to 14 smart motorway scheme	10
4.1. Normal operation	10
4.2. Variable mandatory speed limits	11
4.3. Incident management	12
5. Appendices	14
Appendix A: Frequently asked questions	15
Appendix B: Consultation response form	18
Appendix C: List of consultees	22

Executive Summary

This consultation provides an opportunity for interested parties to comment on the proposal to introduce, by way of Regulations, variable mandatory speed limits for the M3 junction 9 to 14 smart motorway scheme (the Scheme).

The Scheme variable mandatory speed limits will, if approved, be set in response to the prevailing traffic conditions and will be clearly displayed on:

- Cantilever gantry mounted variable message signs above the nearside of the carriageway.
- Gantry mounted Advanced Motorway Indicators (AMIs) above each lane of the carriageway.
- Post mounted AMIs (where provided).

Once in force, the relevant Regulations will restrict driving at a speed exceeding that displayed on the signs. When no speed is displayed on the signs then the national speed limit will be in force.

Benefits of variable mandatory speed limits

Variable speed limits:

- Signal to users what the optimum safe speed is in any given section of a smart motorway
- Help to control the speed of traffic, leading to fewer collisions of less severity. This helps to smooth the flow of traffic and improve travel time reliability
- Facilitate the provision of extra capacity on the motorway by controlling the speed of traffic safely and helping to reduce collisions and delay
- Are one of the measures which enable the proven delivery of a high level of safety performance and
- Support the successful implementation of smart motorways, which minimise the environmental impact of increasing capacity – as additional land is generally not required for the construction of smart motorways.

We welcome comments specifically on how the proposal could affect you, your organisation or those you represent.

1. How we are conducting the consultation

1.1. What is this consultation about?

We are consulting on the proposed implementation of variable mandatory speed limits within the M3 junction 9 to 14 smart motorway scheme.

1.2. Why do we need the variable mandatory speed limits?

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 2015. Adding this additional 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.

1.3. Comments on the introduction of variable mandatory speed limits

We would like to encourage any organisations, businesses or individuals affected by these proposals to make contact with us and communicate their views.

If you are responding on behalf of an organisation, it would be helpful if you could make this clear in your reply. Please also indicate the nature of the organisation; how many individuals' views are included in the response and the ways in which these views were gathered.

1.4. Sending your consultation response

You can respond to the consultation by completing our online survey. A link to the survey can be found on the Scheme webpage at:

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

Alternatively, you can complete the consultation response form located at Appendix B and return it to us by email or by post to the following addresses. Please ensure that your response reaches us by 23:59 on 12 November 2019.

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

Post: **Roland Parsloe**
Project Manager
M3 J9-14 Smart Motorway Programme
Highways England
2 Colmore Square
Queensway
Birmingham
B4 6BN

1.5. How we will act on your responses

All responses received from consultees within the consultation period will be considered and responded to as necessary. Following the consultation, a response to consultation report will be made available on the Highways England website. The report will provide an analysis of responses received and the Highways England response.

1.6. Data Protection Statement

Under the General Data Protection Regulation Highways England is required to explain to consultees, stakeholders and customers how their personal data will be used and stored.

Highways England is permitted to collect personal data in carrying out our public functions, including the development of proposed road schemes. The duty to consult on introducing a Statutory Instrument to implement variable mandatory speed limits is provided by the Road Traffic Regulation Act 1984.

Personal data collected for the M3 junction 9 to 14 smart motorway scheme will be processed and retained by Highways England and its appointed contractors until the Scheme is complete.

Under the GDPR you have the following rights:

1. Right of access to the data (Subject Access Request);
2. Right for the rectification of errors;
3. Right to erasure of personal data – this is not an absolute right under the legislation;
4. Right to restrict processing or to object to processing, and;
5. Right to data portability.

If, at any point, Highways England plans to process the personal data we hold for a purpose other than that for which it was originally collected, we will provide you with information about what that other purpose is: for example, if we are requested to release information about consultation responses under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Highways England will contact you prior to any further processing taking place to explain about that processing and to provide any relevant further information about the rights referred to above, including the right to object to that further processing.

You have the right to lodge a complaint with the supervisory authority, the Information Commissioner's Office.

If you'd like more information about how we manage data, or a copy of our privacy notice, please contact DataProtectionAdvice@highwaysengland.co.uk.

