

## The Environment Bill and Litter

### How the “environment” became the “natural environment” to exclude our littered highways from the scrutiny of the OEP

#### MPs & Lords, please amend this Bill

The environment we live in includes everything we experience when we step outside - pavements, roads, parks, the countryside, our waterways, beaches, air and climate.

However, this bill excludes our pavements and roads from the remit of the Office of Environmental Protection

We believe DEFRA have done this so that the OEP will not be able to investigate breaches by local authorities and Highways England of their Environment Protection Act S89 - *duty to keep land and highways clear of litter etc.*

To do otherwise would expose the long-term failings of the DfT to manage litter on the Highways England network and lead to demands for more funding from local authorities.

To achieve this DEFRA have focussed the bill on the “natural” environment including in its definition of which “land (except buildings and other structures)” (Clause 41 (c)). Highways are “other structures” and will therefore be excluded.



The OEP will be able to investigate whether the local authority is keeping the park on the left (= land) clear of litter but not the pavement on the right (= other structures).

Currently it is up to the citizen to take his local authority to court under EPA S91 – *Summary proceedings by persons aggrieved by litter* if they fail to comply with their EPA S89 duty following which he or she may find themselves several thousand pounds out of pocket.

Contrast this with a complaint about the failure of a duty body to comply with FOI legislation. Anyone can complain to the Information Commissioner without any financial risk.

The Bill should be amended so that the OEP can investigate the failure of public authorities to comply with any duty they may have under EPA S89 to keep highways clear of litter.

The words “other than highways” should be inserted in Clause 41 (c) so that it reads “land (except buildings or other structures other than highways), air and water.” All references to the “natural environment” should be replaced by the “environment”.

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