

SUBJECT: LITTER ON TRUNK ROADS

MEETING: Bryn y Cwm

DATE: 26th September 2018

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

An update and discussion of existing provision for cleansing the trunk road network in light of forthcoming litter strategy.

2. RECOMMENDATIONS:

None

3. KEY ISSUES:

Over the last five years we have seen an increase in complaints regarding litter along the main arterial routes through Monmouthshire in line with the rise in popularity and distribution in number of “on the go” food and drinks outlets.

Under the Environmental Protection Act 1990 the responsibility for keeping the highways clear of litter is Monmouthshire County Council. Trunk roads have remained an area that is not as clear as it could be and most local authority cleansing departments relied on SWTRA maintenance schedules to provide the cleansing service. The lack of clarity SWTRA are the responsible body for the maintenance of the majority of arterial routes running through Monmouthshire. It is difficult to separate the maintenance and litter collection function and keep the roads moving and free from traffic cones. The EPA 1990 s.89 states that

Duty to keep land and highways clear of litter etc.

(1) It shall be the duty of—

(a) each local authority, as respects any relevant highway or, in Scotland, 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,

(c) each principal litter authority, as respects its relevant land,

(d) the appropriate Crown authority, as respects its relevant Crown land,

(e) each designated statutory undertaker, as respects its relevant land, [F1 and]

(f) the governing body of each designated educational institution or in Scotland such body or, as the case may be, the education authority responsible for the management of the institution, as respects its relevant land, [F2 and]

(g) the occupier of any relevant land within a litter control area of a local authority,]

to ensure that the land is, so far as is practicable, kept clear of litter and refuse.

(2) Subject to subsection (6) below, it shall also be the duty of—

(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,

to ensure that the highway or road is, so far as is practicable, kept clean.

SWTRA and by default the Secretary of State claim that the term “special road” is the key phrase and this only covers the M4, A48M and the A55 in North Wales. Most local authorities do not agree with this assumption and continually challenge the legal definition, if SWTRA are the responsible body for maintenance then why not litter.

The A465, A40, A48 and A4042 have historically been maintained by SWTRA including litter picking prior to grass cuts and safety cuts. The trunk road verges were mown several times per year for maintenance and SWTRA were committed to cleansing prior to mowing. In recent years the reduction in budgets in Welsh Gov to SWTRA and the drive to increase biodiversity along the trunk road network, the mowing regime has been reduced to one full cut and one safety cut per year. A reduction in mowing schedules to increase verge-side biodiversity and reduce maintenance budgets means litter build-up is greater between cuts and winter die-back exacerbates the issues further. The trunk road network does not have the monopoly on this issue and there has been a substantial increase in roadside litter along the B4246 and B4269.

The cleansing of the verges between these cuts have fallen to Local Authorities, although this is not considered a new duty under the EPA it is a new pressure and local authorities have argued that there should be additional funding from WG for this new responsibility.

SWTRA are supporting the Council in keeping the trunk road network clean but budget pressures on them mean they are looking at ways of reducing costs as well. The removal of litter bins and the re-designation of lay-bys is causing concerns for local authorities. That said, the deployment of litter bins in lay-bys can cause as many issues as they solve and in many cases create more litter than they collect. The disposal of domestic waste and flytipping have been seen in laybys where bins are present and not in adjacent lay-bys.

MCC will continue to keep the network clean but budget pressures and agreements for road closures are a constant challenge. As National and Local Government have a vested interest in keeping Wales a green and pleasant land, not only to increase tourism and inward investment but as a way of cementing pride in our communities, we need to find a sensible way to overcome this issue.

MCC are working with litter Groups to tackle litter at end of pipe through community clean-ups etc and more recently a proactive approach and promotions campaign is being discussed. A recent survey showed that proactive campaign with increased enforcement is widely supported by MCC residents.

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