1.7. Further information

To receive further information on the Scheme you can contact the project team in writing at:

Roland Parsloe
Project Manager
M3 J9-14 Smart Motorway Programme
Highways England
2 Colmore Square
Queensway
Birmingham
B4 6BN

Or by email: M3J9-14SmartMotorway@highwaysengland.co.uk

Alternatively, visit the Highways England website:

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

1.8. Government consultation principles

We are conducting this consultation in accordance with the Government's Consultation Principles, which are listed below.

- Consultations should be clear and concise
- Consultations should have a purpose
- Consultations should be informative
- Consultations are only part of a process of engagement
- Consultations should last for a proportionate amount of time
- Consultations should be targeted
- Consultations should take account of the groups being consulted
- Consultations should be agreed before publication
- Consultation should facilitate scrutiny
- Government responses to consultations should be published in a timely fashion
- Consultation exercises should not generally be launched during local or national election periods

If you have reason to believe this consultation document does 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 does not meet the principles:

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

Email: andy.johnson@highwaysengland.co.uk

Further information about the Consultation Principles can be found on the GOV.UK website:

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

2. Legislative changes

2.1. Legislative changes for the implementation of variable mandatory speed limits

Subject to the outcome of the consultation, Regulations will need to be made under section 17(2) and (3) of the Road Traffic Regulation Act 1984 ('the 1984 Act') for the implementation of variable mandatory speed limits for the M3 junction 9 to 14 smart motorway scheme.

Drivers will be restricted by the proposed Regulations from driving within the area of the smart motorway scheme at a speed exceeding that displayed on the speed limit signs. Where no such speed is displayed, the national speed limit applies.

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.

Drivers of vehicles that pass a speed limit sign indicating that a speed limit other than the national speed limit applies should obey that sign until the vehicle passes another sign indicating either that a new speed limit or the national speed limit applies.

Where a speed limit changes less than ten seconds before a vehicle passes the sign, the Regulations allow a driver to proceed at a speed up to the maximum applicable before the change, and to continue to do so until the driver leaves the specified road, the national speed limit applies or until the next speed limit sign.

The intention behind this 'ten second' rule is to protect the driver from being prosecuted if, on the approach to a speed limit sign, it changes to a lower speed.

For example, should a driver approach a speed limit sign and it changes from 60 mph to 50 mph and he/she is within ten seconds of passing that sign then the driver can legally continue beyond that sign at 60 mph until a subsequent speed limit applies or until he/she leaves the specified road. If there was no ten second rule, the issue of safety arises, as the driver would be required to brake sharply in order to comply with the new lower speed limit.

Subject to the outcome of the consultation, the proposed Regulations when made will apply in relation to the M3 motorway from junction 9 at Winchester (the junction with the A34 and A272) to junction 14 where the M3 meets the M27 and will include:

- The north and southbound carriageways of the M3 between junction 9 and junction 14.
- The southbound slip road to the A34 at junction 9.
- The linking carriageway from junction 4 of the westbound carriageway of the M27 which joins the M3 northbound carriageway at junction 14.
- A small part of the linking carriageway from junction 14 of the M3 southbound to junction 4 of the M27 eastbound.

- Part of the linking carriageway from the M3 southbound at junction 13 to junction 4 of the M27 westbound.
- The short linking carriageway from junction 13 of the M3 southbound to junction 4 of the M27 westbound to the southbound carriageway of the M3 which terminates just prior to Chilworth roundabout
- Part of the linking carriageway from the M27 eastbound at junction 4 to the northbound carriageway of the M3 at junction 14 and
- The main M3 carriageways which commence and terminate at the southernmost end of the motorway where it joins the A27 at Chilworth, Southampton.

The proposed Regulations will not apply nationally. The specific sections of road governed by the Regulations will be set out in the Regulations. These Regulations would put in place the legislative framework required to operate variable mandatory speed limits within the Scheme.

The consultation is solely about the use of the variable mandatory speed limits that are proposed for this smart motorway scheme. The key features of the smart motorway scheme are described in section 3.2.

