

Peter Silverman

From: HOLLINRAKE, Kevin
Sent: 16 September 2015 16:13
To: jim.o'sullivan
Cc: COLLINS, Benjamin D
Subject: Litter

Dear Mr O'Sullivan,

Congratulations on your recent appointment as CEO of Highways England.

For some time I have been concerned about the appalling volume of litter on the verges of our motorways and trunk roads. I was therefore very pleased to meet Peter Silverman who, I understand, has been corresponding with Highways England on these matters for some time. I was disappointed to learn that when entering "litter" in the search box on your web site that it did not directly lead me to any information regarding your responsibilities on this matter or your plans to mitigate the problem.

I gather that you have a statutory duty to ensure that the motorways in England are kept, so far as is practicable, clear of litter and refuse under Section 89(1) of the Environmental Protection Act ([EPA Section 89\(1\)](#)).

I also saw from Peter Silverman's report, [Litter on motorways and trunk roads](#), that he is working on a number of initiatives with you. I was particularly interested in the question of how you deal with waste transport companies who allow refuse to spill onto the motorway.

I saw that in [a recent case](#) that you got your contractor to write to an offending company warning them that they risked incurring a £60 fixed penalty if they were caught by the Police. This hardly seems a meaningful deterrent to me. Are you not effectively saying "*if the Police are not taking any action against you then we are not going to either - so just carry on*".

I understand you could instead prosecute these offences under EPA S34 – *Duty of care as respects waste* for which the fine can be up to £5,000.

I gather that Peter raised this point in a report to your predecessor in February. He has been told you are seeking legal advice.

It seems quite extraordinary that (a) you were not already aware of whether or not you had powers to prosecute and (b) it is taking so long to obtain advice on what must be a very straightforward legal point.

I would very much welcome your comments and look forward to hearing from you with great interest.

Kind regards

Kevin Hollinrake MP
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Kevin Hollinrake

Member of Parliament for the Thirsk
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