

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

07 April 2016 14:58

**To:** Stephen.GlaisterXXorr.gsi.gov.uk>

**Cc:** ps.rory.stewartXXdefra.gsi.gov.uk

**Subject:** **ORR's failure to address the issue of litter on Highways England's network**

Dear Professor Glaister,

I am writing to you in your capacity as Chairman of the Office of Rail & Road (ORR), the Highways England statutory monitor. This is on behalf of road users who have submitted complaints about the littered state of the Highways England network.

[The complaints and the associated correspondence with Highways England can be accessed via this link.](#)

Highways England have a duty under the Environmental Protection Act S89(1) to ensure, so far as is practicable, that they keep the motorways, and some of the trunk roads on their network, free of litter and refuse. [Please refer to this short video.](#)

Under S10 (1) of the Infrastructure Act the ORR must carry out activities to monitor how Highways England exercises its functions.

However, in the ORR's 49 page [review of Highways England's performance April – September 2015](#) there was not a single reference to "litter". "Cleaning" was only mentioned in relation to clean air. In contrast there were 15 references to "noise" and 17 to "biodiversity". In your [list of performance indicators](#) "litter" was not included as a component of either "Delivering better environmental outcomes" or "Keeping the network in good condition". This was in spite of my having provided the ORR with a [dossier of complaints](#) in June 2015.

I appreciate that The Department for Transport (DfT) did not include any reference to "litter" / compliance with EPA S89 in the Road Investment Strategy it set for Highways England nor in their License. However the ORR's role is not limited to monitoring compliance with the RIS and the License. You have to monitor all of the functions of Highways England including its compliance with EPA S89.

I would therefore urge you to carry out your own physical inspection of sample locations on the network. This should be done as a matter of urgency before much of the litter becomes concealed by the Spring vegetation. You should then make your findings public.

You may find it useful to refer to:

[Litter on motorways and trunk roads](#)

[DfT and ORR ignore "litter" in setting objectives for, and monitoring, Highways England](#)

[Slip road litter on Highways England network – March 2016](#)

[Highways England's own video shows them acting in breach of EPA S89\(1\)](#)

I hope this e-mail is of help to you.

I am copying it to the office of Rory Stewart MP, the Undersecretary of State at DEFRA for the Environment and Rural Affairs who is overseeing the formulation a national litter strategy.

Kind regards

Peter Silverman MA MSc  
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Read our report - [Solving the litter problem](#)