3. General information on the M3 junction 9 to 14 smart motorway scheme

3.1. Proposed extent of the M3 junction 9 to 14 scheme variable mandatory speed limits

The scheme extends from junction 9 of the M3 at Winchester (the junction with the A34 and A272) to junction 14 where the M3 meets the M27 and will result in a smart motorway with all lanes running from junction 9 to junction 13 and a controlled motorway from junction 13 to junction 14 and the link roads to the M27.

The sections of motorway included in the scheme will include:

- The north and southbound carriageways of the M3 between junction 9 and junction 14
- The southbound slip road to the A34 at junction 9
- The linking carriageway from junction 4 of the westbound carriageway of the M27 which joins the M3 northbound carriageway at junction 14
- A small part of the linking carriageway from junction 14 of the M3 southbound to junction 4 of the M27 eastbound
- Part of the linking carriageway from the M3 southbound at junction 13 to junction 4 of the M27 westbound
- The short linking carriageway from junction 13 of the M3 southbound to junction 4 of the M27 westbound to the southbound carriageway of the M3 which terminates just prior to Chilworth roundabout
- The small section of the M3 at junction 14 linking the M3 Southbound to the linking carriageway from junction 13 of the M3 southbound which terminates just prior to Chilworth roundabout
- Part of the linking carriageway from the M27 eastbound at junction 4 to the northbound carriageway of the M3 at junction 14 and
- The main M3 carriageways which commence and terminate at the southernmost end of the motorway where it joins the A27 at Chilworth, Southampton.



Figure 3a - Indicative map of the scheme

A map showing the Scheme extent is shown in **Figure 3a**. The precise configuration of the extent of the roads that are included within the Scheme may be subject to variation.

Benefits of a smart motorway scheme in this area

Smart motorways are a technology driven approach to tackling the most congested parts of the motorway network, improving journey reliability by controlling the flow and speed of traffic. Smart motorways also support the economy by providing much needed capacity on the busiest motorways, while maintaining safety for road users and those who work on the roads.

This smart motorway scheme will be of local benefit by providing additional capacity to the strategic network which in turn will assist in reducing local congestion at peak times, improving local journey times and improving the local economy.

Evaluation of the existing smart motorways schemes, including the M42 Active Traffic Management project, demonstrated that smart motorways are able to deliver clear benefits by providing much needed additional capacity, without compromising overall safety on our motorways, which are amongst the safest roads in the world.

The Scheme will:

- Reduce congestion and smooth the flow of traffic to improve travel times, making journeys more reliable.
- Support the economy and facilitate economic growth within the region. Providing much needed capacity on the motorway will reduce the cost of economic delay to both commuters and business traffic.
- Continue to deliver a high level of safety performance on the network using smart motorway techniques.
- Minimise environmental impacts.

3.2. Key Features

The M3 smart motorway stretches from junction 9 (Winchester / A34 interchange) to junction 14 (M27 Southampton interchange). The scheme is 16 km long.

The design features of the Scheme include:

- The permanent conversion of the hard shoulder to a running lane between Junction 9 and 13 to provide for all-lane running.
- The retention of the hard shoulder between junction 13 and 14 and on the linking carriageways between the M27 at junction 4 westbound to the M3 northbound, M27 at junction 4 eastbound to the M3 northbound and the M3 southbound at junction 14 to the M27 westbound.
- The hardening of the central reserve and installation of a reinforced barrier to improve safety
- Variable mandatory speed limits with an associated enforcement/compliance system.
- Driver information, including lane availability, generally provided at intervals not exceeding 1,500m. Information will be provided through a mixture of signs and signals capable of displaying appropriate combinations of: mandatory speed limits; lane closure wicket signs; red Xs; pictograms and text legends (see figures 4a to 4g below).

- Queue detection and automatic signalling system, which provides queue protection and congestion management.
- Comprehensive low light pan-tilt-zoom (PTZ) CCTV coverage.
- Places of relative safety (subject to the geometry of the M3 and regard to protected areas) generally provided at maximum intervals of 2500m. A place of relative safety is defined as a place (or facility) where drivers can stop in an emergency and may include a motorway service area, a hard shoulder on an exit slip/link road or a bespoke facility, such as an emergency area marked with SOS signage.
- Emergency Roadside Telephones (ERT) provided within emergency areas and in locations where the hard shoulder is retained.

