

M5 Junction 1 to Junction 3 Air Quality – Speed Limit

**Response to Statutory Instrument Consultation
The introduction of a 60mph permanent speed limit**

March 2022

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Executive Summary

This report covers the responses received by National Highways to the consultation exercise which was carried out regarding the implementation of a permanent speed limit of 60mph between junctions 1 and 3 of the M5. The limit extends slightly south of junction 2, therefore the actual statutory instrument refers to M5 Junction 1 to Junction 3, but it was more accurate through the engagement to refer to Junction 1 to Junction 2, as it is only a small distance south from Junction 2 where the limit will apply.

Overall, the responses were focused on the impact of the speed limit on users, both in terms of safety & on health, and how National Highways would propose to monitor the performance of the speed limit against the aim of improving the air quality.

National Highways has provided responses to these questions, and these are covered in the document below.

The decision from the consultation is to implement the speed limit, as there is a need to address the air quality issue in this location, and there were no significant issues with this raised by stakeholders.

1. Introduction

1.1. Document structure

Section 1 provides background information about the M5 Junction 1 to Junction 3 air quality speed limit scheme and the proposed changes to legislation.

Section 2 details how the consultation on the proposed changes was carried out.

Section 3 provides a summary of the responses to the consultation that were received, as well as National Highways' 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 a permanent mandatory 60mph speed limit on the M5 between Junctions 1 and 3. The consultation, which was undertaken between 18th January 2022 and 15th February 2022, provided an opportunity for stakeholders, such as road user groups and other interested parties, to comment on the proposals. National Highways has considered the comments raised by consultees and this document summarises its response to those comments.

1.3. Background to the consultation

The M5 motorway is a strategic route for local, regional and international traffic and forms part of the Strategic Road Network (SRN) in England. This section of the M5 was constructed between 1967 and 1970, and is an elevated section throughout this length.

The introduction of a permanent 60mph speed limit on the M5 between Junction 1 and 3 is part of National Highways programme to improve air quality on the SRN.

It is expected that the introduction of the 60mph speed limit on this section of the M5 will:

- Limit the speed of vehicles travelling on this route so they would perform more efficiently, reducing emissions;
- aid in reducing the level of nitrogen dioxide (NO₂) in this area.

The use of a 60mph speed limit is essential to achieving the objectives above.

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 the 60mph permanent speed limit for the M5 Junction 1 to 3 air quality speed limit scheme. The proposed Regulations will restrict drivers from driving within the area of the scheme at a speed exceeding 60mph.

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 M5 Junction 1 to 3 air quality speed limit 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 a permanent mandatory 60mph speed limit on the M5 between Junctions 1 and 3.

2.2. How the consultation was carried out

The Statutory Instrument Consultation Document for the Scheme was sent to the 443 consultees listed in Appendix C of the consultation document.

The consultation was also open to public participation through the National Highways consultation hub at: <https://highwaysengland.citizenspace.com/he/m5-junction-1-to-2-air-quality-speed-limit>.

We encouraged representative organisations, businesses and the general public to register their views. The 4 week consultation period commenced on 18th January 2022 and closed on 15th February 2022.

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

Sam Twist

Designated Funds Development Lead
National Highways
Perry Barr Maintenance Compound
Thornbridge Avenue
Birmingham
B42 2AG
Email: samuel.twist@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:

Hannah Edwards

Senior Stakeholder Manager
National Highways
2 Colmore Square
Birmingham
B4 6BN
Or by email: hannah.edwards@highwaysengland.co.uk

3. Responses to the consultation and National Highways' response

3.1. Summary of responses

We received a total of 21 responses to the consultation.

All 21 responses were received via Citizen Space. Of the 21 responses received, 10 were from members of the public, 3 were from Small to Medium Enterprise (up to 50 employees), 2 were from large companies, 2 were from local government, 1 was from the Police, and 3 were anonymous.

To note: we were unable to provide replies to the 3 anonymous responses.

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: Impact on air quality

Q1. Do you consider that the proposed permanent 60mph mandatory speed limit on the M5 between north of J1 and south of J2 will lead to an improvement in air quality in this area?

Row Labels	Yes	No
Large Company	1	1
Local Government	2	
Member of the public	8	2
Not Answered	2	1
Police	1	
Small to Medium Enterprise (up to 50 employees)	1	2
Grand Total	15	6

National Highways Response

Of the responses received, 71% felt that the speed limit would lead to an improvement in air quality, while 29% did not feel that it would have an impact.

