

# M5 Junction 4A to 6 Smart Motorway All Lane Running Scheme

## Summary of Statutory Instrument Consultation Responses



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## ***Executive Summary***

The M5 junction 4a to 6 smart motorway scheme will be implemented on the Highways Agency's network to the design set out in Interim Advice Note 161/13. A key part of smart motorways is the use of variable mandatory speed limits (VMSL). The consultation provided an opportunity for interested parties and individuals to comment on the proposal to introduce VMSL between junctions 4a and 6 on the M5.

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 VMSL for the M5 junction 4a to 6 smart motorway scheme and to enable amendments to be made to the Motorways Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) ("the 1982 Regulations") which govern the use of motorways.

A consultation paper was issued to 128 consultees and the consultation was open to public participation through the Agency's website. The consultation encouraged representative organisations, businesses and the general public affected by the proposed regulations to register their views with the Highways Agency on the proposal.

The 6 week consultation period began on 3<sup>rd</sup> March 2014 and ended on the 14<sup>th</sup> April 2014. This paper provides a summary of the consultation responses and details how the responses have been considered and taken forward. A total of 20 responses were received during the course of the consultation, although a number of comments are beyond the scope of the consultation and have been answered or considered separately.

Following the consultation it is recommended that the Secretary of State proceed with making the Regulations necessary to allow for the implementation of VMSL on the M5 between junctions 4a and 6.

*(Explanatory note: We now refer to managed motorways as smart motorways which encompass all sections of our network that incorporate technology to manage congestion and improve journey time reliability. This includes controlling speeds through the use of variable mandatory speed limits to improve traffic flow and providing driver information on overhead signs.)*

## **INTRODUCTION**

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### **1.1 Purpose**

The purpose of this document is to provide a summary of the responses received during the consultation on the implementation of VMSL as part of the M5 junction 4a to 6 smart motorway all lane running scheme. The consultation took place between 3<sup>rd</sup> March 2014 and 14<sup>th</sup> April 2014 and provided an opportunity for stakeholders, such as road user groups and other interested parties to comment on the proposed implementation of VMSL between junctions 4a and 6 of the M5. The Highways Agency has considered the comments raised by consultees and this document also summarises its response to those comments.

### **1.2 Background**

The M5 junction 4a to 6 smart motorway all lane running scheme is one of a number of schemes proposed in the Government SR13 announcement in June 2013.

The M5 between Worcester and Birmingham is a strategic route, connecting the Midlands with the South West of England. M5 junction 4a to 6 connects to the south west corner of the 'Birmingham Box' – a network of motorways surrounding Birmingham and its suburbs. A combination of long distance and local traffic uses the route, with the total daily traffic varying between 50,000 and 75,000 vehicles in each direction. Traffic is predicted to grow leading to further congestion, on this route which provides access to destinations such as Birmingham International Airport, National Exhibition Centre (NEC), freight depots and National sporting venues.

Smart motorway schemes are commissioned and operating successfully on sections of the M42 and M6 locally and this scheme will continue the use of technology on the strategic road network to manage congestion and support an operational approach that maximises the use of the existing Agency asset.

### **1.3 Consultation topic**

The introduction to the consultation document clearly stated that the scope was as follows:

"We are keen to have your comments on the proposal for implementation of variable mandatory speed limits for the M5 smart motorway scheme between junctions 4a and 6; specifically on how the proposal could affect your organisation or those you represent".

Explanation of the operating regime of the smart motorway scheme and associated design features were provided in the consultation document, including introduction of the concept of Emergency Refuge Areas (ERAs). This was to assist in understanding of the scheme and not included within the scope of the consultation.

"It is important to note that this is not consultation on the actual policy of using variable mandatory speed limits or all lanes running. Use of these traffic management features is already settled Government policy. We are therefore seeking views on the proposal set out below."

“This consultation provides an opportunity for interested parties to comment on the proposal to introduce variable mandatory speed limits for the M5 motorway junction 4a to junction 6 smart motorway all lane running scheme”.

Nevertheless, a number of respondents did use the consultation as an opportunity to comment on other issues such as safety, environmental concerns and highway design. These comments are provided for completeness in Appendix B of this document.

#### **1.4 Document Structure**

**Section 1** provides a background to the consultation

**Section 2** describes how the consultation was conducted and how responses from consultees were considered

**Section 3** contains a summary of the consultation responses and analysis of each response

**Section 4** contains a summary of the consultation period and the recommended way forward

## ***CONDUCTING THE CONSULTATION EXERCISE***

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### **1.5 What the consultation was about**

This consultation provided an opportunity for interested parties to comment on the proposal to introduce VMSL for M5 junction 4a to 6 smart motorway all lane running scheme.