3.3. Enforcement

Obtaining an acceptable level of compliance with the variable mandatory speed limits (displayed on overhead gantries, cantilever mounted variable message signs and on post mounted advanced motorway indicators (where provided)) is key to the successful and safe operation of the Scheme. No new offences or sanctions will be introduced as a result of the proposed changes to legislation.

Enforcement of variable mandatory speed limits is planned to be carried out using a combination of gantry-mounted and cantilever mounted speed enforcement equipment, and traditional enforcement by the police.

4. Operation of the M3 junction 9 to 14 smart motorway scheme

To signify that the speed limit is mandatory and enforceable, the speed shown will have a red circle around it, as is the case with all other mandatory speed limit signs. The operational regimes to be implemented within the M3 junction 9 to 14 smart motorway scheme are:

- Normal operation (no advanced motorway indicators or variable message signs on).
- Variable mandatory speed limits.
- Incident management.

An overview of these operational regimes is provided in Sections 4.1, 4.2 and 4.3.

4.1. Normal operation

During normal motorway operation the advanced motorway indicators (AMI) and variable message signs (VMS) will remain blank in respect of speed limits and the motorway will operate as shown in Figures 4a and 4b below. When there are no speed limits being displayed the national speed limit will apply.

Figure 4a: Illustrative smart motorway all-lane running scheme section operating in normal motorway conditions with blank advanced motorway indicators and blank gantry mounted variable message sign



Figure 4b: Illustrative smart motorway all-lane running scheme section operating in normal motorway conditions with a blank cantilever mounted variable message sign



4.2. Variable mandatory speed limits

When variable mandatory speed limits are operational, clear instructions will be given to drivers via speed limit signs. These will be displayed on post mounted advanced motorway indicator signals (where provided), via speed limit signs displayed on the advanced motorway indicator signals or variable message signs above the main carriageway. This is illustrated in Figures 4c and 4d below. The speed limit displayed will take account of prevailing traffic conditions through detectors which are deployed throughout the scheme. The variable message signs located on gantries will provide further information for drivers.

Figure 4c: Illustrative smart motorway all-lane running scheme section operating with variable mandatory speed limits



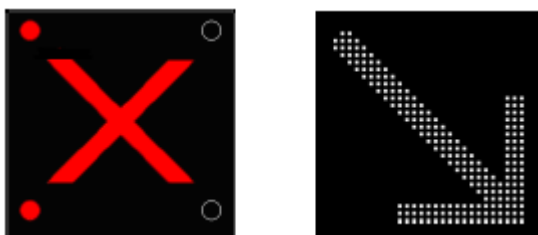
Figure 4d: Illustrative smart motorway all-lane running scheme section operating with variable mandatory speed limits and information for road users



4.3. Incident management

During incident management, the advanced motorway indicators and variable message signs can be set to protect the scene of an incident and assist the access of emergency services and other core responders. On the advanced motorway indicators, speed limits and lane availability will be indicated through the use of variable mandatory speed limits and lane divert arrow signals (with flashing amber lanterns) and red 'X' signals (with flashing red lanterns) as shown in Figure 4e below.

Figure 4e: Red X (do not enter, or proceed in, the traffic lane) aspect with flashing red lanterns and a lane divert signal shown on an advanced motorway indicator over any lane



Appropriate supporting information will be displayed on the variable message signs to further encourage compliant driver behaviour. Modifications to the signal control software will enable a single variable message sign to display three simultaneous elements: in addition to the speed restriction, (as enabled through the Regulations), and supporting text legend, the sign will also be able to display either a warning pictogram (typically a 'red triangle') or lane closure 'wicket' aspect, as indicated in Figures 4f and 4g.

Figure 4f: Variable message sign with a warning pictogram displaying queue caution information and a reduced mandatory speed limit



Figure 4g: Variable message sign with lane closure 'wicket' and flashing red lanterns warning of a closed lane



5. Appendices

Appendix A – Frequently asked questions

Appendix B – Consultation response form

Appendix C – List of consultees

Appendix A: Frequently asked questions

Q. What is meant by smart motorway?

A. A smart motorway is an upgraded section of motorway where the hard shoulder can be used for traffic, either on a permanent basis or in response to traffic conditions. Smart motorways have technology installed to monitor and manage traffic flow. As well as providing additional capacity from the extra lane, smart motorways use technology to manage traffic through variable mandatory speed limits which smooth traffic flow, reducing frustrating stop-start flow, and improving journey reliability. The technology is also used to support the response to incidents, using the signs and signals to close any lane(s) in advance of the incident scene and to assist emergency services in accessing the incident.

