

Subject: CLEARANCE OF LITTER ON HIGH SPEED ROADS

Purpose of the report: To advise the Joint Transportation Board on the arrangements in place to deal with litter and waste deposited on the verges along high speed roads within the District.

Recommendation: To note the report and the action being taken.

1. Summary

- 1.1 At the last JTB meeting on 18 February, the Board expressed concerns about the amount of litter and waste on verges beside the A20, A2 and other roads in the district such as the A256 and requested a report setting out what steps are being taken to address this problem.
- 1.2 This report has been prepared in response to these concerns.

2. Introduction and Background

Background

- 2.1 Section 89 of the Environmental Protection Act 1990, sets out the various responsibilities with regard to the **“Duty to keep land and highways clear of litter”**, with the responsibility to ensure that the highway or road is, so far as is practicable, kept clean split between:
 - a) Each local authority, as respects any relevant highway or relevant road for which it is responsible,
 - b) The Secretary of State, as respects any trunk road which is a special road and any relevant highway or relevant road for which he is responsible.

(Special Roads are roads on which certain types of traffic are prohibited, under the Highways Act 1980. All motorways are Special Roads, together with some high-grade dual carriageways. It is understood that the only non-motorway special road that has been identified is the A282 in Essex and Kent, between M25 junction 30 and south of M25 junction 1b. This section of road includes the Dartford – Thurrock River Crossing.)

- 2.2 In allocating these responsibilities, the Act accepts that “In determining what standard is required, as respects any description of land, highway or road, for compliance with subsections (1) and (2) above, regard shall be had to the character and use of the land, highway or road as well as the measures which are practicable in the circumstances.”
- 2.3 This principal is taken forward within the Code of Practice on Litter and Refuse published by Defra which states that; *“On motorways, where safety issues are paramount, it is recommended that cleansing is always carried out alongside routine maintenance to aid maintenance of standards. The issues of practicability pertaining*

to motorways are recognised, but examples of good practice in regular operation include the use of moving blocks, or scavenging crews, which have proved to be effective in tackling littered areas. Some areas with slower traffic flows such as on-off roads and roundabouts are often the most littered but are actually easier to manage than areas with less refuge and higher traffic speeds such as central reservations. In general, managers should identify times at which roads are least busy or obstructed and cleansing should be carried out at these times. This may mean working outside normal working hours.”

- 2.4 The Council’s responsibilities for cleansing are undertaken by Veolia as part of the Waste and Street Cleansing Contract. The contract is an output based contract, with response times to restore areas to required standard of cleansing set in line or above those recommended in the Code of Practice. The majority of high-speed roads are included in Zone 3 , which has response times to restore to Grade A ranging from 3 days to 14 days depending on the level of littering.
- 2.5 Veolia prepared a series of Service Delivery Plans (SDP) as part of the tender submission Veolia. The SDP for Street Cleansing noted that:

“There are a number of high speed roads within the administrative areas of Dover and Shepway, specifically the A2, A20, A256, A257, A258 and A259. Specific risk assessments will be required for working on these roads. The outcome of this may require the provision of traffic management resources such as mobile lane closures. Our understanding is that no specific street cleansing traffic management currently takes place, and in particular for the A2 and A20 work is programmed where possible when there are road closures for other services, and we propose to continue with this practise and will liaise with the Supervising Officer and relevant authorities accordingly.

Based upon the information we were provided during the dialogue process and what work is currently undertaken and in order not to distort our price we have not included costs for mobile lane closures within our price. However, should circumstances change and mobile lane closures become a future requirement Veolia operates a dedicated mobile lane closure team, which is described in greater detail below, and we would be happy to provide advice and relevant costs should this be required in future.

Veolia operate a specialist Mobile Lane Closure Team based in Kent who are specifically trained to provide this support to all contracts within the region that require it. The unit operate on a self-funding basis with the recipient contract being charged an hourly rate for the service.

The relevant roads will be risk assessed and specific Safe Systems of Work developed for each. The Safe System of Work details procedures, signage and uniform to safely carry out the operation in accordance with Chapter 8 The Mobile Lane Closure Technique issued by the Highways Agency and Sector Scheme 12C for Quality Management in Highway Works. Mechanical Brooms will be deployed for the cleansing of nearside kerbs, central reservations, traffic islands and roundabouts. A team of litter pickers will also be employed along with a predetermined no of cage tippers depending upon the length of the task.”

