

Smart Motorway

M6 Junctions 10a to 13

Statutory Instrument Response to Consultation Report

December 2014



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Appendix A: List of Statutory Consultation Consultees

1. EXECUTIVE SUMMARY

1.1 Purpose

- 1.1.1 This document details the Highways Agency's response to comments raised during the eight week consultation period on the draft regulations required for the implementation of Variable Mandatory Speed Limits (VMSL) on the M6 between Junctions 10a and 13 ("M6 Smart Motorway Scheme").
- 1.1.2 The consultation period started 5 July 2013 and finished 30 August 2013 providing an opportunity for stakeholders and interested parties to comment on the proposal.

1.2 Smart Motorway Objectives

- 1.2.1 The proposed M6 J10a-13 Smart Motorway Scheme has been designed to meet the following objective:
- To reduce congestion and to develop solutions that provide additional capacity, increase journey time reliability and ensure the safe and economic operation of the motorway.

1.3 Consultation Process

- 1.3.1 Access to the consultation document "Managed Motorways M6 Junctions 10a to 13 - Consultation Paper (July 2013)" was via the Highways Agency website:
- 85 statutory stakeholders were advised of the consultation by e-mail or by post (where no e-mail address was available). We received 17 responses in total, 1 of which was a nil return with no comments, 4 had concerns and 12 were in support.
 - Other interested parties were also able to access the consultation documents on the Highways Agency's website.
- 1.3.2 The consultation also encouraged representative organisations, businesses and interested parties to make contact with the Highways Agency and communicate their views.
- 1.3.3 The results of this process can be summarised as follows (see Figure 1):
- A total of 17 responses were received within the consultation period;
 - 12 responses were in favour and 4 responses objected to the scheme, 1 was a nil return with no comments;
 - 10 responses were from members of public, 1 of which was a nil return with no comments. 7 were in favour of the scheme and 2 did not think that the proposal would lead to an improvement in travelling conditions. Of the 9 responses received, 8 expressed concerns about the proposals;
 - 7 responses were received from local government organisations and representative organisations and associations. 5 were in favour of the scheme, 2 did not think that the proposal would lead to an improvement in travelling

conditions. Of the 7 responses received, 3 expressed concerns about the proposals.

1.4 Recommendation

- 1.4.1 All concerns raised have been reviewed and where appropriate responded to or mitigated within the design of the scheme.
- 1.4.2 Based on the responses received from the M6 J10a-13 Statutory Instrument consultation, this report recommends that VMSL be implemented on the M6 Junctions 10a to 13.

2. INTRODUCTION

2.1 Purpose of Document

2.1.1 The purpose of this document is to provide a summary of the responses received during the M6 Smart Motorway Statutory Instrument legislation consultation and to address all the issues raised. The eight week consultation took place between 5 July 2013 and 30 August 2013, providing an opportunity for stakeholders, such as road user groups, local government organisations and other interested parties to comment on the proposed draft regulations to allow the implementation of VMSL on the M6 between Junctions 10a to 13.

2.2 Scheme Background

2.2.1 Full details of the background to the scheme were published in the consultation document, "Managed Motorways M6 Junctions 10a to 13 Consultation Paper (July 2013)".

2.2.2 At the time of consultation, this type of intervention was presented as a 'Managed Motorway' scheme. This solution was subsequently rebranded as 'Smart Motorway' by the Highways Agency. Both terms are used in this report but refer to the proposed intervention on the M6 J10a- to 13 scheme to deliver capacity, journey time reliability and other benefits described in section 2.2.3 below.

2.2.3 The M6 J10a-13 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.

2.2.4 A full list of scheme stakeholders is contained in Appendix A.

2.3 Government's Code of Practice on Consultation

2.3.1 The Civil Service Reform Plan commits the government to improving policy making and implementation with a greater focus on robust evidence, transparency and engaging with key groups earlier in the process.

2.3.2 As a result the government is improving the way it consults by adopting a more proportionate and targeted approach, so that the type and scale of engagement is proportional to the potential impacts of the proposal. The emphasis is on understanding the effects of a proposal and focusing on real engagement with key groups rather than following a set process.