Different types of smart motorway include:

Controlled motorway: Controlled motorways have three or more lanes with variable speed limits. On these sections the hard shoulder should only be used in a genuine emergency.

Hard shoulder running: The hard shoulder will be opened at busy times and the speed limit will be reduced. The hard shoulder must not be used unless overhead signs show that road users are permitted to do so.

All-lane running: On these sections of motorway, there is no hard shoulder and road users are required to obey variable speed limits and must not stop on the motorway. In the event of an emergency road users are required to use an emergency area, motorway service area or leave at the next junction.

Smart motorways are managed by regional control centres. They use CCTV so that Highways England traffic officers can be deployed to incidents if they occur and help to keep traffic moving.

Q. What is happening?

A. The project is proposing to introduce an all-lane running smart motorway section between junctions 9 and 13 of the M3 along with a section of controlled motorway (4 or 2 lane motorway with a hard shoulder) between junctions 13 and 14. This involves the conversion of the hard shoulder to a normal running lane and the installation of variable mandatory speed limits. Gantries will be installed to display variable speed limits, which will be dependent upon traffic conditions. Emergency areas will be installed as a place of safe refuge in the event of an emergency.

Q. Why is Highways England consulting?

A. This consultation will provide an opportunity for interested parties and individuals to comment on the legislative changes required to allow for the implementation of variable mandatory speed limits within a smart motorways scheme on this section of the M3.

Q. Who can respond to this?

A. This consultation is available for anyone to respond to, including organisations that would be affected by the implementation of variable mandatory speed limits. The consultation is aimed at any affected stakeholder groups.

Q. Is the introduction of variable mandatory speed limits likely to be effective?

A. The introduction of variable mandatory speed limits on sections of the M6 and M42 around Birmingham have shown a reduction in congestion and collisions and improved traffic flows resulting in more reliable journey times.

Highways England has gathered evidence from four operational all-lane running schemes (M25 J23-27, M25 J5-7, M6 J10a-13 & M1 J39-42) and aggregated the safety statistics to understand early safety performance at a strategic level. The safety data available to date indicates that smart motorways are meeting their safety objective and maintaining the very high standards of safety compared to traditional motorways. Furthermore, when aggregated across four schemes, data is showing a reduction in the overall collision rate of 12%.

The two M25 schemes, which have the largest data sample (2 years), have a combined reduction of 7% after background trends of reducing collision rates have been taken into account.

Q. Why have a variable speed limit? Why not have a fixed speed limit?

A. By varying the mandatory speed limit, Highways England can manage the flow of traffic more effectively. The speed limits displayed on the motorway will take account of prevailing traffic conditions with the aim of ensuring the smooth flow of traffic. Variable speed limits are a key feature of smart motorway schemes, modernising the operation of our motorways and finding the best solution for different parts of the network.

Q. How does it work?

A. The variable mandatory speed limits and messages shown on the variable message signs are automatically displayed in response to the level of congestion or traffic queues. Sensors in the road surface detect the speed, volume and flow of traffic which then calculate the optimum speed to keep traffic moving, reducing the level of stop-start traffic which leads to congestion. Drivers see the current speed limit displayed on electronic signals on the overhead gantries and variable message signs located above the nearside of the carriageway. The speed limits can also be set by control room operators if required.

Q. When are the variable speed limits likely to become mandatory?

A. We are hoping to implement the variable mandatory speed limits between junctions 9 and 14 of the M3 motorway in 2022/23.

Q. What is the point of the consultation?

A. Highways England is committed to effective consultation and complies with the Government's Consultation Principles. Effective consultation with affected stakeholders brings to light valuable information which we are able to use to design effective solutions and mitigate any concerns.

Following the consultation period, responses will be issued where appropriate and a summary report compiled which will provide an analysis of the responses and provide justification for the selected option.

Q. Are variable mandatory speed limits linked to enforcement cameras?

A. Yes, and as the variable mandatory speed limits change, the enforcement cameras will be automatically adjusted to suit the currently signalled limits.

