

# Zilch UK submission to Office of Rail and Road

consultation on monitoring  
strategic roads network

Prepared by

## ZILCH UK

The national network of individuals in the UK  
working to eliminate littering

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## 1 Overview

This document has been prepared by Zilch UK in response to the Office of Road and Rail's [consultation on monitoring strategic roads network](#).

Under the terms of [Section 89\(1\)](#) of the Environmental Protection Act 1990 Highways England has a statutory duty to "ensure" that their highways are "kept" clear of litter and refuse.

The experience of and reports received from the thousands of Zilch constituents indicates that in many situations and locations the Agency is failing to execute this duty.

Consequently this document is written to suggest that the newly created Office of Rail and Road should include in the scope of its monitoring activities that of confirming that Highways England meets this obligation in a comprehensive and effective way.

## 2 Background and rationale

Zilch UK is committed to bringing new, innovative and creative thinking to the litter problem. To this end it seeks to collaborate with other organizations and academics to find solutions that will help address and eliminate the behaviour of littering.

Litter on the road network in the UK is amongst the worst in Europe and has significant consequences in terms of both costs and amenity: the nation's motorists have to put up with a visually unappealing experience, the impression made on visitors to the country is significantly impaired, clearing it is expensive and it contributes to the blocking of drains and is thereby an exacerbating factor in flooding after heavy rain.

As part of the process of bringing about the behavior change existing and fresh roadside litter needs to be cleared in as efficient and timely manner as possible. This, in itself will help change behavior but should also be accompanied by other measures.

The ORR states that its objective is to:

"Secure improved performance and value for money from the strategic road network: Secure improved performance, including efficiency, safety and to road users and the public, through proportionate, risk-based monitoring, increased transparency, enforcement and robust advice on future performance requirements"

The ORR has also stated as an objective its desire to improve "road users' perception of the quality of the management and the associated maintenance of the network."

In both these respects and in the context of litter, the aims of Zilch and the ORR are closely aligned.

## 3 Seeking your views

In this section Zilch replies to the ORR's expression of interest in its views with respect to a number of specific questions:

1. Are you clear what our role will involve? Are there aspects of our role which you would like more clarity about?

Yes, the consultation document makes the monitoring and performance improvement of the ORR's role clear and no further clarification is called for.

2. Do you agree with our strategic objective for our highways monitoring role?

Yes

3. Are there specific ways you would like us to engage with you beyond the industry forums already referred to in this document?

Litter is not something we are aware of as being addressed by the industry forums and consequently we'd be happy to engage directly with the details of how this might be done given at the end of this document.

4. Have we identified the key areas that require monitoring? Are there particular areas of Highways England's performance and efficiency which you consider require specific focus or an alternative monitoring approach?

There are two aspects of Highways Agency performance that we believe need improved scrutiny in the context of clearing of litter:

- a) The way in which the presence of litter is monitored and measured
- b) The timeliness and cost efficiency of the litter-clearing activities of its contractors

More detail on both of these is provided further on in this document

5. We have set out our initial plans for reporting on Highways England's performance and efficiency. Is there further information or analysis that you think we should produce?

Reports that address the specifics of litter on the network and provide comparisons between the success of different network operators would be welcomed.

6. Is there specific information relating to Highways England which is not currently in the public domain which you think should be prioritised for publication?

Zilch UK would like to see the following information made available in a timely and easily accessible manner:

- c) The nature, location and timing of the display of anti-littering messages on Variable Message Signs. This information is available through the Halogen information system.
- d) A map and associated information which clearly indicates which contractor is responsible for which section of highway and provides details of the person to whom complaints about litter should be addressed.
- e) Records of the litter-clearing activities that have been undertaken by contractors.

1.7 When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

This document has been written by Quentin Brodie Cooper, the UK Coordinator of Zilch UK, the national network of individuals in the UK working to eliminate littering. Whilst it is thought the recommendations it contains would receive the wholehearted support of all network participants, no attempt has been made to have the document reviewed or endorsed by the network.

1.8 You should indicate clearly if you wish all or part of your response to remain confidential to ORR. Otherwise we will publish it on our website, and may quote from it.

The author of this document and Zilch UK are happy for it to be made publicly available.

## 4 Litter-related aspects of Highways England performance needing monitoring

### 4.1 Litter-clearing obligations

The ORR should monitor and seek improvements in Highways England's statutory duty under the terms of [Section 89\(1\)](#) of the Environmental Protection Act 1990 to "ensure" that their highways, and more importantly the land adjacent to them that is under their ownership, are "kept" clear of litter and refuse.

The results of the 2013/14 [National road users' satisfaction survey](#) which state that there was an 18% increase in those who saw litter on the network and that 94% more than previously were bothered by it demonstrates that they have been failing in this duty.



One of the barriers to achieving a litter-free state is the grading system that forms the basis of the point at which an area is cleared. Under the current implementation large areas can remain littered for long periods of time. If one part of a road is severely littered whilst another is not, the road can be deemed "on average" to be below a level that requires clearing.