2.3.3 The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12- week period, particularly where extensive engagement has occurred before;
- departments will need to give more thought to how they engage with and consult with those who are affected;
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

2.3.4 Further information can be found on the Cabinet website at:

- www.gov.uk/government/publications/consultation-principles-guidance

3. SUMMARY OF RESPONSES

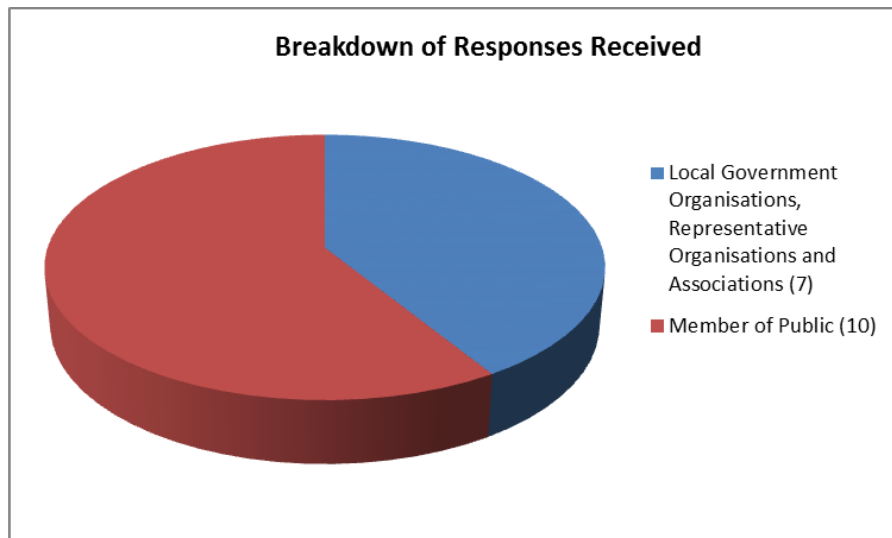
3.1 Analysis of Responses

3.1.1 In total 17 responses were received, 12 responses were in favour and 4 responses objected to the scheme, 1 was a nil return with no comments. There were a range of comments received noting concerns.

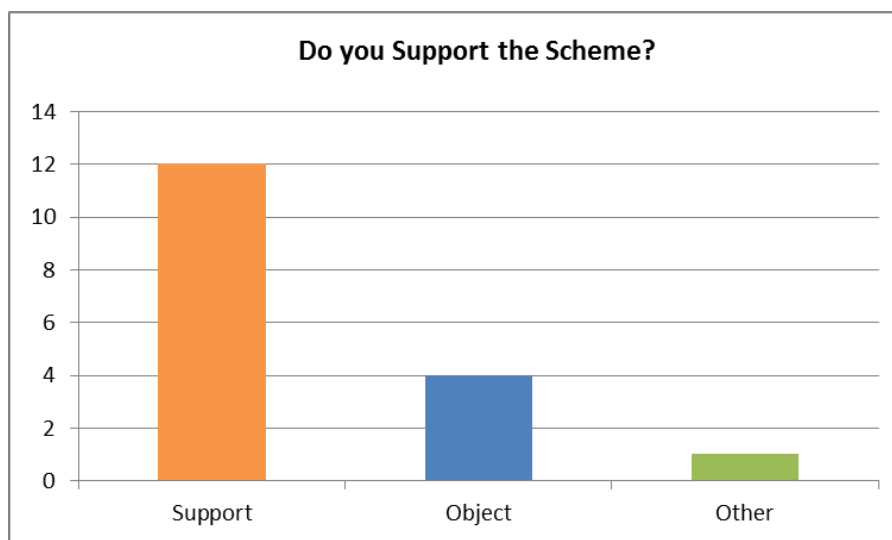
3.1.2 Those who responded in favour included Staffordshire County Council, representatives of small to medium sized businesses in the area and members of the general public.

