

**From:** Peter Silverman  
**Sent:** 25 May 2015 13:55  
**To:** Castleman, Robert  
**Cc:** Wells, Nick; Barnes, Christopher; Garnham, Harry; 'Kilkenny, Jackie'; 'colin.matthewsXXhighwaysengland.co.uk'  
**Subject:** Motorways Litter

Bob,

The e-mail below from Jackie Kenny was most helpful. I will study the new contract.

#### Enforcement Powers – Prosecutions – Waste transport vehicles

With regard to “enforcement powers for a strategic road company” I think you will find that they are the same as they would have been under the previous regime. Under English Law any person / organisation can prosecute any offence.

Please refer to the information provided in my [first](#), [second](#) and [third](#) reports to Graham Dalton concerning litter from waste transport vehicles. I asked him if *he would investigate the situation on the A13 and consider prosecuting the offenders? I wrote in reference to the M32: Getting your local contractor to write to the offending operator saying that if a police officer had observed an incident they might receive a £60 fixed penalty notice is not going to solve this problem. Will you, as I have recommended, start prosecuting the operators of these vehicles under EPA S34?*

#### Enforcement Powers - Issuing on the spot fines

This was dealt with at our meeting in 2011 – after I had suggested the Agency took on the necessary powers you wrote: *“We have not, to date, sought powers from any principle litter authority for officers of the Highways Agency or employees of our contractors to become “authorised officers” for the purpose of issuing Fixed Penalty Notices under Section 88(10) of the Environmental Protection Act 1990”.*

#### Avoiding the need for Traffic Management

I did not suggest “*widening verges*”. I think this is a misinterpretation of the ideas I presented under the heading “*Designing to avoid traffic management*” in my reports to Graham Dalton

In [my first report of 11<sup>th</sup> Feb](#) I wrote: *Where there is no hard shoulder I assume it would be safe for an operative to litter pick a verge if (1) he had a safe footing and (2) there was some space, and a crash barrier, between him and the traffic. If this is correct why not create, or design-in at the outset, a safe pathway from which litter could be picked on these sections of motorway? I would appreciate your thoughts on this?*

In [my third report](#) under the heading “M4 J8” I wrote: *Please refer to the sections headed “Safe roadside cleaning” and “Designing to avoid traffic management” in my report of 11th February. It seems to me that the ideas I espoused could be used to deal with the litter in the photo. The area shown could be safely accessed on foot from the roundabout if the traffic was temporarily held up at the lights, or from a vehicle parked on the hard shoulder of the M4 below. In the latter case the vegetation would have to be managed so that the land behind the barrier could be accessed safely on foot. Are these the techniques that are used? If not what are your thoughts on my suggestions?*

Also, in [my first report of 11<sup>th</sup> Feb](#) I wrote: *The worse black spots are often the last few yards at the bottom of "off" slip roads. Again they can be safely litter-picked without traffic management when the traffic is brought to a halt at the lights. On this point can you tell me if it is possible for traffic lights to be held at red, say for 5 minutes, while a team of operatives carry out a cleansing blitz on the backed-up slip road? If not, could an operative hold up the traffic with a hand held stop sign while the work is carried out? I am not talking about cleaning the whole length of the slip but just the bottom section.*

Bob, I look forward to hearing further from you on these issues.

Incidentally in reviewing the reports to Mr Dalton I noticed that there were a number of questions/information requests that have not been responded to.

Peter Silverman  
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**From:** Kilkenny, Jackie [<mailto:Jackie.Kilkenny@highwaysengland.co.uk>]  
**Sent:** 21 May 2015 16:16  
**To:** Peter Silverman  
**Cc:** Castleman, Robert; Wells, Nick; Barnes, Christopher; Garnham, Harry  
**Subject:** FW: Area 10 MRP + New ASC

Dear Mr Silverman,

Following your meeting on 1 May with Bob Castleman, Harry Garnham and other personnel about littering, I now attach the new Asset Maintenance and Operational Requirements and elements of the Asset Support Contract for Area 4 regarding sweeping and cleaning.

There were a number of other items raised during the meeting;

- Legal advice has been sought regarding identifying available enforcement powers for a strategic road company.
- We will be exploring one of the ideas captured during the meeting; building widened verges to facilitate litter clearance.

I will let you know the outcome of each of the items once the results are available.

Regards

**Jackie Kilkenny**  
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