### **1.6 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 M5 junction 4a to 6 smart motorway all lane running scheme and to enable amendments to be made to the Motorways Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) (“the 1982 Regulations”) which govern the use of motorways. 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 M5 junction 4a to 6 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. A more detailed explanation of the changed regulations is given within the ‘M5 junction 4a to 6 smart motorway all lane running scheme Consultation document for statutory instrument’. [1].

### **1.7 How the consultation was conducted**

The consultation paper [1] was issued to 128 consultees and a 6 week consultation period started on 3<sup>rd</sup> March 2014. The consultation documents were made available on the Highways Agency website allowing the public to comment on the proposed legislative changes. The start of the consultation period was accompanied by a press notice. All parties affected by the proposed legislative changes were encouraged to make contact with the Agency to provide their views. The consultation closed on 14<sup>th</sup> April 2014.

### **1.8 Government consultation principles**

The consultation was carried out in accordance with the Government’s consultation principles. The consultation criteria are listed as follows.

**1) Subjects of Consultation** – The objectives of any consultation should be clear and will depend to a great extent on the type of issue and the stage in the policy-making process – from gathering new ideas to testing options.

**2) Timing of Consultation** – Engagement should begin early in policy development when the policy is still under consideration and views can genuinely be taken into account.

**3) Making information useful and accessible** – Policy makers should think carefully about who needs to be consulted and ensure the consultation captures the full range of stakeholders affected. Information should be disseminated and presented in a way likely to be accessible and useful to the stakeholders with a substantial interest in the subject matter.

**4) Transparency and Feedback** – The objectives of the consultation process should be clear. To avoid creating unrealistic expectations, any aspects of the proposal that have clearly been finalised and will not be subject to change should be clearly stated.

**5) Practical Considerations** - Consultation exercises should not generally be launched during local or national election periods.

Further information about the consultation principles can be located on the Cabinet Office website:

<https://www.gov.uk/government/publications/consultation-principles-guidance>  
(revised address since the publication of the original consultation pack)

## ***SUMMARY OF RESPONSES***

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### **1.9 Number of responses**

During the consultation period, 20 responses were received:

- 17 completed the questionnaire
- 3 provided comments in separate correspondence

These responses included 18 from non-affiliated individuals.

### **1.10 Questionnaire analysis**

Respondents were invited to use the questionnaire to provide their comments. Of the 17 questionnaires received, 1 response was from one of the Statutory Consultees as listed in Appendix A (Hereford and Worcester Fire and Rescue Service), with 16 from non-affiliated individuals. Not all respondents answered all questions and Table 1, as follows, summarises the responses received.

<b>Question</b>	<b>Yes</b>	<b>No</b>
Do you consider that the proposal to introduce the smart motorway scheme on the M5 between junctions 4A and 6 will lead to an improvement in travelling conditions on this section of motorway?	5	3
Are there any aspects of the proposal to introduce the smart motorway scheme on the M5 between junctions 4A and 6 which give you concerns?	3	5
Are there any additional comments you would like to make about the proposal to introduce the smart motorway scheme on the M5 between junctions 4A and 6?	3	5

**Table 1: Summary of responses to the three questions on the questionnaire**

From Table 1 it can be seen that the majority of respondents who completed these questions considered that the scheme would lead to an improvement in travelling conditions. However, in each instance more than half (9) of those who submitted a questionnaire did not answer these questions. Some respondents presented concerns, most provided as additional comments and not in relation to variable mandatory speeds, the topic of this consultation exercise. These specifically related to the VMSL are detailed in subsequent sections of this Report, with those not specifically related provided in Appendix B.

### **1.11 Respondents who did not use the questionnaire**

Three respondents did not complete the questionnaire but provided comments in correspondence:

- Road Haulage Association
- 2 non-affiliated individuals

## 1.12 Support for the scheme

Comments received from respondents, either from correspondence or completion of the questionnaire, were wide ranging and included support for smart motorways in general, support for VMSL on this section of motorway, comments and questions about the design and a number of concerns. Table 2, as follows, lists the more supportive comments received.

Organisation	Quote of Support
Road Haulage Association	<p>[...]The RHA is happy to support the current scheme to introduce a smart motorway on the M5 between junctions 4a and 6. Our members have already experienced the advantages of driving on the managed motorway which is already operating on the adjacent M42, and have reported improved driving conditions</p> <p>Our members report that the M5, which the consultation document says carries 110,000 vehicles a day, is frequently congested and that this leads to unpredictable journey times. Delay and congestion have a negative economic impact on the business operations of our members, so we see the smart motorway proposal as a sensible measure that will help control and limit congestion and delay. We note that the plan is to implement a smart motorway scheme between junctions 4a and 6 with the hard shoulder permanently converted for use as a lane and with refuge areas provided at 2,500 metre intervals.</p> <p>While we agree that there is a place for hard-shoulder running in peak flow periods we wish to repeat the reservations we have expressed in previous consultations about permanent hard-shoulder conversion. In our view the conversion should be a temporary solution only. This is because our members think that a continuous hard shoulder has significant benefits in terms of safety. Given this position, we would urge that in the longer term, when budgets are less constrained, there should be a programme of roads building, widening and improvement, which would be a better permanent solution in relation to the management of high volume of traffic on the M5 and the surrounding motorway network.</p> <p>So in broad terms, but with reservations, we support the current proposal which should help to limit congestion, improve journey time reliability, and increase and improve the quality of information for drivers. [...]</p>
Non-affiliated Members of the Public	<p>I can see that it will improve the flow of traffic by enabling the use of 4 lanes and facilitate a safer route.</p> <p>And</p> <p>Morning rush hour traffic is a real problem on this stretch of motorway and often there are tailbacks, it also can be dangerous as the motorway suddenly comes to a halt.</p>