The objective and standard in all cases should be that an area is kept completely free of litter and that resource is applied to ensure this is the case. Much more useful measures would therefore include a time or distance element and should be introduced. These would include for example considering the number of occasions when a site is found to be free of litter, the average distance that can be travelled along a road without encountering a piece of litter or the length of time it is deemed acceptable for a single piece of roadside litter to remain in situ.

So the ORR should press for changes in the measures used to record levels of littering that will make them more meaningful and encourage progress towards a zero-litter.

### 4.2 Use of Variable Message Signs for anti-littering messages

Section 1 of the Highways Agency [Litter Strategy \(2013\)](#) describes a commitment to make use of Variable Message Signs for bringing about behavioural change subject to the analysis of future trials.

All indications are that earlier results have been positive and so Zilch cannot see any reason, especially as there is minimal cost implication, why this approach should not be pursued rather than await additional evidence. To help with that Zilch has provided to the Highways Agency a large selection of both normative and prescriptive messages that could be displayed from such boards and has offered to monitor the response to them in social media.



The ORR should therefore press for this initiative to be progressed on a widespread and regular basis. Evidently, any reduction in litter dropped results in an immediate improvement in visual amenity and will reduce the cost of any subsequent litter-clearing activity.

### 4.3 Cost and operational practices for undertaking litter-picking

The Highways Agency states that its vision for its litter strategy is:

*'A network predominantly free from litter, without compromising safety and delivered affordably'.*

The clearing of existing and ongoing litter needs to go hand-in-hand with any attempt to bring about a change in vehicle occupant behavior. This because not only do litter-free roadsides indicate the matter is being taken seriously but regular clearing allows accurate monitoring of the amounts of rubbish being discarded.

However, at the present time, this is a particular challenge as the perceived risk associated with clearing litter is deemed to be so high as to make the task either altogether "out of bounds", of extreme inconvenience to motorists or so prohibitively expensive or as to make it economically unjustifiable.

The ORR should therefore ensure that Highways England meets its duty to achieve best value for money for the taxpayer by confirming that their contractors do not implement unnecessarily elaborate, expensive and unwarranted safety measures around highway-associated activities such as litter picking. At the moment it is for contractors to decide for themselves what the risks are and the measures they deem necessary to mitigate them; there of course in these circumstances being no incentive or requirement for them to constrain costs.

Examples of how these measures are implemented have been provided in response to [Zilch's FOI request](#), the response to which clearly demonstrates that there is no analysis to support the adoption of current practices.

If necessary the ORR should commission an independent and evidence based assessment of the risks associated with litter picking along the lines proposed by Zilch in its document [Litter-picking risks](#).

Furthermore Zilch is alarmed to learn that an industry body, [WISH](#), the Waste Industry, Safety and Health Forum, has produced *draft* guidance ([WISH 24](#)), dated 29th April 2015, on behalf of the Health & Safety Executive that, from a safety perspective, suggests litter-picking activities be treated in the same was as roadworks with the associated implication for expense, inconvenience and inefficiency.



#### 4.4 Roadworks-related contractor debris

Whilst not thought of a litter in the traditional sense, the A-frames and their associated plastic sand-filled sacks that are all too frequently either abandoned or left in place for long periods, fit within the Zilch litter definition (the inappropriately discarded remnants of human activity).

Furthermore, this roadworks related debris is visually intrusive and potentially dangerous both to road users and to those having to work alongside them. Beyond that, as the plastic sacks break down the sand they contain adds to the detritus on the highways and will accumulate in and block the associated drains.



The ORR should therefore include in any monitoring-metrics a measure of the incidence of these A-frames and abandoned sand bags.

The ORR should additionally recommend that Highways England implement measures that will see the temporary A-frame-type signage and their associated plastic sand-filled sacks clearly identified as belonging to each respective contractor. Furthermore it should specify that contracts should be modified so they include the requirement to promptly remove such signage after the completion of works and they include penalties for not doing so. Highways England should then make arrangements for a third party to remove any "abandoned" A-frames and supply related details to the Agency so the offending contractor can be penalised.

#### 4.5 Encouraging other preventive and deterrent measures

The majority of rubbish ejected from vehicles in and around the network is discarded when vehicles are travelling at lower speeds. The resulting deposits and accumulations are therefore worst on slip-roads and around roundabouts.

The ORR should therefore monitor the Highways England's endeavours to address these "hot spots".

Zilch suggests that fixed signage at such locations and/or CCTV cameras whose footage is processed by computerized vision systems to identify perpetrators would be effective. Our discussions with experts in computer vision suggest that the predictable vehicle flow and distinctive image pattern of litter thrown from a vehicle window would make such technology eminently feasible.

Zilch would also like to see the establishment on an national highways litter reporting hotline and smartphone app.

### 5 Feedback and inquiries

Questions about or comments on the contents of this document should be addressed to Quentin Brodie Cooper, Zilch UK Coordinator.