

From: Peter Silverman **On Behalf Of** Peter Silverman
Sent: 21 March 2014 12:18
To: 'robert.goodwill@dft.gsi.gov.uk'
Cc: Andrew Gwynne MP ; 'Tom.Williams@parliament.uk'
Subject: Our Littered Motorways - 2

Dear Mr Goodwill,

Since [my e-mail of 13th March](#) I have had a chance to look at the “Highways Agency Road Side Litter Research Strategy - June 2009” - not to be confused with the much less voluminous and recent published “Highways Agency -Litter Strategy”. I would like to make some brief comments on the former document and to pick up on some points in your [letter of 26th February](#) to Andrew Gwynne which I have not already covered.

Highways Agency Road Side Litter Research Strategy - June 2009

I requested a copy of this document 6th July. I received it on 12th December but only after I had made a complaint to the Information Commissioner. No explanation has been given for this delay. The Commissioner has just issued a Decision Notice saying that the Agency had breached regulation 5(2) of the Environmental Information Regulations 2004. I have also now been sent all but one of the subsidiary reports.

The document was produced by Atkins for the Agency at budgeted cost of £115,000.

One of its conclusions was that *“There are frequent complaints from the public about litter”*. Nothing much seems to have happened subsequently to remedy the situation - M40 excepted.

Another conclusion was that *“It is not easy to identify the scoring for litter in API 4”*. This refers to the API 04 Environmental Amenity Index process, the purpose of which is “to provide a measure of the overall appearance and amenity value of a route”. As you know I have been [highly critical of this procedure](#) having identified 6 specific flaws in it. I appreciate you have commented on these in your letter to Andrew Gwynne of 13th November 2013. In that context I accept that while the lax definition of Grade B does not appear in the handbook it is used in the log sheet on which the specific surveys are recorded and signed off.

Report 2 – Quantification of Roadside Litter Collection

This is the one subsidiary report that was refused by Freda Rashid on the grounds it contains commercially sensitive information. Elsewhere the document refers to it as being about the methods used in Area 11 to collect litter and the way it should be measured. I cannot imagine that there is anything so sensitive in this report that it could not be dealt with by the judicious use of the redacting pen. I have asked Freda to explain the reasons behind her decision to refuse the whole report and am awaiting her response.

What I am hoping to see is some sort of time and motion analysis of the litter picking process. How many man hours does it require to clean a given length of verge etc. My suspicion is that the process is not as onerous as is made out and that the resources are there but they are not being deployed. I want to understand why one so rarely sees anyone litter picking the verges along our motorways or carrying out the other routine maintenance work covered by the lump sum fixed annual payments. I want to understand why, when I pass by a contractor’s depot, it seems full of support vehicles. Where are the operatives and why are they not out working on the carriageways?

Cost per Bag

The 2009 Strategy says that £2.5 million was spent by the Agency on collecting litter in 2008/9. Assuming the oft quoted 200,000 bags p.a. figure for the rate of litter deposition on the network that gives an average cost of £12.5 per bag. The figure quoted in your letter was £50 per bag. This seems an extraordinary increase over just 5 years. However, please refer to my comments in [my e-mail to you of 13th March](#) about the relevance of this sort of average figure.

Enforcement Measures

I was pleased to read that you are keen that the Agency explore anti-littering enforcement measures. At a meeting with the Agency on 27th June 2011 I pointed out that they could take on powers to issue litter fines under EPA S88(10). However they did not consider it a practical proposition. I did not realise at the time that the matter had been considered at length by Atkins in the 2009 Strategy. They had recommended the appointment of Highways Agency staff as authorised officers to issue fixed penalty notices. They even recommended legislative changes be made that would enable the Highways Agency to become a Litter Authority in its own right.

APTR - Trunk Road Responsibility

As you know the Highways Agency network consists of motorways and APTRs i.e. All Purpose Trunk Roads. With a few exceptions responsibility for litter picking the APTRs lies with the relevant Local Authority. The Agency is however responsible for all other maintenance tasks. So when the grass needs cutting the LA is supposed to get in before the Agency contractor gets to work. This is why we sometimes see chopped up litter amongst the grass cuttings.

In my recent submission to the Transport Select Committee I said: "Responsibility for cleaning many of the trunk roads on the strategic network lies with the local authority. I recommend that this responsibility should be transferred to the Highways Agency to better co-ordinate cleansing with other maintenance work".

Again, Atkins had been there before me. A whole report was devoted to this question in the 2009 Strategy. They found that often Local Authorities did not know which trunk roads they were responsible for litter picking. They pointed out that, to avoid traffic delays, work on certain roads had to be carried out at night which was often not a viable option for LAs. LAs, they said, often did not have staff trained in the necessary traffic management procedures. LAs did not see trunk roads as a priority and preferred to concentrate their limited resources on urban routes. Transferring the responsibility, they said, would lead to increased effectiveness and efficiency.

Nothing seems to have changed. 4 days ago I was contacted by a lady who was concerned about litter on the A11 linking the M11 and the A14. She was told incorrectly by South Cambridgeshire District Council that litter picking was the responsibility of the Highways Agency. I was involved in a similar case last November. The North East Lincolnshire Council were unaware of their responsibility to [litter pick the A180](#).

This makes me wonder whether any of the recommendations of this report have been taken on board. It would be interesting to know what return we got for our £100k.

Litter from commercial vehicles

I share your concern. I believe there is a specific problem with poorly protected waste transport vehicles – both skips and bulk waste transporters. The operators of such vehicles have a duty of care under EPA S34, any breach of which is an offence. The prosecuting authority is the Environment Agency.

Approximately 10 years ago I complained to the EA about a skip operator whose vehicle I witnessed leaking refuse onto the A40. They successfully prosecuted the operator who was fined over £6,000.

In 2012 I witnessed a similar breach of EPA S34 on the M4. In this case refuse was leaking from the top of a large waste transport vehicle. I wrote to the Environment Agency reporting the incident. 10 months later I was informed that they would write to the operator reminding them of their duty of care. I was told that they held no records of how many (if any) such prosecutions were now being made. It would be interesting to know what action the Highways Agency's patrol officers take when they witness such incidents? Is the DfT working with DEFRA on this?

I very much doubt if anything is happening. There seems to be little sign of any co-ordination between the various government departments on roadside litter. I understand that DEFRA only have one person working full time on local environment/street scene matters and they have to cover graffiti and dog fouling as well as litter.

Area 10 Meeting

If nobody has any objection I would like to attend Andrew Gwynne's meeting with Alan Shepherd in Area 10 scheduled for 28th March. Alan's predecessor Matt Sweeting had offered to meet with me to explain how the contractual documents operate and wider issues relating to the EPA.

I hope this is of help.

Kind Regards

Peter Silverman