**Table 2: A selection of supportive comments about the scheme**

## 1.13 Comments about the proposal

Within the 20 responses where comments were provided, there are three respondents who have provided comments which relate to the specifics of the consultation (VMSL). These comments, together with the Highways Agency response, are provided in Table 3 as follows. Other comments made, which are not specifically related to the consultation are provided in Appendix B, together with the Highways Agency response.



Summary of Statutory Instrument Consultation Responses

Organisation	Responses – Comments about the Scheme	
	Comments Received	Response to Comment
Road Haulage Association: By Letter	<p>The RHA is happy to support the current scheme to introduce a smart motorway on the M5 between junctions 4a and 6. Our members have already experienced the advantages of driving on the managed motorway which is already operating on the adjacent M42, and have reported improved driving conditions.</p> <p>Our members report that the M5, which the consultation document says carries 110,000 vehicles a day, is frequently congested and that this leads to unpredictable journey times. Delay and congestion have a negative economic impact on the business operations of our members, so we see the smart motorway proposal as a sensible measure that will help control and limit congestion and delay.</p> <p>We note that the plan is to implement a smart motorway scheme between junctions 4a and 6 with the hard shoulder permanently converted for use as a lane and with refuge areas provided at 2,500 metre intervals.</p> <p>We are concerned that adequate resources are not in place to deal with enforcement issues and that pressures on roads policing budgets may mean that enforcement of smart motorway speed limits will prove challenging.</p> <p>In our view introduction of new technologies is not a complete substitute for the deployment on the ground of roads policing professionals.</p> <p>As a final point, we would urge the government to remain committed to funding an adequate level of roads policing and commercial vehicle enforcement activity from DVSA, formerly VOSA.</p>	<p>The full response and the Highways Agency comments are provided in Appendix B</p> <p>The enforcement of speed limits is a matter for the Police, as is how they choose to deploy their limited resources. We support the Police in the enforcement of speed limits on smart motorways, by providing automatic speed cameras which they operate as part of their enforcement strategy.</p>

Organisation	Responses – Comments about the Scheme	
	Comments Received	Response to Comment
Non-affiliated individual (1): By Letter	<p>I have been using the M5 between Worcester and Birmingham on a daily or very regular basis since 1976.</p> <p>There is no problem with this section of the motorway that needs a so-called "Smart" regulation of speed as a solution.</p>	<p>The equipment installed as part of each smart motorway scheme provides a highly controlled environment which allows better detection and management of incidents. During busy periods, radar devices or detection loops below the road surface are used to identify breakdowns in traffic flow and automatically set lower speed limits on the approach to an incident. The overhead electronic signals can also be used to display warning messages to approaching drivers and close lanes to protect vehicles until assistance arrives, which are not possible on a traditional motorway.</p> <p>The full response and the Highways Agency comments are contained in Appendix B</p>
Non-affiliated individual (4): Questionnaire Response	<p>I think it'll cause worse congestion and disrupt journey times on a vitally important network</p>	<p>Smart motorways with a dynamic hard shoulder have been in operation since 2006, and have demonstrated that with the aid of technology the hard shoulder can be converted into a running lane, helping to reduce congestion without compromising safety.</p> <p>At a slightly lower speed, the traffic flows more smoothly; this gives minor congestion a chance to disperse before a traffic jam can form, and helps to prevent the 'stop-start' conditions which can occur in heavy traffic.</p>

**Table 3: Comments about the scheme**

## ***SUMMARY AND RECOMMENDATIONS***

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### **1.14 Summary**

The consultation has shown that while stakeholders have concerns about the smart motorways all lane running design concept, they are generally supportive of VMSL specifically. Concerns are focussed more around the permanent conversion of the hard shoulder to a running lane, the 24/7 nature of the operation and the risks of vehicles stopping in live lanes, especially off peak. The Highways Agency is continuing to work with stakeholders to address these concerns.

