

From: Peter Silverman
Sent: 13 March 2014 15:45
To: 'robert.goodwillXXdft.gsi.gov.uk'
Cc: Andrew Gwynne MP
Subject: Our littered motorways

Dear Mr Goodwill,

Thank you for sending me a copy of your [letter of 26th February](#) to Andrew Gwynne MP and keeping me in the loop. The letter reported on your 29th January visit to Highways Agency Area 10 (Manchester and Liverpool conurbations) in response to complaints from Andrew about the persistently littered state of the M60 and M67 in his constituency of Denton and Reddish.

As you know my contention is that the Highways Agency's mismanagement of its contractual relationships with its service providers is putting the Secretary of State for Transport in breach of his EPA S89(1) duty under which he has to ensure, so far as is practicable, that the motorways in England are kept clear of litter and refuse. The purpose of this e-mail is to bring you up to date with the growing evidence against the Highways Agency in this regard.

Please take a minute to review the following:

[My submission to the Commons Select Committee's inquiry into the strategic road network.](#)
[My e-mail to Louise Ellman MP critiquing the response of Graham Dalton to her question on motorway litter.](#)

[Highways Agency Area 10 – Stats show a dramatic decline in litter collection](#)

[M67 photographs from Andrew Gwynne](#)

[My photo survey of Area 10](#)

[E-mail from Claire Marsden](#)

[M40 – good news on litter](#)

[My critique of the Highways Agency's new Litter Strategy](#)

Area 10 Cleansing Statistics

The cleaning statistics which are based on information obtained under FOI are simply shocking. The average number of sacks of litter per month collected in the 22 months before BBMM took over in Area 10 was 3,242. The average for the 15 subsequent months was 994. **A reduction of almost 70%** !

In spite of their carrying out no litter picking in their first two months I understand no contractual penalties were applied to BBMM.

It can be seen that following Andrew's questions in parliament in February 2013 and Stephen Hammond's subsequent statement that "the performance issues had been addressed" there was short-lived uplift in activity in April. The figures show an increase in January this year which I presume was in anticipation of your visit.

[Please note I e-mailed Alan Shepherd the manager of Area 10 with these statistics on 4th March asking him to check them out before I made them more widely available. He kindly acknowledged my e-mail. However I have heard nothing back from him. I have also asked him for the February 2014 figure and for the figure for the second half of May 2013. This is missing from the figures supplied by the Agency, through no fault on their part. My figure for May 2013 is an estimate made by doubling the figure for the first half of the month.]

My photo survey of Area 10

Also before making these figures public I felt I should drive up to Area 10 and see what effect the decline in litter-picking was having on the ground. I will let my photographs of the [M6](#) and [M67](#) speak for themselves.

Your visit to Area 10 including the M67 in Denton

Andrew's pictures of M67 in Denton on [15th January](#) and mine of [9th March](#) sit either side of your visit of 29th January. I assume the accumulations of litter you refer to were of a similar nature to those in our photographs.

Your letter implies that they were acceptable as similar accumulations were present on nearby local authority routes, because their extent was not over and above what could be expected in the context of the Agency's approach to dealing with litter and because of the cost of removing them would have been £50 / bag. Let me comment on each of these points.

The fact that some local authorities in the area are failing to meet their obligations under EPA S89(1) is not a reason for the Agency to do likewise.

It would seem the Agency has one approach to dealing with litter in Area 10 and another on Area 30, the M40. Why cannot the latter approach be applied to Area 10? Please see more on this below.

The £50 per bag figure quoted is not very relevant. It is based on estimates from service providers of the cost of providing litter clearance divided by the number of bags collected across the network. It does not mean that the marginal cost per bag, i.e. the cost to the contractor of picking up more litter, e.g. as a result of pressure from the Agency, is anywhere near this figure. The marginal cost of sending out an operative who is not otherwise engaged to pick litter would be near to zero. I understand that highly trained staff such as members of Incident Support Units are reluctant to go out on a wet day to pick up soiled nappies and dead animals.

In any case, I gather that the contractors are paid an annual "lump sum" to cover routine maintenance including litter collection. This is paid regardless of how frequently they litter-pick and how much they pick up in the process. Getting the contractors to do what they are contractually paid to do would therefore not cost the taxpayer anything. This assumes that a clear contractual obligation has been set in the first place. Please refer to page 2 point 1 of my submission to the Select committee.

M40 – the good news

Back in the winter of 2009/10 the [M40 was in a similar state to Area 10 today](#). After I issued a Warning Notice under EPA S91 to the then Secretary of State for Transport in February 2010 new procedures were introduced and, albeit it gradually, the motorway has been brought up to a standard which is in my opinion now compliant with EPA S89(1).

If the M40 can be brought back from the brink then so can Area 10 – and all of the other motorways which are currently sub-standard. On my journey up to see Area 10 I was disappointed to see the both the M1 and M6 were badly defaced by litter. I am a frequent traveller on the M25 and M4 and they are just as bad.

Highways Agency's new Litter Strategy

This document fails to mention anywhere the obligation to comply with the EPA S89(1) duty. This should have been its cornerstone. It could then have gone on to specify what measures to remove litter were “practicable” under the many varied conditions and work environments prevailing on the network. The Agency’s failure to do this and build those measure into its service provider contracts with appropriate monitoring procedures is at the core of the problem.

Mr Goodwill, I appreciate that this problem is not of your making. You are however in a position to start putting it right. I hope my input will be of help to you in this regard.

Kind regards,

Peter Silverman

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