

# **POLICY AND PERFORMANCE SCRUTINY PANEL**

**23 November 2020**

**CABINET**

**26 November 2020**

## **RESPONSES TO M27 SCRUTINY INVITATION**

### **Report of the Strategic Business Planning Lead for Environment**

---

#### **Recommendation(s)**

##### **It is recommended that Policy & Performance Scrutiny Panel:**

- (1)** note the contents of this report and associated letters and make recommendations to Cabinet as appropriate.
- (2)** that a Scrutiny session on the Smart Motorway should take place with key stakeholders regardless of Highways England representation.

##### **It is recommended that Cabinet:**

- (3)** note the contents of the report and associated letters.
- (4)** request that Highways England do not bring the new fourth inside lane of the Motorway into operation until Stopped Vehicle Detection technology has been installed.

---

#### **Summary**

The Council has a long history of seeking improvements to the M27 to reduce the impact of noise on residents. This report and its associated appendixes provides the latest update of this engagement, including a commitment from Highways England that sufficient funding will be made available for the road to be resurfaced.

#### **Focus for Scrutiny**

Biodiversity, Health and Wellbeing and Transport issues relating to the M27

Smart Motorway.

## **Statutory Powers**

Localism Act 2011

### **Strategic Implications**

1. As the M27 Smart Motorway scheme will impact local transport, ecology and the health of residents, this report relates to the Council's corporate objectives around Tackling Congestion, Green Infrastructure, Excellent Environment for all and Health and Wellbeing.

### **Background**

2. On the 19 July 2018 the following motion was passed at Full Council setting out the Councils' position in relation to the M27:

*Council notes that Mike Thornton MP secured funding from Highways England in 2014 to achieve low noise resurfacing of the M27 between Junction 5 and Junction 7 in 2016, and that this work was subsequently delayed to link with the Smart Motorway project. Council is concerned that full details of this resurfacing of all four lanes has not been included in Highways England's exhibition on Smart Motorways, notes that without quieter surfacing noise pollution will increase above the already unacceptable levels as traffic volumes grow, and seeks urgent reassurance from the Secretary of State for Transport that this long-promised project will still go ahead alongside other work.*

3. At that meeting it was resolved that:

*That the Government be held to account should Highways England fail to comply with a funded commitment agreed in 2014 for low noise resurfacing between Junction 5 and Junction 7.*

4. As it became apparent that the M27 scheme would not be resurfaced as part of the Smart Motorway scheme, in July 2020 the Council contacted the Secretary of State for Transport, Chief Executive of Highways England (Appendix 1) and asked for assistance from the Local MP's on this matter (Appendix 8).

5. Alongside seeking clarity on resurfacing, the July 2020 letter to the Secretary of State also highlighted significant issues in relation to:
  - Noise and Ecological Issues during the construction of the Smart Motorway
  - Safety of the Motorway once in operation
  - Sought commitment for the road to be resurfaced with a low noise material
  - Requested representation at a future scrutiny meeting.
6. As the Council did not receive a response to the issues raised in its July correspondence, follow up letters were sent at the beginning of October 2020 to the Secretary of State, Minister for Roads and Chief Executive of Highways England (Appendix 2) with associated letters also distributed to the Local MP's (Appendix 7).
7. On the 22 October 2020 the Council received a response from Highways England in relation to the issues raised in the July letter. Alongside responses from Highways England the Council also received responses from the Minister for Roads (Appendix 3) and both the Eastleigh and Winchester & Chandlers Ford MPs (Appendix 6).
8. The October response from Highways England clarified the following:
  - (a) The approach to ecological management as part of the vegetation clearance and confirmed that the scheme would be delivered with a Net Gain for Biodiversity.
  - (b) Confirmed that the Smart Motorway would be completed without Stopped Vehicle Detection (SVD) technology, but that this technology would be installed within three years.
  - (c) That construction issues are being addressed with controls in place.
  - (d) Recognition of the benefits from resurfacing the concrete section of the M27 and a commitment that sufficient funding will be made available to carry out this work in future.
9. The invitation to attend Policy and Performance Scrutiny was not taken forward by the Secretary of State or Highways England,

however an offer was made by the latter to attend a meeting to provide an update on current progress.

10. A scrutiny session could still take place without Highways England, this may include other interested parties such as the AA.
11. Whilst clarifying the situation regarding several issues highlighted, officers have since continued to seek further clarity from Highways England, particularly with regards to:
  - (a) clarifying the timescale for resurfacing to be carried out
  - (b) whether the soon to commence Smart Motorway works on the M3 in the Borough (between junctions 9 - 15) have been designed to include SVD from day one of becoming operational
  - (c) whether the extensions to noise barriers are in addition to those originally planned in the scheme
  - (d) providing further details regarding the biodiversity net gain delivery plan
  - (e) agreeing a date to host Highways England outside scrutiny to provide an update on the scheme.
12. In November 2019 the Secretary of State for Transport Grant Shapps MP launched an urgent review into the Safety of Smart Motorways. Published in March 2020, the review findings and action plan set out 18 requirements to improve the safety of Smart Motorway schemes. The action plan included the requirement for the Stopped Vehicle Detection on the entire Smart Motorway network, which we now have confirmation will not be installed as part of the current M27 scheme.
13. Given the safety concerns highlighted in the Government review, consideration should be made whether it is appropriate to close the new forth inside lane of the Smart Motorway until Stopped Vehicle Detection and other measures have been satisfactorily put in place.

### **Financial Implications**

14. Activities relating to this report are carried out through existing resources, therefore there are no financial implications to this report

## **Risk Assessment**

As this report highlights risks associated with an externally delivered scheme a risk assessment is not necessary.

## **Equality and Diversity Implications**

The Equality Act is relevant to this report in relation to the scheme, however as it is being delivered by an external organisation it is considered that for this decision the Equality Duty does not need to be addressed and an Equality Impact Assessment (EqIA) has not been carried out.

## **15. Climate and Environmental Implications**

This report is in response to a range of environmental issues raised in relation to the M27 Smart Motorway which fall under the Council's Climate and Environmental Emergency programme. Whilst the Council is seeking to influence changes which should lead to improved environmental outcomes for the area, these are issues outside of direct Council control, therefore a more detailed assessment is not necessary.

## **Conclusion**

16. Correspondence to date has provided further clarity on Smart Motorway schemes. The Council will continue to engage with the Highways England to seek further clarity and improvements the existing M27 and future M3 schemes. Given the Government report into safety, the it may be appropriate for Highways England to reframe from opening the new fourth lane of the Motorway until Stopped Vehicle Detection technology has been installed.

**JASON LIGHT**  
**STRATEGIC BUSINESS PLANNING LEAD FOR THE ENVIRONMENT**

Date:	05 November 2020
Contact Officer:	Jason Light
Tel No:	023 806077
e-mail:	jason.light@eastleigh.gov.uk

Appendices Attached: 7 (Letters Submitted and Received)

**LOCAL GOVERNMENT ACT 1972 - SECTION 100D**

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None