With regard to the specific focus of the consultation, the implementation of variable mandatory speed limits on the M5 between junctions 4a and 6, stakeholders do not generally have concerns about the principles of VMSL. Any concerns, as set out in Table 3, focus on the technology to be used in displaying VMSL and the ability to undertake automated enforcement of the speed limits. The Agency response to these concerns is also provided in the Table.

The consultation was sent to 128 representative organisations, with responses received from only Hereford and Worcester Fire & Rescue and the Road Haulage Association, together with 18 non-affiliated individual responses. Responses from the Agency have been sent to all those who raised specific comments and concerns, irrespective of whether issues raised were VMSL specific or more widely scheme and/or smart motorway concept related, and liaison continues on the specific application of the smart motorway all lane running design to the M5 between junctions 4a and 6.

### **1.15 Recommendations**

Following this consultation, the Agency recommends proceeding with making the necessary legislative changes by way of Regulations to provide for VMSL between junctions 4A and 6 of the M5 to allow the smart motorways scheme to operate once constructed.

## ***Appendix A – List of Consultees***

<b>Government / Local Government Bodies</b>	
Bob Lloyd (Street Works Manager) Worcestershire County Council County Hall Spetchley Road Worcester WR5 1RQ	Transport and Streets Department Worcester City Council Orchard House Complex Farrier Street Worcester WR1 3BB
DE&S Secretariat Ministry of Defence Maple 0a, #2043 MOD Abbey Wood, Bristol. BS34 8JH	Chief Executive Driving Standards Agency Axis Building, 112 Upper Parliament Street Nottingham NG1 6LP
Chief Executive Local Government Association Local Government House Smith Square London SW1P 3HZ	Transport and Streets Department Bromsgrove DC The Council House Burcot Lane Bromsgrove Worcestershire B60 1AA
Transport and Streets Department Malvern Hills DC Council House Avenue Road Malvern WR14 3AF	Transport and Streets Department Redditch District Council Town Hall Walter Stranz Square Redditch B98 8AH
Transport and Streets Department Wychavon District Council Civic Centre Queen Elizabeth Drive Pershore Worcestershire WR10 1PT	Transport and Streets Department Wyre Forest District Council Wyre Forest House Finepoint Way Kidderminster Worcestershire DY11 7WF
Transport and Streets Department Dudley MBC Council House Priory Road Dudley DY1 1HF	Transport and Streets Department Sandwell Council PO Box 2374 Oldbury B69 3DE
Transport and Streets Department Birmingham City Council The Council House Victoria Square Birmingham B1 1BB	Transport and Streets Department Solihull Council Council House Manor Square Solihull West Midlands B91 3QB
Peter Luff MP (Mid Worcester) House of Commons London SW1A 0AA	Harriett Baldwin MP (West Worcestershire) House of Commons London SW1A 0AA
Robin Walker MP (Worcester) House of Commons London SW1A 0AA	Sajid Javid MP (Bromsgrove) House of Commons London SW1A 0AA
Karen Lurnley MP (Redditch) House of Commons London SW1A 0AA	Mark Garnier MP (Wyre Forest) House of Commons London SW1A 0AA

Worcestershire LEP Peter Pawsey - Chairman, WLEP Office, Brindley Court, Gresley Road, Warndon, Worcester, WR4 9FD	Chairman The Crown Estate 16 New Burlington Place London W1S 2HX
<b>Core Responders / Legal</b>	
Chairman (Traffic Committee) ACPO 7th Floor 25 Victoria St London SW1H 0EX	Director Ambulance Service Network NHS Confederation Floor 4 50 Broadway London SW1H 0DB
Chief Constable British Transport Police Force HQ 25 Camden Road London NW1 9LN	Central Council of Magistrates Courts Committee 185 Marylebone Road, London NW1 5QB
The President Chief Fire Officers Association 9-11 Pebble Close Amington Tamworth Staffordshire B77 4RD	The Honorary Secretary District Courts Association P.O. Box 14 Civic Centre Motherwell ML1 1TW
Safer Roads Partnership, Warwickshire Police Headquarters, PO Box 4, Leek Wootton. CV35 7QB	Executive Director Magistrates' Association Fitzroy Square London W1P 6DD
Chief Constable Ministry of Defence Police 5th Floor, Zone A Main Building Whitehall London SW1A 2HB	The Chairman Police Federation Federation House Highbury Drive Leatherhead Surrey KT22 7UY
The President Police Superintendents Association of England and Wales 67a Reading Road Pangbourne Berkshire RG8 7JD	Regimental Secretary RHQ RMP Defence Police College Policing and Guarding Postal Point 38 Southwick Park Fareham Hants PO17 6EJ
Chief Fire Officer West Midlands Fire and Rescue Service Headquarters Lancaster Circus Queensway Birmingham B4 7DE	David Shaw (Chief Constable) West Mercia Police PO Box 55 Worcester WR3 8SP
Mark Yates (Chief Fire Officer) Hereford & Worcester Fire & Rescue Service Headquarters 2 Kings Court Charles Hastings Way Worcester WR5 1JR	Chris Sims (Chief Constable) Police Headquarters West Midlands Police Lloyd House Colmore Circus Birmingham B4 6NQ