Q. How are you going to enforce the speed limits?

A. The speed limits are enforced by the police.

Q. What happens if I travel past a signal/speed limit when it changes?

A. Where a speed limit changes less than ten seconds before a vehicle passes the sign, the Regulations allow a driver to proceed at a speed up to the maximum applicable before the change, and to continue to do so until the driver leaves the specified road, the national speed limit applies or until the next speed limit sign.

For example, should a driver approach a speed limit sign and it changes from 60 mph to 50 mph and he/she is within ten seconds of passing that sign then the driver can legally continue beyond that sign at 60 mph until a subsequent speed limit applies or until he/she leaves the specified road.

Appendix B: Consultation response form

M3 junction 9 to 14 smart motorway scheme

You can provide your views by completing our online survey. A link to the survey can be found on the scheme webpage at:

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

If you would prefer to submit your response in writing, please complete the below response form and return to us by post or by email to the addresses below. Please ensure your response reaches us by 23:59 12 November 2019

Roland Parsloe

Project Manager
M3 J9-14 Smart Motorway Programme
Highways England
2 Colmore Square
Queensway
Birmingham
B4 6BN

Or by email: M3J9-14SmartMotorway@highwaysengland.co.uk

Part 1: Information about you

Completion of this section is optional but helps with our analysis of results. A note at the end of this form explains that we may be obliged to release this information if asked to do so.

Name	
Address	
Postcode	
Email	
Company Name or Organisation (if applicable)	

Please tick one box from the list below that best describes you/your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation

	Trade Union
	Interest Group
	Local Government
	Central Government
	Police
	Member of the public
	Other (please describe):
If you are responding on behalf of an organisation or interest group, how many members do you have and how did you obtain the views of your members:	

Part 2: Your Comments

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 (please tick yes or no in the boxes provided)?	Yes	
	No	
Please provide any comments below. 		

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?	Yes	
	No	

Please provide any comments below.

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?

Yes

No

Please provide any comments below.

Data Protection Statement

Under the General Data Protection Regulation Highways England is required to explain to consultees, stakeholders and customers how their personal data will be used and stored.

Highways England is permitted to collect personal data in carrying out our public functions, including the development of proposed road schemes. The duty to consult on introducing a Statutory Instrument to implement variable mandatory speed limits is provided by the Road Traffic Regulation Act 1984.

Personal data collected for the M3 junction 9 to 14 smart motorway scheme will be processed and retained by Highways England and its appointed contractors until the Scheme is complete.

Under the GDPR you have the following rights:

6. Right of access to the data (Subject Access Request);
7. Right for the rectification of errors;
8. Right to erasure of personal data – this is not an absolute right under the legislation;
9. Right to restrict processing or to object to processing, and;
10. Right to data portability.

If, at any point, Highways England plans to process the personal data we hold for a purpose other than that for which it was originally collected, we will provide you with information about

what that other purpose is: for example, if we are requested to release information about consultation responses under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Highways England will contact you prior to any further processing taking place to explain about that processing and to provide any relevant further information about the rights referred to above, including the right to object to that further processing.

You have the right to lodge a complaint with the supervisory authority, the Information Commissioner's Office.

If you'd like more information about how we manage data, or a copy of our privacy notice, please contact DataProtectionAdvice@highwaysengland.co.uk.

Appendix C: List of consultees

Government / Local Government bodies	
Steve Brine MP (Winchester) House of Commons London SW1A 0AA	Mims Davies MP (Eastleigh) House of Commons London SW1A 0AA
Suella Braverman MP (Fareham) House of Commons London SW1A 0AA	George Hollingbery MP (Meon Valley) House of Commons London SW1A 0AA
Alan Whitehead MP (Southampton Test) House of Commons London SW1A 0AA	Caroline Nokes MP (Romsey and Southampton North) House of Commons London SW1A 0AA
Royston Smith MP (Southampton Itchen) House of Commons London SW1A 0AA	Dr Julian Lewis (New Forest East) House of Commons London SW1A 0AA
John Coughlan Chief Executive Hampshire County Council Elizabeth II Court West Winchester SO23 8UD	Laura Taylor Chief Executive Winchester City Council City Offices Colebrook Street Winchester SO23 9LJ
Nick Tustian Chief Executive Eastleigh Borough Council, Eastleigh House Upper Market Street Eastleigh SO50 9YN	Sandy Hopkins Chief Executive Southampton City Council Civic Centre Rd Southampton SO14 7LY
Roger Tetsall Chief Executive Test Valley Borough Council Beech Hurst Weyhill Road Andover SP10 3AJ	Michael Lane Hampshire Police and Crime Commissioner St George's Chambers St George's St Winchester SO23 8AJ

