

From: Peter Silverman

Date: Tuesday, 21 July 2020 at 07:56

To: Bernadette Kelly - Permanent Secretary DfT

Cc: A27 Campaign; Neil Kerridge - A27 Clean Up Campaign

Subject: A27 - Baroness Vere's e-mail to Caroline Ansell MP 15th July 2020

Janet Prendiville of the A27 Clean Up Campaign has passed on to me Transport Minister for Roads, Baroness Vere's letter to MP Caroline Ansell of 15th July.

I have a number of concerns about it.

There is nothing in the legislation to say that the relevant Highways Authority has to request that the Secretary of State make an order under EPA S86(11) before one can be made.

There is nothing in the legislation that indicates that fundamental changes in the allocation of responsibilities might require primary legislation. Large scale transfers have been made in the past without the need for it.

See https://www.legislation.gov.uk/uksi/2009/2677/pdfs/uksi_20092677_en.pdf

She says her officials are working closely with Highways England to understand what the costs would be. However if you refer to <https://www.cleanhighways.co.uk/dft/ministers-request-for-costs-of-cleaning-trunk-roads-ignored> you will see that we have been here before.

She refers to the "Local Highways Authorities" being responsible for removing litter on the A27. However Highways England is the Highways Authority for the A27. The Highways Authority for all other (local) roads in the County is East Sussex Highways who have no responsibilities under EPA S89 (duty to keep land clear of litter). This lies with the District Councils. Please refer to https://www.cleanhighways.co.uk/wp-content/uploads/2020/05/PS-to-B-Kelly-15_05_20.pdf

You may also find it helpful to refer to <https://www.cleanhighways.co.uk/legislation/cleansing-of-he-trunk-roads-aptrs-transfer-of-responsibility-to-he>

Kind regards

Peter Silverman

<https://www.cleanhighways.co.uk/>

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