

Our ref: EIR 18463333 CRS 753191

Mr Peter Silverman
request-417247-15eba864@whatdotheyknow.com

Highways England
2nd Floor
Bridge House
Walnut Tree Close
Guildford
GU1 4LZ

31 July 2017

Dear Mr Silverman

Litter on A405 at Brickets Wood

Thank you for your request for information in relation to the central reservation of the A405 at Brickets Wood either side of the fence separating the pedestrian crossing and the grassed area to the north.

I am dealing with this request under the terms of the Environmental Information Regulations 2004. This is because the information requested concerns measures and activities affecting or likely to affect elements of the environment or affect factors such as noise, pollution discharges and other releases into the environment.

I have responded to your questions in the same sequence as your original format for ease of reference. The original questions are highlighted in black text and our answers are highlighted in blue.

1. Who is responsible for complying with the statutory duty under the Environmental Protection Act S89(1) to keep (a) the crossing and (b) grassed area free of litter.

The responsibility for compliance with statutory duty under S89(1) of the EPA 1990 lies with the Secretary of State (SoS); under the M25 DBFO Contract the DBFO Co (Connect Plus) has obligations to pick litter and, also, under clause 62.1.3 the M25 DBFO Co indemnifies the SoS, now Highways England, in the event of a breach of statutory duty.

The duty under S89(1) is not to keep (a) the crossing and (b) grassed area "free" of litter; but *"to ensure that the land is, so far as is practicable, kept clear of litter and refuse"*

2. When was last time prior to the 1st October 2016 that (a) the crossing and (b) part or all of the grassed area up to 10 metres from the fence was litter-picked?

Prior to 1 October 2016, both the crossing and the grassed area were litter picked on 15 September 2016. This work covered the entire central reservation of the A405.

3. When in the last 12 months was (a) the crossing and (b) part or all of the grassed area up to 10 metres from the fence litter-picked?

In the last 12 months, we have litter picked this area on the following dates

29/06/16
15/09/16
18/11/16
18/04/17
24/07/17

I trust I have fully answered your questions but if you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at: <https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or email info@highwaysengland.co.uk. You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter or specific questions about this scheme and the traffic management of these works please contact me. Please remember to quote reference number 753368 in any future communications.

Yours sincerely



Mrs A E Nugent
OD South East Business Management Team
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