3.1.3 Response data is illustrated in the following figures:

- Figure 1 below gives a breakdown of the responses received; and,



- Figure 2 below gives a breakdown of scheme support.

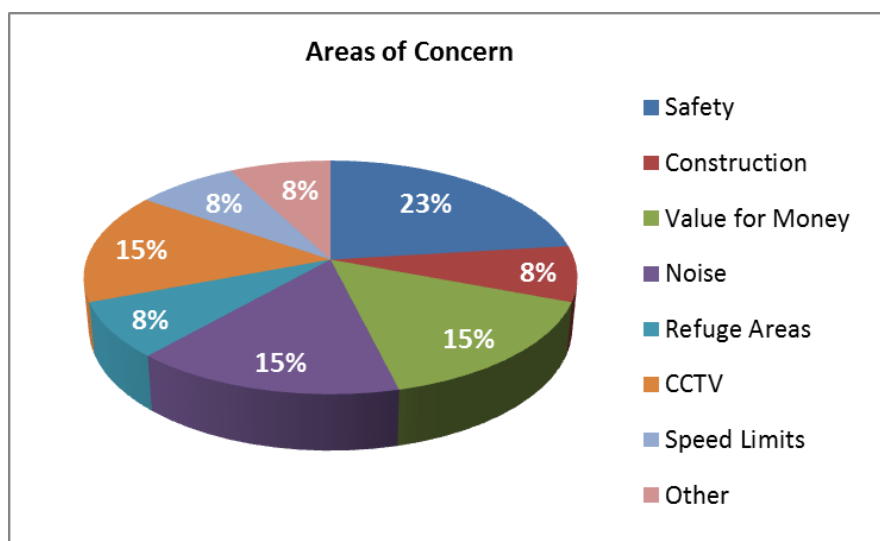


3.2 Support for the Proposed Scheme

- 3.2.1 During the consultation period, 12 responses were received in support of the M6 Smart Motorway Scheme.
- 3.2.2 Comments received in support of the scheme included appreciation for the scheme objective to address congestion.

3.3 Concerns about the Proposed Scheme

- 3.3.1 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; and
 - Disruption from roadworks during scheme construction.
- 3.3.2 Figure 3 below gives a summary of concerns raised:



- 3.3.3 Responses were provided to all those respondents raising concerns. Specific responses to the key areas of concern are summarised into the headings below.

Smart Motorway Concerns

- 3.3.4 Evidence from the M42 Managed Motorway and previous sections of Managed Motorway which use the hard shoulder as a running lane have actually shown a reduction in incidents and an improvement in safety. The recently published three-year safety report on the M42 Managed motorway pilot scheme, 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.

Environmental Assessment Concerns

- 3.3.5 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.
- 3.3.6 Where there are specific residential locations adjacent to the scheme an environmental barrier is being provided to mitigate any increase in noise levels.
- 3.3.7 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 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 close to their property.

Enforcement Concerns

- 3.3.8 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.

CCTV Concerns

- 3.3.9 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.

Construction Impact Concerns

- 3.3.10 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.

3.4 Objections to the Proposed Scheme

- 3.4.1 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.
- 3.4.2 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.

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- 3.4.3 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.
- 3.4.4 Responses were provided to respondents' objections. Specific responses to the objections are summarised into the headings below.

Identification of Need for the Scheme

- 3.4.5 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.
- 3.4.6 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 Smart motorway techniques. The assessment concluded that implementing Smart 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.

Increased Noise

- 3.4.7 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.
- 3.4.8 Additionally the canal is not considered to be as sensitive as residential premises due to the transitory nature of their 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.

4. SUMMARY AND RECOMMENDATIONS

4.1 Summary

4.1.1 As the response analysis shows, there has been very little response from the number of organisations invited to comment. This may be due to the fact that:

- Geographically, the area already has several Smart Motorway sections operational, meaning public familiarity with the concept is higher than in other geographical areas;
- The published responses to other consultation documents for smart motorway schemes, or information on the Agency's website, have adequately addressed concerns.