Key themes identified:

- Beneficial to other areas impacted by air quality; i.e. health
- Impact on traffic volumes
- Relationship to electric vehicles
- Reviewing performance of the limit

National Highways' response to this feedback

Why implement this speed limit at this time?

There is a need to put in immediate measures to tackle the air quality in this area. While the expected trend of adoption of electric vehicles will impact upon the emissions of road traffic on this section and will likely contribute to an improvement, the effect is likely to be seen over a longer timeframe, and the current air quality position requires action to be taken immediately.

How will the reduction in speed impact the traffic volumes on this section?

Using information gathered before the implementation of the speed limit, the average speeds on this section were largely around 60mph. Therefore we are not expecting the implementation of a mandatory 60mph speed limit to impact on traffic volumes.

How will National Highways review performance of the speed limit and its impact on air quality?

We have gathered data relating to the compliance of the speed limit over the 10 month period it has been in place so far, and this will be reviewed alongside the monitoring which is being carried out for the air quality (NO₂ levels). Once the section's air quality has improved to the required level of 40 mg/m³, the speed limit will be withdrawn.

3.3. Question 2: Concerns about the introduction of the permanent 60mph speed limit

Q2. Are there any aspects of the proposed permanent 60mph mandatory speed limit which give you concerns?

Row Labels	Yes	No
Large Company	1	1
Local Government		2
Member of the public	4	6
Not Answered	1	2
Police		1
Small to Medium Enterprise (up to 50 employees)	2	1
Grand Total	8	13

Of the responses received, 62% did not have any concern regarding the implementation of the speed limit, while 38% said that they did. Of the 21 responses, 11 left comments.

Key Themes:

- Improvement to road safety
- Duration and review of the speed limit

National Highways' Response to this feedback

How will the speed limit be reviewed in terms of road safety?

Part of the role of the strategic road network is to enable journeys to be taken more quickly than they would be on local roads, as routes tend to be more direct, and enable a higher speed for vehicles to travel safely. This faster journey time is considered an economic benefit for commuters and other road users. In reducing the speed limit on this section, there is an increase in this journey time, and therefore a dis-benefit to users.

However, there is also a generally accepted position that lowering the speed limit on a route will improve safety. Therefore, following the implementation of the 60mph permanent speed limit, collision statistics will be reviewed to understand the performance of the section affected by the speed reduction. Any safety benefit will be considered as part of any decision to return the speed limit to the national limit once the air quality has improved. However, there is also an economic impact to delaying road traffic, and this will also have to be considered within the context of any decision made.

3.4. Question 3: Any other comments

Q3. Are there any additional comments you would like to make about the proposed permanent 60mph mandatory speed limit?

Row Labels	Yes	No	Not Answered
Large Company	1	1	
Local Government	2		
Member of the public	4	5	1
Not Answered	1	2	
Police	1		
Small to Medium Enterprise (up to 50 employees)	1	1	1
Grand Total	10	9	2

Key Themes:

- Making the speed limit 'live' in response to air quality

National Highways' Response to this feedback

Would it be possible to make the speed limit 'live' in relation to air quality?

This section of the M5 does not have the necessary technology to display a variable speed limit. Therefore, the only mechanism available to inform users of the speed limit is via traditional signage.

3.5. Other issues raised

Some of the feedback we received did not directly relate to the consultation theme. Responses to other common queries are listed below:

Introduction of air quality speed limits on other sections of the motorway network

National Highways is engaged in reviewing our network to identify areas of poor air quality. The introduction of a permanent mandatory speed limit to mitigate air quality exceedances is a measure which could be implemented if it would assist in achieving the required improvement. Some speed limits are already in place on other parts of the network where there are air quality exceedances e.g. the M602.

4. Summary and recommendations

4.1. Summary

There has been a reasonable level of response to this statutory instrument consultation. Concerns raised during the consultation have been considered and responded to within this report.

A few of the issues raised in the consultation feedback did not directly relate to the proposed introduction of the permanent mandatory 60mph speed limit on this section.

4.2. Recommendations

Considering all the responses received for this consultation, it is recommended that the legislation required to introduce the 60mph permanent mandatory speed limit on the M5 between Junction 1 to 3 is approved.