



Briefing 18/19

June 2018

Litter Management on the Trunk Road Network

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland

For information only to England, Northern Ireland and Wales

Key Issues

Responsibility for management of litter and sweeping of carriageways on the Trunk Road Network currently sits with the appropriate Local Authority that the Trunk Roads pass through.

Overall responsibility for management and maintenance of the road and adjacent soft and hard infrastructure rests with Transport Scotland via their appointed contractors.

This briefing contains information on;

- The existing scope of responsibilities for Local Authorities
- Reference to Ministerial comments and previous discussions between stakeholders
- Issues relating to the current arrangements

1.0 Introduction

The current model for Trunk Road Network management and maintenance is governed by a fourth generation of contracts let by Transport Scotland. The contracts are delivered by a number of Operating Companies but the arrangements are generally uniform across Scotland except for management of litter and sweeping of the carriageways which have a number of variances across the country.

2.0 Historical position

Consultation meetings with Transport Scotland in preparation for the third generation of contracts gave a consistent message from Local Authorities that the preferred path was for full responsibility for litter management to rest with Operating Companies. Further to this a commitment was given by the then Minister for Transport and the Islands at the 2015 APSE Fleet, Waste and Grounds Seminar to consider the issues raised by APSE members and to consider if a better alternative existed.

3.0 Legal requirements

Section 89 subsection (1) of the Environmental Protection Act 1990 states that it shall be the duty of each local authority to keep clear of litter etc any relevant road for which it is responsible. Section 89 subsection (2) states that the Secretary of State shall have responsibility for management of litter on any trunk road which is a special road or any relevant highway or relevant road for which he is responsible. The Act also details powers granted to the Roads Authority to determine periods during which litter clearing shall not be undertaken.

Section 89, subsection (8) gives the Secretary of State authority to issue different codes of practice under subsection (1) and (2) for different areas.

4.0 Areas of responsibility

Responsibility for litter management and road sweeping is currently split between the Operating Companies and the Local Authority according to discrete sections of road. The present arrangements place litter and carriageway sweeping with the Operating Company for all Motorway's and certain sections of A road, namely, A1 Old Craighall to Thistle Cross, A720 Edinburgh City Bypass and A80 Castlecary to Old Inns along with the Sky and Erskine Bridges. All other sections of the Trunk Road Network have responsibility placed with the relevant Local Authority through whose ward the road passes.

5.0 Problems with current arrangements

Local Authority stakeholders consider there to be a number of problems associated with the current management arrangements, the key issues being as follows;

- Co-ordinating grass cutting schedules delivered by the Operating Companies with Local Authority litter management programmes presents difficulties when considering and delivering the core activities of the Local Authority
- Failure to co-ordinate grass cutting with litter management visits leads to litter being fragmented and spread further afield to the detriment of the visual amenity of the road.

- Ambiguity exists in terms of definitions particularly in relation to sweeping of the carriageway although this may be clarified on publication of the revised COPLAR
- Exact boundaries of the roads are often unclear particularly in relation to slip roads and other junctions
- Development of the expanding Trunk Road Network doesn't take into account the capacity of the relevant local authority to absorb the additional work burden
- Local Authorities don't have opportunity to influence the overall design of the road to include the principles of Design with Maintenance in Mind
- Planting schedules for shrubs and trees don't consider the role such features play in trapping wind-blown litter and shrub pruning activities don't take account of access for litter picking, particularly during the winter months when leaf fall exposes otherwise concealed litter
- Local Authorities are not traditionally structured to permit the night time working required to co-ordinate with the Operating Companies lane closure and speed restriction arrangements that permit safe working. Accordingly, local authorities require to deliver additional periods of traffic management with the associated cost and additional periods of disruption to travel
- Where it is possible to work in parallel with the Operating Companies to benefit from existing lane closures, Local Authorities still incur additional training time and costs for staff to ensure familiarity and compliance with the Operating Companies safe systems of work.
- Both of the above result in additional cost to the public purse
- Differing arrangements for discrete roads make it unclear to the general public exactly who to contact in case of littering related complaints.
- The Local Authority responsibility for trunk roads is not mirrored across the Rail Network suggesting that an effective alternative model is available
- The Trunk Road Network has expanded significantly since the first generation of contracts were released and many single carriageway sections have now been upgraded to dual carriageway without any uplift in resource to maintain the additional burden
- While only 3 Operating Companies cover the network in Scotland, 32 Local Authorities with different resourcing and methodology are required to deliver litter management up to their respective multiple boundaries
- Failure on the part of the Local Authorities to deliver timeous litter clearance and road sweeping could, for example lead to detriment to surface water drainage systems which would incur additional cost to rectify
- Local Authorities do not have capacity to deliver prevention activities and enforcement of legislation in relation to littering offences on the Trunk Road

6.0 APSE Comment

Given the range of operational issues recorded by APSE members, the additional costs to the public purse, the increased detriment to road users and the greater scope for varying standards related to the current delivery vehicle, APSE consider it prudent to align responsibility for litter management and sweeping of carriageways with the core elements of the Trunk Road Network contracts and deliver these via the appointed Operating Companies.

Following discussions at the APSE Scotland Parks, Grounds and Streets advisory group it was agreed that a letter should be sent to the Minister for Transport and Islands outlining the group's concerns. This was sent in June 2017 and his response was received in August 2017, whereby the Minister kindly agreed to facilitate a meeting between APSE and Transport Scotland. Due to diary commitments for all involved, a meeting was held on the 5th of January 2018 between APSE and officials of Transport Scotland to discuss this issue further. Outcomes from this meeting were discussed at the APSE Scotland Parks, Grounds & Streets advisory group on the 18th of April 2018 and it was agreed by the group that another letter should be sent to the Minister of Transport and Islands to consider a change to the Term Maintenance Contract Specifications in order to address the above issues with the current arrangement.

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