4.1.2 The majority of authorities, people and organisations who responded support the introduction of VMSL for Controlled Motorway on the M6 Junctions 10a to 11a and All-Lanes Running for the M6 Junctions 11a to 13.

4.1.3 Whilst a number of concerns have been raised, it is considered that the concerns have been suitably addressed in the analysis.

4.2 Recommendations

4.2.1 The Department for Transport has considered all the responses to the consultation and carried out an analysis of those responses.

4.2.2 Taking into consideration the demonstrable proven benefits of the M42, Birmingham Box and M25 schemes the Department has decided that hard shoulder running and variable speed limits should be implemented on the M6 between junction 10a and junction 13. Taking into consideration all the comments received as part of the consultation related to VMSL, it is recommended that the legislation required to implement the M6 Junction 10a to 13 be approved.

APPENDIX A

List of Statutory Consultation Consultees

Organisation Name	Address	Email Address
Ambulance Services Association	Friars House 157-168 Blackfriars Road London SE1 8EU	reception@asa.uk.net
Ambuline Ltd	Trigate Business Centre 210 -220 Hagley Road West Birmingham B68 0NP	info@ambuline.com
Association of British Certification Bodies	Trevor Nash, Chief Executive P O Box 836 Bedford MK45 9DR	trevor.nash@abcb.org.uk
Association of British Drivers	P O Box 2228 Kenley Surrey CR8 5ZT	mark.mcarthur-christie@abd.org.uk
Association of British Insurers	51 Gresham Street London EC2V 7HQ	otto.thoresen@abi.org.uk

Organisation Name	Address	Email Address
Association of Car Fleet Operators (ACFO)	Central Depot, Bracknell Forest Borough Council Old Bracknell Lane West Bracknell RG12 7QT	so.chr@acfo.org
Association of Industrial Road Safety Officers (AIRSO)	68 The Boulevard Worthing BN13 1LA	info@airso.org.uk
Association of Police Officers (ACPO)	PO Box 481 Fareham Hampshire PO14 9FS	enquiries@acro.pnn.police.uk
Association of Vehicle Recovery Operators (AVRO)	AVRO House 1 Bath Street Rugby CV21 3JF	sara.needham@btconnect.com
Automobile Association Ltd	Norfolk House Priestly Road Basingstoke Hampshire RG24 9NY	publicaffairs@theaa.com

Organisation Name	Address	Email Address
AXA Assistance	The Quadrangle 106-118 Station Road Redhill Surrey RH1 1PR	
Birmingham Chamber of Commerce and Industry	The Chair 75 Harborne Road Edgbaston Birmingham B15 3DH	
BRAKE	PO Box 272 Dorking Surrey RH4 4FR	admin@brake.org.uk
Britannia Rescue	Freepost RSJA-XLCX-BLCE Folly Hall Mills St Thomas Road Huddersfield HD1 3LT	member.services@britanniarescue.com

Organisation Name	Address	Email Address
British Independent Motor Trade Association	Kenwood House 1 Upper Grosvenor Tunbridge Wells Kent TN1 2EL	
British Insurance Brokers Association (BIBA)	8th Floor John Stow House 18 Bevis Marks London EC3A 7JB	enquiries@biba.org.uk
British Motorcyclists Federation	3 Oswin Road Brailsford Industrial Estate Braunstone Leicester LE3 1HR	chris.hodder@bmf.co.uk
British Roads Federation	Pillar House 194-202 Old Kent Road London SE1 5TG	

Organisation Name	Address	Email Address
British Vehicle Renting and Leasing Association (BVLRA)	River Lodge Badminton Court Amersham Bucks HP7 0DD	info@bvrla.co.uk
Campaign for Better Transport	12-18 Hoxton Street London	rebecca.blum@bettertransport.org.uk
Campaign to Protect Rural England	National Office 128 Southwark Street London	info@cpre.org.uk
Cannock Chase District Council	PO Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG	customerservices@cannockchasedc.gov.uk
Central Council of Magistrates Courts Committees	185 Marylebone Road London NW1 5QB	

