

From: Peter Silverman - Clean Highways

Date: Wednesday, 7 August 2019 at 12:26

To: "JONES OF WHITCHURCH, Baroness"

Cc: Bernadette Kelly - Permanent Secretary DfT, Richard Coates ORR, Lilian Greenwood MP - Chair Transport Committee, , Michael Ellis MP Roads Minister, Andrew Appiah DfT, Jim O'Sullivan CEO Highways England

Subject: RIS 2 - KPI for Litter

Dear Baroness Jones,

I have just read the [government's response](#) to your question about the inclusion of a litter clearing Key Performance Indicator in RIS 2. Before reading further please take a moment to read my [e-mail of 23rd January](#) to Bernadette Kelly.

As you will see the Draft RIS 2020/25 should be a fully detailed document including, assuming it uses the same format as the current RIS, a Performance Specification with KPIs. However it does not do such thing. The DfT are not therefore complying with the correct procedures.

[Warning - please take a deep breath before reading the next paragraph].

According to Part 6 of [HE's License](#) once the SoS has produced a Draft RIS the ORR have to assess it, provide advice back to the SoS, who then submit a (possibly revised) Draft RIS to HE. HE can then make counter proposals. They then have to take account of any further directions from the SoS, engage further with the ORR before submitting a Draft Strategic Business Plan (SBP) to the SoS. The ORR has to assess the Draft SBP obtaining any additional information it requires from HE. The SoS, having consulted with the ORR, can then direct HE to revise its Draft SBP before approving it and finalising the RIS, or it can produce a revised Draft RIS and ask HE to submit a new Draft SBP etc. HE then has to engage further with the ORR before preparing a Draft Delivery Plan and submit it to the SoS before he or she can issue the final RIS. It is not clear what happens if the SoS and HE fail to approve HE's Delivery plan.

By the way, there is no mention in the License of a "Performance Framework" for an RIS as referred to by Baroness De Vere.

All of this has to be completed by April 2020 i.e. in a little over 7 months time.

We can only be certain of one thing.

The eventual RIS 2 will not include a KPI for Litter which properly reflects [HE's statutory duty under EPA S89 \(1\)](#) as it would expose HE's failure to comply with it.

Kind regards

Peter Silverman

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