Central Motorway Police Group Thornbridge Avenue Perry Barr Birmingham B42 2AG	Philip Moore Warwickshire Police Service Warwickshire Police Headquarters PO Box 4 Leek Wootton CV35 7QB
Chief Executive West Midlands Ambulance Service Millenium Point Waterfront Business Park Brierley Hill West Midlands DY5 1LX	Chief Executive VOSA Berkeley House Croydon Street Bristol BS5 0DA
<b>Statutory Undertakers</b>	
Richard Gill Communications Manager Amey 18 Ridgeway Quinton Birmingham B32 1AF	Chief Executive Plant Protection Team National Grid Block 1; Floor 1 Brick Kiln Street Hinckley LE10 0NA
Chief Executive Wales & West Utilities Spoooner Close Celtic Springs Newport NP10 8FZ	Chief Executive Western Power Distribution – Midlands, South West & Wales Regus House Herald Way East Midlands Airport Derby DE74 2TU
Chief Executive Scotia Gas Networks (Southern Gas Network) Inveralmond House 200 Dunkeld Road Perth PH1 3AQ	Chief Executive Central Networks Toll End Rd Tipton West Midlands DY4 0HH
Chief Executive Openreach National Notice Handling Centre PP 404B Telecom House Trinity Street Hanley Stoke-on-Trent ST1 5ND	Cable and Wireless UK c/o Atkins Telecoms The Hub 500 Park Avenue Aztec West Bristol BS32 4RZ
Chief Executive Virgin Media National Plant Enquiries Team Virgin Media Mayfair Business Park Broad Lane Bradford BD4 8PW	Chief Executive Vodafone Vodafone House The Connection Newbury Berkshire RG14 2FN
Chief Executive Fisher Graham 80 Tamworth Road Ashby de la Zouch LE65 2BY	Chief Executive Serco Infrastructure 3 Ridgeway Quinton Business Park Quinton Birmingham B32 1AF
Chief Executive Severn Trent Water Limited, Severn Trent Centre, PO Box 5309, Coventry, CV3 9FH	Chief Executive South Staffordshire Water Chesterfield Road Lichfield Staffs. WS14 0AA

Chief Executive Trafficmaster National Control Centre Martell House University Way Cranfield Bedfordshire MK43 0TR	
<b>Environmental Organisations</b>	
Chief Executive Campaign to Protect Rural England National Office 5-11 Lavington Street London SE1 0NZ	Chief Executive English Heritage 1 Waterhouse Square 138-142 Holborn London EC1N 2ST
Chief Executive Environmental Agency Thames Barrier Operational Area Eastmoor Street London SE7 8LX	The Chair Friends of the Earth 26-28 Underwood Street London N1 7JQ
Chief Executive Natural England Foundry House 3 Millsands Riverside Exchange Sheffield S3 8NH	Waterway Manager Canal & River Trust Head Office First Floor North, Station House 500 Elder Gate Milton Keynes MK9 1BB
National Trust Central Office Heelis Kemble Drive Swindon SN2 2NA	DeFRA, Nobel House 17 Smith Square London SW1P 3JR
Woodland Trust, Autumn Park Dysart Road Grantham Lincolnshire NG31 6LL	Worcestershire Wildlife Trust, Worcestershire Wildlife Trust Lower Smite Farm Smite Hill Hindlip Worcestershire WR3 8SZ
Worcestershire Bat Group, enquiries@bats.org.uk	Worcestershire Reptile and Amphibian Group, <a href="mailto:worcsarg@googlemail.com">worcsarg@googlemail.com</a>
Shropshire Mammal Group, <a href="mailto:shropshiremammalgroup@gmail.com">shropshiremammalgroup@gmail.com</a>	
<b>Road User / Safety Organisations</b>	
The Chairman AIRSO 68 The Boulevard Worthing BN13 1LA	The Chairman Association of British Drivers PO Box 2228 Kenley Surrey CR8 5ZT
Chief Executive BRAKE PO Box 548 Huddersfield HD1 2XZ	The Chairman British Motorcycle Federation 3 Oswin Road Brailsford Industrial Estate Braunstone Leicester LE3 1HR

