

From: Peter Silverman **Clean Highways**

Sent: 27 April 2016 12:37j

To: Jim O'Sullivan - CEO Highways England

Cc: Peter Antolik Office of Rail and Road; Allison Ogden-Newton, Keep Britain Tidy; Guy Dangerfield, Transport Focus; Kevin Hollinrake MP

Subject: Feedback on Litter 11

Dear Mr O'Sullivan,

Please action this link to see the updated [schedule of complaints about litter on the HE network in April](#) made via https://www.surveymonkey.co.uk/r/HE_Litter .

Earlier complaints and related correspondence can be accessed at [Complain about litter on the Highways England network](#).

I have just read through each of the 48 or so complaints and marked key points for you in red. The message is clear. HE are not complying with their statutory duty under EPA S89(1). The processes you have in place are not working.

English and European motorways

A number of the complaints unfavourably compare the condition of our motorways with those on the continent. Please also refer to [French motorways – A26 – April 2016](#). Has HE / Highways Agency done any research to quantify and explain the marked difference in cleanliness of our motorways with those on the continent?

HE trunk roads cleaned by Local Authorities

Many of the complaints are about these roads. I have also recently drawn your attention to situation with the [A404](#).

Your Customer Contact Centre wrote to Martin Franks on 24th March saying that: *Highways England regularly monitors the cleanliness of its network and where it considers that the standards set by the Environment Protection Act are not being met, writes to the relevant local authority asking for swift action to be taken to cleanse the area of accumulated rubbish.* This is either not happening in any meaningful manner or your advice is being ignored.

I am campaigning to have the responsibility for cleansing these roads transferred to HE so that the same body is responsible for cutting the grass and picking up the litter. In your opinion would this result in overall economies and improved outcomes for the nation?

E-mail from Tim Reardon

Please thank your General Counsel, [Tim Reardon for responding](#) for replying to my e-mail to you of 1st April.

He is interpreting EPA S89(1) as if it said “so far as is reasonably practicable” not “so far as is practicable”. The difference is explained in [my video](#).

Even if the item identified as being [left lying on the M25 A1\(M\)](#) was a dislodged piece of traffic counting equipment it should not have been left on the verge for 3 years.

Thank you for reminding the Wycombe District Council about the [A404](#). However, it should not require me to raise this with you for action to be taken.

I was interested to read about your one day joint exercise with the Environment Agency in which 13 fixed penalty notices were issued for vehicles depositing waste on your network. It is not clear if any of these were issued to [waste transport vehicle drivers](#). The remote possibility of receiving an £80 fine is hardly likely to deter these companies. The right approach, I would argue, would be for HE to prosecute these companies under EPA S34 – *duty of care as respects waste*.

Has HE been in touch with [Hoban Ltd](#) about their [apparent breach of this duty](#)?

Kind regards

Peter Silverman

www.cleanhighways.co.uk

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Read our report - [Solving the litter problem](#)

View our 2 minute video [Duty to keep highways clear of litter](#)