

**From:** Peter Silverman - Clean Highways  
**Date:** Wednesday, 21 August 2019 at 15:34  
**To:** Bernadette Kelly - Permanent Secretary DfT  
**Cc:** "RANDERSON, Baroness"

**Subject: M25 contract failings - misleading claims about litter monitoring**

Dear Ms Kelly,

I am disappointed that your colleague, Andrew Appiah, has not replied to my e-mail of 15<sup>th</sup> May (see below). In it I pointed out that misleading statements are being made by DfT in regard to Highways England's M25 / Area 5 contract.

A further statement can be added to the list, this time in regard to the network in general. In [replying to a question from Baroness Randerson, DfT minister Baroness Vere](#) wrote:

"The performance of Highways England service providers in relation to litter is measured against the grades of cleanliness defined within the Department for Environment, Food and Rural Affairs (DEFRA) Code of Practice on Litter and Refuse".

This implies the existence of a meaningful network-wide system of performance monitoring that simply does not exist.

Kind regards

Peter Silverman  
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**From:** Peter Silverman  
**Date:** Wednesday, 15 May 2019 at 17:56  
**To:** Andrew Appiah  
**Cc:** "KAY, Matt"  
**Subject:** M25 contract failings - misleading claims about litter monitoring

For the attention of Andrew Appiah, Department for Transport

Andrew,

Please refer to:

- a. [My e-mail to Roads Minister Jesse Norman of 20<sup>th</sup> March 2019](#)
- b. [A response from Highways England's Area 5 / M25 Highways Manager of 12 April](#)
- c. [A response from the DfT dated 18<sup>th</sup> April](#)
- d. [Answer given by Baroness Sugg on 23<sup>rd</sup> April to a Lords written question from Baroness Randerson](#)
- e. [A letter from Jesse Norman to Robert Halfon MP of 7<sup>th</sup> May](#)

The latter four items contain these references to a process whereby action can be taken if HE's Area 5 / M25 contractor, Connect Plus, fails to comply with their contractual obligations with regard to litter.

*"However, the contract does include a mechanism for awarding performance points where service levels are in breach of contractual obligations. **This covers failure to collect litter within the timescales set out in the DEFRA Code of Practice on Litter and Refuse.** When these accumulate they trigger various sanctions under the contract". (b)*

*"Highways England conduct a regular Environmental Audit inspection to ensure Connect Plus meet their contractual obligations in respect of litter". (c)*

*"Connect Plus are monitored on their performance with respect to removing litter from the strategic road network. Failure to meet their contractual obligations can trigger various sanctions.." (d)*

*".. Connect Plus is monitored on their performance with respect to removing litter from the strategic road network. **This covers failure to collect litter within the timescales of set out in the DEFRA Code of Practice on Litter and Refuse.** Failure to meet their contractual obligations can trigger sanctions...." (e)*

As I understand it these **Environmental Audit inspections** (aka Environmental Amenity Index Audits) are carried out by driving along a 5 km stretch of carriageway chosen at random. Each 1 km section is given a grade from A to D depending on its average cleanliness. These are one-off inspections. **The inspector does not go back at intervals to see if substandard sections have been brought up to standard within any given timescales.** [See [Highways Agency inspections – Concerns about M40 and M25 contracts](#)]

**This mechanism cannot therefore check whether the contractor is collecting litter within the Code of Practice time scales. In which case all of the above statements would therefore appear to be misleading.**

Andrew, I would appreciate your comments.

Kind regards

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