Emergency services

Chief Fire Officer Hampshire Fire and Rescue Service The Police and Fire Headquarters Leigh Road Eastleigh Hampshire SO50 9SJ	Chief Constable Hampshire Constabulary The Police and Fire Headquarters Leigh Road Eastleigh Hampshire SO50 9SJ
Chief Executive South Central Ambulance Service NHS Foundation Trust North Wing, Southern House Sparrowgrove Otterbourne Hampshire SO21 2RU	Chief Executive Hampshire and Isle of Wight Air Ambulance 22 Oriana Way Southampton SO16 0YU
Commanding Officer National Police Air Service Enterprise Way Hurn Bournemouth BH23 6BS	Inspector Kirsty Shannon Hampshire Constabulary Joint Operations Unit Roads Policing Unit Totton Police Station Testwood lane Totton Hampshire SO40 3ZE

Environmental advisory bodies

Chief Executive Natural England 4th Floor, Foss House Kings Pool 1-2 Peasholme Green York YO1 7PX	Chief Executive Historic England 4th Floor Cannon Bridge House 25 Dowgate Hill London EC4R 2YA
Chief Executive Environment Agency Horizon House Deanery Road Bristol BS1 5AH	Chief Executive Campaign to Protect Rural England 5-11 Lavington Street London SE1 0NZ
Director Hampshire and Isle of Wight National Trust 4 Warren Farm Barns Andover Road Micheldever Station Winchester Hampshire SO21 3FL	Angus Clarke Forestry Commission (Hampshire) South East and London Area Office Bucks Horn Oak Farnham Surrey GU10 4LS

Road and transport organisations

DVSA Berkeley House Croydon Street Bristol BS5 0DA	Chairman RAC Foundation 89-91 Pall Mall London SW1Y 5HS
The AA Fanum House Basing View Basingstoke Hampshire RG21 4EA	The RAC RAC House Brockhurst Crescent Walsall WS5 4AW
The Institute of Vehicle Recovery Unit 11, Brook Business Centre Cowley Mill Road Uxbridge UB8 2FX	Green Flag The Wharf Neville Street Leeds LS1 4AZ
Road Haulage Association Roadway House Bretton Way Bretton Peterborough PE3 8DD	Freight Transport Association Hermes House St John's Road Tunbridge Wells Kent TN4 9UZ
The Alliance of British Drivers PO Box 1043 Stockton-on-Tees TS19 1XG	British Motorcyclists Federation 3 Oswin Road Brailsford Industrial Estate Braunstone Leicester LE3 1HR

Business organisations

Chief Executive Hampshire Chamber of Commerce Ground Floor Wates House Fareham Hampshire PO16 7BJ	Chief Executive Winchester Chamber of Commerce The Business Centre 10 Parchment Street Winchester SO23 *AT
Managing Director Southampton Airport Wide Lane Southampton SO18 2NL	Director Associated British Ports Port of Southampton Ocean Gate Atlantic Way Southampton SO14 3QN
Port Director Portsmouth International Port George Byng Way Portsmouth PO2 8SP	Chief Executive Ageas Bowl Botley Road West End Southampton SO30 3XH

Head of Commercial DP World Southampton Western Docks Southampton SO15 1DA	Chief Executive Carnival UK Carnival House 100 Harbour Parade Southampton SO15 1ST
Executive Director Enterprise M3 The Castle Winchester Hampshire SO23 8UJ	Chief Executive Solent Local Enterprise Partnership 1000 Lakeside North Harbour Western Road Portsmouth PO6 3EN

Other interested parties

Commodore Jeremy Bailey Captain of the Base Room 251 Victory Building PP72 HM Naval Base Portsmouth Portsmouth Hampshire PO1 3LS	Chief Executive Marchwood Military Port Marchwood Southampton SO40 4AF
Commanding Officer Army Training Regiment Sir John Moore Barracks Winchester SO22 6NQ	