



Department
for Transport

From the Parliamentary
Under Secretary of State
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Dear Peter

Thank you for your e-mails of 13, 21 and 27 March, about the Highways Agency's arrangements for dealing with litter on the motorway network in England, with particular emphasis on the M60 and M67 Motorways in the operational area known as Area 10 in the North West.

I appreciate that you believe the Agency is failing to comply with its obligations under the Environmental Protection Act in dealing with litter on motorways in Area 10. As you are aware, I toured part of the Area 10 motorway network in Area 10 on 29 January with an open mind, as I wanted to see the situation for myself at first hand.

Both I and the Agency accept that there are some issues associated with the performance of the Asset Support Contractor for Area 10, and the Agency is working with them to help raise the level of service they provide. However, despite this need for improvement, I am satisfied that the Agency is complying with its legal obligations in dealing with litter in Area 10. This is partly based on the physical evidence I saw during my visit, and through discussions I held with senior managers at the Agency and the Asset Support Contractor, before and after the tour. I also spoke with some of the operatives who collect the litter, and they told me that at some locations they can see litter rapidly accumulating within hours of them removing it at those places. As I am sure you agree, this is thoughtless, illegal, and antisocial behaviour.

The Area 10 trunk road and motorway network is managed under the Asset Support Contract, which commenced for this operational area in November 2012. This new type of contract replaced the old Managing Agent Contract, and you have set out a 'before' and 'after' comparison of the two in terms of

the amount of litter collected, although not over two equal periods. Both contracts require compliance with the Environmental Protection Act and the Code of Practice on Litter and Refuse. The approach to be taken is agreed in plans submitted by the contractor at the start of the contracts.

The Agency's Divisional Director, Alan Shepherd, provided you with updated litter collection statistics on 25 March, under the Environmental Information Regulations. There is little I can usefully add to Alan's reply, which I know corrected an administrative error in a previous response about the amount of litter collected in Area 10. Clearly, there has been a decline in the number of sacks of litter collected under the Asset Support Contract, and the Agency is in discussions with the Asset Support Contractor about the possible reasons for the variation. However, it does not mean that the legislative requirements are not being met.

You suggest that no contractual penalties have been issued to the Asset Support Contractor during the early months of the Asset Support Contract. I have seen the Agency's letter to you of 8 November 2013, which addressed that point in detail and described the penalties issued to the Asset Support Contractor during the early months of the contractor. There is little I can usefully add to what the Agency has already said.

In my letter to Andrew Gwynne MP of 26 February, which I copied to you, I mentioned the approximate cost of collecting a sack of litter to the cost of repairing a pothole. Although you may feel that cost figure is not relevant, I wanted to illustrate just how the Agency undertakes other extremely important safety critical tasks for approximately the same cost as collecting a sack of litter when itemised. However, you are correct in saying that the cost of litter collection is included in a lump sum payment. Having said that, it is nevertheless a cost, albeit a sunken one, ultimately met by the taxpayer.

You also contrast the results in terms of dealing with litter in Areas 10 and 30. Area 30 is operated through a different mechanism, known as a Design, Build, Finance and Operate (DBFO) Contract. As far as dealing with litter and other aspects are concerned, the approach taken to achieve compliance with the legislation differs, but the requirement to comply with the legislation remains the same.

I note your comments about the Agency's latest Litter Strategy document, which I have also read. It is a worthwhile publication that has been endorsed by the 'Keep Britain Tidy' organisation. In producing the document, the Agency wanted to focus on a vision statement and strategic goal, rather than potentially confusing legalese. The vision statement contains the phrase 'a network predominantly free of litter.' This actually mirrors the legal requirements placed on the Agency.

As I am sure you can appreciate, removing litter from motorways places the Agency's operatives at some risk, and this is why traffic-management arrangements are sometimes required, for example to close a motorway lane. In turn, closing lanes inconveniences motorists. Against this background, at some locations litter rapidly accumulates, and so the Agency has to make a sensible judgement as to when it is reasonable to undertake litter clearance activity. Tackling litter on motorways is not as straightforward as it often seems, which is recognised in the Code of Practice on Litter and Refuse. However, I can confirm that each of the locations you mention in the North West have been cleared of litter in recent weeks, which I hope demonstrates my point.

If you have any further queries in relation to the operational aspects of litter collection in Area 10, please contact the Agency's Divisional Director, Alan Shepherd. He can be contacted at Highways Agency, 8th Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD, by e-mail (alan.shepherd@highways.gsi.gov.uk) or telephone (0161 930 5561). For further queries relating to the Agency's policy on dealing with litter, you may wish to contact their policy specialist, Freda Rashdi. Freda can be contacted at the same address (9th Floor), by e-mail (freda.rashdi@highways.gsi.gov.uk) or telephone (0161 930 5835).

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Goodwill', with a stylized flourish at the end.

ROBERT GOODWILL