Chief Executive Campaign for Better Transport 16 Waterside 44-48 Wharf Road London N1 7UX	Defensive Driver Training Limited Tudor House 2 Worcester Street Stourbridge West Midlands DY8 1AN
The Chair Disabled Persons Transport Advisory Committee 2/17 Great Minster House 33 Horseferry Road London SW1P 4DR	Chief Executive Disabled Motoring UK National Headquarters Ashwellthorpe Norwich NR16 1EX
Chief Executive Health and Safety Executive Rose Court, 2 Southwark Bridge London SE1 9HS	Chief Executive Freight Transport Association Hermes House St John's Road Tunbridge Wells Kent TN4 9UZ
The Chairman Institute of Road Safety Officers IRSO Head Office 12 Haddon Close Wellingborough Northamptonshire NN8 5ZB	The Chairman Institute of Advanced Motorists IAM House 510 Chiswick High Road London W4 5RG
The Chair Motorcycle Industry Trainers Association 1 Rye Hill Office Park Birmingham Road Allesley Coventry. CV5 9AB	The Chairman Motorcycle Action Group Central Office P.O. Box 750 Warwick CV34 9FU
Chief Executive National Express Group PLC National Express House Mill Lane Digbeth Birmingham B5 6DD	The Chairman PACTS Clutha House, 10 Storey's Gate Westminster, London SW1P 3AY
The Chairman RAC Foundation 89-91 Pall Mall London SW1Y 5HS	The Chairman Road Haulage Association 3rd Floor, Shore House Westbury Hill Westbury on Trym Bristol BS9 3AA
The British School of Motoring Fanum House Basing View Basingstoke Hampshire RG21 4EA	The Chairman Royal Society for the Prevention of Accidents RoSPA House 28 Calthorpe Road Edgbaston Birmingham B15 1RP
The British Horse Society Abbey Park Stareton Kenilworth Warwickshire CV8 2XZ	Ramblers 2nd Floor Camelford House 87-90 Albert Embankment LONDON SE1 7TW

Vehicle Recovery Operators	
Chief Executive Association of Vehicle Recovery Operators AVRO House 1 Bath Street Rugby CV21 3JF	Managing Director Britannia Rescue - LV The Quadrant Aztec West Business Park Almondsbury Bristol BS32 4AQ
Network Operations Manager Green Flag Green Flag House Cote Lane Pudsey Leeds LS28 5GF	Chief Executive Institute of Vehicle Recovery Operators Top Floor Bignell House Horton Road West Drayton Middlesex UB7 8EJ
Operations Director Allianz Assistance 102 George Street Croydon Surrey CR9 1AJ	The Director National Tyre Distributors Association 8 Temple Square Aylesbury Buckinghamshire HP20 2QH
Operations Manager RAC Motoring Services RAC House Brockhurst Crescent Walsall WS5 4QZ	The President Road Rescue Recovery Association Venture House Enterprise Way Endeavour Park Boston Lincolnshire PE21 7TW
Road Operations Director The Automobile Association Ltd Fanum House Basing view Basingstoke Hampshire RG21 4EA	Area Manager Road Haulage Association Rescue & Recovery Group Bretton Way Bretton Peterborough Cambridgeshire PE3 8DD
Business Organisations	
The Chairman Association of British Insurers 51 Gresham Street London EC2V 7HQ	Mike Aston (Chief Executive) Herefordshire & Worcestershire Chamber of Commerce HEAD OFFICE Severn House Prescott Drive Warndon Business Park Worcester WR4 9NE
Chief Executive British Insurance Brokers' Association 8th Floor John Stow House 18 Bevis Marks London EC3A 7JB	Regional Director CBI West Midlands Region 14th Floor Cobalt Square 83 Hagley Road Birmingham B16 8QG
Chief Executive The Chartered Institution of Highways and Transportation 119 Britannia Walk London N1 7JE	The Chairman CECA (Midlands) Lasyard House Underhill Street Bridgnorth Shropshire WV16 4BB

Chief Executive English Tourist Board Visit England 1 Palace Street London SW1E 5HX	The President Institution of Civil Engineers 1 Great George Street Westminster London SW1P 3AA
Chief Executive Oil and Pipelines Agency York House 23 Kingsway The Strand London WC2B 6UJ	Chief Executive Ordnance Survey Adanac Drive Southampton Hants SO16 0AS
General Secretary Trade Union Congress Congress House Great Russell Street London WC1B 3LS	Chief Executive The Chartered Institute of Logistics and Transport Earlstrees Court Earlstrees Road Corby. Northants NN17 4AX
<b>Media Organisations</b>	
Paul Walker Editor in Chief Bromsgrove Advertiser 5 High Street Bromsgrove Worcestershire. B61 8AJ	Alan Wallcroft Editor in Chief Droitwich Advertiser 5 High Street, Bromsgrove, Worcestershire. B61 8AJ
Peter John Editor in Chief Worcester News Berrows House Hylton Road Worcester. Worcestershire WR2 5JX	Director Newsquest (Midlands South) Ltd Berrows House Hylton Road Worcester WR2 5JX
<b>Transport Organisations</b>	
Chief Executive Birmingham Airport Limited Birmingham B26 3QJ	Chief Executive Network Rail Kings Place 90 York Way London N1 9AG
Chief Executive Centro Centro House 16 Summer Lane Birmingham West Midlands B19 3SD	Chief Executive British International Freight Association Redfern House Browells Lane Feltham Middlesex TW13 7EP
Duty Manager RoadChef Strensham Services South Strensham Worcester. Worcestershire WR8 9	Duty Manager RoadChef Strensham Services North Strensham Worcester. Worcestershire WR8 0BZ
Duty Manager Moto Frankley Motorway Services Illey Lane Birmingham Worcestershire BS32 4AR	Chief Executive Megabus Customer Services Buchanan Bus Station Killermont Street Glasgow GN2 3NW