Organisation Name	Address	Email Address
Central Motorway Police Group	Thornbridge Avenue Perry Barr Birmingham B42 2AG	
Chartered Institute of Logistics and Transport	Earlstrees Court Earlstrees Road Corby Northants NN17 4AX	steve.agg@ciltuk.org.uk
Chief Executive VOSA	Berkeley House Croydon Street Bristol BS5 0DA	Enquiries@vosa.gov.uk
Civil Engineering Contractors Association (CECA)	1 Birdcage Walk London SW1H 9JJ	lauraellis@ceca.co.uk
Confederation of British Industries (CBI)	Centre Point 103 New Oxford Street London WC1A 1DU	webteam@cbi.org.uk

Organisation Name	Address	Email Address
Confederation of British Industries West Midlands Region	14th Floor Cobalt Square 83 Hagley Road Birmingham B16 8QG	julia.fox@cbi.org.uk
Confederation of Passenger Transport	Drury House 34-43 Russell Street London WC2B 5HA	simonp@cpt-uk.org
Confederation of West Midlands Chambers of Commerce	Oak Tree Court Binley Business Park Harry Weston Road Coventry CV3 2UN	
Crown Prosecution Service	5th floor, Rose Court 2 Southwark Bridge London SE1 9HS	

Organisation Name	Address	Email Address
Defensive Driver Training	Tudor House 2 Worcester Street Stourbridge West Midlands DY8 1AN	admin@ddtgroup.com
Disabled Drivers' Motor Club	Cottingham Way Thrapston Northamptonshire NN14 4PL	
Disabled Persons Transport Committee	Department for Transport 1/14 Great Minister House 76 Marsham Street London	dptac@dft.gsi.gov.uk
Driver and Vehicle Licensing Agency	DVLA Press Office Longview Road Morrison Swansea SA6 7JL	

Organisation Name	Address	Email Address
Driving Standards Agency	Department for Transport Great Minster House 33 Horseferry Road London SW1P 4DR	customer.services@dsa.gsi.gov.uk
Eddie Stobart	Eddie Stobart Ltd Watling Street Kilsby Warwickshire CV23 8YE	routhwaitej@eddiestobart.co.uk
Environment Agency	National Customer Contact Centre PO Box 544 Rotherham S60 1BY	
European Transport Safety Council	20 Av des Celtes B1040 Brussels	

Organisation Name	Address	Email Address
Freight Transport Association	Hermes House St Johns Road Tunbridge Wells, Kent TN4 9UZ	
Friends of the Earth	26-28 Underwood Street London N1 7JQ	info@foe.co.uk
GEM Motoring Assist	Station Road Forest Row East Sussex RH18 5EN	
Green Flag	The Wharf Neville Street Leeds LS1 4AZ	member-queries@greenflag.com
Health and Safety Executive (HSE)	Redgrave Court Merton Road Bootle Merseyside L20 7HS	

Organisation Name	Address	Email Address
Institute of Advanced Motorists (IAM) Trust	The Chair 510 Chiswick High Street London W4 5RG	press.office@iam.org.uk
Institute of Highways and Transportation	119 Britannia Walk London N1 7JE	info@ciht.org.uk
Institute of Road Safety Officers	12 Haddon Close Wellingborough Northamptonshire NN8 5ZB	irso@live.co.uk
Institute of Vehicle Recovery	Bignell House Horton Road West Drayton Middlesex UB7 8EJ	sara@avrouk.com
Institution of Civil Engineers	1 Great George Street Westminster London SW1P 3AA	secretariat@ice.org.uk

Organisation Name	Address	Email Address
Justices Clerk Society	Port of Liverpool Building Pier Head Liverpool L3 1BY	jcs@hmcts.gsi.gov.uk
Local Government Association	Local Government House Smith Square London SW1P 3HZ	info@local.gov.uk
M6 Toll Operators	Midland Expressway Limited Operations Centre FREEPOST NAT 9069 Weeford Lichfield WS14 0BR	
Magistrates Association	28 Fitzroy Square London W1P 6DD	information@magistrates-association.org.uk