Operational Arrangements

- 2.6 As noted above, within the terms of the contract with Veolia, whilst the basic cost of litter picking is covered within the contract, night working is an additional expense and in addition the Council bears the full costs of the associated traffic management as it would have been unreasonable for the contractor to be expected to cover this within his scheduled rates.
- 2.7 The amount of littering on the local road network, and particularly the A2 and A20 roads within the District, which has built up over recent months is without precedent. Much of this is as a direct consequence of freight traffic queuing awaiting access to the Port, and leaves this authority with making the necessary arrangements to clean the verges safely and remove the debris left behind.
- 2.8 Following several serious accidents in the UK over recent years involving fatalities during cleansing operations, safety considerations are now rightly paramount and in order to clean verges on high speed roads such as the A2 and A20, we are quite clear that lane or carriageway closures are needed, which due to the traffic volumes are only ever consented overnight. However, obtaining consent for lane closures proves a constant challenge and quite often booked slots are lost as we can be denied access on the evening if traffic volumes are perceived to be too high or the weather is inclement.
- 2.9 Recent examples include:
- 17.11.2015 Delayed 3 hours due to Dover TAP
 - 18.11.2015 Crew waited for few hours, was not allowed on A20 due to Dover TAP
 - 19.11.2015 Dover TAP in place therefore not permitted to work on A20
 - 01.02.2016 Could not work due to accident on A20 for 3 hours
 - 02.02.2016 Could not work due to Dover TAP for 3 hours
- 2.10 There are also only a limited number of traffic management contractors working within the Kent area who are authorised to undertake this work and situations can often arise where the crews have other contractual commitments elsewhere in the south east which can limit their availability to undertake traffic management work on the behalf of Veolia and the Council. When making bookings for lane closures there are therefore a number of factors which can limit access.
- 2.11 Where possible, we seek to take advantage of closures arranged by other contractors to undertake maintenance on the road who may be undertaking work such as changing lighting columns or crash barriers for example. However, this requires the consent of the individual contractors concerned and there is often a reluctance on the part of individual site managers to allow access; a matter we are taking up with Highways England.
- 2.12 It has to be questioned as to whether it is reasonable, for the burden of cleansing the A2 and A20 to fall on this authority given that any cleansing required on the M20 as far as the Round Hill tunnels is undertaken by Highways England contractors at their cost and is not the responsibility of the individual local authorities. There is I would suggest a strong argument that their responsibility should be extended to the Aycliffe Roundabout.
- 2.13 However for now, the problem is ours and we are therefore putting plans in place for a District-wide 'spring clean' operation to improve the appearance of all such roads across the District. For example, three nights have been booked to clean the A20 on

21-23 March, and four nights for the A2 on 4-7 April. Hopefully by the time the JTB meets this will have made a difference.

- 2.14 We are also forward booking lane closures for the months ahead although as noted above these can be cancelled at short notice.
- 2.15 As regards roads such as the A256, A257, A258 and Whitfield Hill, similar arrangements apply although consent here needs to be obtained from Kent Highways as the Highways Authority rather than Highways England. This is more straightforward and given lower traffic speeds and volumes day time working is allowed.
- 2.16 Cleansing operations are scheduled for most of the main roads and for example Whitfield Hill has been dealt with during recent weeks with plans in place for the A256 and other routes during the coming weeks. However the reduction in the standard and frequency of verge mowing alongside the highway is making litter clearance more difficult.

Conclusions

- 2.17 As noted above, it has to be questioned as to whether it is reasonable, for the burden of cleansing the A2 and A20 to fall on this authority given that any cleansing required on the M20 as far as the Round Hill tunnels is undertaken by Highways England contractors at their cost and is not the responsibility of the individual local authorities.
- 2.18 The Council is therefore seeking to lobby Government to require them to amend the legislation and place the duty to keep land and highways clear of litter on all trunk roads with the Secretary of State alone.

3. Identification and Evaluation of Options

- 3.1 The report is to note only so there are no options.

4. Resource Implications

- 4.1 None.

5. Corporate Implications

- 5.1 Not applicable.

6. Appendices

- 6.1 None.

7. Background Papers

- 7.1 None.

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