***Appendix B – Comments made unrelated to consultation***

Organisation	Responses – Comments about the Scheme	
	Comments Received	Response to Comment
Road Haulage Association: By Letter	<p>The RHA is happy to support the current scheme to introduce a smart motorway on the M5 between junctions 4a and 6. Our members have already experienced the advantages of driving on the managed motorway which is already operating on the adjacent M42, and have reported improved driving conditions.</p> <p>Our members report that the M5, which the consultation document says carries 110,000 vehicles a day, is frequently congested and that this leads to unpredictable journey times. Delay and congestion have a negative economic impact on the business operations of our members, so we see the smart motorway proposal as a sensible measure that will help control and limit congestion and delay.</p> <p>We note that the plan is to implement a smart motorway scheme between junctions 4a and 6 with the hard shoulder permanently converted for use as a lane and with refuge areas provided at 2,500 metre intervals.</p> <p>While we agree that there is a place for hard-shoulder running in peak flow periods we wish to repeat the reservations we have expressed in previous consultations about permanent hard-shoulder conversion. In our view the conversion should be a temporary solution only. This is because our members think that a continuous hard shoulder has significant benefits in terms of safety. Given this position, we would urge that in the longer term, when budgets are less constrained, there should be a programme of roads building, widening and improvement, which would be a better permanent solution in relation to the management of high volume of traffic on the M5 and the surrounding motorway network.</p>	

Organisation	Responses – Comments about the Scheme	
	Comments Received	Response to Comment
<p>Non-affiliated individual (1): By Letter</p>	<p>I have been using the M5 between Worcester and Birmingham on a daily or very regular basis since 1976. There is no problem with this section of the motorway that needs a so-called "Smart" regulation of speed as a solution. The only problems with this section are:</p> <ul style="list-style-type: none"> <li>- the southbound exit slip road ramp at J5 is too short, occasionally involving tailbacks in the slow lane; this is less of a problem at J6 southbound, but much more evident in the evening at the nbound exit ramp at J4, which is outside the proposed Smart area;</li> <li>- the inadequate joining arrangements from M42 to M5 southbound at J4a, where the joining traffic seems to think it has priority in filtering into the M5 (the same is observed at the northbound M5 entry ramp at J4);</li> <li>- inadequately signposted arrangements for the exit to the M42 from M5 northbound, which leads to insufficient use of the exit ramp from the centre lane of M5.</li> </ul> <p>Otherwise traffic flows reasonably when not obstructed or restricted by very poorly planned and executed roadworks, such as the central reservation replacement scheme in 2012 and currently in operation again. Making this section of motorway "Smart" seems to be an ill-thought out solution to a non-problem.</p> <p>Better traffic flow might result if the electronic signs, installed at considerable expense and disruption a few years ago, were used with intelligence which is currently absent. At present they are used to carry messages which relate to problems at some distance away (M6 Northbound problems at J14), or are plain daft (Think Bike), or are simply inaccurate (Queue ahead - when there isn't one). They have lost all credibility and usefulness.</p>	<p>As part of these works we will be modifying the southbound offslip road in order to provide greater queuing capacity. There are also separate measures being considered for Junction 5 that would ease overall congestion and reduce queues on the slip road.</p> <p>The arrangements for traffic joining the M5 from the M42 are modified as part of this scheme, however, general priorities of joining from one motorway to another will remain.</p> <p>The arrangement for leaving the M5 northbound to join the M42 is also modified under this scheme, although it will remain a staggered arrangement will exist.</p> <p>The equipment installed as part of each smart motorway scheme provides a highly controlled environment which allows better detection and management of incidents. During busy periods, radar devices or detection loops below the road surface are used to identify breakdowns in traffic flow and automatically set lower speed limits on the approach to an incident. The overhead electronic signals can also be used to display warning messages to approaching drivers and close lanes to protect vehicles until assistance arrives, which are not possible on a traditional motorway.</p> <p>Smart motorways have more CCTV coverage than other sections of motorway, which gives our regional control centre operators greater awareness of what is happening during an incident and allows them to advise the emergency or recovery services more effectively.</p>

