

Clean Highways

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30th January 2011

Mr Mike Penning MP
Department for Transport
Great Minster House
76 Marsham Street
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Dear Mr Penning,

Our Littered Motorways

Thank you for looking at my report and for your letter of 17th January. Nick Hurd has also kindly sent me a copy of your letter to him of 18th January.

The purpose of this letter is to:

1. To comment on and develop some of the points made in the letters
2. To look at some new evidence which further supports the report's conclusions.
3. To show that the recommended improvements in service levels can be achieved at no cost to the Exchequer.
4. To seek a meeting with you to discuss the report and the way ahead. I am very pleased that the CPRE, who support the report's conclusions, have said that they would like to attend.

Contract Performance Monitoring

You say the Agency via its contractors are expected to meet the standards set out in the EPA etc and is from time to time made aware of accumulations of litter which need a more stringent approach to keep them clear.

I would argue that it is not sufficient to simply "expect" a contractor to meet the standards required of them and only make them aware of deficiencies from "time to time". The Highways Agency should operate a regular programme of performance monitoring and ensure that deviations from contract are reviewed with the contractor and corrective action agreed and implemented.

This is in line with the Office of Government Commerce's (OGC's) publication "*Contract management - Principles for service contracts*". This says "*When an organisation has awarded a contract, it must monitor whether the service is being delivered to specification.*"

More information on the Agency's approach to monitoring has recently come to light.

The responsibility for cleaning the stretch of the A40 between the end of the M40 and the border with the GLA, was transferred from the local authority to the Secretary of State for Transport by an Order laid before Parliament (2009 No. 2677). It was added to the M25 DFBO contract with Connect Plus. In the Explanatory Memorandum under "Monitoring and review" it stated that "The monitoring of cleanliness will be conducted by the Highways Agency".

However when I asked the Agency for copies of their litter inspection reports for this stretch of road I was told that they did not hold the information "as all such reports are produced by our contractors".

While it would be acceptable for the monitoring to be contracted out it is a clear breach of all the principles espoused by the OGC for the Agency to contract this task out to the very organisation whose service levels they are supposed to monitor.

By not following these principles the Agency has allowed its contractors to fall into bad habits.

Costs / Use of Resources

More frequent cleaning, along the lines recommended in my report, would not involve any additional cost to the Treasury or divert resources from elsewhere. This is because we are already paying the contractors to keep the motorways free of litter in accordance with the provisions of the EPA and the Litter Code of Practice. The Agency simply needs to ensure that they fulfil the terms of their contracts.

Keeping the traffic moving

Litter clearance does not "inevitably" require the use of traffic management i.e. lane closures etc. Most of the motorway network consists of open road with a hard shoulder. No traffic management is required to litter pick the verges in these situations.

Some slip roads do need to be closed for cleaning but this is usually done late at night to minimise disruption.

Concerns about safety

Nobody expects any worker to take undue risks in carrying out their work. There are extensive guidelines in existence which specify what precautions need to be taken when carrying out maintenance tasks on high speed roads. The Agency and the H & S Executive should ensure that the contractors operate in accordance with them. If these procedures are inadequate then they should be strengthened.

Unpleasant litter

Regardless of how unpleasant any item of refuse might be it still has to be dealt with according to the relevant legislation whether under the EPA or Health and Safety. The cost of bringing in the specialist equipment you refer to lies with the motorway contractor and would not therefore divert public resources from elsewhere.

Education, Campaigns and Conferences

I agree these are important as is the need to prosecute litter droppers which the Agency chooses not to do.

Mr Penning, I hope I have managed to defuse some of the concerns raised in your two letters and that you feel that my report is worthy of further consideration.

I was most encouraged when I saw the video of your excellent speech in March at the Transport Committee debate in which you described our motorways as being blighted by litter. I was even more encouraged when I realised that you had subsequently become the Minister in charge of the Highways Authority.

In the current climate of austerity solving the problem of our littered motorways presents the Coalition Government with an exciting opportunity to demonstrate its commitment to getting better value for money for the taxpayer.

I am therefore most enthused at the prospect of continuing to play a small part in this process. If you can spare myself and the CPRE some of your valuable time, I greatly look forward to hearing from your office about a date for the proposed meeting.

Yours sincerely,

Peter Silverman MA MSc

Copies to:
Nick Hurd MP,
Will Gates, Campaign to Protect Rural England