Organisation Name	Address	Email Address
Mid Staffordshire NHS Foundation Trust	Chief Executive, Stafford Hospital Weston Road Stafford Staffordshire ST16 3SA	
Mondial Assistance	Mondial House 102 George Street Croydon CR9 6HD	judith_kane@allianz-globalassistance.co.uk
Motor Insurers Bureau	Linford Wood House 6-12 Capital Drive Linford Wood Milton Keynes MK14 6XT	
National Associations of Local Councils	109 Great Russell Street London WC1B 3LD	

Organisation Name	Address	Email Address
National Express	National Express Ltd 51 Bordesley Green Bordesley Birmingham B9 4BZ	Mark.Hollis@nationalexpress.com
National Traffic Control Centre	3 Ridgeway Quinton Business Park Quinton Expressway B32 1AF	
National Tyre Distributors Association	8 Temple Square Aylesbury Bucks HP20 2QH	info@ntda.co.uk
Natural England (Telford Office)	Parkside Court, Hall Park Way, TF3 4LR	
Parliamentary Advisory Council for Transport Safety (PACTS)	Clutha House 10 Storey's Gate London SW1P 3AY	admin@pacts.org.uk

Organisation Name	Address	Email Address
Police Federation	15/17 Langley Road Surbiton KT6 6LP	gensec@polfed.org
RAC Foundation	89-91 Pall Mall London SW1Y 5HS	info@racfoundation.org
RAC Motoring Services	RAC House Brockhurst Crescent Walsall WS5 4AW	
Retail Motor Industry Federation	201 Great Portland Street London W1W 5AB	
Road Haulage Association	Roadway House, Bretton Way, Bretton, Peterborough PE3 8DD	n.dyer@rha.uk.net

Organisation Name	Address	Email Address
Road Rescue Recovery Association	Venture House Enterprise Way Endeavour Park Boston Lincolnshire PE21 7TW	enquiries@rrra-recovery.co.uk
Road Safe	71 Great Peter Street London SW1P 2BN	info@roadsafe.com
Royal Society for the Prevention of Accidents (RoSPA)	RoSPA House 28 Calthorpe Road Edgbaston Birmingham B15 1RP	help@rospa.com
South Staffordshire District Council	Council Offices, Wolverhampton Road, Codsall South Staffordshire WV8 1PX	info@sstaffs.gov.uk

Organisation Name	Address	Email Address
Stafford Borough Council	Civic Centre Riverside Stafford ST16 3AQ	info@staffordbc.gov.uk
Staffordshire Ambulance Service NHS Trust	70 Stone Road Stafford Staffordshire ST16 2TQ	
Staffordshire County Council	Number 1 Staffordshire Place, Stafford ST16 2LP	contactus@staffordshire.gov.uk
Staffordshire Fire and Rescue Service	Pirehill Stone ST15 0BS	
Staffordshire Police	Police Headquarters Cannock Road Stafford Staffordshire ST17 0QG	

Organisation Name	Address	Email Address
The Bat Conservation Trust	5th floor Quadrant House 250 Kennington Lane London SE11 5RD	enquiries@bats.org.uk
The British School of Motoring	Fanum House, Basing View, Basingstoke, Hampshire RG21 4EA	
The Disabled Drivers Association	PO Box 7218 Great Holm Milton Keynes MK8 9XN	
The Society of Motor Manufacturers and Traders Limited	71 Great Peter Street London SW1P 2BN	
West Midlands Ambulance Service	Millennium Point Waterfront Business Park Brierley Hill West Midlands DY5 1LX	enquiries@wmas.nhs.uk

Organisation Name	Address	Email Address
West Midlands Fire & Rescue Service	Headquarters 99 Vauxhall Road Birmingham B7 4HW	contact@wmfs.net
West Midlands Police	Police Headquarters Lloyd House Colmore Circus Birmingham B4 6NQ	
West Midlands Regional Control Centre	3 Ridgeway Quinton Business Park Quinton Expressway B32 1AF	