Organisation	Responses – Comments about the Scheme	
	Comments Received	Response to Comment
	<p>My comments are from myself as an individual.</p>	<p>We seek to provide information on incidents further along the network, on the basis this may enable drivers to choose an alternative route if they are made aware of circumstances sufficiently in advance.</p> <p>Signs will display messages such as “think bike” as part of a strategy to help promote various messages, however, these would always be overridden by any other message.</p> <p>Messages such as “queue ahead” are generated through automatic sensors, and can be activated if traffic slows without reason.</p>
<p>Non-affiliated individual (2): By Letter</p>	<p>Dear Sirs,</p> <p>We are concerned as we live near the M5 motorway.</p> <p>Our concern is that we get a lot of motorway noise on the stretch of motorway between Junction 4a to Junction 5 southbound.</p> <p>As you are intending to put another lane to relieve congestion this will obviously cause much more motorway noise from the extra lane you are adding.</p> <p>We would like to propose that it will greatly improve noise problems by laying a low noise Tarmac to relieve this problem, it will also create a much better living environment for the people living near this area of the motorway like ourselves and Grafton Manor.</p> <p>Both properties are Listed and need to be kept in a good environment to retain their English Heritage.</p>	<p>We are able to confirm that the smart motorway scheme that is being developed would include resurfacing with a “low noise” material.</p>
<p>Non-affiliated individual (3): By</p>	<p>The outline document explaining this proposal shows clearly the growth in the traffic on this motorway link from its original 2 lanes when I moved to this area , to the expansion to 3 lanes and now its</p>	<p>The smart motorway scheme that is being developed would include resurfacing with a “low noise” material.</p>

Organisation	Responses – Comments about the Scheme	
	Comments Received	Response to Comment
Questionnaire	<p>expansion again to 4 lanes with 110, 000 vehicles per day. This growth is only going to increase further with the completion of these works. What has not been factored into this has been the growth of noise and pollution that has taken place with this expansion. Timberhonger Lane runs under the M5 motorway at a point where for about 1 mile the motor overlooks the current Friarscroft housing estate on the edge of Bromsgrove. With the prevailing wind coming from the southwest there is a continual ingress of road pollution and noise affecting the estate. The estate bounds the existing open recreational park areas. All housing on the estate is now double glazed which is fine in winter.</p> <p>In summer however, with the windows open, the continuing drone of road noise is a real pain even with the distance I am from the raised motorway section. This affects the park area and housing stock. Bromsgrove has an existing and documented air pollution problem emanating from the use of cars. Worcester county council have been unable to really get to grips with this because of Bromsgrove's location. I would hate to get straight to solution mode but it strikes me that work to provide a barrier screen along this stretch of raised motorway would help alleviate matters - in much the same way as it has done in Catshill a few miles along the M5 route. You should also note that the area between Timberhonger Lane road and Sunningdale road along the Whitford road adjacent to the M5 route above, is in the Bromsgrove district development plan to be used as part of its 5 year stock of development land for housing. Even as I write this, outline planning is being sought for 490 houses in this area. These houses will be significantly closer than I to the widened M5 and will by default be more affected than I am now. Perryfields lane extends from Whitford road alongside the M5 towards the junctions with the m42. This is also in the development area and a further 1000 houses are due to be built here alongside the motorway</p>	<p>With regard to air pollution we have done monitoring of the existing situation and undertaken a model to forecast future air pollution, which has shown that the schemes effect on local air quality will not be significant overall.</p> <p>The concern relating to poor air quality within the Bromsgrove District Council area is likely to be related to the presence of the Air Quality Management Areas (AQMAs). Bromsgrove currently has four AQMAs declared two of which are within the centre of Bromsgrove and are fairly close to the Friarscroft Housing Estate. These two AQMAs are primarily declared as a result of road traffic emissions mainly from the B4091 and the A38. The Scheme is not predicted to effect air quality within the AQMAs.</p>

Organisation	Responses – Comments about the Scheme	
	Comments Received	Response to Comment
	<p>route.</p> <p>Please review what you are doing and ensure you take in to account the impact on the environment of the land around you, do something to combat pollution and noise on this raised section of motorway.</p>	
<p>Non-affiliated individual (5): By Questionnaire</p>	<p>Money being spent on (potentially spy) technology, and not fixing the core problem.</p>	<p>The equipment installed as part of each smart motorway scheme provides a highly controlled environment which allows better detection and management of incidents. During busy periods, radar devices or detection loops below the road surface are used to identify breakdowns in traffic flow and automatically set lower speed limits on the approach to an incident. The overhead electronic signals can also be used to display warning messages to approaching drivers and close lanes to protect vehicles until assistance arrives, which are not possible on a traditional motorway.</p>

### ***Appendix C – References***

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Note: the Documents shown below are available from the Gov.uk website:

<https://www.gov.uk/government/consultations/m5-junctions-4a-to-6-smart-motorway-variable-speed-limits>

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| [1] | M5 junction 4a to 6 smart motorway all lane running scheme consultation document for statutory instrument |
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