

**From:** Peter Silverman **Clean Highways**

**Sent:** 01 April 2016 18:09

**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; Andrew Gwynne MP ; 'ps.rory.stewart(at)defra.gsi.gov.uk!'; Gary Streeter MP ; Brooker-Carey, Louise Highwaysengland; Wilson, Mike Hwaysengland; Adams, Peter Highwaysengland; Reardon, Tim Highways England

**Subject:** Feedback on litter 9 - reply to HE response

Dear Jim,

Thank you for your prompt and personal [response of 31<sup>st</sup> March](#) to mine of the previous day. I am most encouraged by this as well as by your comments about the feedback I am providing. However ...

#### HE's Duty with respect to litter

You refer to your responsibility "for litter clearance". HE's EPA S89(1) statutory duty however is to ensure that the motorways, and certain trunk roads, are kept clear of litter, so far as is practicable. I have made [a very short video](#) on this.

You said that on one occasion 100 sacks of litter were removed from a particular location and that it needed cleaning again after 1 month. Although you had "cleared the litter" you had not complied with your EPA S89(1) duty. To, do this the area should have been cleansed sufficiently frequently so that accumulations would not have had a chance to build up.

#### Costs and practicability

All of the litter dropped on the network will eventually have to be picked up. The only question is how long, on average, it is left in situ.

I accept that where traffic management is required it will be economic (but not necessarily EPA S89(1) compliant) to allow accumulations to build up before they are dealt with. However, there is no excuse for this to happen in other situations, for example, on those main carriageway verges where the litter-picking operative can be protected by a blocking vehicle on the hard shoulder. This also applies at the very bottom of most off-slips, including those with no hard shoulders, where there is usually safe access for litter picking. Yet these locations are, in the majority cases, consistently defaced by litter.

As I see it HE cannot know how much it currently spends on litter-picking as each area contractor is paid a "lump sum" each year for routine maintenance, including litter picking, without that sum being broken down by task. As I have argued previously your contracts do not specify what you require your contractors to do as regards litter in such a way that you can monitor delivery against specification.

HE, it would seem, does not know (a) what it is spending on litter-picking, (b) what level of service it is supposed to be get in return and (c) what level it is actually getting. I appreciate that this is a system you have inherited from the DfT.

The DfT did not include any objective in regards to litter in the Road Investment Strategy. If they had done so they would have been obliged, under Infrastructure Act S3 (1), to specify what financial resources they had provided for that purpose. Can you tell me if HE has been allocated specific revenue funding for dealing with litter and, if so, how much that is?

#### Encouraging better behaviour

I believe that a very high proportion – probably well over 50% - of the litter on the motorway main carriageway verges arises from spillages from waste transport vehicles. I witnessed another such incident yesterday. Please refer to [Waste falling from transporter on M40](#). What action will HE take in this case? Please copy me in on any correspondence with the offending company.

Will HE reconsider its current stance of not prosecuting such companies under EPA S34 - *Duty of care as respects waste*? A determined campaign of prosecutions would, in my view, do more to reduce motorway litter at source than anything else you could possibly do.

Kind regards

Peter Silverman

[www.cleanhighways.co.uk](http://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](#)